

**INFORMAL SUBSTANTIVE & PROCEDURAL RULES:
AMENDED INTERIM ALTERNATIVE PLAN
EFFECTIVE OCTOBER 1, 2003**

Rule 23, Local Rules of the County Criminal Courts at Law.

Definitions

Self-explanatory.

Procedure For Timely Filing and Docketing Cases

1. Cases are screened by the Harris County District Attorney's Office around-the-clock every day of the year.
2. The Harris County District Clerk's Office accepts the filing of misdemeanor complaints around-the-clock.
3. By local filing order, the district clerk randomly assigns the cases among the 15 county criminal courts at law.

Right To Appointment of Counsel

4. A person charged with an offense within the jurisdiction of the court is informed of the person's right to the appoint of counsel and other statutory and constitutional rights by a criminal law hearing officer.
5. If indigence is asserted and counsel requested, the matter is referred to the judge of the court in which the case is pending for a hearing and ruling.
6. If a person posts bail prior to appearing before a criminal law hearing officer, the judge in the court in which the case is pending will the conduct statutorily required hearing, rule on the person's request for appointment of counsel, and appoint counsel at the person's first appearance in court.

Standard For Determining If A Defendant Is Indigent

7. Criminal law hearing officers, with the authority of a Texas magistrate, conduct hearings as provided by Tex. Code Crim P. Article 15.17 around-the-clock every day of the year.
8. Members of the Office of Court Services, as well as interpreters are available to assist persons in completing written requests.

Procedure For The Timely Appointment Of Counsel

9. All arrestees, with few exceptions, are interviewed by a member of the Office of Court Services. The results of the interview are provided to the judge for use in determining the person's eligibility for personal bond and appointment of counsel.

Hearing On Request For Appointment Of Counsel

10. Self-explanatory.

Standard For Qualified Counsel

- 11 Self-explanatory.

Approval of Attorneys

12. The judges review the list of qualified attorneys at a meeting called for that purpose and vote. The names of attorneys who do not receive a majority of votes are placed before the judges a second time for reconsideration.

Duties Of Appointed Counsel

13. Self-explanatory.

Assignment Of Approved Attorneys

14. The list of approved attorneys is randomly sorted by a member of the Court Manager's Office using the Microsoft Excel program.
15. The names are then assigned, in order to the various courts by another member of the Office.
16. Each judge is given a copy of the list of attorneys assigned to that judge's court. The judge makes any strikes. Replacement names are provided from among those attorneys who were struck by other judges or who had not been reached on the list.
17. The complete list is then distributed among the judges and posted on the courts' web site.
18. A judge has six discretionary strikes for each four-week period.
19. Only the judge can actually appoint a lawyer to a case.
20. A lawyer cannot send a replacement of his or her choosing on a day the lawyer cannot appear in an assigned court.
21. A lawyer cannot associate co-counsel without the approval and appointment of that person by the judge.
22. Additional aspects of the Plan relevant to this topic are self-explanatory.

Replacement of Approved Counsel

23. A lawyer who is scheduled to appear as a weekly, daily assignment, or daily replacement lawyer has an affirmative duty to notify the court if he or she is unable to appear so that the judge can get the next available lawyer in that category to timely appear as a replacement.
24. If a lawyer is unable to appear for a random assignment, the judge may select any lawyer from the list of approved lawyers who is not otherwise assigned to a court.

Compensation And Reimbursement

25. Compensation: Self-explanatory.
26. A judge has the discretion to exceed the fee schedule, however in such cases the auditor will send the voucher to the court manager's office.
27. Investigative and Expert Expenses. Counsel shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts.
28. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.
29. Procedure With Prior Court Approval: Appointed counsel may file with the trial court a pretrial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:
 - (a) the type of investigation to be conducted or the type of expert to be retained;

- (b) 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.
- 30. The court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the court denies in whole or in part the request for expenses, the court 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.
- 31. Procedure Without Prior Court Approval: Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred
- 32. Unreasonable or unnecessary expenses will not be approved.