

**FAIR DEFENSE ACT  
APPOINTMENT PROCEDURES  
338<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 procedures of the alternative plan adopted by the judges trying criminal cases in Harris County, the 338<sup>th</sup> 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 may 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 may appoint one (1) *limited term* attorney 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 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:**

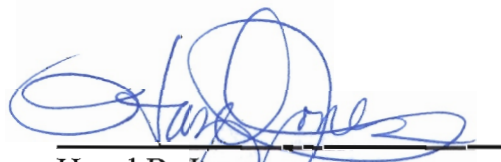
**Individual Case Appointments:** Attorneys selected for *individual case* appointments must meet the qualifications established by the board of judges and appropriate to the offense with which defendant is charged. See *Standards and Procedures*.

**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 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



Hazel B. Jones,  
Judge, 338<sup>th</sup> District Court