

**SIXTH AMENDED
FORT BEND COUNTY ADULT PLAN AND LOCAL RULES
FOR THE APPOINTMENT OF COUNSEL
TO INDIGENT DEFENDANTS
IN THE DISTRICT AND COUNTY COURTS OF FORT
BEND COUNTY, TEXAS, PURSUANT TO ART. 26.05, ET
SEQ., TEXAS RULES OF CRIMINAL PROCEDURE**

(Amended 12-12-2018)

PREAMBLE

This "SIXTH AMENDED FORT BEND COUNTY ADULT PLAN AND LOCAL RULES FOR THE APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS IN THE DISTRICT AND COUNTY COURTS OF FORT BEND COUNTY, TEXAS, PURSUANT TO ART. 26.05, ET SEQ., TEXAS RULES OF CRIMINAL PROCEDURE", hereinafter referred to as the "Plan", shall take the place of the "FIFTH AMENDED FORT BEND COUNTY ADULT PLAN AND LOCAL RULES FOR THE APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS IN THE DISTRICT AND COUNTY COURTS OF FORT BEND COUNTY, TEXAS PURSUANT TO ART.26.05, ET SEQ., TEXAS RULES OF CRIMINAL PROCEDURE (adopted August 16, 2017, by the Fort Bend County Council of Judges), which previous Plan and Supplement have heretofore governed the appointment and payment of counsel for indigent adult defendants in felony and misdemeanor cases. This Plan, when adopted, shall apply to magistrate and probable cause hearings and to the setting of bonds and is adopted in order to comply with the provisions and requirements of Art 26.05, et seq., Texas Code of Criminal Procedure. In the event that the Task Force on Indigent Defense provides for requirements not contemplated by this Plan, this Plan shall be amended at the first opportunity. If there is any conflict between this Plan and any local rule that addresses the matters included herein, this Plan and the Texas Code of Criminal Procedure shall apply.

**I.
PROMPT MAGISTRATION**

A. At the time of the magistrate and probable cause hearings, the arresting officer for each arrestee shall have filed, at the time of booking into the jail, a printed (by computer or email) and concise probable cause affidavit with such additional information (offense report, etc.) as necessary for the magistrate to make the appropriate judgment. "Arrestee" is defined herein as a person who is arrested with or without an indictment or information having been filed, and may sometimes be referred to herein as "Defendant." No one shall be booked into jail without a filed "Probable Cause Affidavit." Affidavits for a warrant for arrest must be faxed or delivered to the jail upon arrest from the arresting agency. If not

authorized to appoint counsel, the magistrate shall, without unnecessary delay but in no event longer than 24 hours after an arrestee's arrest, transmit, or cause to be transmitted, to the proper appointing magistrate or appointing authority an arrestee's request for counsel [Art. 15.17(a), CCP].

1. A Magistrate conducting magistrate and probable cause hearings, as provided for in these rules, shall be a Judge, Associate Judge or an assigned Judge designated by the appropriate Local Administrative Judge of Fort Bend County in order to ensure consistent compliance with all local rules and the Texas Code of Criminal Procedure.

B. Each arrestee shall be brought before the magistrate within 48 hours of arrest. (Art. 14.06(a), CCP). The morning after arrest, at a time established by the magistrate, every felony and misdemeanor arrestee shall be brought to the magistrate jail courtroom, or other designated courtroom or place, for a magistrate to hold a probable cause hearing, to set bail and to determine the need for court appointed counsel. During the weekends, the magistrate shall hold magistrate and probable cause hearings at 11:00 am, or at some other time as determined by the magistrate, and the magistrate will timely advise the jail of such time and place in advance of the hearing(s). The jail shall have each arrestee and the necessary files and papers ready for review by the Magistrate at the jail courtroom, or other designated place, prior to the magistrate's arrival.

C. At the magistrate probable cause hearing for the arrestee, the magistrate judge shall make a written record of and comply with the provisions of this Plan and the requirements of the Texas Code of Criminal Procedure, including:

- 1.** Following the requirements of Art. 15.17 Texas Code of Criminal Procedure;
- 2.** Informing the arrestee of the right to appointment of counsel, if the arrestee is indigent;
- 3.** Making a written record of the magistrate warnings;
- 4.** Informing the arrestee of the right to an attorney;
- 5.** Inquiring of the arrestee as to whether or not the arrestee is requesting court appointed counsel;
- 6.** Providing arrestee with an affidavit of indigency and reasonable assistance in completing any necessary forms; and
- 7.** If required, making a referral of the arrestee to an appropriate local mental health or mental retardation authority, as required by Art. 16.22 (a) Texas Code of Criminal Procedure.

The Magistrate shall use the "**Magistrate Warning**" form attached to this plan as "**Addendum J**". The making of a record is satisfied by the use of the written form approved by the Council of Judges of Fort Bend County.

D. At such magistrate hearings, each arrestee shall be provided an opportunity to request court appointed counsel. If the arrestee is claiming indigency, the arrestee shall complete and file a sworn affidavit of indigency with the magistrate, as set out herein as "**Addendum E**".

E. The magistrate will send all requests for appointment of counsel by an indigent in felony cases, and in cases which both felony and misdemeanor charges are pending, to the Judge or Associate Judge responsible for arraignments. The magistrate will send all requests for appointment of attorney by an indigent in Misdemeanor cases to the appropriate Judge, or Associate Judge, for the County Courts at Law who will then assign such requests to the Ancillary County Court at Law Judge for such week.

- 1.** Such District Judge and the assigned Ancillary County Court at Law Judge, (or if the Ancillary County Court at Law Judge is not available or has not been assigned, the Administrative County Court at Law Judge), or the Court Services Coordinator, as the case may be, shall appoint attorneys from the approved, graduated list of attorneys not later than three (3) working days after receipt of such request for appointment of counsel. Appointments shall be on a rotating basis, except as otherwise provided by law. If an indigent person is arrested pursuant to indictment, the appointment will be made within one (1) working day after receipt of the request by the judge in whose court the case is filed.
- 2.** Any indigent arrestee charged with Capital Murder shall have attorney(s) appointed by the trial court assigned the case from the Eleventh Administrative Region approved list of attorneys qualified to try Capital Cases. Preference in the appointment shall be given to those qualified attorneys who have practiced in Fort Bend County, have knowledge of Fort Bend County local rules and who comply with the requirements of paragraphs **VIII and IX of Addendum “A”** attached hereto.
- 3.** Notice of appointment of counsel in all cases will be emailed to the appointed attorney and a telephone call shall be made by the Court Services Coordinator to the appointed attorney informing such attorney of the appointment. It is required that all attorneys on the approved Appointed Counsel for Indigent Defendants’ list maintain a valid email address for that attorney and provide such email address and current contact information to the Court Services Coordinator so that notification of appointments can be facilitated.

F. For a person arrested on an out-of-county warrant, the magistrate shall: ask if the person wants to request counsel; inform the person of the procedures for requesting counsel; and ensure the person is provided reasonable assistance in completing the necessary forms for requesting counsel in the county issuing the warrant. [Art. 15.18(a-1), CCP]. Requests for counsel made by persons arrested on out-of-county warrants shall be transmitted to the appointing authority of the county issuing the warrant within 24 hours of the request being made. [Art. 15.18(a-1), CCP].

II.

INDIGENCY DETERMINATION STANDARDS

The financial standards set forth below shall be used in determining whether an arrestee or defendant is considered indigent.

A. A person is considered indigent if their net household income does not exceed 125% of the federal poverty guideline for Annual Household Income (adjusted by number of persons in the household) as established and revised annually by the United States Department of Health and Human Services and published in the Federal Register. Those Poverty Guidelines may change from year to year and shall be calculated by the Court Services Coordinator for each calendar year to be used during that calendar year.

B. The Indigent Defense Department of Fort Bend County shall interview each arrestee prior to the magistrate hearing and shall provide to the magistrate the following information:

1. Financial information regarding the arrestee's available income from all sources, including but not limited to, spouse and contributions from family members;
2. Arrestee's expenses, including but not limited to, living expenses, child support and alimony obligations, child care, medical expenses and transportation expenses;
3. Assets including, but not limited to, cash, savings and checking accounts, stocks, bonds, certificates of deposit, equity in real estate, personal property, and trust accounts;
4. Information on whether or not the arrestee is conversant in English, and if not, the language spoken by the arrestee; and, whether or not the arrestee is deaf. The Pretrial Services Department shall, upon learning that an arrestee is deaf or unable to communicate in English, arrange for a qualified interpreter to be present when the arrestee is taken before the magistrate; and
5. Information on whether or not there is reason to believe that the arrestee, if committed to the custody of the Fort Bend County Sheriff, has a mental illness, or is a person with mental retardation. The Sheriff shall notify the Indigent Defense Department and District Clerk not later than 72 hours after receiving evidence, whether by an oral statement or otherwise, that may establish reasonable cause to believe that an arrestee has a mental illness, or is a person with mental retardation. Such information shall be provided to the Magistrate in accordance with the provisions of Art. 16.22, Texas Code of Criminal Procedure. The District Clerk shall put notice of this information in the Court's file.

III.

MINIMUM ATTORNEY QUALIFICATIONS FOR INDIGENT APPOINTMENT

To be approved for inclusion on the list of attorneys qualified for appointment under this Plan for criminal cases in Fort Bend County, an attorney must complete the “**Application for Criminal Appointments in Fort Bend County**,” attached hereto as “**Addendum C**”, and be in compliance with the following requirements:

A. Complete the required hours of CLE pertaining to the defense of defendants in criminal cases (whether felony as outlined in **Addendum A** or misdemeanor as outlined in **Addendum B**) in the preceding calendar year, as required by the current **Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts at Law of Fort Bend County, Texas, Pursuant to Senate Bill 7 and the Texas Code of Criminal Procedure**. The reporting period will begin on January 1, 2018, and on the same day of each year thereafter.

1. Required continuing legal education may be satisfied by completing activities accredited under Section 4, Article XI, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing; or
2. By providing evidence of current certification (in good standing) of the attorney’s certification in criminal law by the Texas Board of Legal Specialization.
3. Continuing legal education activity completed within a one-year period immediately preceding the adoption of this Plan may be used to meet the educational requirements for 2018.
4. Continuing legal education activity completed during any reporting period in excess of the minimum ten hour requirement for such period may be applied to the following period's requirement. The carryover provision applies to one year only.

B. To be approved for inclusion on the list of attorneys qualified for appointment under this Plan for criminal cases in Fort Bend County, each attorney shall submit “**Addendum C**” by October 15th for the 12 months ended September 30th (15 days prior to October 15th). [Art. 26.04(j)(4), CCP] Thereafter, attorneys qualified for appointment under this Plan shall be required to comply with the filing requirements described below in §III-B with respect to “**Addendum H**” and “**Addendum I**”. Failure to submit “**Addendum C**” by October 15th will result in the denial of the attorney’s application. Those applications submitted in accordance with this section shall be approved or denied by the judiciary within sixty (60) days from the closing of October 15th. The judiciary shall have the ability to extend the time to review applications by majority vote of the Council of Judges.

C. To continue on the appointment list, each attorney must annually submit an affidavit, attached hereto as **“Addendum H”**, to the Fort Bend County Court Services Coordinator, or designee, detailing the continuing legal education activities in criminal law which have been completed in the prior year. Alternatively, an attorney may annually submit documentation showing the attorney is currently certified as a specialist in criminal law using said addendum. Every two years counsel must recertify their eligibility by submitting **“Addendum I”**

D. Each attorney must: (1) maintain their primary residence in Fort Bend County, Texas; (2) maintain their principal law office in Fort Bend County, Texas, as listed on the State Bar of Texas website; or (3) have a fully executed formal agreement (the **“Agreement”**) to utilize conference room space, meeting space, or office space with a local attorney or business in Fort Bend County, Texas, where Counsel can privately meet with appointed clients. The Agreement must be furnished to the Indigent Defense Coordinator and approved by the Council of Judges prior to admittance to the Indigent Defense Appointment List. Attorneys who have appeared in Fort Bend County on a consistent (i.e. monthly or quarterly) basis for the past ten (10) years while continually licensed by the State Bar of Texas shall have a one (1) year grace period to meet the aforementioned requirements of this section.

IV.

PROMPT APPOINTMENT OF COUNSEL

A. Counsel for indigent arrestees shall be appointed as soon as possible, but not later than the end of the first working day after the date on which the appointing judge, or person(s) designated by the judges to appoint counsel, receives an eligible defendant’s request for counsel. [Article 1.051(c), CCP]

B. If an indigent defendant is released from custody prior to the appointment of counsel under the procedure contained in this Plan, appointment of counsel is not required until the defendant’s first court appearance, or when adversarial judicial proceedings are initiated, whichever comes first. [Article 1.051(j), CCP]

C. The judge may not direct or encourage the arrestee to communicate with the attorney representing the State until the court advises the arrestee of the right to counsel and the procedure for requesting appointed counsel, and until the defendant has been given a reasonable opportunity to request appointed counsel, unless the arrestee has signed a valid, written waiver of the arrestee’s right to counsel, as hereinafter provided in **“Addendum E”**, attached hereto. [Art. 1.051(f-2), CCP]

D. Persons arrested in other counties on local warrants shall be appointed counsel within 1 working day of receipt of the request from the arresting county. [Art. 1.051(c-1), CCP]

E. Persons arrested on out-of-county warrants shall be appointed counsel if the person has not been transferred or released to the custody of the county issuing the warrant before the 11th day after the date of the arrest. [Art. 1.051(c-1), CCP]

F. If an arrestee prefers to request counsel prior to the initial appearance before the magistrate, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission’s website at <http://tidc.tamu.edu/public.net/>. The arrestee shall then submit this completed form to the appointing authority (the county in which the warrant was issued). (1 TAC § 174.51)

V.

ATTORNEY SELECTION PROCESS

All appointed counsel for criminal arrestees in Fort Bend County, in the District and County Courts at Law, in both felony and misdemeanor cases, shall be selected pursuant to the requirements of the Texas Code of Criminal Procedure, Art. 26.05, et seq., and this Plan, using a system of rotation from a list of approved counsel. The list of approved counsel, attorney qualifications, and/or any additional changes to this Plan may be updated and/or revised from time to time as necessary.

A. Applications by attorneys who desire to be removed from consideration for appointment to represent indigent defendants shall be made on a “Request for Exclusion From Indigent Appointments, Fort Bend District and County Courts at Law”, attached hereto as “**Addendum D**”.

B. Graduated Lists: The District and County Court at Law Judges trying criminal cases, or a committee established by same, shall approve a graduated list or lists of attorneys for appointment in felony and misdemeanor cases. Such list or lists shall be filed with the District and County Clerks. The lists of attorneys shall be reviewed at least annually by the Judges, or the committee appointed by same. Additional counsel shall be added to the various graduated lists only after approval by the appropriate judges, District or County Court at Law, as the case may be.

C. Felony Appointments: In order to qualify as a court appointed attorney to represent indigent defendants in the District Courts, an attorney must meet the requirements set forth in “**Addendum A**” attached hereto and made a part hereof by reference.

D. Misdemeanor Appointments: In order to qualify as a court appointed attorney to represent indigent defendants in the County Courts at Law, an attorney must meet the requirements set forth in “**Addendum B**”, attached hereto and made a part hereof by reference.

E. Continuing Responsibilities: An attorney who is appointed to represent an indigent defendant, regardless of the degree of offense, is expected to represent that defendant through all pretrial, post-trial and appellate levels. In the event an appointed attorney desires to withdraw from representing an indigent defendant through the appellate process, such attorney shall promptly, upon completion of post-trial matters, move to withdraw with good and satisfactory cause cited and bring such motion to the immediate attention of the judge.

F. Adoption of Fee Schedules: Attorneys appointed by the Court to represent indigents shall receive such reasonable compensation as established by Order of the Board of District Judges of Fort Bend County and by Order of the Board of County Court at Law Judges of Fort Bend County. The fee schedules adopted by formal action of each of such Board of Judges shall comply with Art. 26.05(c) Texas Code of Criminal Procedure, and any other applicable law, and shall be sent to the Commissioners Court of Fort Bend County, Texas, as required by statute. Such fee schedules are attached hereto as “Addendum F” and “Addendum G”.

G. Reasonable and Necessary Expenses: The appointment of and reimbursement for reasonable and necessary investigation, mental health, and other expert witness expenses shall be as provided by Art. 26.05(d) Texas Code of Criminal Procedure and only upon written motion and prior approval of the trial Judge. The appointment of and reimbursement for reasonable and necessary investigation, mental health, and other expert witness expenses without prior written approval, as provided by Art. 26.052(h) Texas Code of Criminal Procedure, shall be paid pursuant to said statute. A timely, complete, and true statement of expenses incurred by the person appointed shall be submitted to the trial judge with the request for reimbursement.

IV.

STANDARDS AND RESPONSIBILITIES FOR ATTORNEYS

A. An attorney appointed to represent indigents shall make every reasonable effort to contact the defendant not later than the end of the first working day after appointment and to interview the defendant as soon afterwards as practicable. In-person or secure video conferencing with incarcerated defendants is preferred during this initial contact. Sending only a letter to an incarcerated defendant in this circumstance should only be used as a last alternative.

B. An attorney who appears on the approved list of attorneys qualified to receive appointments to represent indigents must maintain a place of business with a phone which is answered during regular business hours and from 8:00 am to 6:00 pm on the weekends and holidays. Such attorney shall make arrangements so that the attorney may be promptly located and notified of appointment or hearing settings. Attorneys on the approved list must maintain an email address which shall be operational 24 hours a day, seven days a week. These numbers and email addresses shall be included on the Application for Criminal Appointments in Fort Bend County and shall be the official contact information utilized by the Court to inform counsel of appointment or court hearings. Any change in this contact information must be given in writing to the Administrative Court Services Coordinator for Fort Bend County within 24-hours of the change.

C. Attorneys appearing on the approved list shall comply with all laws, rules, procedure and ethical provisions for providing reasonable assistance of counsel to their client.

D. Attorneys appearing on the approved list shall maintain the highest standard of ethical conduct and always be completely candid with the Court.

E. A judge may replace an appointed attorney if the appointed attorney does not make an effort to contact the defendant by the end of the first working day, and/or does not interview the defendant as soon as possible, and/or for any other suitable reason, as determined by the judge. The court may sanction an attorney for violation of these standards.

F. Counsel may be suspended or removed from the appointment list if they are found to be ineffective by a Court or for other good cause shown. The Courts may temporarily suspend counsel from receiving appointments until a final determination on the suspension can be made that includes an opportunity for counsel to respond.

G. Counsel shall timely complete and submit their yearly attorney time report to the Texas Indigent Defense Council. Failure to comply can result in suspension or removal from the appointment list.

VII.

FEE AND EXPENSE PAYMENT PROCESS

A. Payment for Appointed Counsel in Criminal cases shall be in accordance with a schedule of fees adopted by the judges pursuant to Art. 26.05(b), Texas Code of Criminal Procedure, copies of which are attached hereto as “**Addendum F**” and “**Addendum G**”. The schedules may be modified from time to time by the appropriate Board of Judges.

B. If a judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount, pursuant to Art. 26.05(c), Texas Code of Criminal Procedure.

C. Reasonable and Necessary Expenses

1. The appointment of and reimbursement for reasonable and necessary investigation, mental health, and other expert witness expenses **with prior** Court approval shall be as provided by Art. 26.05(d) and Art. 26.052(f) and (g) Texas Code of Criminal Procedure and only upon written motion and prior approval of the trial judge. A timely, complete, and true statement of expenses incurred by the person appointed shall be submitted to the trial judge with the request for reimbursement by appointed counsel, including a certification by said counsel that the expenses were duly rendered by the said claimant.

2. The appointment of and reimbursement for reasonable and necessary investigation, mental health, and other expert witness expenses **without** prior written approval, as provided by Art. 26.05(d) Texas Code of Criminal Procedure, shall be paid pursuant to said statute, and Art. 26.052(h) Texas Code of Criminal Procedure. A timely, complete, and true statement of expenses incurred by the person appointed shall be submitted to the trial judge with the request for reimbursement by appointed counsel, including a certification by said counsel that the expenses were duly rendered by the said claimant.

3. A request for advance payment of investigative and expert expenses may be made by appointed counsel **Ex Parte**. Appointed counsel may file with the trial judge a pretrial, ex parte, and confidential request for advance payment of investigative and expert expenses. The request for such expenses must state, as applicable:

- a. The type of investigation to be conducted or the type of expert to be retained;
- b. The specific facts that suggest the investigation will result in admissible evidence or that the services of an expert are reasonably necessary to assist in the preparation of a potential defense; and
- c. An itemized list of anticipated expenses for each investigation or each expert.

The judge may grant such **Ex Parte** request for advance payment of expenses, in whole or in part, if the request is reasonable. If the judge denies in whole or in part the request for expenses, the judge shall:

- a. State the reasons for the denial in writing;
 - b. Attach the denial to the confidential request; and
 - c. Submit the request and denial as a sealed exhibit to the record.
4. Unreasonable or unnecessary expenses will not be approved.

VIII.
MISCELLANEOUS

ATTACHED FORMS:

- Addendum A:** Qualifications of Appointed Counsel for Indigent Defendants-Fort Bend County District Courts
- Addendum B:** Qualifications of Appointed Counsel for Indigent Defendants – Fort Bend County Courts at Law
- Addendum C:** Application for Criminal Appointments in Fort Bend County
- Addendum D:** Request for Exclusion from Indigent Appointments – District and Fort Bend County Courts at Law
- Addendum E:** Affidavit and Request for Appointed Counsel or Waiver of Counsel
- Addendum F:** District Court Attorney Fee / Expense Claim and Certification – Fair Defense Act (and District Court Fee Schedule)
- Addendum G:** County Court at Law Attorney Fee/Expense Claim and Certification (County Courts at Law Fee Schedule)
- Addendum H:** Annual Affidavit Confirming CLE and Requesting to be Continued on Indigent Appointment List for Fort Bend District and County Courts at Law
- Addendum I:** Recertification Form
- Addendum J:** Magistrate’s Warning; Art. 15.17 Texas Code of Criminal Procedure

The above and foregoing "**SIXTH AMENDED FORT BEND COUNTY ADULT PLAN AND LOCAL RULES FOR THE APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS IN THE DISTRICT AND COUNTY COURTS OF FORT BEND COUNTY, TEXAS, PURSUANT TO ART. 26.05, ET SEQ., TEXAS RULES OF CRIMINAL PROCEDURE**" was considered at a regularly called Council of Judges Meeting by those judges whose jurisdiction includes criminal (felony and misdemeanor) cases, as set out below.

APPROVED and ADOPTED this the 12th day of December, 2018.

District Court Judges:

Chad Bridges
Judge, 240th District Court

Brady G. Elliott
Judge, 268th District Court

Ronald R. Pope
Judge, 328th District Court

Brenda Mullinix
Judge, 387th District Court

Maggie Jaramillo
400th District Court

James H. Shoemake
434th District Court

Kenneth Cannata
458th District Court

David Perwin
505th District Court

County Court at Law Judges:

Christopher G. Morales
Judge, Fort Bend County Court at Law, #1

Jeffrey A. McMeans
Judge, Fort Bend County Court at Law, #2

Susan G. Lowery
Judge, Fort Bend County Court at Law, #3

Toni Wallace
Judge, Fort Bend County Court at Law, #4

Pedro Ruiz
Judge, Fort Bend County Court at Law, #5

Sherman Hatton
Judge, Fort Bend County Court at Law, #6

**QUALIFICATIONS OF APPOINTED
COUNSEL FOR INDIGENT DEFENDANTS
FORT BEND COUNTY
DISTRICT COURTS**

**QUALIFICATIONS OF APPOINTED COUNSEL
FOR INDIGENT DEFENDANTS FORT BEND
COUNTY DISTRICT COURTS – ADDENDUM A**

I.

All Matters Where the Death Penalty is Sought:

Death Penalty cases will be assigned from the 11th Administrative Region list.

II.

Generally as to all other Felonies:

1. Counsel must have a location in Fort Bend County where they can meet privately with appointed clients.
2. Counsel must be proficient in the use of Fort Bend County's e-Discovery portal and counsel must be able to e-File documents with the Fort Bend County District Clerk.
3. **Counsel must appear for ALL court settings on appointed cases.** If there is a scheduling conflict with a court setting, counsel must contact the Court prior to the setting.
4. Failure to appear three times without timely notice can result in removal from that case and removal from the appointment list. If another counsel will appear for appointed counsel, that appearance must be noted on the fee voucher. If another counsel appears for appointed counsel and performs any substantive legal work, they must be qualified to handle that level of offense.

5. Counsel must have a secretary, receptionist, answering service, or a cell phone with texting capabilities. Counsel must have an active e-mail account to receive court appointments and notices regarding procedural changes. Counsel must respond promptly to communications from the Court.
6. Counsel must register a phone number consistent with the requirement above with the Fort Bend County Sheriff to prevent any attorney client phone calls with incarcerated clients from being recorded.
7. If the level of offense changes when a case is indicted and appointed counsel is not qualified for that level of offense, counsel shall contact the indigent defense coordinator so that an attorney from the appropriate list can be substituted.
8. Proof of required experience can be shown through court documents. If those documents are unavailable due to an expunction or non-disclosure order, then affidavits are acceptable. Other significant experience in contested matters may be submitted for consideration.
9. Proof of required experience is cyclical. Counsel must obtain the minimum amount of trial experience every two years. Proof of qualification for a higher level offense constitutes qualification for a lower level offense.
10. Counsel may be suspended or removed from the appointment list if they are found to be ineffective by a court or for other good cause shown. The Courts may temporarily suspend counsel from receiving appointments until a final determination on the suspension can be made that includes an opportunity for counsel to respond.
11. Counsel can request the Court for the appointment of a second chair. Upon the Court's approval, the second chair will be appointed and the indigent defense coordinator will be notified. Lead Counsel will be responsible for the work of the second chair. The second chair will be paid at a lower rate than the lead counsel.

III.

All 3g Offenses:

Five (5) years licensed to practice law and

- a. One (1) jury verdict as lead counsel in this level offense; or
- b. Five (5) jury verdicts (with 3 verdicts as lead counsel) of any 1st degree felony offense

IV.

1st Degree Felonies (Other than above- listed Felony Offenses)

and offenses enhanced to a 1st Degree Penalty Range:

Four (4) years licensed to practice law and

- a. One (1) jury verdict as lead counsel on a 1st degree felony indictment; or
- b. Five (5) jury verdicts (3 verdicts as lead counsel) of any degree felony offenses

V.

2nd and 3rd Degree Felonies Not Described Above:

Two (2) years licensed to practice law and

- a. One (1) jury verdict as lead counsel, on any felony indictment; or
- b. Two (2) jury verdicts as co-counsel, on any felony indictments; or
- c. Five (5) jury verdicts as lead counsel, on any misdemeanor offenses

VI.

State Jail Felonies, Motion to Revoke Probation or Motion to Adjudicate Guilt on Misdemeanors:

Two (2) years licensed to practice law and

- a. One (1) jury verdict as lead counsel, on any felony indictment; or
- b. Two (2) jury verdicts as co-counsel, on any felony indictments; or
- c. Five (5) jury verdicts as lead counsel, on any misdemeanor offenses

VII.

Appeals – Non-Death Penalty

Three (3) years licensed to practice law, and authored or co-authored three (3) appellate briefs

VIII.

Continuing Legal Education - All Felony and Misdemeanor Non-Appellate Appointments:

In addition to the appropriate categories listed above:

- a. Completion of the "Fort Bend County Rules of Court" CLE Course; and
- b. Completion within the past three (3) calendar years of thirty (30) hours of CLE in Criminal Law, including courses on examination of expert witnesses and presentation of scientific evidence; and
- c. Annually, after being approved on the Indigent Appointment List, completion of fifteen (15) hours of CLE in Criminal Law, including courses on examination of expert witnesses and presentation of scientific evidence

IX.

Appeals: All other Felony Convictions All Misdemeanor Convictions:

In addition to the appropriate categories listed above:

- a. Completion of the "Fort Bend County Rules of Court" CLE Course; and
- b. Completion within the past three (3) calendar years of thirty (30) hours of CLE in Criminal Law, including courses on appellate issues; and
- c. Annually, after being approved on the Indigent Appointment List, completion of fifteen (15) hours of CLE in Criminal Law, including courses on appellate issues

**QUALIFICATIONS OF APPOINTED COUNSEL AND FEE SCHEDULE
FOR INDIGENT DEFENDANTS
FORT BEND COUNTY COURTS AT LAW**

ADDENDUM B

I.

ATTORNEY OF THE DAY APPOINTMENTS

- 1. Attorney of the Day.** The County Courts at Law may retain the services of an attorney, meeting the minimum requirements for Level 2 Offenses or higher under the Qualifications of Appointed Counsel and Fee Schedule for Indigent Defendants – Fort Bend County Courts at Law, to assist with administrative functions during the dockets of the assigning Court.

II.

GENERAL REQUIREMENTS FOR ALL MISDEMEANOR APPOINTMENTS

- 1. E-Discovery & E-File.** Counsel must be proficient in the use of Fort Bend County's e-Discovery portal and counsel must be able to e-File documents with the Fort Bend County Clerk in all misdemeanor cases.
- 2. Appearance of Counsel.** Counsel must appear for ALL court settings on appointed cases. If there is a scheduling conflict with a court setting, counsel must contact the Court prior to the setting. Failure to appear two times without timely notice, in accordance with the plan and individual Court requirements, can result in removal from that case and/or removal from the appointment list. If another counsel will appear for appointed counsel, regardless if the counsel appearing is of the same firm as appointed counsel, that appearance must be noted on the fee voucher. If another counsel appears for appointed counsel and performs any substantive legal work, they must be qualified to handle that level of offense.

3. Notice and Response. If the level of offense changes when a case is indicted and appointed counsel is not qualified for that level of offense, counsel shall contact the indigent defense coordinator so that an attorney from the appropriate list can be substituted. Counsel must respond promptly to communications from the Court.

4. Proof of Experience & Annual Requirements.

(a) Proof of required experience may be presented to the Indigent Defense Coordinator through court records. If those records are unavailable due to an expunction or non-disclosure order, then affidavits outlining the substance of the unavailable records will be acceptable. Other significant experience in contested matters may be submitted for consideration.

(b) Counsel must meet the minimum amount of trial experience every three years. Failure to timely provide proof of this experience will cause the attorney to be suspended from the appointment list. After 60 days of non-compliance, the attorney will be removed from the appointment list and will be required to reapply. Proof of qualification for a higher level offense constitutes qualification for a lower level offense.

(c) Counsel must provide proof of CLE every year at a time designated by the Indigent Defense Coordinator. Failure to provide proof of the prior year's CLE will cause the attorney to be suspended from the appointment list. After 60 days of non-compliance, the attorney will be removed from the appointment list and will be required to reapply.

5. Second Chair Program. Counsel can request the Court for the appointment of a second chair. Upon the Court's approval, the second chair will be appointed and the SB7 coordinator will be notified. Lead Counsel will be responsible for the work of the second chair. The second chair will be paid at a lower rate than lead counsel, to be determined by the Court.

III.

SPECIFIC REQUIREMENTS FOR MISDEMEANOR APPOINTMENTS

1. Level 1 Offenses

(a) **Charges.** Level 1 Offenses shall consist of Class A & B DWI charges, Assault Cause Bodily Injury Family Violence and Crimes of Moral Turpitude.

(b) **Qualifications.** An attorney must have been licensed for at least two (2) years, and:

1. First chaired one (1) jury trial to verdict;
2. Have experience in cross-examination of expert witnesses;
3. Attended fifteen (15) hours of CLE on criminal matters within the previous calendar year;
4. Attended CLE on HGN, blood testing, drug testing, or breath testing;
5. Conducted one (1) evidentiary hearing; and
6. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.

2. Level 2 Offenses

(a) **Charges.** Level 2 Offenses shall consist of all Class A charges, not listed in Level 1 Offenses.

(b) **Qualifications.** An attorney must have been licensed for at least one (1) year, and:

1. First or second chaired one (1) jury trial to verdict, or conducted two (2) evidentiary hearings;
2. Viewed Practicing in Fort Bend County video in the Fort Bend County Law Library;
3. Attended fifteen (15) hours of CLE on criminal matters within the previous calendar year; and
5. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.

3. Level 3 Offenses

(a) **Charges.** Level 3 Offenses shall consist of all Class B charges, not listed in Level 1 Offenses.

(b) **Qualifications.** An attorney must have been licensed by the State Bar of Texas, and:

1. Viewed Practicing in Fort Bend County video in the Fort Bend County Law Library;
3. Attended ten (10) hours of CLE on criminal matters within the previous six (6) months;
4. Conducted one (1) evidentiary hearing; and
5. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.

APPLICATION FOR CRIMINAL APPOINTMENTS IN FORT BEND COUNTY

ADDENDUM C

Please type

ATTORNEY CONTACT INFORMATION:

LAST NAME	
FIRST NAME	
BAR CARD NO.:	

BUSINESS PHONE NO.:	FAX NO.:	WEB ADDRESS:
CELLULAR NO.	HOME PHONE NO.:	E-MAIL ADDRESS:
BUSINESS FB PAGE:	BUSINESS TWITTER PAGE:	OTHER BUSINESS MEDIA:

PHYSICAL ADDRESS	
MAILING ADDRESS	

ATTORNEY PROFILE INFORMATION:

1.	Are you currently in good standing with the State Bar of Texas?
2.	Have you attended the "Practicing in the Fort Bend Courts" seminar? When?
3.	Have you ever been sanctioned by the State Bar of Texas or any other State bar? Include any reprimands, and suspensions (active or probated). If yes, attach decisions by the committee.
4.	Have you ever admitted to giving or been deemed to have provided ineffective assistance of counsel in connection with an official proceeding? Have you been sanctioned in writing by a Court? If so, explain by attaching any applicable documents and, if desired, any written explanations.
5.	How many open criminal files are in your current caseload?
6.	What percentage of your total law practice is in criminal law?
7.	What percentage of your practice consists of criminal appointments?
8.	Approximately how many criminal cases have you tried to conclusion before a jury?

9.	Of those felony trials, how many were you first chair? Which Level: _____ 1st Degree _____ 2d or 3d Degree _____ State Jail
10.	Of those felony trials, how many were you second chair? Which Level : _____ 1st Degree _____ 2d or 3d Degree _____ State Jail
11.	Of those misdemeanor trials, how many were you first chair?
12.	Of those misdemeanor trials, how many were you second chair?
13.	How many Sexual Assault and Indecency Offenses have you been lead counsel:
14.	How many DWI Related Offenses have you been lead counsel:
15.	How many Drug Offenses have you been lead counsel:
16.	How many Property Crimes have you been lead counsel:
17.	How many Assaultive Offenses have you been lead counsel :
18.	Are there any other circumstances that may interfere with your ability to practice law? Examples include pending criminal charges, convictions or probations for crimes of moral turpitude and anything else that might reflect negatively on your addition to the appointment list. Please attach any explanations to this application on a separate sheet.
19.	I want to be considered for appointments ONLY in the Fort Bend County Courts at Law. _____ Yes _____ No
20.	I only want to be considered for appointments ONLY in the Fort Bend District Courts. _____ Yes _____ No
21.	I want to be considered for Felony Appointments for only the following lists: _____
22.	I want to be considered for appointments in both County Courts at Law and District Courts. _____ Yes _____ No
23.	Please attach all judgments, appellate briefs or orders that indicate you meet the minimum experience qualifications for each appointment list you wish to join. If these documents are sealed or expunged, please attach an affidavit documenting your relevant work.
24.	Please attach a copy of your entire profile page from the Texas State Bar website and your full CLE transcript for the past three years from the Texas State Bar website.
25.	Please attach a recent passport size photograph.

**REQUEST FOR EXCLUSION FROM INDIGENT
APPOINTMENTS
DISTRICT AND FORT BEND COUNTY COURTS AT LAW**

ADDENDUM D

I, _____ (print or type name), do hereby make the following statements under oath and request that my name be **EXCLUDED** from the list of licensed attorneys eligible for appointment to indigent defendants charged with criminal offenses in Fort Bend County, Texas, for the following reason(s): (check ALL that apply)

- () I am disqualified from representing indigent defendants charged with criminal offenses in Fort Bend County due to my employment with a governmental entity;
- () I am retired or not currently in the active practice of law in the State of Texas;
- () I state that the following is good cause for my name to be **EXCLUDED** from the list of licensed attorneys eligible for court appointment to indigent defendants charged with criminal offenses in Fort Bend County, Texas, to wit:

Executed this _____ the day of _____, 20 _____

Attorney Name
Bar Number: _____

Sworn to me before on this _____ the day of _____, 20 _____

Notary Public

APPROVED: _____

Local Administrative
Judge

DENIED: _____

**AFFIDAVIT AND REQUEST FOR APPOINTED COUNSEL
OR
WAIVER OF COUNSEL**

THE STATE OF TEXAS §

ADDENDUM E

COUNTY OF FORT BEND §

“My name is _____, and, having been duly sworn, I make this statement under oath. “I have been charged with the following offense(s):

OFFENSE: _____ DEGREE: _____ CAUSE #: _____

OFFENSE: _____ DEGREE: _____ CAUSE #: _____

OFFENSE: _____ DEGREE: _____ CAUSE #: _____

OFFENSE: _____ DEGREE: _____ CAUSE #: _____

“I have been advised by the undersigned magistrate, or designee, of my right to representation by counsel in the trial of the offense(s) pending against me in a language that I understand, **AND (Defendant to initial only ONE selection, below):**

 I DO REQUEST THE COURT TO APPOINT ME COUNSEL

“I hereby do swear that I am indigent and have no financial means to employ counsel of my own choosing and I request the Court to appoint counsel for me.”

OR;

Defendant

 I DO NOT REQUEST THE COURT TO APPOINT ME COUNSEL AND I WAIVE THE RIGHT TO APPOINTED COUNSEL

“The magistrate has asked me if I want to request the appointment of counsel. I do not request the Court to appoint counsel for me at this time.”

OR;

Defendant

 I ALREADY HAVE COUNSEL AND I WAIVE THE RIGHT TO APPOINTED COUNSEL

“By my signature below, I certify to the Court that I already have an appointed / retained attorney representing me in respect to the above referenced offense(s).”

Defendant

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the _____ day of

_____, 20____, to certify which witness my hand.

LANGUAGE: Spanish: _____

Other: _____

MAGISTRATE PRESIDING

REMARKS: _____

DISTRICT COURT: _____

[ADDENDUM F]

CAUSE NUMBER(S) / LIST ALL: _____ DEFENDANT: _____

ATTORNEY'S FEE / EXPENSE CLAIM AND CERTIFICATION – FAIR DEFENSE ACT

FEE SCHEDULE ADOPTED UNDER ARTICLES 26.05:38:30 38.31 C.C.P. AS AMENDED (REVISED: 12-19-02)

INSTRUCTIONS:

1. Itemize time spent in Court and note if time was spent for Docket Call.
2. Allocate time separately (if multiple indigent clients) for all fees claimed.
3. Bill time in .25 hour (fifteen minute) increments and carefully calculate totals.
4. Itemize (legibly all time expended, whether in or out of Court.
5. ALWAYS note on this form whether or not the defendant has been ordered to repay attorney's fees, or place "\$0" in the blank provided.

THE COURT MAY APPROVE ADDITIONAL EXPENDITURES UPON GOOD CAUSE SHOWN AND RESERVES THE DISCRETION TO DEVIATE UPWARD OR DOWNWARD IN AWARDING AN ATTORNEY FEE (WHETHER BY THE HOUR OR BY THE TOTAL AWARDED FEE) DEPENDING ON THE TIME AND LABOR REQUIRED THE COMPLEXITY OF THE CASE, AND THE EXPERIENCE AND ABILITY OF THE APPOINTED COUNSEL

FEE SCHEDULE:

- | | |
|--|-----------------|
| 1. FELONY CASE – DISPOSITION | \$100-200/HOUR |
| 2. MAXIMUM FOR OUT-OF-COURT TIME | \$1500 |
| 3. FELONY APPEAL | \$100- 150/HOUR |
| 4. CAPITAL MURDER (DEATH PENALTY) | |
| a. FIRST CHAIR | \$35,000 |
| b. SECOND CHAIR | \$15,000 |
| 5. EACH DOCKET CALL (W/O DISPOSITION) | \$ 50 |
| 6. TRANSLATOR/INTERPRETER – NOT TO EXCEED HOURLY RATE FOR APPOINTED COUNSEL IN FELONY CASE | |
| 7. EXPERT AND/OR INVESTIGATIVE FEES SHALL BE PAID PURSUANT TO ART. 26.052(f)(g)(h) | *
* |

NAME – PRINT OR TYPE

MAILING ADDRESS

BARCODE NUMBER

AMOUNT DEFENDANT ORDERED TO REPAY \$

ATTORNEY CONTACTS WITH DEFENDANT

IN PERSON?

BY TELEPHONE?

APPOINTED COUNSEL HOURLY WORKSHEET

Date	DOCKET CALL?	BRIEF DESCRIPTION OF WORK PERFORMED FOR THIS DEFENDANT ON ALL CASES APPOINTED (OR ATTACH A FULLY ITEMIZED STATEMENT OF WORK PERFORMED SUBJECT TO THE PENALTY PROVISIONS HEREIN)	HOURS (BY .25)
TOTAL – THIS PAGE ONLY			
GRAND TOTAL – THIS PAGE AND ALL SUBSEQUENT PAGES (IF ANY)			

CERTIFICATION BY ATTORNEY

On the date submitted, the undersigned Attorney at Law, under penalty of perjury states, to wit: that the attorney has competently represented the named defendant and has fully performed the services claimed above, and on all attached Subsequent Hourly Worksheets and/or itemized billing statements which are all incorporated herein by reference: that the attorney has not received and will not receive any money or valuable thing for representing the said defendant, unless such payment is disclosed in writing to the judge before whom this application is pending, and that no other request for payment fore the described services rendered has been paid.

DATE SUBMITTED: _____

ATTORNEY AT LAW

ORDER

The Court finds that the total sum of \$ _____ is reasonable and necessary attorney's fee and ORDERS it paid; **OR**

The Court REJECTS said claim for the following reason(s) _____

Entered this the _____ - day of _____, 20__ , _____

JUDGE PRESIDING

PAGE _____ OF _____

DEFENDANT _____

CAUSE NO. _____

SUBSEQUENT PAGE

APPOINTED COUNSEL HOURLY WORKSHEET

INSTRUCTIONS: List Date and denote Time in Tenths of an hour in appropriate category

APPEALS: List in Hours in "Out-of-Court" Column and identify appellate work performed under "Brief Description of Services"

DATE	GENERAL (BRIEF) DESCRIPTION OF SERVICES PERFORMED ON THE DATE FOR WHICH PAYMENT IS REQUESTED	HOURS IN COURT			HOURS OUT OF COURT
		COURT APPEARANCE	PRE-TRIAL HEARING	TRIAL	
		NO TESTIMONY	WITH TESTIMONY	WITH TESTIMONY	
PAGE TOTALS: (INCLUDE ALL SUBSEQUENT PAGE TOTALS ON COVER PAGE)					

ATTORNEY'S FEE/EXPENSE CLAIM AND CERTIFICATION
 Fee schedule adopted under Articles 26.05; 38.30; 38.31 C.C.P., as amended (Revised 11-01-2017)
ADDENDUM G

COUNTY COURT AT LAW NO.: _____ CAUSE NO.: _____ DATE SUBMITTED: _____

DEFENDANT: _____ CHARGE: _____

COMPANION CAUSE NUMBER(S): _____ OFFENSE LEVEL: _____

ATTORNEY PERSONAL INFORMATION	
NAME:	BAR CARD NUMBER:
MAILING ADDRESS:	TELEPHONE NUMBER:

- INSTRUCTIONS**
- Time shall be billed in TENTH of an hour in each category.
 - One (1) defendant and one (1) charge shall be billed per Attorney's Fee/Expense Claim and Certification.
 - The entire form must be completed in ink and legible. In the alternative, an attorney may attach two (2) detailed itemized invoices that denote the same categories below, instead of handwriting a description of the work performed. Regardless of the submitted format, this form must be completed.
 - Submit paid bills for Investigators/Experts with this form. Expert and/or Investigative Fees shall be paid pursuant to CCP Art. § 26.05(d) & §26.052(f)(g)(h).
 - APPEALS: List hours in "Out of Court" column and identify appellate work performed under "Brief Description of Services"

FEE SCHEDULE

LEVEL 1 OFFENSES: \$65.00 - \$150.00/ hour **LEVEL 2 OFFENSES:** \$65.00 - \$125.00/hour **LEVEL 3 OFFENSES:** \$65.00 - \$100.00/hour

- Maximum for Out of Court Time (unless good cause is shown): \$1500.00
- Maximum for each Docket Call Without Disposition: \$100.00
- The Court may approve additional expenditures upon good cause shown and reserves the discretion to deviate upward or downward in awarding attorney fees, depending on the time and labor required, the complexity of the case, and the experience and ability of the appointed attorney.

TOTAL HOURS: _____		HOURS IN COURT			HOURS OUT OF COURT
DATE	BRIEF DESCRIPTION OF SERVICES PERFORMED	COURT APPEARANCES NO TESTIMONY	PRE-TRIAL HEARING WITH TESTIMONY	TRIAL WITH TESTIMONY	
TOTAL FROM ALL SUBSEQUENT PAGES (IF ANY)					
GRAND TOTAL (THIS PAGE AND ALL SUBSEQUENT PAGES)					
PUNISHMENT ASSESSED (INCLUDE AMOUNT DEFENDANT ORDERED TO REPAY):					

I, the undersigned Attorney at Law, swear or affirm to the Court and to the County Auditor that they may rely upon the information contained in this Appointed Counsel Hourly Worksheet (whether one or more pages) to make payment to me according to the fee schedule adopted by the Board of County Court at Law Judges and the Council of Judges pursuant to Article 26.05 C.C.P. I further swear or affirm that I have not received nor will I receive any other money or valuable thing for representing the accused in this case, except as otherwise specifically disclosed to the Court in writing.

SWORN TO AND SUBSCRIBED before me on this the _____ day of _____, 20_____.

 ATTORNEY AT LAW (Signature)

 DEPUTY COUNTY CLERK (Signature)

The Court finds that the sum of \$_____ is a reasonable and necessary Attorney's Fee/Expense Claim for performing the above stated services and **ORDERS** that same be paid from the General Fund of Fort Bend County, Texas // OR

The Court **REJECTS** said Attorney's Fee/Expense Claim for the following reason(s): _____

SIGNED this the _____ day of _____, 20_____.

 JUDGE PRESIDING

Cause No: _____ Defendant: _____		HOURS IN COURT			HOURS OUT OF COURT
DATE	BRIEF DESCRIPTION OF SERVICES PERFORMED	COURT APPEARANCES NO TESTIMONY	PRE-TRIAL HEARING WITH TESTIMONY	TRIAL WITH TESTIMONY	
Total Hours for this Page:					

**ANNUAL AFFIDAVIT CONFIRMING CLE AND REQUESTING TO BE CONTINUED ON
INDIGENT APPOINTMENT LIST FOR FORT BEND DISTRICT
AND COUNTY COURTS AT LAW**

ADDENDUM H

I, _____ (Print or Type Attorney's Name),
do hereby make the following statements under oath and request that my name be continued on the list of
licensed attorneys eligible for appointment to indigent defendants charged with criminal offenses in Fort
Bend County, Texas. I hereby certify as follows, to wit:

- () I have completed the required hours of CLE pertaining to the defense of
defendants in criminal cases (whether felony as outlined in ADDENDUM A or
misdemeanor as outlined in ADDENDUM B) in the preceding calendar year,
as required by the current **Fort Bend County Adult Plan and Local Rules
for the Appointment of Counsel to Indigent Defendants in the District and
County Courts at Law of Fort Bend County, Texas, Pursuant to Senate
Bill 7 and the Texas Code of Criminal Procedure;**

OR,

- () I am currently certified by the Texas Board of Legal Specialization in Criminal
Law, effective for the calendar year for which this affidavit applies;

AND

- () I am current with all other relevant CLE required by the State Bar of Texas and
my membership in the State Bar of Texas is in good standing.

Executed this the _____ day of _____, 20_____.

Attorney (Print or Type Name)

State Bar Number

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the _____ day of
_____, 20_____.

Notary Public

_____ Approved

_____ Denied

Fort Bend County Court Services Coordinator / Designee

Date: _____

RECERTIFICATION FOR CRIMINAL APPOINTMENTS IN FORT BEND COUNTY ADDENDUM I

LAST NAME	
FIRST NAME	
BAR CARD NO.:	

BUSINESS PHONE NO.:	FAX NO.:	WEB ADDRESS:
CELLPHONE NO.	HOME PHONE NO.:	E-MAIL ADDRESS:
BUSINESS FACEBOOK PAGE:	BUSINESS TWITTER PAGE:	

PHYSICAL ADDRESS	
MAILING ADDRESS	

1. Has your status with the Texas State Bar (or with any other bar you have been admitted) changed in any way including any reprimands or suspensions (both active and suspended)? If yes, attach decisions by the committee.
2. Since your last certification to the appointment list have you been sanctioned by a Court in writing or found to be ineffective by a Court of Record? If yes, attach all relevant orders or opinions.
3. Please attach all judgments, appellate briefs or orders that indicate you continue to meet the ongoing minimum experience qualifications for each appointment list you have joined. If these documents are sealed or expunged, please attach an affidavit documenting your relevant work.
4. Please attach a copy of your entire profile page from the State Bar website and your full CLE transcript for the past two years from the State Bar website. Please attach a recent passport sized photograph.
5. How many open criminal cases do you currently have? ____ How many are appointed? _____
6. Are there any other circumstances that might negatively impact your ability to practice law. For example: pending criminal charges, convictions or probations involving crimes of moral turpitude.

I certify that I continue to possess all the necessary qualifications, as set forth in the SB7 plan and addendums for continued appointment as an attorney for indigent defendants in Fort Bend County in the following categories:

By my signature below, I swear or affirm that the information provided in this re-certification is true and correct.

Executed this the _____ day of _____, 20_____.

Attorney's Signature

State Bar Number

SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public on this the ____ day of _____, 20_____.

Notary Public

THE STATE OF TEXAS §

MAGISTRATE WARNING
Texas Code of Criminal Pro., Art. 15.17

COUNTY OF FORT BEND §

ADDENDUM J

Before me, the undersigned magistrate of the State of Texas, on this day personally appeared _____ in the custody of _____, a Peace Officer, and said person was given the following warning and admonitions by me:

(1) You are charged with the offense(s) of _____

_____ An affidavit charging you with this offense has / has not been filed in this court.

- (2) You have a right to hire an attorney and have him / her present prior to and during any interview and questioning by peace officers or attorneys representing the State. If you are too poor to afford an attorney, you have the right to request the appointment of an attorney to be present prior to and during any such interview and questioning. You may have reasonable time and opportunity to consult your attorney if you desire.
- (3) You have the right to remain silent.
- (4) You are not required to make a statement, and any statement you make can be used against you in Court.
- (5) You have the right to stop any interview or questioning at any time.
- (6) You may have the right to have an examining trial.
- (7) The procedure for requesting a court appointed attorney is as follows:
 - (a) You must complete a Pre-Trial Intervention Interview Report to determine if you qualify for a court appointed attorney;
 - (b) The Pre-Trial officer will help you complete the report;
 - (c) An Application for Counsel and Order must be completed and signed;
 - (d) You must qualify financially to be eligible for a court appointed attorney;
 - (e) If you meet the indigence standards, then you will qualify for court appointed attorney;
 - (f) If you qualify for and request a court appointed attorney you will be provided with the name and phone number of the attorney when the appointment is made; and
 - (g) The court appointed attorney should contact you within 24 hours of the attorney's appointment.

THE ACCUSED **DOES / DOES NOT** WANT APPOINTED COUNSEL.

Circle One

Your bail is set at \$ _____

_____ Bail is Denied

_____ Person Warned/Defendant

_____ Magistrate

Fort Bend County Jail

Place of Warning

1410 Williams Way Blvd.

Richmond, Texas 77469

_____ Time

_____ Date

WITNESS:

_____ Name

_____ Address

_____ City

REMARKS:

