

**FAIR DEFENSE ACT
APPOINTMENT PROCEDURES
178TH DISTRICT COURT**

In furtherance of the Fair Defense Act's primary goal of providing qualified counsel to indigent defendants, and in accordance with the procedures of the alternative plan adopted by the judges trying criminal cases in Harris County, the 178th District Court will use a ***combination method*** of appointing attorneys that combines ***individual case, limited term, and term*** appointment methods. Attorneys will be paid in accordance with the established fee schedule.

INDIVIDUAL CASE APPOINTMENTS (See *Standards and Procedures*): The Court will use the ***individual case*** method to appoint attorneys to represent indigent defendants as deemed necessary by the Court.

LIMITED TERM APPOINTMENTS (See *Standards and Procedures*):

Weekly Appointments. The Court will appoint two (2) ***limited term*** attorneys each week to handle cases as needed.

Daily Appointments. The Court will also appoint ***limited term*** attorneys for one-day assignments as needed.

Appointments shall be made consistent with the attorney's qualifications and the needs of the Court. The Court shall appoint no more than 5 new defendants a day to weekly and daily ***limited term*** attorneys.

TERM APPOINTMENTS (See *Standards and Procedures 7.2, 8.0, 9.2*). The Court will appoint up one qualified attorney for a thirty (30) day term. The ***term*** attorney will be appointed to handle motions to revoke probation or adjudicate guilt, and state jail felonies as needed. Term attorney will receive appointments to represent no more than 5 defendants each day and will carry a caseload of approximately 35 indigent defendants' cases. The ***term*** attorney will be paid in accordance with the fee schedule adopted by the Harris County judges and approved by Commissioners Court.

No ***term*** attorney will be allowed to contribute funds to the judge's re-election campaign.

The establishment of a thirty (30) day term and the specified conditions of appointment are intended by the Court to ensure the independence of any attorney selected for ***term***

appointment. If a **term** attorney is terminated during the term, the Court will state its reasons for such action and will immediately begin accepting applications for a replacement attorney.

TERM APPOINTMENTS FOR POST CONVICTION DNA PROCEEDINGS (See *Standards and Procedures*): The Court will employ one attorney for a one-year **term** appointment. The **term** attorney will be appointed to handle all post-conviction DNA proceedings, including motions filed under Chapter 64 of the Texas Code of Criminal Procedure, and any resultant appeals.

If a **term** attorney is terminated during the term, the Court will state its reasons for such action.

No **term** attorney will be allowed to contribute funds to the judge's re-election campaign.

Establishment of a one-year term and the conditions of appointment specified by the court are intended to ensure the independence of any attorney selected for a **term** appointment.

QUALIFICATIONS:

Individual Case Appointments: Attorneys selected for **individual case** appointments must meet the qualifications established by the board of judges and appropriate to the offense with which defendant is charged. See *Standards and Procedures*.

Limited Term Appointments: Attorneys selected for **limited term** appointments must meet the qualifications established by the board of judges and appropriate to the offense with which defendant is charged. See *Standards and Procedures*.

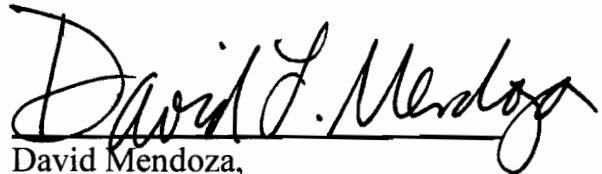
Term Appointment Criteria: In addition to the qualifications established by the board of judges, an attorney selected for **term** appointment must also:

1. retain pending assigned cases at the end of the term;
2. have extensive experience in dealing with defendants on probation or deferred adjudication;
3. have no past public disciplinary action and no pending disciplinary action by the state bar;
4. have the means of producing typewritten motions, briefs and orders;
5. have resources for legal research; and
6. participate in professional legal organizations.

Term Appointments For Post Conviction DNA Proceedings: Attorneys selected for term appointments must meet the qualifications established by the board of judges. See *Standards and Procedures*.

APPLICATION FOR TERM APPOINTMENT. An applicant shall submit written application to the Central Appointment Coordinator in the District Court Administrative Office no later than 3:00 p.m. on the first Thursday of each month. See *Standards and Procedures* 8.8.

Date signed: February 1, 2010

A handwritten signature in black ink that reads "David J. Mendoza". The signature is written in a cursive style with a large, prominent initial "D".

David Mendoza,
Judge, 178th District Court