

**FAIR DEFENSE ACT  
APPOINTMENT PROCEDURES  
208<sup>TH</sup> DISTRICT COURT**

In furtherance of the Fair Defense Act's primary goal of providing qualified counsel to indigent defendants, and in accordance with the interim alternative plan adopted by the judges trying criminal cases in Harris County, the 208<sup>th</sup> District Court adopts a method of appointing attorneys that is a **combination method** of *individual case* and *term appointment* methods.

INDIVIDUAL CASE APPOINTMENTS (See *Interim Standards and Procedures* 7.1, 8.0, 9.1). As needed, attorneys will be appointed to represent indigent defendants by the *individual case* appointment method established by the procedures adopted by the judges trying criminal cases in Harris County. Attorneys will be paid in accordance with the established fee schedule.

TERM APPOINTMENTS (See: *Interim Standards and Procedures* 7.2, 8.0, 9.2). The Court will employ three attorneys for one-year *term* appointments. The three *term* attorneys will be appointed to represent indigent defendants as needed. Attorneys appointed to a term assignment will be paid in accordance with the established fee schedule.

The Court will not appoint term attorneys to represent more than 5 new defendants a day. Term attorneys will carry a caseload of approximately 40 indigent defendants at any given time.

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

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

Establishment of a one-year term and the conditions of appointment specified by the Court ensures the independence of attorneys selected for term appointments.

**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 *Interim Standards and Procedures*.

Term Appointments: Attorneys selected for *term* appointments must meet the approved requirements and:

1. retain all pending cases at the end of the term;
2. have practiced criminal law for a minimum of 10 years;
3. have served as lead counsel on at least 40 felony jury trials;
4. have handled 500 felony cases as defense counsel or prosecutor;
5. have no disciplinary action by the Texas State Bar that has resulted in a finding of a substantive violation of the canons of ethics;
6. upon request the court shall provide access to a certified interpreter.

See *Interim Standards and Procedures*.

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

Applications for Term Appointments. Attorneys shall submit their request for appointment to the Central Appointment Coordinator no later than 3:00 p.m. on Thursday, December 3, 2009, for consideration for assignment for the term beginning January of the following year. See *Interim Standards and Procedures*. The court, in its discretion, may conduct interviews of qualified applicants.

Date signed:

10/30/09



Denise Collins  
Judge, 208<sup>th</sup> District Court