

**FAIR DEFENSE ACT
APPOINTMENT PROCEDURES
209TH 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 adopted by the judges trying criminal cases in Harris County, the 209th District Court adopts a method of appointing attorneys that is a *combination method* of appointing attorneys that combines *individual case 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 (1) capital cases, (2) appeals, and (3) as deemed necessary by the Court.

TERM APPOINTMENTS (See *Standards and Procedures*): The Court will employ five qualified attorneys for one-year *term* appointments. The five *term* attorneys will be appointed to handle all the indigent cases before the court except for capital cases and appeals.

The Court will not appoint *term* attorneys to represent more than 5 new defendants a day. Term attorneys will carry a caseload of approximately 35 indigent defendants' cases 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 *Standards and Procedures*.

Term Appointments: Attorneys selected for term appointments must :


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 first chair on at least 35 felony jury trials - at least 10 of which must have been first-degree felony jury trials;
4. have handled 250 felony cases as defense counsel or prosecutor;
5. have handled 20 contested motions to suppress or other contested motion hearings;
6. have a contract with licensed private investigator;
7. be bilingual or contract with certified interpreter; and
8. have no pending disciplinary action by state bar.

See *Standards and Procedures*.

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*.

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 of the assignment for the term beginning January of the following year. The court, in its discretion, may conduct interviews of qualified applicants. See *Standards and Procedures*.

Date signed: October 30, 2009


Michael McSpadden,
Judge, 209th District Court