

**Fair Defense Act
Appointment Procedures
228th District Court**

In furtherance of the Fair Defense Act's primary goal of providing qualified counsel to indigent defendants, and in accordance with the alternative plan adopted by the judges trying criminal cases in Harris County, the 228th District Court adopts a method of appointing attorneys that is a *combination method* of *individual case, limited term, and term appointments*. 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*): Attorneys will be appointed for a *limited term* consisting of one day or one week to represent indigent defendants as needed. Appointments shall be made consistent with attorney's qualifications and the needs of the Court. The Court shall appoint no more than 5 new defendants a day to a weekly or daily *limited term* attorneys.

TERM APPOINTMENTS. (See *Standards and Procedures*): The Court will employ up to two qualified attorneys for a one-year *term* appointment. The *term* attorney will specifically be appointed to represent indigent defendants in state jail felonies, motions to adjudicate and motions to revoke probation. The attorney will be appointed cases as needed, but will not be appointed to more than 5 cases per day.

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 the defendant is charged.

Limited Term Appointments: Attorneys selected for *limited term* appointments must meet the qualifications established by the Board of Judges to represent individuals charged with second-degree felonies.

Term Appointments: The attorneys selected for *term* appointments must meet the qualifications established by the Board of Judges to represent individuals charged with second degree felonies. Furthermore the attorney must:


1. have practiced law primarily in the area of criminal law;
2. have practiced criminal law a minimum of 10 years;
3. have handled 20 contested motions to suppress or other contested motions hearings;
4. tried at least 5 felony trials;

5. be fluent Spanish and English speaker;
6. have no pending disciplinary action by the Texas State Bar; and
7. retain all pending cases at the end of the term;.

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 6, 2012, 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: 11.7.12



Marc C. Carter
Judge, 228th District Court