

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, 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 in (1) capital cases, (2) first-degree felony cases, (3) second-degree cases; (4) third-degree and state jail felony cases, (5) appeals, and (6) in cases as deemed necessary by the court.

TERM APPOINTMENTS (See *Standards and Procedures*): The Court will appoint two (2) qualified attorneys for a one-year ***term*** appointment. The two (2) ***term*** attorneys will be appointed to represent indigent defendants in a limited number of state jail felonies, motion to adjudicate and motions to revoke probation. The ***term*** attorney will be appointed cases as needed, but will not be appointed to more than five (5) cases per day. The ***term*** attorneys will carry a caseload of approximately thirty-five (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 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: 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 appointment, must also:

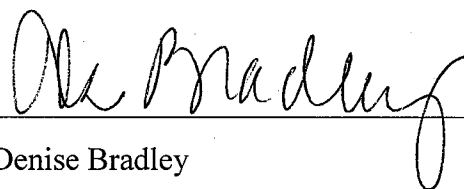
1. Retain pending assigned cases at the end of the term;
2. Have extensive experience in dealing with defendants on probation or deferred adjudication;
3. Have no past public disciplinary action and no pending disciplinary action by the state bar;
4. Have the means of producing typewritten motions, briefs and orders;
5. Have resources for legal research; and
6. Participate in professional legal organizations.

See *Standards and Procedures*

Term 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 Post-Conviction Term Appointments: Attorneys shall submit their request for appointment to the Central Appointment Coordinator no later than 12:00 p.m. on Friday, December 16, 2016, for consideration for assignment for the term beginning January, 2017. See *Interim Standards and Procedures*.

Date Signed: November 4, 2016


Denise Bradley
Judge, 262nd District Court