

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 procedures of the alternative plan adopted by the judges trying criminal cases in Harris County, the 228th District Court will use a **combination method** of appointing attorneys that combines *individual case, term and limited 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, (2) appeals, and (3) 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 five (5) new defendants a day to weekly and daily *limited term* attorneys.

TERM APPOINTMENTS (See *Standards and Procedures*): The Court will employ four (4) qualified attorneys for a one-year *term* appointment. The four (4) *term* attorneys will be appointed to represent indigent defendants except for capital cases. The attorney will be appointed cases as needed, but will not be appointed to more than five (5) cases per day.

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*.

Limited Term Appointments: Attorneys selected for *limited term* appointments must meet the qualifications established by the Board of Judges. See *Standards and Procedures*.

Term Appointments: Attorneys selected for *term* appointments must:

1. Have practiced law primarily in the area of criminal law;
2. Have practiced criminal law for a minimum of ten (10) years;
3. Tried at least five (5) felony trials;
4. have handled twenty (20) contested motions to suppress or other contested motion hearings;
5. retain all pending cases at the end of the term;

See *Standards and Procedures*.

Applications for Term Appointments. Attorneys shall submit their request for appointment to the Central Appointment Coordinator no later than 12:00 p.m. on Friday, December 22, 2019, for consideration for assignment for the term beginning January 1, 2020. See *Interim Standards and Procedures*. The court, in its discretion, may conduct interviews of qualified applicants.

Date Signed: 11-6-2019



Frank Aguilar,

Judge, 228th District Court