

**FAIR DEFENSE ACT
APPOINTMENT PROCEDURES
262ND 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 262nd District Court will use 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 in 1) capital cases, 1) first-degree felony cases; 2) second-degree felony cases; 3) third-degree and state jail felony cases; 4) appeals; and 5) in cases as deemed necessary by the court.

TERM APPOINTMENTS (*See Standards and Procedures*): The Court will appoint up to two qualified attorney for a one-year term. The ***term*** attorneys will be appointed to handle motions to revoke probation or adjudicate guilt and a limited number of state jail felonies. 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*** attorneys 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 one-year 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.

One-year term appointments will overlap for a period of one month to ensure a smooth transition.

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

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: In addition to the qualifications established by the board of judges, an attorney selected for *term* appointment must meet the qualifications established by the Board of Judges applicable to second-degree appointments, 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.

See Standards and Procedures.

Term Appointment 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. Thursday, December 3, 2009. The Court, in its discretion, may conduct interviews of qualified applicants. See *Standards and Procedures*.

Date signed: Oct. 30, 2009



Mike Anderson
Judge, 262nd District Court