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By: Angella Dozier
Deputy

**HARRIS COUNTY DISTRICT COURTS
TRYING CRIMINAL CASES
STANDARDS AND PROCEDURES APPOINTMENT OF COUNSEL
FOR INDIGENT DEFENDANTS
AS AMENDED FEBRUARY 4, 2026
AND
EFFECTIVE FEBRUARY 4, 2026**

PREAMBLE

WHEREAS, Harris County and the District Courts Trying Criminal Cases in Harris County seek to ensure that indigent defendants continue to receive well- qualified and knowledgeable representation by their appointed counsel; and:

WHEREAS, the 77th Texas Legislature passed the Fair Defense Act effecting procedures and guidelines for the appointment of counsel for indigent defendants by amending the Texas Code of Criminal Procedure, section 6, article 26.04 to become effective January 1, 2002;

NOW BE IT RESOLVED that the Judges of the District Courts Trying Criminal Cases, by formal action hereby:

- 1) adopt standards for determining indigency;
- 2) establish procedure to compile a public appointment list of attorneys qualified to provide representation to indigent defendants;
- 3) establish a procedure to compile graduated lists of qualified attorneys;
- 4) adopt objective qualifications necessary for an attorney to be included on the list;
- 5) establish appointment procedures that shall ensure appointments are reasonably and impartially allocated among qualified attorneys;

ACCORDINGLY, the Judges of the District Courts Trying Criminal Cases adopt

the following plan as the alternative plan for appointing counsel for indigent defendants in the District Courts of Harris County, Texas.

The Judges of the District Courts Trying Criminal Cases also ORDER this plan be incorporated into the local rules of the Judicial District Courts of Harris County District Courts Trying Criminal Cases.

0.0 TERMINOLOGY. As used in these procedures, the following terms and phrases will have the following meanings.

- 0.1 “Judges” or “board of judges” shall mean the District Courts Trying Criminal Cases in Harris County.
- 0.2 The pronouns “he,” “him,” or “his” shall refer to individuals of both genders.
- 0.3 “Master List” shall mean the list of qualified attorneys who have received approval from the board of judges to be included on the graduated list that includes the First-Degree List, the Second-Degree List, the Third-Degree List and the Post-Conviction List. For the purposes of placement on this Master List, approval shall be by a majority of felony board judges absent those who have recused themselves from voting. (See Sections 6.3 and 7.0).
- 0.4 “HCPD” shall mean the Harris County Public Defender, his Office, or his Designee.

1.0 FINANCIAL STANDARDS FOR DETERMINING INDIGENCY. The indigency standards adopted by the judges shall apply to each defendant equally, regardless of whether the defendant is in custody or out on bail.

2.0 CRITERIA IN DETERMINING INDIGENCE

- 2.1 A judge shall consider the following criteria as incorporated by the form

- adopted by the board of judges in determining whether a defendant is indigent:
- 2.1.1 the defendant's income;
 - 2.1.2 source of income;
 - 2.1.3 assets,
 - 2.1.4 property owned,
 - 2.1.5 outstanding obligations,
 - 2.1.6 necessary expenses;
 - 2.1.7 the number and ages of dependents, and
 - 2.1.8 spousal income available to the defendant.
 - 2.1.9 Any other inquiries by the court
- 2.2 The judge shall not consider whether the defendant has posted bail, except to the extent that it reflects the defendant's financial circumstances.
- 2.3 All defendants on bail who are seeking court appointed counsel shall complete the approved indigency information form and may be required to respond to questions by the court.
- 2.4 A defendant who has been found indigent is presumed indigent for the duration of the proceedings unless there is a material change in the defendant's financial circumstances.
- 2.5 Procedures for determining indigency:
- 2.5.1 A defendant is considered indigent for purposes of the Act if he is financially unable to hire counsel.
 - 2.5.2 To determine whether a defendant is indigent, a judge shall:
 - 2.5.2.1 Review the information provided by the defendant and contained in the completed form adopted under 2.1; and
 - 2.5.2.2 If necessary, hold an evidentiary hearing on the record to determine whether defendant is indigent.

2.5.3 Using the approved criteria, the judge shall determine whether the defendant is indigent and make findings.

2.5.3.1 The judge shall find defendant indigent and appoint counsel to represent defendant:

2.5.3.1.1 if the judge finds the defendant's financial liabilities are more than his assets, and

2.5.3.1.2 if the judge finds the defendant is financially unable to pay for an attorney qualified to represent the defendant in the offense with which he is charged.

2.5.4 There shall be a presumption of indigency if:

2.5.4.1 the income of the defendant is below 125 percent of the Federal Poverty Guidelines.

2.5.4.2 the defendant is currently receiving food stamps, Medicaid, temporary assistance for needy families, social security assistance, or public housing

2.5.4.3 the defendant is currently serving a sentence in a correctional facility, mental health institution or other sentence.

3.0 WHEN THE RIGHT TO APPOINTED COUNSEL ATTACHES.

3.1 **If the defendant is arrested pursuant to a warrant:**

3.1.1 The detaining authority must present the defendant before the magistrate within 48 hours of arrest.

3.1.2 The magistrate shall: deliver admonishments; inform the defendant of the right to counsel; record whether the defendant requested appointed counsel; and make a finding of probable cause. See Tex.

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Code Crim. Pro. Art. 15.17(e).

- 3.1.3 If needed, an interpreter shall assist during the hearing.
- 3.1.4 If the defendant asks that a lawyer be appointed, the magistrate shall instruct pre-trial services to assist the defendant in filling out the indigency information forms and request for appointed counsel. The defendant's information and request for counsel shall be transmitted to the court not later than 24 hours after defendant appears before the magistrate. See TEX. CODE CRIM. PRO. Art. 15.17(a).
- 3.1.5 Pre-trial services shall assist the defendant with completing the indigency information forms.
- 3.2 **If the defendant is in jail after being arrested on an out of county warrant** for a felony, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate affidavit of indigence forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made.
- 3.3 **If the defendant is in jail after being arrested without a warrant** for a felony, and the magistrate has not determined probable cause, the defendant must be released on bond, not to exceed \$10,000, not later than 48 hours after arrest.
- 3.4 If the defendant cannot get a surety for the bond or is unable to deposit money in the amount of bond, the defendant must be released on personal bond.
- 3.5 If the prosecutor files an application, a magistrate may postpone the release of

a defendant for not more than 72 hours after arrest.

3.6 Prompt Appointment of Counsel. If adversarial judicial proceedings have been initiated, and if a defendant is entitled to and requests appointed counsel, a court shall appoint counsel as soon as possible, but not later than the end of the first working day after the date on which the court receives the defendant's request for appointment of counsel.

3.6.1 If a defendant wishes to request counsel prior to an initial appearance, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission's website at <http://tidc.tamu.edu/public.net/> or from the Harris County District Clerk. The defendant may submit these forms to the Court. The Court will rule on all requests for counsel submitted in this manner.

3.6.2 If an indigent defendant is arrested in another county based on this county's warrant, counsel will be appointed within 1 working day of this county's receipt of a request for counsel.

3.6.3 If a defendant is arrested in this county based on another county's warrant, counsel will be appointed for the defendant if, on the 11th day after the defendant is committed to the Harris County Jail, the defendant is still in this county's custody.

3.7 Persons appearing in court without counsel shall be advised of the right to counsel and procedures for obtaining counsel.

4.0 APPOINTMENT OF COUNSEL TO REPRESENT INDIGENT DEFENDANTS.

GENERAL PROVISIONS:

4.1 The judge of each court shall post in writing in the office of the Court

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Administrator, the method used by the court to appoint counsel to represent indigent defendants. A court may use any of the alternative methods described below to make appointments.

- 4.2 An attorney assigned to a case under any method shall zealously represent a defendant until the defendant is acquitted, appeals are exhausted, or the court, after entering a finding of good cause on the record, relieves the attorney and/or replaces the attorney with other counsel.
- 4.3 The court is responsible for notifying an appointed attorney of his assignments.
- 4.4 Regardless of its adopted appointment method, the court may make individual case assignments at any time.

5.0 LISTS OF QUALIFIED ATTORNEYS.

- 5.1 **CAPITAL CASES:** Attorneys shall be assigned to death penalty cases at trial and on appeal from the list established by the Eleventh Judicial Administrative Region selection committee in accordance with Tex. Code Crim. P. art. 26.052. Courts shall appoint second chair as required by Tex. Code of Crim. Procedure 26.052.
- 5.2 Attorneys shall be assigned to writs of habeas corpus in death penalty cases in accordance with Tex. Code Crim. P. art. 11.071
- 5.3 **MASTER LIST:** To be considered for placement on the Master List, each attorney must submit a completed application form and meet the following baseline criteria:
 - 5.3.1 Be licensed and in good standing with the State Bar of Texas;
 - 5.3.2 Have practiced in the area of criminal law for at least two (2) years;
 - 5.3.3 Exhibit proficiency and commitment to providing quality

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representation to criminal defendants; and

5.3.4 Demonstrate professionalism and reliability when providing representation to criminal defendants.

5.3.5 Additionally, each attorney on the master list must complete ten (10) hours each year of continuing legal education courses or other training relating to criminal law.

5.3.5.1 Reporting of continuing legal education activity. An attorney's annual reporting period shall run from October 31 to October 30. On or before October 31 of each year, attorneys must tender a copy of the State Bar of Texas Minimum Continuing Legal Education Annual Verification Report to the Administrative Offices of the District Courts accompanied by an affidavit verifying that the report is true and correct. If there are errors in or additions to the Verification Report, the attorney may amend the report by submitting any necessary supporting documentation, affidavits, or appendices.

5.3.5.2 Further, each attorney on the attorney list must attend Harris County indigent defense specific continuing legal education or other training related to Harris County procedures as required by the Central Appointment Coordinator. This training will count towards the ten hours mandated under 5.3.5.

5.3.6 An attorney shall submit by October 15th each year a statement that describes the percentage of the attorney's practice time that was

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dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that begins on October 1 and ends on September 30. The report must be submitted through the online form to the Texas Indigent Defense Commission.

5.4 PROOF OF EXPERIENCE FOR CONSIDERATION ON THE MASTER LIST AND GRADUATED LIST.

5.4.1 Proof of required experience must be shown through court documents. If those documents are unavailable, then affidavits are acceptable. Other significant experience may be submitted for consideration.

5.4.2 Other Significant Experience: "Other Significant Experience" includes, but not is not limited to, judicial experience in or outside of the State of Texas, and experience as a federal, state, or county court briefing or staff attorney whose duties encompassed criminal law matters.

5.4.3 A committee of district judges will evaluate the application first, then make a recommendation for ballot consideration on a First-Degree, Second-Degree, Third-Degree, and/or Post-Conviction graduated list or find that the experience did not qualify for consideration.

5.5 GRADUATED LISTS: Attorneys shall be placed on the Master List in graduated lists of First-Degree, Second-Degree, Third-Degree and Post-Conviction:

5.5.1 FIRST-DEGREE LIST: Lawyers on the first-degree list may represent defendants charged with first degree felonies, any offense

listed under TEX. CODE CRIM. PRO. Art. 42.12 § 3g, or any lesser offense. In addition to the baseline criteria, first-degree lawyers must have

5.5.1.1 practiced criminal law for at least five (5) years; and

5.5.1.2 tried to verdict at least eight (8) felony jury trials as lead counsel; and

5.5.1.3 been accepted as competent to receive first degree felony appointments by majority vote of the judges as defined in Section 6.3.

5.5.2 SECOND-DEGREE LIST: Lawyers on the second-degree list may represent defendants charged with second degree felonies or any lesser offense. In addition to the baseline criteria, second-degree lawyers must have

5.5.2.1 practiced criminal law for at least four (4) years; and

5.5.2.2 have tried to verdict at least four (4) felony jury trials as lead counsel; and

5.5.2.3 been accepted as competent to receive second degree felony appointments by majority vote of the judges as defined in Section 6.3.

5.5.3 THIRD-DEGREE LIST: Lawyers on the third-degree list may represent defendants charged with third-degree felonies, state jail felonies, motions to revoke probation, and motions to adjudicate guilt. In addition to the baseline criteria, third-degree lawyers must have tried to conclusion at least three (3) criminal jury trials as lead counsel or have been found to have “other significant experience” by a majority vote of the judges, and been accepted as competent to

receive third-degree felony appointments by majority vote of the judges as defined in Section 6.3.

5.5.4 POST-CONVICTION LIST: Lawyers on the Post-Conviction List may be appointed to direct appeals and writs in non-capital cases. In addition to the baseline criteria, Post-Conviction lawyers must:

5.5.4.1 be board certified in criminal law by the Texas Board of Legal Specialization; or

5.5.4.2 have personally authored and filed at least five (5) criminal appellate briefs or post-conviction writs; or

5.5.4.3 may submit a writing sample for approval by a committee of the district judges.

5.6 BILINGUAL LIST: Lawyers must be certified to ensure proficiency in languages to receive appointments to Non-English-Speaking defendants. The lawyer will be responsible for paying for the testing at an approved, accredited testing facility. Attorneys may provide proof of previous certification for proficiency in one or more languages provided to another court or court system. Attorneys already on the bilingual list will have until October 30, 2023, to provide proof of certification.

5.7 TRAINING REQUIREMENT FOR SPECIALTY COURTS AND SPECIALTY DOCKETS: To qualify to represent indigent defendants on Specialty Courts and Specialty Dockets as published on justex.net, an attorney must meet the baseline criteria and attend a minimum of six (6) hours of training as directed by the presiding judge of the specific Specialty Court or Specialty Docket to which the attorney seeks appointment. Attorneys also will be required to complete four (4) hours of training every four (4) years as

directed by the presiding judge of the specific Specialty Court or Specialty Docket.

- 5.8 HCPD: The Harris County Public Defender's Office shall be placed on the Master List and on the Graduated Lists of First-Degree, Second-Degree, Third-Degree, and Post-Conviction.

6.0 COMPILATION OF MASTER LIST.

- 6.1 Attorney Application and Approval: Attorneys must complete and submit an application for inclusion on the Master List. Attorneys meeting the baseline criteria and approved by a majority of the judges as defined in 6.3 will be placed on the Master List. An individual who has served at least 48 months as a Texas District Court Judge trying criminal cases shall be placed on the master list of attorneys approved to represent defendants charged with First-Degree felonies upon proper application. FIRST-DEGREE VOTING WILL BE BY SECRET BALLOT. Judges will vote "approved" or "not approved" or will designate a proxy vote as to each applicant. In casting his vote each judge shall also indicate whether an applicant is competent to be assigned to the requested appointment category or should be assigned to another category of appointments. If an applicant is not approved by majority vote as described in Section 6.3 below for one category, but the majority does approve him for other appointment categories, the applicant shall be approved for the lesser appointment category.
- 6.2 Majority Vote for Inclusion: A majority vote of "approved" is necessary for an attorney to be included on the Master List. A "Blank" or non- returned ballot will be deemed as a "not approved" vote. For the purposes of this section, a "majority" shall be a majority of felony board judges absent those

who have recused themselves from voting.

- 6.3 Placement on Graduated Lists: Applicants approved for the Master List will be placed on the Graduated Lists according to adopted criteria. Judges will make appointments for indigent defendants in non-capital cases only from the Graduated Lists of approved attorneys.
- 6.4 New Applications: The judges will consider new applications for the Master List at least quarterly. The Master List and Graduated Lists will be updated after new applications have been approved.
- 6.5 Annual Reporting: Other than as specifically noted (such as for CLE requirements), attorneys shall report any material changes in their information before May 1 of each year.
- 6.6 Attorney Requests for Classification Review: Attorneys asking the board of judges to reconsider their classification on the Graduated Lists shall submit a new application. Upon review of the completed application, the board of judges may:
- 6.6.1 upgrade applicant's classification;
 - 6.6.2 downgrade applicant's classification; or
 - 6.6.3 leave applicant's classification unchanged.
- 6.7 Appeals: An applicant may appeal his omission from or placement on the Master List. At any time within thirty (30) days after an applicant receives (by certified mail) notice of his placement or omission from the Master List, the applicant may give written notice of appeal to the Central Appointment Coordinator. Upon receipt of a notice of appeal, the Central Appointment coordinator shall verify the accuracy of the votes for the applicant and the accuracy of an attorney's omission from or placement on the Master List. If

review of the votes and Master List indicate an error, the Central Appointment Coordinator shall make the necessary corrections or modifications. Within fourteen (14) days of receipt of applicant's notice of appeal, the Central Appointment Coordinator shall notify the applicant of his status as to the Master List.

6.8 Reinstatement to Master List: Attorneys who previously have been placed on the Master List and subsequent Graduated Lists of First-Degree, Second-Degree, Third-Degree and Post-Conviction must reapply as if applying for the first time as a new attorney if the period of inactivity is five years or more.

6.8.1 Attorneys who have been inactive for less than one year may be reinstated by verifying with the Central Appointment Coordinator that their CLE requirements meet the minimum requirements of Section 5.3.5.

6.8.2 Attorneys who have been inactive more than one year but less than five years may be reinstated by verifying with the Central Appointment Coordinator that their CLE requirements meet the minimum requirements of Section 5.3.5 and approval from a committee of the district judges.

6.8.3 Attorneys who have served as a Texas District Court Judge trying criminal cases, regardless of the length of the term, are automatically reinstated to the List on which they had previously served.

7.0 REMOVAL FROM OR RECLASSIFICATION OF ATTORNEYS ON THE MASTER LIST.

A majority of judges may remove from or reclassify an attorney on the Master List upon a finding of good cause. An attorney may be removed from the list if he or she intentionally or repeatedly does not fulfill his or her duties in representing

indigent defendants. An attorney may also be removed from the list as outlined in Section 12.10 or reclassified as outlined in Section 6.6. For the purposes of this section, a “majority” shall be a majority of felony board judges absent those who have recused themselves from voting.

8.0 METHODS OF APPOINTMENT.

- 8.1 Individual Case Appointment Method. A private attorney, acting as an independent contractor and compensated with public funds or the Harris County Public Defender appointed to provide legal representation and services to an indigent defendant. See also Section 4.4.
- 8.2 Limited Term Assignment Method. A private attorney, acting as an independent contractor and compensated with public funds or the Harris County Public Defender appointed to provide legal representation to indigent defendants who appear before a court for a period of one (1) day or one (1) week.
- 8.3 PDO Appointment Tracking System. In addition to all other methods of appointment in this Plan, the Harris County Public Defender also may receive appointments automatically through the PDO Appointment Tracking System.
 - 8.3.1 This system shall pre-assign appointments per court, per day as equally as possible pursuant to the following criteria: defendants have requested representation, filed a financial affidavit, and are not currently represented by an attorney on any felony case. Defendants meeting these criteria shall be randomly chosen by the PDO Appointment Tracking System.
 - 8.3.2 Each day an automatic electronic communication will be sent to the HCPD at 3:00pm. The HCPD shall confirm electronically acceptance

of any appointment in the PDO Appointment Tracking System and either enter in the attorney to appoint or enter "PDO Refused." The PDO has by 6 p.m. the same day that the communication is received to make the entry into the PDO Appointment Tracking System. If the HCPD fails to alert the appointing court by 6 p.m. the day the communication is received, the system shall automatically record "Unable to Contact PDO."

8.3.3 If no defendant meets the requisite criteria on any day, no appointment can be made under this provision.

8.4 Combination Method. Court may use any combination of the approved methods to appoint attorneys.

9.0 PROCEDURES FOR ATTORNEY ASSIGNMENT.

9.1 Consistent with these adopted procedures, each judge may choose any attorney or the HCPD from the Lists of Qualified Attorneys in Section 5.0 for assignment. The procedures shall take into account: (1) the availability of the attorney or the HCPD; (2) the individual qualifications of the attorney with respect to the nature of the case; and (3) a reasonable and impartial allocation of appointments among the attorneys qualified to accept appointments.

9.2 The judges shall select a Central Appointment Coordinator to implement the Harris County District Courts' alternative appointment procedures.

9.3 Attorney Requests For Appointments. Attorneys, including the HCPD, whose names appear on the Master List of Qualified Attorneys shall submit requests to be considered for appointments to the Central Appointment Coordinator by entering the request into the FDAMS system. Attorneys including the HCPD may access the sign-up program by entering their bar card numbers. Before

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the system will accept the request, the attorney including the HCPD must enter a current telephone and/or number and, when applicable, an updated address and contact information. All requests must include the following information: (1) Name and bar card number; (2) Telephone number and e-mail address; (3) Specific dates available; and (4) Types of assignments sought (individual case assignments, daily or weekly limited term assignments).

9.4 Time For Requesting Appointments: Attorneys including the HCPD may request assignments between 8:15 a.m. Monday and 3:00 p.m. Thursday of each week. Attorneys including the HCPD may submit assignment requests for no more than four (4) weeks at a time.

9.5 RESTRICTIONS:

9.5.1 Attorneys who are not employed by the HCPD may not accept overlapping limited term assignments at the trial level. They may accept appellate assignments that overlap with trial level limited term assignments. The HCPD may accept overlapping limited term assignments.

9.5.2 Acceptance of a limited term assignment shall preclude an attorney who is not employed by the HCPD from accepting a non-capital individual case trial level assignment during the limited term.

9.5.3 Under a limited term assignment, attorneys who are not employed by the HCPD and who are not working primarily in a specialty court or on a specialty docket may be appointed to defend no more than five (5) defendants a day in new cases. The HCPD may be appointed to more than five (5) defendants a day in new cases. Additionally, attorneys working primarily in specialty courts or on specialty

dockets may accept more than five (5) defendants a day, as set out in Section 10.3.

9.5.4 Attorneys who are not employed by the HCPD or who are not working primarily in specialty courts or on specialty dockets may not accept more than two (2) individual case assignments in one day.

9.5.5 Attorneys who are not employed by the HCPD may not apply or accept appointment on any case if their open and active number of appointed felony cases is 200 or greater, unless the judge of a court, with stated good cause, permits such appointment. The following types of cases shall not be counted towards an attorney's active caseload:

9.5.5.1 Inactive cases,

9.5.5.2 Bond forfeiture cases, and

9.5.5.3 Cases where defendants are on pretrial diversion or community supervision where a motion to adjudicate or revoke has not yet been filed.

9.6 Attorney Requests for Individual Case Assignments. Attorneys, including the HCPD, requesting individual case assignments shall submit their requests to the Central Appointment Coordinator.

9.7 Attorney Requests for Limited Term Assignments: Attorneys, including the HCPD, requesting limited term assignments shall submit their applications to the Central Appointment Coordinator no later than 3:00 p.m. Thursday for assignment consideration.

10.0 COURT ASSIGNMENT OF ATTORNEYS.

10.1 Individual Case Assignments: When submitting a request for an attorney, the

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court's request shall designate: (1) the ranking of the attorney needed; (2) the date of the assignment; (3) any special requests (bilingual, Specialty Courts and Specialty Dockets, etc.).

10.2 The computer shall provide to the court ten randomly selected names, including the HCPD, per request. A court requesting an attorney for individual case assignment may submit two requests at a time provided that the requests specify different criteria. A court may not submit another request until at least one attorney has been assigned from one of the one or two pending lists and the remaining names from that list have been returned to the attorney pool. See also Section 4.4. The HCPD shall be placed in the automated system to appear for every request as allowed by these rules.

10.3 SPECIALTY COURT EXCEPTION: Attorneys appointed to represent indigent defendants in Specialty Courts or on Specialty Dockets are exempted from the limits in Section 9.5.

10.4 PDO EXCEPTION: The HCPD may be appointed to more than five (5) defendants a day in new cases and more than two (2) individual case assignments in one day.

The HCPD is exempt from the requirements of Section 10.1 and may be appointed to Specialty Courts and Specialty Dockets if the HCPD requests to be appointed to Specialty Courts and Specialty Dockets.

10.5 Limited Term Assignments: Courts may submit requests for attorneys available for limited term assignments at any time prior to 3:00 p.m. on Thursday of each week. Courts shall designate the term and date of the assignment.

10.5.1 The computer shall equally divide the pool of attorneys available

for limited term assignments among the requesting courts. The computer shall provide the randomly selected names to the requesting courts beginning at 3:30 p.m. on Thursday.

10.5.2 The Court shall make at least one limited term assignment from the provided names promptly, but not later than noon on Wednesday, return the remainder to the pool available for limited term assignments.

10.5.3 In the event the selected attorney becomes unavailable, or an additional attorney is needed, the court may submit an additional request. The computer shall provide the court with no more than six (6) randomly selected names from the remaining pool of available attorneys after noon on Wednesday.

10.5.4 The Harris County Public Defender shall appear on every Court's requested list.

11.0 FEE SCHEDULE.

11.1 Each court shall pay appointed attorneys reasonable fees in accordance with a uniform schedule of fees as adopted by the majority of the judges.

11.2 The uniform schedule of fees shall take into consideration reasonable and necessary overhead costs, the availability of qualified attorneys, time and labor expended, complexity of the case, and the experience and ability of counsel.

11.3 The HCPD shall be compensated in accordance with its budget as set by Harris County Commissioners Court.

12.0 APPOINTED ATTORNEY COMPENSATION.

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Approved 11/07/01; Modified 09/04/02, 12/03/03, 02/04/04, 11/03/04, 01/05/05, 06/08/05, 11/15/05, 07/25/08, 12/3/08, 09/02/09, 01/12/11, 07/15/11, 12/06/11, 12/05/2012, 12/04/2013, 10/27/2015; 01/04/2017; 07/11/2017; 03/26/18; 09/02/2020; 03/12/2021; 08/10/2021. 12/01/21, 02/01/2023, 01/06/2026, 02/04/2026 and effective 02/04/2026.

- 12.1 Appointed counsel shall be compensated for all work on behalf of a defendant, including habeas corpus proceedings, appellate work, and motions for rehearing.
- 12.2 Compensation shall be based on:
 - 12.2.1 the time and labor required;
 - 12.2.2 the complexity of the case;
 - 12.2.3 the experience and ability of counsel; and
 - 12.2.4 Bilingual certification
- 12.3 Appointed counsel shall be paid a reasonable attorney's fee for performing the following services:
 - 12.3.1 time spent in court on behalf of the defendant;
 - 12.3.2 time spent in trial;
 - 12.3.3 time spent in a proceeding in which sworn oral testimony is elicited;
 - 12.3.4 reasonable and necessary time spent out of court on the case, supported by any documentation the court requires;
 - 12.3.5 preparation of an appellate brief, preparation and presentation of oral argument to a court of appeals or the Court of Criminal Appeals; and
 - 12.3.6 preparation of motions for rehearing.
- 12.4 An attorney shall not be paid until the attorney submits a complete, itemized form detailing services performed to the judge presiding over the proceedings and the judge approves the payment.
- 12.5 If the judge disapproves the requested amount, the judge shall make written findings stating the amount of payment approved and the reasons for

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- approving an amount different from the requested amount.
- 12.6 The attorney whose request for payment has been disapproved or has not been acted upon within 60 days of submission may, by written motion, file an appeal with the presiding judge of the administrative region. The presiding judge may conduct a hearing and forward the results of the hearing to commissioners for court.
- 12.7 Non-capital counsel shall be reimbursed for reasonable and necessary expenses, including expenses for investigation, mental health and other experts in accordance with the Fee Schedule and these rules on Appointed Attorney Compensation. See Section 12.4.
- 12.8 Expenses incurred with prior court approval shall be reimbursed in the same manner provided for in the Code of Criminal Procedures for capital cases.
- 12.9 Expenses incurred without prior court approval shall be reimbursed in the same manner as provided in capital cases under Article 26.052(h) of the Code of Criminal Procedure.
- 12.10 A majority of the judges who established the qualified attorney list may remove an attorney from consideration for appointment if, after a hearing, it is shown that the attorney submitted a claim for legal services not performed by the attorney. For the purposes of this section, a “majority” shall be a majority of felony board judges absent those who have recused themselves from voting.
- 12.11 The HCPD’s compensation and expenses shall be paid from the HCPD’s budget as set by Commissioners Court.

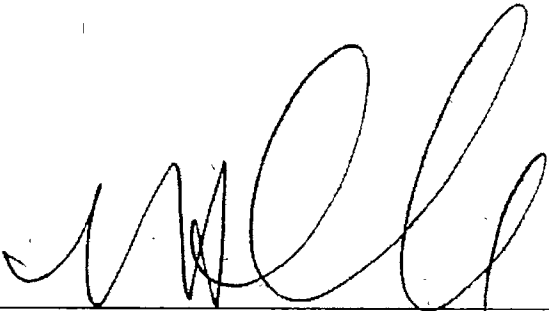
The Standards and Procedures for Appointment of Counsel for Indigent

Harris County District Courts FDA Standards and Procedures

Approved 11/07/01; Modified 09/04/02, 12/03/03, 02/04/04, 11/03/04, 01/05/05, 06/08/05, 11/15/05, 07/25/08, 12/3/08, 09/02/09, 01/12/11, 07/15/11, 12/06/11, 12/05/2012, 12/04/2013, 10/27/2015; 01/04/2017; 07/11/2017; 03/26/18; 09/02/2020; 03/12/2021; 08/10/2021. 12/01/21, 02/01/2023, 01/06/2026, 02/04/2026 and effective 02/04/2026.

Defendants were initially adopted by two-thirds vote of the Judges of the District Courts Trying Criminal Cases in Harris County on October 16, 2001, and incorporated changes suggested by the Presiding Judge of the Second Administrative Judicial Region. The plan was amended July 10, 2002, September 4, 2002, December 3, 2003, February 4, 2004, November 3, 2004, January 5, 2005, June 8, 2005, November 15, 2005, July 25, 2008, December 3, 2008, September 2, 2009, January 12, 2011, July 15, 2011, December 6, 2011, December 5, 2012 and December 4, 2013, October 27, 2015; January 4, 2017; July 11, 2017; March 26, 2018; September 2, 2020, March 12, 2021, August 10, 2021, December 1, 2021, February 1, 2023, January 6, 2026, and February 4, 2026.

SIGNED: FEBRUARY 4, 2026



NATALIA "NATA" CORNELIO,
ADMINISTRATIVE JUDGE, CRIMINAL DIVISION