

**2002 TEXAS FAIR DEFENSE ACT
AMENDED INTERIM ALTERNATIVE PLAN**

OF THE

**HARRIS COUNTY CRIMINAL COURTS AT
LAW**

HOUSTON, TEXAS

Amended June 21, 2002

Approved Attorneys

Effective September 30, 2002

**PREPARED BY
OFFICE OF COURT MANAGEMENT
HARRIS COUNTY CRIMINAL COURTS AT LAW
1201 FRANKLIN STREET, 7TH FLOOR
HOUSTON, TEXAS 77002**

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THE STATE OF TEXAS §
COUNTY OF HARRIS §

On June 14, 2001, Governor Rick Perry signed the Texas Fair Defense Act into law. The Act places the oversight responsibility for selection of attorneys to represent indigent defendants wholly within the judiciary in accordance with the United States Constitution and recognized in *Gideon v. Wainwright*, 372 U.S. 355 (1963) and *Argersinger v. Hamlin*, 404 U.S. 982 (1971). The formal adoption of this Interim Alternative Plan ensures that indigent defendants continue to receive well-qualified and knowledgeable representation by their appointed counsel, and that the prompt and efficient administration of justice is maintained in these courts.

THE SELECTION OF QUALIFIED ATTORNEYS ASSISTS THE JUDICIARY IN FOUR WAYS: 1) TO CARRY OUT ITS CONSTITUTIONAL AND STATUTORY RESPONSIBILITIES; 2) TO IMPROVE THE ADMINISTRATION OF JUSTICE IN THE COUNTY CRIMINAL COURTS AT LAW OF HARRIS COUNTY, TEXAS; 3) TO PERFORM ITS OVERSIGHT RESPONSIBILITY OF PROMOTING THE SELECTION OF ATTORNEYS WITH THE REQUISITE LEVEL OF ADVOCACY SKILL; AND 4) TO ENSURE THE PUBLIC'S CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY.

The Judges of the Harris County Criminal Courts at Law adopt these standards and procedures as the Fair Defense Act Amended Interim Alternative Plan as required by Acts 2001, 77th Leg., Ch 906, § 6, to be effective January 1, 2002.

The Judges of the Harris County Criminal Courts at Law ORDER:

1. the amendment of the Local Rules of Court by the addition of Rule 23, entitled "The Fair Defense Act Amended Interim Alternative Plan;"
2. the Harris County District Clerk to file this Order in the administrative files of the County Criminal Courts at Law;
3. the County Court Manager to promptly submit copies of this Order and the Interim Alternative Plan to each member of the Harris County Commissioners Court;
4. the County Court Manager to promptly transmit a copy of the Interim Alternative Plan to the Presiding Judge of the Second Administrative Judicial Region;
5. the County Court Manager post a copy of the approved Order and plan in the lobby of the Harris County Criminal Court House, and conspicuously place a copy in the courtroom of each county criminal court at law in this county; and
6. the County Court Manager prepare an amended attorney certification plan that complies with polices and standards developed by the Task Force and ratified by the Texas Judicial Council.

ADOPTED June 21, 2002.

Reagan C. Helm, Judge

Michael A. Peters, Judge

Donald W. Jackson, Judge

James N. Anderson, Judge

E. Janice Law, Judge

Larry Standley, Judge

Pam Derbyshire, Judge

Neel Richardson, Judge

Analia Wilkerson, Judge

Sherman A. Ross, Judge

Diane Bull, Judge

Robin Brown, Judge

Mark. D. Atkinson, Judge

Mike Fields, Judge

Jean Spradling-Hughes, Judge

RULE 23. FAIR DEFENSE ACT AMENDED INTERIM ALTERNATIVE PLAN.

A. DEFINITIONS.

As used herein, the following terms and phrases shall have the following meanings.

1. **"Criminal Law Hearing Officer"** means a judicial officer created by Chapter 54, Subchapter L of the Texas Government Code (§§ 54.851 *et seq.*)
2. **"Defendant"** means a person detained, arrested, or otherwise in the custody of a law enforcement agency.¹
3. **"Judge"** means a Judge of a Harris County Criminal Court at Law.
4. **"Judicial Officer"** means either a Judge of a Harris County Criminal Court at Law, or a Harris County Criminal Law Hearing Officer.
5. **"Probable Cause"** means a reasonable ground, based upon the facts and circumstances, sufficient to warrant a prudent man to believe that the accused has committed each element of the offense charged and the accused is culpable, it being understood that if there is a sufficient defense established by testimony or documentation of the arresting agency, then there is no 'probable cause'.²

B. APPLICABILITY.

This Amended Interim Alternative Plan applies only to defendants who are appointed counsel on or after July 1, 2002. Defendants who were appointed counsel before the effective date of this amendment are covered by the local rules in effect on that date, and the former rules continue in effect for that purpose.

C. INCORPORATION OF LOCAL RULES.

Rules 2, 4, 6, 9, 12, and 16, LOCAL RULES OF THE HARRIS COUNTY CRIMINAL COURTS AT LAW, to the extent applicable, are incorporated by reference into this Interim Alternative Plan. The complete text of each rule appears in Appendix "A."

D. HEARING ON REQUEST FOR APPOINTMENT OF COUNSEL.

Only the judge presiding in a county criminal court at law has the authority to conduct an indigency hearing and appoint counsel. The judge shall find the defendant indigent if the defendant is financially unable to afford counsel without substantial hardship in providing basic economic necessities to the person or the person's dependents.

¹ Tex. Gov't Code §71.001.

² *Roberson v. Richardson*, Civil Action No. H084-3659, In The United States District Court For The Southern District of Texas, Houston Division (1987).

1. **Hearing On First Appearance.** The judge will conduct a hearing to determine the defendant's eligibility for appointment of counsel at the defendant's first appearance, and prior to his arraignment.
2. **Hearing On Subsequent Appearance.** If a defendant first requests the appointment of counsel at a subsequent appearance, a hearing will be conducted as soon as possible after the judge presiding receives the request.

E. STANDARD AND METHOD FOR DETERMINING INDIGENCE.

The judges appoint counsel prior to any adversarial judicial proceedings, or where the judge concludes that the interests of justice require representation, for all indigent defendants who do not refuse the appointment of counsel.

1. **Standard.** The standard for indigency for purposes of appointing counsel is whether the defendant is financially able to employ counsel.³
2. **Method For Determining Indigence.** The judge shall conduct a hearing on a defendant's request for appointment of counsel. At the hearing the judge shall receive evidence regarding:
 - (a) the income, assets and financial resources available to the defendant;
 - (b) the necessary expenses and other financial obligations of the defendant;
 - (c) the number of dependents supported by the defendant; and
 - (d) an estimate of a reasonable fee set by an area lawyer qualified to represent a person charged with the same offense.

F. QUALIFICATIONS.

To be deemed qualified to participate in the Amended Interim Alternative Plan an attorney must:

- (a) possess a license to practice law in the State of Texas for a period of at least three years prior to the date the application is filed;
- (b) consistently exhibit proficiency, commitment and reliability when representing clients accused of criminal behavior;
- (c) appear on the list of attorneys certified to receive court appointments as that list appeared on October 15, 2001; and
- (d) have filed an application with the Court Manager's Office prior to December 31, 2001.

G. APPROVAL OF QUALIFIED ATTORNEYS.

1. A majority of Judges must approve a qualified attorney placement in one or more categories.

³ TEX. CODE CRIM. P. ART 1.051(a).

2. The list of approved attorneys shall be reviewed annually, or as the needs of the court may require. The list of approved attorneys is attached to this Plan.

H. REMOVAL FROM LIST OF QUALIFIED ATTORNEYS.

An attorney is automatically removed from the list of qualified and approved attorneys if eight judges choose to strike the attorney from each of their respective assignment lists.

I. APPOINTMENT CATEGORIES.

Attorneys shall be approved to receive appointments in one or more of the following categories:

- (a) weekly assignments;
- (b) daily assignments;
- (c) specialized case assignment; and
- (d) appeals and extraordinary writs.

J. ASSIGNMENT OF COUNSEL.

The Court Manager's Office shall be responsible for scheduling counsel as provided by this Plan.

1. Method of Assignment. Each assignment shall be:

- (a) randomly distributed among the attorneys in each category, and
- (b) in a manner that, as nearly as possible, assures each attorney an equal number of assignments,
- (c) based upon the needs of the county courts and an individual attorney's willingness and availability to work during an assigned period.

2. Types of Assignments

- (a) **Weekly Assignments.** An attorney is assigned to a court for a one-week period beginning on Monday and concluding on Friday irrespective of holidays or other days when the court is not conducting its docket.
- (b) **Daily Assignments.** An attorney is assigned to replace an absent weekly assignment attorney for one or more days, or is assigned to a Monday/Friday rotation.
- (c) **Specialized Case Assignment, Appeals & Extraordinary Writs.** An attorney is assigned to a specific case based upon the linguistic or other needs of the accused and the court.
- (d) **Daily Case Limitations.** Each attorney may be assigned between three and seven cases daily, taking into consideration the complexity of the cases, or as directed by the judge presiding.

3. **Substitution.** After receiving a list, a judge may request one substitution from the list for each name appearing on the court's assignment list. Upon notification that a judge has requested a substitution, the Court Manager's Office shall assign the next attorney on the list who has not received an appointment. The name of the attorney for whom the substitution was requested shall be returned to the list and shall remain next in order on the list. No additional substitutions are permitted, except as provided in the Interim Alternative Plan.

K. APPOINTMENT OF COUNSEL TO INDIGENT DEFENDANTS.

Counsel shall only be appointed to indigent criminal defendants or others in the county criminal courts at law as provided by the formal or informal rules in this Plan. If a judge determines that the defendant does not speak and understand the English language, the judge shall make an effort to appoint an attorney who is capable of communicating in a language understood by the defendant.

1. **Assignment To Court Or Individual.** Only the judge presiding may appoint counsel.
2. **Association of Counsel.** An attorney appointed to represent a defendant shall not formally or informally associate co-counsel without the written approval of the judge presiding. An attorney who provides legal services to an indigent defendant to whom the attorney has not been appointed is presumed to do so *pro bono*.
3. **Substitution By Counsel Prohibited.** An attorney assigned to a court or an individual case that cannot appear as provided by these rules shall notify the judge or court coordinator of an impending absence as soon as possible. An attorney has no authority to assign a daily substitute or special assignment attorney.

L. DUTIES OF APPOINTED COUNSEL.

1. **Initial Contact.** An attorney appointed to represent an indigent defendant shall make every reasonable effort to contact the defendant not later than the end of the first working day and to interview the defendant as soon as practicable.
2. **Duration of Appointment.** Appointed counsel shall represent a defendant until the case is dismissed, the defendant is acquitted, all direct state appeals are exhausted, or the court, after entering a finding of good cause on the record, relieves the attorney or replaces the attorney with other counsel.
3. **Conduct of Counsel.** Appointed counsel shall perform the attorney's duty owed to the defendant in accordance with the adopted procedures of this Amended Interim Alternative Plan, the requirements of law, and the Texas Disciplinary Rules of Professional Conduct.

4. **Absence, Conflicts, Work Load.** Appointed counsel shall inform the judge presiding when any of the following occurs:
 - (a) counsel is unable to appear to discharge his or her duties according to the published schedule; or
 - (b) counsel cannot represent an indigent defendant because of a legal or ethical conflict.

M. COMPENSATION AND REIMBURSEMENT.

1. **Fee Schedule.** Appointed counsel shall be compensated for all time reasonably necessary to adequately represent the defendant according to the following fee schedule:

- (a) **Daily Flat Fee Rate.** To receive the daily rate, an attorney shall:
 - (1) appear for docket call at the time and place designated by the judge of the assigned court; and
 - (2) accept appointments in that court or any other county court to which the attorney may be assigned on that day;
 - (3) remain available to the judges of the county criminal courts at law until the courts' morning docket call is concluded, or the attorney is released by the judge of the court to which the lawyer is assigned; and
 - (4) provide professional services, including the resetting of cases, first to appointed cases in the county criminal courts at law.

(b) **Hourly Rate.**

Out-of-Court	\$25/hr to \$50/hr.
Motions, Hearings, and Competency Proceedings	\$50/hr to \$90/hr.
Trial	\$60/hr to \$90/hr.

Hourly rates shall be paid for performing the appropriate statutory service defined in TEX CODE CRIM P. ARTICLE 26.05(a) based on the criteria in that section.

(c) **Flat Fee Schedule.**

Weekly & Substitute Daily Assignments (appointment not required)	\$225/day
Non-Issue or Plea (two or more on unassigned day \$100 max)	\$ 50.00
Non-Issue or Plea (concurrent with weekly or daily assignment)	\$ 00.00
Appeal & Extraordinary Writs	\$750.00
Petition For Discretionary Review:	\$350.00
Oral Argument Before Court of Criminal Appeals	\$250.00

(Travel expenses under county rates and policy, additional)

(d) Investigators, Experts, Necessary Expenses.

An attorney shall be reimbursed for reasonable and necessary expenses including expenses for private investigators licensed in Texas, mental health experts and others incurred on behalf of the appointed client as provided by TEX CODE CRIM. P. ARTICLE 26.05(d), 26.052, and case law.

2. Concurrent Payments.

An attorney engaged in a weekly or daily assignment shall not be compensated for a non-issue or plea appearance that occurs on the same day the attorney is assigned to a court.

3. Additional Compensation.

An attorney appointed to represent an indigent defendant shall not accept additional compensation for professional services performed on behalf of the defendant, as a result of the appointment, in any form from any source other than Harris County, Texas.

4. Judicial Determination of Attorney Compensation. The following procedures apply to the review and approval of attorney's fees:

1. Appointed counsel shall request payment on a form approved by the judges of the County Criminal Courts at Law and the County Auditor. Counsel shall submit the request for payment to the judge presiding over the proceedings of the court. The payment request shall list all services performed by the attorney on behalf of the defendant.
2. The judge shall either approve the amount requested or enter written findings stating the amount the judge approves and each reason for approving an amount different from the requested amount.
3. An attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the presiding judges of the administrative judicial region, as provided under Article 26.05(c) of the Code of Criminal Procedure.
4. A judge may compensate an attorney at a rate exceeding a flat fee or hourly rate established by this Plan. Upon receipt, the auditor shall forward the order to the Presiding Judge or the Court Manager.

5. Accounting of Attorney Hours.

To be entitled to payment appointed counsel shall provide the following information.

1. Hourly Rate

- (a) Standard.** Time must be itemized in quarter hour (15 minute) increments on a form approved under the Plan.

(b) **Itemization.** Prepare and maintain time records for each appointed client showing the date of service, nature of service rendered, and hours worked.

2. **Flat Fee Rate.** The date and type of service performed.

6. **Expenses.**

(a) **Reasonable and Necessary Expenses.**

The County will reimburse appointed attorneys for reasonable and necessary expenses including investigation, mental health and expert witnesses incurred on behalf of an indigent client as provided under TEX. CODE CRIM. P. ARTICLES 26.05(d) and 26.052(f) - (h).

(b) **Documentation.**

Counsel shall submit the original invoice or receipt along with any request for reimbursement.

N. **REPLACEMENT OF APPOINTED COUNSEL.**

1. **Attorney Request.** A lawyer may request permission to withdraw from an appointed case by filing a written motion with the court. The judge presiding may grant the motion for good cause only after finding that the client will not be prejudiced by the substitution. After granting the motion, the judge shall immediately appoint another qualified lawyer as provided by these rules.

2. **For Good Cause.** The judge presiding may replace counsel after entering written findings in the record showing good cause for the replacement and no prejudice to the defendant, including without limitation:

1. Current information about the defendant and charges indicating that counsel of different qualifications is appropriate for the defendant under these rules; or
2. A violation of the attorney's professional responsibilities; or
3. a principled reason.

3. **Defendant Request.** The appointing judge may substitute counsel if:

1. at the conclusion of a trial, the defendant desires to prosecute a direct appeal and request that the court appoint different counsel; or
2. the defendant shows good cause for replacing appointed counsel, including counsel's persistent or prolonged failure to communicate with the defendant.

O. **PROFESSIONAL DEVELOPMENT.** An attorney approved to receive appointments shall continue to be licensed and in good standing with the State Bar of Texas, and shall attend continuing legal education programs as the judges may require during the interim period.

Appendix "A"

Summary And Selected Local Rules

PROCEDURE FOR THE FILING AND PROCESSING OF CASES

The efficient management of cases in the fifteen County Criminal Courts at Law is accomplished through local rules. This section summarizes Rules 2, 4, 9, 12, and 16, Local Rules of The Harris County Criminal Courts at Law, and related administrative systems.

Central Intake And Direct Filing Procedures.

- A. Central Intake.** All criminal charges alleging Class "A," and Class "B," offenses are filed at one location jointly operated by the Harris County District Attorney and Harris County District Clerk.⁴ The District Clerk will not accept for filing a complaint that has not been approved by an Assistant District Attorney.
- 1. District Attorney's Office.** The Harris County District Attorney operates a 24 hour office, 7 day a week with assistant district attorneys and support staff to screen and file charges alleging misdemeanor and felony offenses requested by state, county, and municipal peace officers. An assistant district attorney also appears at all hearings to determine probable cause for further detention.
 - (a) Determine Law Violation.** The assistant district attorney determines what charge should be filed and drafts a criminal complaint and information.
 - (b) Recommend Initial Bail Amount From Judicial Bail Schedule.** After determining the charge, the prosecutor applies an initial bail amount from a bail schedule set by the judges of the County Criminal Courts at Law.
 - 2. District Clerk's Office.** The Harris County District Clerk's Office operates a 24-hour 7 day a week office to accept charges filed by the District Attorney's Office. A deputy district attorney also is present at all hearings to determine probable cause for further detention.
 - (a) Accept Case And Assign Court.** Upon receiving a case, the deputy district clerk assigns it a case number. The case is then randomly assigned by computer to a County Criminal Court at Law, and entered into the Justice Information Management System (JIMS). JIMS is an integrated justice system used by all Harris County justice agencies including the courts, District Clerk, Sheriff, Constables, Office of Court Services (formerly Pretrial Services Agency), and the Community Supervision and Corrections Department to record all events relating to a case.
 - (b) Research And Assign Case In County Criminal and District Courts.** The clerk also searches the county's data base of all cases filed since 1975 to determine if the defendant is presently charged with or is appealing a misdemeanor, or has an outstanding warrant from a county criminal court. If either is found to apply, the case is transferred to the court in which the active case is pending.

⁴ In June, 1976, after consultation with Harris County Commissioners Court, the County Criminal Court judges, the District Attorney, the Sheriff, the District Clerk and the Justices of the Peace entered a direct filing order formally establishing this system.

(c) **Case Set For First Appearance.** Finally, the clerk sets the case for the defendant's arraignment seven days from the date of arrest. Persons arrested on weekends are set to appear the following Friday.

- B. Office of Court Services.** Personnel from the Office of Court Services shall be available 24 hours a day 7 days a week to interview each defendant charged with a Class "A" or "B" misdemeanor.⁵ Information obtained through the interview process shall be provided to the judicial officer.
- C. Mental Health Screening.** A representative of the Harris County Mental Health & Mental Retardation Authority shall be available to screen defendants for signs of mental illness or a history of mental illness and shall make this information available to the judicial officer.
- D. Interpreters For The Deaf & Non-English Speaking Defendants.** Qualified interpreters for the deaf are available. Equipment to enhance the audition of the hearing impaired is also available as required by the Americans With Disabilities Act. Spanish language interpreters are present at the detention hearings. Interpreters in other languages are available. If needed, an interpreter shall assist during the hearing.
- E. Hearing Pursuant To Article 15.17, Texas Code of Criminal Procedure.**

Not later than 48 hours after a defendant is arrested for a Class "A" or "B" misdemeanor, the detaining authority shall bring the defendant before either a Harris County Criminal Law Hearing Officer or the judge presiding in the court in which the case is filed for a hearing as provided by Tex. Code Crim. P. Article 15.17. Criminal law hearing officers conduct proceedings 24 hours a day 7 days a week.

- (1) At the hearing the judicial officer shall deliver admonishments; determine probable cause for further detention; set bail; consider each defendant's eligibility for release on personal bond; inform the defendant of the process for requesting an appointed attorney; and ask the defendant if he requests appointed counsel.
- (2) If the defendant affirmatively requests appointed counsel, the judicial officer shall instruct Court Services personnel to assist the defendant in completing the form. Court Services personnel shall assist the defendant in completing the form. If the defendant has not yet been interviewed, Court Services personnel shall conduct an interview. If the defendant does not request appointed counsel, the judicial officer shall record that fact.
- (3) The Deputy District Clerk shall immediately, but not later than 24 hours after the defendant requests appointment of counsel, file the request for appointed counsel and transmit it to the judge in the court in which the case is pending. The financial and personal data gathered during the interview by Court Services personnel shall be electronically available to the judge at the time of the hearing.
- (4) A written record of the proceedings shall be made.

F. Mandatory Release After Arrest Without A Warrant.

- (1) Pursuant to TEX. CODE CRIM. P. ARTICLE 17.033, a defendant in jail after being arrested without a warrant for a Class "A" or "B" misdemeanor filed in a County Criminal Court at Law, for whom a magistrate has not determined probable cause,

⁵ The interview covers 1) home address; 2) employment information; 3) financial resources; 4) ability to speak and understand the English language or communicate by sign or braille; 5) history of mental health treatment; 6) general medical history; 7) prior criminal history; and 8) personal references.

must be released on bond, not to exceed \$5,000, not later than 24 hours after arrest. If a defendant cannot post a surety bond or is unable to deposit money in the amount of the bond, the defendant must be released on personal bond.

- (2) If the prosecutor files an application stating the reason why a magistrate has not determined probable cause to believe that the defendant committed the offense for which the defendant was arrested, a judicial officer may postpone the release of a defendant for not more than 72 hours after the defendant's arrest.

G. First Court Appearance.

- (1) A defendant in custody will make a first appearance before the judge of the court in which the case is pending on the next business day following the date of arrest. Prior to arraignment, the Judge will address the issue of the defendant's financial status and any request for appointed counsel.
- (2) A defendant who posts bail before the day following arrest will appear before the judge of the court in which the case is pending seven days from the date of arrest. If the seventh day is a Friday, Saturday or Sunday, the defendant will appear on the Friday following arrest. Prior to arraignment, the Judge will address the issue of the defendant's financial status and any request for appointed counsel.

RULE 2. PROCEDURE FOR THE FILING OF CASES

A. Numerical Sequence

Each case filed and docketed into the county criminal courts at law shall be assigned a sequential number based on the following case number structure:

Beginning January 1, 2000 case numbers shall consist of seven numerical digits, the first case number filed on January 1, 2000 shall be "0978400." Case numbers shall continue sequentially thereafter, which scheme shall allow cases to be numbered through 9,999,999.

The following rules shall govern the assignment of misdemeanor cases and other matters within the jurisdiction of the County Criminal Courts at Law of Harris County, Texas:

B. Random Filing

All misdemeanor proceedings filed with the district clerk shall be randomly assigned by the district clerk to the various county criminal courts at law. This shall be accomplished by means of a blind filing process that provides for the equal distribution of new cases in

such a manner that it cannot be determined to which court a case will be assigned until after the assignment occurs.

The primary means of assignment of cases shall be through the use of a computer program that provides for the random assignment and equal distribution of cases. The computer program shall be capable of maintaining a journal of filings and distribution of cases that will permit periodic or random audit to determine whether the program is assigning cases as intended.

If the primary means of assignment, the computer program, is not available, the district clerk's office shall use the manual random selection device for the filing of cases into the county criminal courts at law. Prior to each case assignment, the random selection device shall be rotated on its axis, and one ball therein shall be withdrawn. The court number indicated on the ball randomly chosen shall become the assigned court for the case. The district clerk shall add the ball back into the random selection device immediately, so as to not disturb the random filing and docketing of all other cases into the county criminal courts at law.

The clerk shall receive, assign and account for all cases in ascending numerical sequence.

1. How Cases Are Attracted To The Courts

Before using the computer program or the manual random selection device to determine court assignment for a given case, the district clerk shall determine by research whether the defendant named in the misdemeanor information has a prior connection to an existing case in any of the county criminal courts at law. A prior connection is established when:

- (a) a defendant has been accorded misdemeanor probation in one of the county criminal courts at law and the probation has not been revoked or been terminated;
- (b) a defendant has prior pending misdemeanor charges in one of the county criminal courts at law, to include pending appeals of class C offenses from courts that are not courts of record;
- (c) a defendant is charged and the charge arose from the same criminal transaction that was the basis of a misdemeanor information previously filed in one of the county criminal courts at law;

- (d) a defendant has been accorded deferred adjudication in one of the county criminal courts at law and the deferred adjudication has not been terminated or adjudicated;
- (e) a defendant has been granted a restricted driver's license in one of the county criminal courts at law and is charged with a subsequent DWI (Driving While Intoxicated) or DWLI (Driving While License Invalid);
- (f) a defendant has not discharged his or her sentence;
- (g) a defendant was accorded probation or deferred adjudication and he or she has appealed the decision; or
- (h) a defendant with a case on appeal is charged with a new offense.

If one or more of the above prior connections exists, the new misdemeanor case shall be attracted to the court in which the defendant has the prior connection.

In the event that a case is attracted to a court in error, then the coordinator of the court receiving the case in error shall complete a transfer order to be signed by the presiding or co-presiding judge that orders the case back into rotation. The order is then returned to the district clerk for compliance therewith.

2. Filing of Cases Charging Public Lewdness, Prostitution, Violations of the Alcoholic Beverage Code, or County or Municipal Ordinances Relating to Sexually Oriented Businesses

There is no attraction by either codefendant or transaction in cases charging public lewdness, prostitution, violations of the Alcoholic Beverage Code, or county or municipal ordinances relating to sexually oriented businesses. The clerk shall apply all other rules of attraction.

3. Appeals From Lower Courts

- (a) City of Houston municipal appeals are filed into the county courts on a rotation basis and are not attracted to an already pending misdemeanor, nor do such cases attract other misdemeanors.
- (b) All other lower court appeals are trial de novo cases. They are attracted to other misdemeanors already pending against the same person and, likewise, attract other misdemeanors when pending. These cases are simply new county court cases.
- (c) Each category attracts additional lower court appeals in its own category. For example, an appellee/defendant who, having a pending City of Houston municipal appeal, appeals another City of Houston case will have the newer appeal filed into the court where the extant appeal is pending. Similarly, an appellee/defendant who, having a pending appeal from a lower court other than a municipal court of the City of Houston, appeals another non-City of Houston case will have the newer appeal filed into the court where the extant appeal is pending.
- (d) Finally, City of Houston municipal appeals do not attract other lower court appeals, and other lower court appeals do not attract City of Houston municipal appeals.

4. Refiles, Writs of Habeas Corpus, Mandamus, Prohibition, Restricted Driver Licenses, Fugitives

If a case is refiled, it shall be assigned to the same court as the case it supersedes. The district clerk is then authorized to attract and set the refiled case in the court where the initial misdemeanor information is or was pending. The setting date assigned to the refiled case will be the same date as that of the initial pending case. If the initial case is no longer

pending, the refiled case shall be set in accordance with the rules governing the filing of new cases.

Motions for leave to apply for writs of habeas corpus, mandamus, or prohibition shall be filed pursuant to an order by the court agreeing to hear those matters. Petitions for restricted driver licenses shall be filed in the court in which the conviction was entered and the driver license suspended. Petitions for restricted driver licenses filed by a Harris County resident that result from a suspension for an offense committed in another county (other than for driving while intoxicated or an offense or administrative violation that results in a suspension) shall be filed in any court agreeing to hear those matters, or as provided for in section A of Rule 2. Fugitive cases shall be filed in County Criminal Court at Law No. 10.

Unless the above categories of cases are later transferred by agreement of the judges or are transferred by authority of a separate order, all such assigned cases shall remain on the docket of the court of assignment until final disposition.

RULE 4. INITIAL SETTINGS

A. First Settings

The first setting date of the case shall be known as the arraignment setting and it shall be provided by the district clerk on all cases except those filed as non-arrests, where instead a *capias* is issued for the defendant. The clerk shall set first settings in the following manner:

Cases filed on Monday through Thursday shall be set for arraignment on the same day of the following week. Cases filed on Friday, Saturday, or Sunday shall be set for arraignment on the following Friday.

Non-arrest cases shall be set for arraignment in accordance with the above rules upon the filing of an executed *capias*.

The first setting shall be entered by the district clerk at the time the complaint and information are filed. The setting information shall be reflected on the complaint document above the misdemeanor charge literal in a manner that will provide this setting information on all copies of the indictment, information, and complaint. Further, when a bond is filed with the district clerk, the district clerk shall provide written notice of the case's first setting date to the person filing the bond.

B. Probable Cause Hearings for Further Detention

1. Appearance Before A Criminal Law Hearing Officer

When the district clerk files an indictment, information, or complaint alleging the commission of a misdemeanor offense within the jurisdictional limits of a county criminal court at law and the defendant is in the custody of law enforcement officials in Harris County, the district clerk shall update the electronic records in the automated system to reflect that charges have been filed. Further, by general order of the judges of the county criminal courts at law, all law enforcement officials in Harris County shall cause the pretrial detainees in their respective custody to be delivered to the criminal law hearing officer not later than twelve hours after charges are filed and entered by the district clerk into the automated system and not more than 48 hours after arrest for the purpose of conducting a hearing to determine probable cause for further detention. Personnel and electronic files, along with original and hard copy files, where appropriate, from the district attorney, district clerk, and office of court services (pretrial services agency) necessary to

conduct the hearings shall be present and made available to the criminal law hearing officer. All detainees will be deemed to have been "taken before a judge or judicial officer" if they are physically present at the hearing, or if their participation is achieved by the use of high-speed, two-way audio/video transmission technology. In circumstances where audio/video technology is utilized, the entire hearing must be recorded on videotape and maintained by the court for a period of one hundred twenty (120) days after the hearing. A written record, of the proceedings shall be made.

2. Hearing Actions

The criminal law hearing officer shall perform the following for every person for whom a hearing is conducted:

- a. inform the accused in clear, understandable language, or through the use of an interpreter consistent with TEX. CODE CRIM. P. ARTICLES 38.30 and 38.31, as appropriate, of the charges against him and of any complaint or information that may have been filed against him;
- b. inform the accused of the accused's right to retain counsel, of the accused's right to remain silent; of the accused's right to have an attorney present during any interview with peace officers or prosecutors; of the accused's right to terminate police interrogation at any time; of the accused's right to request the appointment of counsel if the accused is indigent, and inform the accused of the process for requesting an appointed attorney; and ask the accused if the accused requests appointed counsel; and that any statement the accused makes can and probably will be used against the accused at trial;
- c. if the accused affirmatively requests appointed counsel, the judicial officer shall, if assistance is requested, instruct Court Services personnel to assist the accused in completing the form. Court Services personnel shall assist the accused in completing the form.
- d. if the accused has not yet been interviewed, Court Services personnel shall promptly conduct an interview;
- e. record the fact that the accused does not request appointed counsel;
- f. immediately forward a request for appointed counsel to the judge of the court in which the case is pending;
- g. determine whether probable cause exists for the further detention of the accused on the charges filed, through the use of live witness testimony, affidavits, the arresting officer's testimony, an analysis of the written offense report, field notes, or other reports prepared by the arresting officer;
- h. in cases involving the offense of stalking or family violence, determine whether a magistrate's order for emergency protection should be entered;
- i. enter the basis and results of the findings on the record and have the same included in the papers of the case file maintained by the district clerk;
- j. upon a finding that no probable cause for further detention exists, the criminal law hearing officer shall issue a signed order to the sheriff to immediately release the accused from custody in that case; and

- k. upon a finding that probable cause for further detention exists, the criminal law hearing officer shall, after determining whether the accused is currently on bail for a separate criminal offense, set the amount of bail required of the accused for release and shall determine the eligibility of the accused for release on personal bond, cash bond, surety bond, or other alternative to scheduled bail amounts, and shall issue a signed order remanding the defendant to the custody of the sheriff.. A copy of such finding and return by the sheriff shall be retained by the district clerk in the case file.

3. Initial Bail Schedule

The bail schedule maintained by the county criminal court at law judges for all misdemeanor offenses occurring within the courts' jurisdiction shall be referred to by the criminal law hearing officer. The initial setting may be changed on motion of the court, the hearing officer, or any party subject to the following criteria:

- (a) the bail shall be sufficiently high to give reasonable assurance that the defendant will comply with the undertaking;
- (b) the nature of the offense for which probable cause has been found and the circumstances under which the offense was allegedly committed are to be considered, including both aggravating and mitigating factors for which there is reasonable ground to believe shown, if any;
- (c) the ability to make bail is to be regarded, and proof may be taken upon this point;
- (d) the future safety of the victim and the community may be considered, and if this is a factor, release to a third person should also be considered; and
- (e) the criminal law hearing officer shall also consider the employment history, residency, family affiliations, prior criminal record, previous court appearance performance, and any outstanding bonds of the accused.

4. Monitoring of Incarcerated Defendants

It shall be the responsibility of the courts' coordinators to monitor daily the status of each detainee still in custody to determine whether the detainee has appeared before the criminal law hearing officer for a detention hearing. If a detention hearing has not been held, the court will hold a hearing as set forth above. The court will also consider the issue of appointment of counsel where raised by the defendant.

C. Incarcerated Defendants' Twenty-four Hour Setting

A twenty-four hour setting will be provided for all cases by the court in which the case is pending, wherein the defendant remains incarcerated in the Harris County jail. These hearings will be conducted at regular docket calls on Monday through Friday. The defendant shall be docketed in accordance with the following schedule, and in such cases the initial seven-day setting shall be canceled.

Court Appearance Schedule			
Date Booked		24-Hour Appearance	
Sunday	0001-2400	Monday	0900
Monday	0001-2400	Tuesday	0900
Tuesday	0001-2400	Wednesday	0900
Wednesday	0001-2400	Thursday	0900
Thursday	0001-2400	Friday	0900
Friday	0001-2400	Monday	0900
Saturday	0001-2400	Monday	0900

At all other times (weekends, holidays, and nights), defendants booked into the county jail on any and all process pending in or issued out of the county criminal courts at law, shall be brought immediately before a criminal law hearing officer who shall determine if probable cause exists for the continued detention of the defendant.

D. Subsequent Settings

All subsequent settings of misdemeanor cases shall be the specific responsibility of the judge or coordinator of each of the county criminal courts at law, who will file a notice of setting in writing with the district clerk or provide notice by entry on the court's docket sheets. That notice is to be used by the clerk for recording data in the automated system.

1. Bond Reinstatement

When a case is again active because of the reinstatement of a bond, either with or without cost, the district clerk shall enter a seven-day setting, except when a setting already exists in the system. When a setting already exists, the date in the system shall prevail as the next setting date.

2. Bench Warrants and Attachments

Such documents shall have a setting date in the body of the document and the district clerk shall set accordingly.

3. Summons in Lieu of Capias

- (a) When a misdemeanor information is filed against a corporation in, for example, a pollution case, the process issued shall be a summons rather than a capias. The summons shall require that the corporation make an appearance at 10:00 A.M. on the first Monday next following the expiration of twenty days from the date of service.
- (b) When a summons is used against a defendant in lieu of a capias in a misdemeanor information that is a refile of an earlier-filed misdemeanor information, the appearance date on the newly filed case shall be set for the same date as the earlier filed case, except when the earlier filed case has no setting. In that event, both cases shall be set for seven days, and the setting in the refiled case shall be for arraignment.
- (c) Neither a summons nor a capias may issue without a judicial finding of probable cause.

4. Notice of Appeal

The district clerk shall notify the court coordinator or judge of the court when a notice of appeal is filed in a case in which the court either has entered judgment or suspended the imposition of judgment. The court coordinator shall place the case on the court's docket as directed by the judge, or on the next regular business day. The court coordinator shall notify the defendant and the defendant's attorney-of-record of the setting (*see* form at *Policies and Procedures*, Appendix, Page A-6).

5. Notice to Court When Appeal Bond Not Filed

When a defendant has given notice of appeal and an appeal bond has not been filed in the papers of the cause within forty-eight hours, a report shall be sent to the court apprising the court that an appeal bond has not been filed. Upon receiving such a report, the court shall notify the appellant/defendant's attorney. If the appellant/defendant has no attorney, the appellant/defendant shall appear before the court. If the appellant/defendant does not post an appeal bond, the court shall issue a *capias* for the appellant/defendant.

6. Mandate of Abatement

The district clerk and court coordinator shall notify the staff attorney for the county criminal courts at law upon receipt of a mandate or order of abatement. The court coordinator shall set a date from fourteen (14) to twenty one (21) days from the date of receipt of order or mandate. The coordinator shall notify the surety, the principal, and the attorney-of-record by certified mail.

7. Mandates of Affirmance and Reversal and Remand

The district clerk, upon receipt of an order or mandate, shall determine whether the defendant is in the Harris County jail. If the defendant is in jail, the case shall be set the next day court is convened. If the defendant is on bond, the district clerk shall immediately issue a *capias* for the defendant, provide a seven-day setting, and forward the information to the court coordinator. Immediately upon receipt of the information from the clerk, the court coordinator shall notify the attorney-of-record on appeal, the surety on the appeal bond, if one exists, and the appellant by regular mail. The court coordinator shall also attempt to notify the above parties by telephone.

8. Violation of Post Judgment Orders

The Sheriff shall bring any person arrested for violating a post judgment order issued by a Judge of a County Criminal Court at Law before a Criminal Law Hearing Officer. The Hearing Officer shall determine the identity of the person, and conduct a hearing on the reasons for the person's arrest and enter such orders as provided by law.

RULE 6. DOCKETING OF MISDEMEANOR INDICTMENTS

Upon receipt of a misdemeanor indictment returned by a Harris County grand jury and certification that the cause is to be transferred to the docket of the county criminal courts at law, the cause shall be randomly filed and docketed into the county criminal courts at law in the manner prescribed by law and in accordance with these rules. The district clerk shall endorse the amount of bail upon the papers of the case in accordance with the bail schedule provided by these rules. The district clerk shall then issue a *capias* to the sheriff of Harris County, who shall immediately attempt to apprehend the defendant.

RULE 9. SETTING AND MODIFYING BAIL

SCHEDULE OF BAIL AMOUNTS

Pursuant to the agreed final judgment and order of the federal court in *Roberson v. Richardson* (No. H-84-2974), Southern District of Texas [1987]), the Harris County Criminal Court at Law Judges promulgate this initial bail schedule. The district attorney shall affix an initial bail amount at the time a complaint is filed in a county criminal court at law. The initial bail amount shall be determined by either presenting relevant information in the possession of the district attorney to a county criminal court at law judge, or Harris County Hearing Officer, or by applying the initial bail schedule. The district clerk shall record the bail amount set by the judicial officer or applied by the district attorney from the initial bail schedule in the case file. This shall be the exclusive means of setting the initial amount of bail, unless otherwise directed by the Judges of the Harris County Criminal Courts at Law.

Misdemeanor Bail Schedule

Class: B, Standard Offense

1st Offense	\$500
2nd Offense	\$500, plus \$500 for each prior misdemeanor conviction plus \$1,000 for each prior felony conviction Not to exceed \$5,000

Class: A, Standard Offense

1st Offense	\$1,000
2nd Offense	\$1,000, plus \$500 for each prior misdemeanor conviction \$1,000 plus \$1,000 for each prior felony conviction not to exceed \$5,000

Class: Family Violence or Threat of Violence

1st Offense	\$1,500
2nd Offense	Plus \$2,000 for each prior conviction for a violent

offense or threat of violence

Class: DWI

First Offense \$500

Subsequent Offense \$2,500 plus \$1,000 for each prior conviction not to exceed \$5,000

Class: Any offense committed while on bond, community supervision, intervention, or parole. \$5,000

Any motion to adjudicate or revoke community supervision. \$5,000

An amount other than that prescribed above, if recommended by the District Attorney's Office and accompanied by a written statement of the reason or reasons therefore, or upon oral presentation made to a Judge of a County Criminal Court at Law of Harris County, Texas, or a Harris County Criminal Law Hearing Officer.

RULE 12. APPROVAL OF PERSONAL BONDS DURING NON-BUSINESS HOURS

A. Personal Bonds During Non-Business Hours

The following procedures will control the filing of personal bonds at the directive of a county criminal court at law judge by telephone, at night, on weekends, or on holidays. The only type of personal bond that will be accepted will be the court personal bond:

1. The district clerk will verify the request with the judge or a criminal law hearing officer by telephone at a designated number (his home phone) or at a number provided by said judge at the time the district clerk receives the request.
2. The district clerk will determine where the defendant is incarcerated and will prepare all personal bond documents for defendants.
3. The district clerk will prepare the personal bond form, secure the defendant's signature on the bond and issue the court's directive (C-87) to effect the release of the defendant. If a call is received for a defendant in the city jail or outlying holding agency, the district clerk will process the personal bond and release as soon as the defendant is received in the Harris County Jail. One seeking or having an interest in the release of the defendant may take the bond to the city jail or other holding agency, have it signed by the defendant in the presence of a notary or the clerk of the court in which the case is pending, and return it to the district clerk, who shall then issue the appropriate court directive (C-87) to the sheriff.
4. The sheriff will issue a release for the defendant. If the defendant is incarcerated in the city jail or an outlying agency, the release may be carried there by a person having an interest in the release of the defendant. Otherwise, the defendant will not be released until after such time the defendant is received in the Harris County Jail.
5. The bond will be presented to the Judge, or to a Criminal Law Hearing Officer, if the Judge so directs, on the next regular working day for his signature.

RULE 16. ATTORNEY OF RECORD

- A. On the first appearance of retained or appointed counsel in the county criminal courts at law of Harris County, Texas, written notification of such appearance by the attorney of record will be required to be filed with the court. The court coordinator will provide forms for that purpose. The original attorney of record document will be filed with the clerk of the court in the case file. A copy of the document will be utilized by the district clerk as a source document for data entry into the Justice Information Management System. Written motion and order of the court will be required for withdrawal as attorney of record.
- B. The original attorney of record is presumed, under these rules, to continue as attorney when a notice of appeal is filed. When the original attorney of record does not continue to represent the defendant on appeal, then the original attorney of record shall file a motion to withdraw as attorney of record in the county criminal court in which the case is pending. At the time the motion to withdraw is filed, the original attorney of record shall also request a hearing date from the court coordinator who shall set the motion on the court's docket within seven (7) calendar days of presentment. The purpose of this hearing is to allow the court to rule on the motion to withdraw.
- C. When notice of appeal is filed and an attorney other than the attorney of record is retained or appointed to prosecute the appeal, then appellate counsel shall file a motion to substitute counsel in the county criminal court at law in which judgment was entered. The motion shall be filed at the time notice of appeal is filed, or not later than five (5) calendar days after the date counsel is retained or appointed. The appellate counsel shall also request a hearing date from the court coordinator who shall set the motion to substitute counsel on the court's docket within seven (7) calendar days of presentment. The purpose of this hearing is to allow the court to rule on the motion to substitute counsel.
- D. The written notice of appearance of counsel on appeal will be filed with the clerk for the case file and will become a part of the clerk's transcript on appeal.

Appendix "B" Forms

**APPLICATION FOR APPOINTMENT UNDER THE FAIR DEFENSE ACT INTERIM PLAN
ADOPTED BY THE JUDGES OF THE HARRIS COUNTY CRIMINAL COURTS AT LAW**

Eligibility Criteria: The judges wish to provide each attorney now certified to receive appointments in the Harris County Criminal Courts at Law with an opportunity to provide more complete information than is contained on either the exemption affidavit or registration form.

ÿ To be eligible for consideration as qualified to accept an appointment under the Harris County Criminal Courts at Law Interim Plan, an applicant must: (1) be on the list of attorneys certified to accept appointments as of October 15, 2001; (2) complete this application; and (3) must be approved by a majority of the elected judges of these courts.

ÿ An attorney wishing to be eligible for appointment on or after January 1, 2002, must complete this application and ensure it is *on file* in the Court Manager's Office located at 301 San Jacinto Street, Room 318, Houston, Texas, no later than *5 o'clock p.m. on November 30, 2001.*

_____ Last Name First Name Bar Card #

_____ Office Address

_____ Mailing Address

_____ Residence Address

_____ Publicly Listed Telephone # Fax Number Pager #

_____ E-Mail Address

PLACE A "Y" OR "N" OR PROVIDE THE INFORMATION REQUESTED	YES	NO
1. Are you presently certified to accept appointments in the Harris County Criminal Courts at Law?		
2. Are you presently a member of a panel created pursuant to the Criminal Justice Act, 18 U.S.C. Sec. 3006A? If so, please identify the district(s).		

3. Are you currently in good standing with the State Bar of Texas?		
4. Do you have an appeal pending of any Bar sanction?		
5. Are you currently under indictment or charged with a criminal offense other than a traffic offense?		
6. Have you ever been convicted or placed on community supervision under TEX. CODE CRIM. P. ART. 42.12? If yes, attach copies of all judgments and orders.		
7. How many years have you been in practice? _____		

8. Are you presently board certified by the Texas Board of Legal Specialization?

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9. If so, in what area(s)? _____

10. Have you ever been publicly or privately sanctioned by a State Bar Grievance Committee in this state? If yes, attach decisions by the committee and, if desired, any written explanations.

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11. Have you ever been sanctioned for failure to appear before a court? If so, attach any applicable court documents and, if desired, any written explanations

--	--

12. Have you ever been removed from a case for cause? If so, please provide the case number, court, county and date along with any written explanation.

--	--

13. Has any trial or appellate court found that you rendered ineffective assistance of counsel? If so, please provide the case number, court, county, date and findings of fact or written opinion along with any written explanation.

--	--

14. Have you ever admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel? If so, explain by attaching any applicable documents and, if desired, any written explanations.

--	--

15. Indicate areas in which you have unique training or skill. If so, attach copies of any certifications, licenses, etc, or an explanation of your answer.

P Mental Health Issues **P** Level V Deaf Interpreter **P** Fluent in Foreign Language(s)

P Other(s): _____

16. Which Harris County Criminal Court at Law judges presided over your last five trials?

Date

Applicant's signature

No. _____ SPN: _____

State of Texas § In the ___ District Court
vs. § County Criminal Court at Law No. ___
§ Harris County Texas
_____, Defendant §
_____, DOB

Probable Cause for Further Detention & Statutory Warnings by Magistrate

Today, the above named defendant, charged with _____ appeared before the undersigned authority ("the Court"). [X] in person [X] by video teleconferencing.

The defendant was given the warnings and admonitions that appear on the reverse side of this document.

Do you request appointment of counsel?

- [X] No. The defendant did not request appointment of counsel
[X] YES. The defendant requested appointment of counsel. The Office of Court Services (OCS) shall immediately assist the defendant in preparing a request for appointment of counsel. OCS shall forward defendant's request to the judge of the court in which the case is pending within 24 hours.

If you are not a United States citizen who is arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials?

- [X] No. _____ [X] YES. _____
[X] If you responded "YES," what country? _____

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

ORDER
P The Court finds probable cause for further detention DOES NOT EXIST. THE COURT ORDERS THE SHERIFF OF HARRIS COUNTY, TEXAS, TO IMMEDIATELY RELEASE THE DEFENDANT FROM CUSTODY IN THIS CASE.
P The Court finds probable cause for further detention EXISTS. The Court set and / or reviewed the defendant's bond, and informed the defendant in clear language, of the accusation against him and of any charging instrument. THE COURT ORDERS DEFENDANT COMMITTED TO THE CUSTODY OF THE SHERIFF OF HARRIS COUNTY, TEXAS, WHERE THE DEFENDANT SHALL REMAIN UNTIL BAIL IS POSTED IN THIS CAUSE OR AS OTHERWISE ORDERED BY THE COURT.
[X] Bail is set at \$ _____
[X] Personal Bond is: [X] Approved [X] Disapproved [X] Referred
DATE _____ JUDGE PRESIDING / HEARING OFFICER _____

THIS PROCEEDING WAS INTERPRETED BY: _____ (NAME OF INTERPRETER).

Acknowledgement

I received a completed duplicate of this warning.

Defendant:: _____

I received a copy of this document on behalf of the Harris County Sheriff.

Date: _____ Time: _____ Name: _____

ADMONISHMENTS

- 1) You have been charged with the criminal offense indicated on the reverse side of this document.
- 2) If you are charged with a felony, you have the right to an examining trial.
- 3) You have the right to remain silent. You are not required to make any statement. Any statement you make may be used against you.
- 4) If you are a non-U.S. citizen who is arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States.
- 5) You have the right to have an attorney present during any interview with peace officers or attorneys representing the State of Texas, and you may terminate the interview at anytime.
- 6) You have the right to hire an attorney.
- 7) If you cannot afford to hire an attorney, you have the right to ask the court to appoint an attorney to represent you.

How to Ask for An Appointed Attorney

If you believe you are indigent and ask the Court to appoint an attorney to represent you, you will be asked to complete a form detailing your financial condition. You may ask for a Court Services Officer to help you to fill out the form. The judge who is assigned to your case will review your form and hold a hearing to determine whether you are entitled to have a lawyer appointed to represent you.

If you are released on bail, have not completed the financial form, and want the Court to appoint an attorney to represent you, you must complete the financial information form and present it to the Court.

Cause No. _____
 THE STATE OF TEXAS § IN THE COUNTY CRIMINAL COURT
 VS. § AT LAW NUMBER _____
 _____ § OF HARRIS COUNTY, TEXAS

Request And Order For Appointment Of Counsel

"My name is _____. I am the defendant a witness in this case. Today the judge presiding advised me of my right to be represented by a lawyer, either one that I hire, or if I am indigent or the interests of justice require, a lawyer appointed by the judge as well as the procedure for making this request. I understand I have the right to represent myself. I believe that I am indigent and I am requesting the Court appoint counsel to represent me. I understand that if there is a material change in my financial circumstances after a determination of my indigence is made, that I, my counsel, or the assistant district attorney representing the State may ask the judge to reconsider the judge's decision.

In support of this request I have provided the judge with personal and financial information am giving sworn testimony before the judge about my personal and financial circumstances. I understand this information **may not** be used for any purpose except to determine my indigency or to impeach any future testimony I may give in this case. I understand that I may be subject to prosecution for the felony offense of aggravated perjury in the event I intentionally or knowingly give false testimony to the Court in this matter."

I received assistance in completing this request from _____, a court services officer, court clerk, other _____.

_____ ,
 Defendant
 Sworn to before me on _____

 Deputy District Clerk, Harris County, Texas

ORDER DETERMINING RIGHT TO APPOINTMENT OF COUNSEL

Today the defendant a witness' request for the appointment of counsel was heard in open court and evidence presented concerning the defendant's financial resources.

INDIGENCY WITH REIMBURSEMENT. The Court finds the defendant is entitled to the appointment of counsel because defendant is indigent it is in the interests of justice. The Court further finds Defendant presently has financial resources to pay all or part of the cost of legal services and related expenses. **ORDERED** that Defendant is appointed counsel and shall contribute to the cost of legal services and related expenses as may be ordered by the Court.

INDIGENCY WITHOUT REIMBURSEMENT. The Court finds the defendant is entitled to the appointment of counsel because defendant is indigent it is in the interests of justice. The court further finds Defendant presently has no financial resources to offset the cost of legal services and related expenses. **ORDERED** that defendant is appointed counsel in this matter.

The Court appoints the attorney named below to represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is relieved of his duties by the court or replaced by other counsel.

Attorney _____
 SPN _____ Bar Card Number _____
 Address _____ Phone _____ Fax _____
 City _____ State _____ Zip _____

NO FINANCIAL NEED. The defendant has the financial resources to employ counsel and the appointment of counsel in the interests of justice is not necessary. The request is **DENIED** at this time.

Signed _____

 JUDGE PRESIDING

Cause No. _____

THE STATE OF TEXAS § IN THE COUNTY CRIMINAL COURT
VS. § AT LAW NUMBER _____
_____ § OF HARRIS COUNTY, TEXAS
ATTEMPTS TO EMPLOY COUNSEL BY DEFENDANT CHARGED WITH _____

NAME OF ATTORNEY _____

DATE CONTACTED/VISITED _____

ADDRESS _____ PHONE _____

FEE QUOTED _____

NAME OF ATTORNEY _____

DATE CONTACTED/VISITED _____

ADDRESS _____ PHONE _____

FEE QUOTED _____

NAME OF ATTORNEY _____

DATE CONTACTED/VISITED _____

ADDRESS _____ PHONE _____

FEE QUOTED _____

NAME OF ATTORNEY _____

DATE CONTACTED/VISITED _____

ADDRESS _____ PHONE _____

FEE QUOTED _____

**ATTORNEY FEE CLAIM:
County Criminal Courts at Law**

TEX. CODE CRIM. P. ART. 26.05 (2001)

INSTRUCTIONS:

1. Before payment can be authorized, each item must be completed legibly in ink.
2. Claims for paid bills must be accompanied by receipt.
3. Completed claim shall be presented to the judge presiding for approval.
4. Payment for official county holidays is prohibited.
5. A claim for an individual case must include the case number.

p WEEKLY	p DAILY	COURT
-----------------	----------------	--------------

Date(s) at \$225/Day	Total Days
TOTAL	

p INDIVIDUAL CASE					Court
Case Number					Defendant's Name
EVENT	HOURLY RATE	FLAT RATE	HRS/DYS	RATE PAID By Judge	AMOUNT By Judge
NON-TRIAL OR PLEA ON UNASSIGNED DAY		\$50 ea. case \$100 max./day			
MOTIONS, HEARINGS, COMPETENCY PROCEEDINGS	\$50-\$90/hr				
TRIAL	\$60-\$90/hr				
OUT-OF-COURT HOURS	\$25-\$50/hr				
APPEALS & WRITS		\$750			
PETITION FOR DISCRETIONARY REVIEW		\$350			
INVESTIGATOR					
EXPERT					
Dates				TOTAL	

ATTORNEY INFORMATION

Name (Print)	Social Security Number	Telephone Number
Mailing Address (Number, Street, City, State, Zip)		
<p>CERTIFICATION: I swear or affirm to the Harris County Auditor that he may rely upon the information contained above to make payment according to the fee schedule most recently adopted by the Judges of the Harris County Criminal Courts at Law. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as otherwise disclosed to the Court in writing.</p> <p>SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE _____ DAY OF _____ A.D. 20_____</p> <p>Approved: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Judge Presiding Attorney at Law (Signature) </div> </p>		

Deputy District Clerk (Signature)

Attorney Name (Print Legibly)

July 2002

**English
Speakers**

Sort

Last Name	First Name
1 Gray	Lori
2 Allen	Richard
3 Backers	Beverly
4 Denninger	John
5 Kleban	Janet
6 Fleming	Marcus
7 Karahan	Jay
8 Moore	Mary
9 Lacour	Brian
10 Warren	Artiquewa
11 Hunter	Tanja
12 Easterling	Danny
13 Farmillette	Stacy
14 Maselli	Jani
15 Acosta	Mary
16 Shefman	Daucie
17 Cooper	James
18 Miller	Katherine
19 Polland	Gary
20 Brooks, III	Lott
21 Downey	Christopher
22 Shapiro Strauss	Lisa
23 Lambright	George
24 Stiller	David
25 McMeans	Jeffrey
26 Mason	Hattie
27 Keykurun	Belma
28 Johnson	Kyle
29 Faden	Cary
30 Young	George
31 Gillman	Michael
32 Medley	Dennis
33 Jewett	James
34 Thering	Mark
35 Durham	Douglas
36 Boorstein	Barry
37 Gottlieb	Deborah
38 Bench	Robert
39 Boone	Jeannette
40 Miller	Sherra
41 Ceaser	Kendric
42 Newhouse	Stephen
43 Hirt	Jeffrey
44 Haggard	Carl
45 Bartlett	Cheree

46 Hunter, Jr.	Jonas
47 Maida, Jr.	Sam
48 Press	Dionne
49 Duer	Layton
50 Disher	David
51 Rytting	James
52 Loftus, Jr.	Harry
53 Melamed	Sanford
54 Johnson	Lydia
55 Taylor	Bill
56 Martin	Andrew
57 Green	Bill
58 Levi	Kenneth
59 Brooks	James
60 Aninao	Tony
61 Martin	Melissa
62 Taylor	Stephen
63 Simoneaux	Jerry
64 Hill	Wayne
65 Melontree	Beverly
66 Singer	David
67 Triplett	Toni
68 Duong	John
69 Blakesley	Nella
70 Green	Ronald
71 Zellars	Karen
72 Graber	Gerald
73 Tippen	Tracie
74 Foster	Pamela
75 Hinton	Charles
76 Summers	Deborah
77 Barr	James
78 Stephenson	Michael
79 Carter	Marc
80 Neal	Romie
81 Most	Roni
82 Cantrell	Don
83 Fickman	Robert
84 McGee	Andrew
85 Nicholas	Ronald
86 Perret	Susan Jacobsen
87 Shephard	Boyd
88 Biggar	Staci
89 Reddi	Asha
90 Cameron	Cynthia
91 Carrigan	John
92 Taylor	Yvonne
93 Radosevich	Thomas
94 Martin	Stephanie
95 Stallings	Patrick
96 Akins	Wendi

97 Summers	Marvin
98 Cline	Cynthia
99 McCracken	Kerry
100 Spiller	Georgianne
101 Kiatta	David
102 Rankin	Douglas
103 Smith	James
104 Lee	Jack
105 Parker	Richard
106 Rayfield (Hale)	Cynthia
107 Bryant	Ken
108 Pham	Robert
109 Weinstein	Paul
110 Yanis	Mark
111 Lindsey	Laine
112 Doebbler	Ted
113 Jordan	Olivia
114 Renfro	Michael
115 Brauer	Kenneth
116 Broussard	Arlan
117 O'Suji	Edmond
118 Coyne	Brian
119 Slopis	Sharon
120 Barnett	Stephanie
121 Chenkin	Ira
122 Odom	Molly
123 Moore	Betty
124 Kohlhausen	Donna
125 Desai	Riddhi
126 Bishop	Susan
127 Godinich	Jerome
128 Gaiser	Terrence
129 Turner	Michael
130 Deane	Sam
131 Gifford	Bill
132 Janik	Page
133 Martin	Thomas
134 McLane	Michael
135 Cook	David
136 Crawford	Denise
137 Northcutt	Frances
138 Marshall	Lucinda
139 Sedita	Patricia
140 Casas, Jr.	Abelardo
141 Fuller	Lanease
142 Dysart	John
143 Azzo	Alex
144 O'Kane	Daina
145 King	Joseph
146 Nwora	Frances
147 Marsh	James

148	Agomo	Chinyere
149	Chagnard	Belinda
150	Fenton	Georgia
151	Arnold	Isaac
152	Dansby	Ernestine
153	Rogers	Alvis
154	Coulson	Rebecca
155	Williams	Clyde
156	Scott	Billy
157	Young	Mark
158	Dietz	C.
159	Womack	Mark
160	Burkholder	Henry
161	Jones	Jolanda
162	Fraley	Frank
163	Abramowitz	Steven
164	Porto	Joe
165	Durkovic	Kristy
166	Bridgwater	Roger
167	Oncken	Nancy
168	Gutheinz, Jr.	Joseph
169	Craft	Everett
170	Stallings	Johna
171	O'Sullivan	John
172	Martin	Randy
173	Varela	Joseph
174	Arnold	Kevin
175	Linton	Crespin
176	Williams	Rodney
177	Gustave	Catherine
178	McEnrue	Michael
179	Newman	Lawrence
180	Dees	Justin (Gordon)
181	Stone	Michael
182	Hubbard	Chaun
183	Butler	James
184	Scheiner	Grant
185	Spielman	Earl
186	Masterson	Mary
187	Barney	Karen
188	Courtney	Scot
189	Myrtle	Alan
190	Fuerst	Jack
191	Greenlee	Steven
192	Graves	J
193	Ray	Aaron
194	Lantz	Peggy
195	Silverman	Jed
196	McCoy	Kenneth
197	McCullough	Ellis
198	Murphy, Jr.	George

199 Slaughter, Jr.	Wayne
200 Walker	Robert
201 Leitner	Jim
202 Moran	Thomas
203 House, Jr.	William Benjamin
204 Kahn	Leora
205 Detoto	Rick
206 Uhran	Craig
207 Canlas	Richard Martin
208 King	Vivian
209 Laird, Jr.	Jules
210 Maida, Sr.	Sam
211 Rubal	Mark
212 Thrash	Denise
213 Bailey	Carol
214 Ryland, Jr.	Charles
215 Erickson	Lief
216 Kiernan	John
217 Yates	Dennis
218 Wentz	Kurt
219 Ludwig	Jeff
220 Cornelius	R
221 Washington	Tyrone
222 Simotas	Helen
223 Suhler	David
224 Gelb	Jeffrey
225 Abercia	Johnnie
226 Hudson	Hal
227 Eliades	Rosa
228 Sims	Diana
229 Adams	Peter
230 Arnold	Mack
231 Ojeman	Rebecca
232 Scott	Robert
233 Brashier	Thomas
234 Ryan	David
235 Morris	Albert
236 Able, Jr.	Luke
237 Guidry	Allen
238 Lipkin	Mark
239 Pelton	Robert
240 Steinmeyer	Thomas
241 Monica, Jr.	Woodrow
242 Fosher	Michael
243 Matthews	Angela
244 Rivera	Roberto
245 Dennis	Kathryn
246 Bourque	Gerald
247 Mingledorff	Kenneth
248 Rosemergy	J
249 Henley	Cynthia

250	Leitner	Carol
251	Clements	Janet
252	Wood	Harris
253	Cornelius	William
254	Wallace	Jill
255	Justin	Peter
256	Moore	Roland
257	Maisel	John
258	Pruett	Carl
259	Petruzzi	John
260	Nunnery	Alvin
261	Dixon	John
262	McDonald	Randolph
263	Paull	Jonathan
264	Loper	Robert
265	Zorn	William
266	Sprott	Oliver
267	Coulson	William
268	Detamore	Loren
269	Medley	Dina
270	Davis	James
271	Collins	Kathleen
272	Cochran	Winston
273	St. John	Paul
274	Pecorino	Johnnie
275	Gifford	Jacqueline
276	Roll	Roxie
277	Totty	Francelia
278	Bundick	Craig
279	Fine	Kevin
280	Ashford	J
281	Shearer	R
282	McElroy	Carolyn
283	Yates	Terry
284	Citizen, Jr.	William
285	Douglas	Larry
286	Ayers	Randall
287	Charles	Anitria
288	Borg	Leah
289	Salhab	Joseph
290	Larson	Joan
291	Harper	Melissa
292	Roberts	Michael
293	Moton	Rodney
294	Ramirez	Enrique
295	Carroll	J
296	Tipton	Johnny
297	Hebert	George S.

July 2002

Spanish
Speakers

Sort

<u>RAND()</u>	<u>78</u>	<u>Last Name</u>	<u>First Name</u>
0.9311127	1	Gluckman	Jonathan
0.9371918	2	Berkowitz	Mimi
0.8706416	3	Cantu	Isidro
0.9518872	4	Martinez	Herman
0.9741085	5	Munoz	Manuel
0.7098446	6	Acosta	Geraldo
0.731135	7	Garcia	Israel
0.7704511	8	Cruz	Robert
0.9228907	9	Vargas-Grady	Patricia
0.035626	10	Gonzalez	Ricardo
0.4896408	11	Mughrabi	Walid
0.7821516	12	Rodriguez	Raul
0.6006721	13	Diaz	Mark
0.0421116	14	Garza	David
0.7917244	15	Contreras, Jr.	Juan
0.906226	16	Crowley	James
0.1170568	17	Almaguer	Adrian
0.0452314	18	Wheelan	Richelieu
0.5527329	19	Acosta	Jaime
0.7530067	20	Contreras, Sr.	Juan
0.3213208	21	Garcia	Ray
0.072064	22	Hudig	Marguerite
0.0940685	23	Cardenas	Robert
0.6956798	24	Segura	Patricia
0.7987655	25	Rivera	James
0.6694258	26	Madrid	Mario
0.3548847	27	Castro	Ray
0.7888978	28	Rodriguez	Gilbert
0.0174722	29	Cantu	Jorge
0.3975214	30	Maldonado	Julia
0.0578155	31	Diggs	Cheryl
0.311836	32	Ash	Mark
0.4718443	33	Gerard	Dominique
0.428957	34	Voigt, Jr.	Werner
0.94306	35	Percely	Alan
0.5955953	36	Fazel	Ali
0.137235	37	Reyes-Castillo	A.
0.9201857	38	Monks	John
0.882525	39	Santos	Renato
0.050422	40	Perez	John
0.7135613	41	Suarez	Celso
0.9100783	42	Trejo	Humberto
0.3967749	43	Millan	Edmond
0.5152053	44	Soliz	Rick
0.2005486	45	Brown, Jr.	John

0.7220964	46 Salazar	Joel
0.8062505	47 Munoz	Emily
0.1580476	48 Gonzalez	Maria
0.6878973	49 Aldape	Juan
0.8871673	50 Sullivan	James
0.6418823	51 Scott	Trude
0.0106772	52 Barrera	Manual
0.1941615	53 Hochglaupe	Mark
0.801343	54 Aguilar	Frank
0.8117402	55 Guerrero	Yalila
0.1988261	56 Martinez	Jesus
0.2567518	57 Rodriguez	Lourdes
0.6267928	58 Kelber	Kathryn
0.7370345	59 Silva	Eva
0.268769	60 Coroy	Yolanda
0.4054564	61 Acosta	Sheila
0.533647	62 Rodriguez	Fernando
0.9207513	63 Trevino	Ismael
0.0968841	64 Lopez	Blanca
0.4115466	65 Chavana	Hector
0.8259345	66 Licata, III	Joseph
0.0718379	67 Miranda	Sergio
0.0039045	68 Gonzales	Monica
0.3720288	69 Snively	Judith
0.9028877	70 Limitone	Anthony
0.5576729	71 Martinez	Ralph
0.4830118	72 Liles	John
0.9766647	73 McCotter	Lawrence
0.998036	74 Villarreal	Gilbert
0.0903279	75 Suarez	Richard
0.4895941	76 Roll	Randolph
0.7639582	77 Zaratti	C
0.0815144	78 Garza	Hector

**Attorneys Approved Effective 9-30-02
County Criminal Courts at Law**

Last Name	First Name	Middle	Bar No.	Appeals	Specialized Cases
1 Acosta	Geraldo		835680		
2 Acosta	Jaime		835685		
3 Acosta	Mary		789581		
4 Acosta	Sheila		796099		
5 Adams	Peter		874400		
6 Aguilar	Frank		936230		
7 Akins	Wendi		962500		X
8 Aldape	Juan	M	979550		
9 Almaguer	Adrian		1107900		
10 Arnold	Isaac		798037		

11 Aninao	Tony		1264500		
12 Arnold	Mack		1344500		
13 Ayers	Randall		1465950		
14 Azzo	Alex		1475500		
15 Bailey	Carol		1515760		
16 Barnett	Stephanie		1783450		
17 Barney	Karen		787040		
18 Barr	James	(Jim)	1798600		
19 Barrera	Manual		1805850		
20 Berkowitz	Mimi		12859300		
21 Biggar	Staci		787083		
22 Bishop	Susan		2352600		
23 Bourque	Gerald		2716500		
24 Bridgwater	Roger		2979100		
25 Brooks	James		3069400		
26 Brooks, III	Lott	J	3070750		X
27 Bryant	Ken		3277600		X
28 Burkholder	Henry	Leroy	3416100	X	
29 Cantu	Jorge		3767370		
30 Carroll	J	C	3895500		
31 Carter	Marc		787212		
32 Casas, Jr.	Abelardo		24003640		
33 Castro	Ray		3997460		
34 Chavana	Hector		4160800		
35 Contreras, Jr.	Juan		787275		
36 Contreras, Sr.	Juan		4712500		
37 Cornelius	R	P	4831500		
38 Cornelius	William	T	4832400		X
39 Coroy	Yolanda		785789		
40 Coulson	Rebecca		4879000		
41 Courtney	Scot		790515		
42 Coyne	Brian		4966800		
43 Craft	Everett	Ross	4971400		
44 Crawford	Denise	M	5020150		
45 Crowley	James		5170200		
46 Cruz	Robert		5196525		
47 Deane	Sam		5692000		
48 Dees	Justin (Gordon)		5635500		
49 Denninger	John		5748500		
50 Detoto	Rick		24005020		
51 Diaz	Mark		24004190		

52 Dietz	C.	Logan	5857500
53 Diggs	Cheryl		24004689
54 Dixon	John		785824
55 Doebbler	Ted		5942500
56 Douglas	Larry		6049700
57 Downey	Christopher		787393
58 Duer	Layton		6165900
59 Duong	John		24004627
60 Durham	Douglas	M	06278450
61 Easterling	Danny		6362100
62 Farmilette	Stacy		5956100
63 Fazel	Ali		24012611
64 Fine	Kevin		790682
65 Gaiser	Terrence		7572500
66 Garcia	Israel		785895
67 Garcia	Ray		7642100
68 Garza	David		7731475
69 Gifford	Jacqueline		12158550
70 Gillman	Michael		7950225
71 Gluckman	Jonathan		796638
72 Godinich	Jerome		8054700
73 Gonzalez	Maria	Linda	8130705
74 Gonzalez	Ricardo	N	8131550
75 Gottlieb	Deborah		8231300
76 Graber	Gerald		8240320
77 Graves	J	Tucker	785925
78 Green	Bill		8372200
79 Green	Ronald		796667
80 Greenlee	Steven		8402800
81 Guerrero	Yalila		00788862
82 Guidry	Allen		789330
83 Haggard	Carl		8690700
84 Harper	Melissa		787645
85 Hebert	George S.	Steve	9362000
86 Henley	Cynthia		17409100
87 Hill	Wayne		9656300
88 Hochglaupe	Mark		24005427
89 House, Jr.	William Benjamin	"Bennie"	10044000
90 Hubbard	Chaun		24000344
91 Hudson	Hal		10154000
92 Hunter, Jr.	Jonas	Lewis	785982

93 Janik	Page		10570100	
94 Johnson	Lydia		10768525	
95 Jones	Jolanda		794725	
96 Jordan	Olivia		11015700	
97 Justin	Peter		11002200	
98 Kahn	Leora		11073100	
99 Karahan	Jay		11095600	
100 Keykurun	Belma		11373500	
101 Kiatta	David		11377750	
102 Kiernan	John	Casey	11184700	
103 King	Joseph		11452360	
104 King	Vivian		784399	
105 Kleban	Janet		794115	
106 Lacour	Brian		11786925	
107 Laird, Jr.	Jules	L.	11825500	
108 Lambright	George		11849500	
109 Leitner	Carol	Michelle	784992	
110 Leitner	Jim		12187900	
111 Licata, III	Joseph		12325700	Fugitive
112 Liles	John		12349700	
113 Limitone	Anthony		12357660	
114 Lindsey	Laine		784477	
115 Linton	Crespin		12392850	
116 Loper	Robert		12562300	
117 Lopez	Blanca		12562900	
118 Ludwig	Jeff		12670700	Fugitive
119 Madrid	Mario		797777	
120 Maida, Jr.	Sam		787950	
121 Maida, Sr.	Sam		12846000	
122 Maldonado	Julia		24007591	
123 Marshall	Lucinda		13032400	
124 Martin	Andrew		24000347	
125 Martin	Randy		13099500	X
126 Martin	Stephanie		787973	
127 Martinez	Herman		797012	
128 Martinez	Jesus		13142220	
129 Martinez	Ralph		13143600	
130 Mason	Hattie		13155700	
131 McCracken	Kerry		790902	
132 McCullough	Ellis		13501000	
133 McDonald	Randolph	Randy	13556570	

134 Medley	Dina		791244		
135 Melamed	Sanford	"Sandy"	13913750		
136 Melontree	Beverly		13922100		
137 Millan	Edmond		14051750		
138 Miller	Sherra		14114100		
139 Mingledorff	Kenneth		14176800		
140 Miranda	Sergio	T	14199650		
141 Monks	John		14267200		
142 Moore	Mary		14360300		
143 Moran	Thomas		14422200		
144 Most	Roni		24027550		
145 Munoz	Emily		797876		
146 Munoz	Manuel		14670225		X
147 Murphy, Jr.	George		14697990		
148 Neal	Romie		14839350		
149 Nicholas	Ronald		14993200		
150 Nunnery	Alvin		15141800	X	X
151 Ojeman	Rebecca		15240150		
152 O'Kane	Daina		794390		
153 O'Sullivan	John		15339500		
154 Parker	Richard		15496450		
155 Pecorino	Johnnie	Vic	15707000		
156 Pelton	Robert		15733500		
157 Percely	Alan		15771700		
158 Perez	John		15776950		
159 Petruzzi	John		15853300		
160 Pham	Robert		795590		
161 Porto	Joe		16163010		
162 Press	Dionne		792771		
163 Pruet	Carl		16364800		
164 Radosevich	Thomas	A	16459100		
165 Ramirez	Enrique	C	16501710		
166 Ray	Aaron		16595300		
167 Reyes-Castillo	A.	Imelda	16794750		
168 Rodriguez	Fernando	Fred	789906		
169 Rodriguez	Gilbert		794550		
170 Rodriguez	Lourdes		17147100		
171 Rodriguez	Raul		17148395		
172 Rubal	Mark		17360325		
173 Salazar	Joel	E	17527120		
174 Salhab	Joseph		17532300		

175 Santos	Renato		17646450	X
176 Scheiner	Grant		784913	
177 Scott	Robert		17912000	
178 Scott	Trude		24000195	
179 Sedita	Patricia		787484	
180 Segura	Patricia		784943	
181 Shapiro Strauss	Lisa		90001811	
182 Silva	Eva		794635	
183 Sims	Diana		24013517	
184 Snively	Judith		18797950	
185 Soliz	Rick		785013	
186 St. John	Paul		18986580	
187 Stallings	Johna		797484	
188 Stallings	Patrick		19018950	X
189 Stone	Michael		19297000	
190 Suarez	Celso		19455700	
191 Suarez	Richard		19456400	
192 Summers	Deborah		19505600	
193 Thering	Mark		24010918	
194 Thrash	Denise		19997020	
195 Tipton	Johnny		785458	
196 Trejo	Humberto	R	20207900	
197 Trevino	Ismael		20211227	
198 Turner	Michael		20328000	X
199 Varela	Joseph		20496400	
200 Vargas-Grady	Patricia		20496565	
201 Villarreal	Gilbert	A	20582500	
202 Wallace	Jill		20769400	
203 Warren	Artiquewa		24004125	
204 Wentz	Kurt		21179300	
205 Wheelan	Richelieu	Dick	21252600	
206 Williams	Clyde		21521100	
207 Yates	Dennis		22139800	
208 Yates	Terry		22142600	
Bennett	Todd			X
Munier	John			X

Appendix D.

INFORMAL SUBSTANTIVE & PROCEDURAL RULES: AMENDED INTERIM ALTERNATIVE PLAN EFFECTIVE JULY 1, 2002

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

A. Definitions

No changes

B. Applicability

1. The Plan applies to lawyers who are appointed to represent indigent defendants on or after July 1, 2002.
2. The new fee schedule applies to lawyers appointed on or after July 1, 2002.
3. The old fee schedule will continue to apply to those cases assigned to lawyers up to and including Friday, June 28, 2002.
4. A lawyer appointed on or before Friday, June 28, 2002 is entitled to be paid under the old fee schedule even though he or she submits the voucher on or after July 1, 2002.
5. The old legal-size fee voucher is for cases assigned prior to January 1, 2002.

C. Incorporation of Local Rules

6. No change. Applicable portions of your local rules again are incorporated by reference.

D. Hearing On Request For Appointment of Counsel

7. No change. Applicable portions of your local rules again are incorporated by reference.

E. Standard & Method For Determining Indigency

8. No change. Applicable portions of your local rules again are incorporated by reference.

F. Qualifications

9. Extension of list from October 15, 2001 to December 31, 2001. This captures all the late filers and is consistent with the amendment to that effect made in December.

G. Approval of Qualified Attorneys

10. A majority of judges must approve a lawyer for placement in one or more categories.
11. The list is subject to review annually or as the needs of the courts require.
12. If an attorney does not receive a majority of votes, his/her name is reviewed again for reconsideration by all 15 judges.

H. Appointment Categories

13. *Weekly assignments:* A private attorney, acting as an independent contractor and compensated with public funds, is appointed to provide legal representation to indigent defendants who appear before a court for a period of two weeks. The name originates from the master list in the court manager's office.

Example: The lawyers working the week of July 1 to 5 will also work the third week of July (15 to 19). The attorneys who are assigned to the second week of July (8 to 12) will also work the fourth week, July 22 to 26.

The "August list" will work the 5th and 7th weeks or the 6th and 8th weeks, etc. Under the "consecutive weeks" assignment method, lawyers are assigned to weeks 1 and 2, or to weeks 3 and 4. The "August list" will work either weeks 5 and 6, or weeks 7 and 8.

14. *Daily assignments*: A private attorney, acting as an independent contractor and compensated with public funds, is appointed to provide legal representation to indigent defendants who appear before a court for a period of two weeks. These lawyers are assigned to either replace an absent weekly assignment lawyer, or to the Monday/Friday assignment on the same biweekly basis as the weekly lawyers. The name originates from the master list in the court manager's office.
15. *Specialized Case Assignment, Appeal & Extraordinary Writ*. A private attorney, acting as an independent contractor and compensated with public funds, is appointed to provide legal representation and services to an individual defendant. In the event the original lawyer is unable to continue to represent a defendant on appeal, the judge can request that a lawyer with recognized appellate skills be provided to the court for consideration as appellate counsel.
16. Once a lawyer serves his or her assignment, the lawyer is not again eligible for an assignment in that category until all other lawyers in the category have been offered assignments.
17. There is no provision for a judge to *sua sponte* appoint a lawyer to a case, or to a day.
18. A lawyer may be approved for one or more categories.
19. A lawyer rotates within each category independently of any other category.
20. *Example*: Lawyer "X" is approved for the weekly assignment and appeals categories. Once the lawyer is assigned to a bi-weekly period, he or she is ineligible for another bi-weekly assignment until all other lawyers in that category receive assignments. Although having been assigned from the bi-weekly list, the lawyer is still eligible for appointment from the appeals list. Once appointed to the appeals list, the lawyer again is ineligible for another appeal until all other attorneys in that category have been appointed.
21. A judge can use judicial discretion to approve a lawyer for a category, and can identify a case as needing an approved lawyer in a category.
22. A judge does not have the discretion to appoint a specific lawyer of the judge's choosing to represent an indigent defendant, other than the lawyer scheduled by the court manager's office.
23. A lawyer who is unable to accept an assignment because of illness, vacation, a scheduling conflict with another court division (district, juvenile), etc. remains next on the list for consideration during the following four-week cycle.
24. A lawyer who fails to respond in a timely manner to a call from a court after being scheduled by the court manager's office is placed at the bottom of the list.

I. Assignment of Counsel

25. The period from July 1, 2003 thru January 3, 2003 is divided into 27 calendar weeks and subdivided into four-week periods. Weekly assignment lawyers work either consecutive weeks or even and odd weeks during that period.
26. The court manager's office schedules the attorneys in each category when called upon to do so by a judge or court personnel.
27. The judge makes the actual appointment.
28. Each judge has the discretion to choose which of the lawyers scheduled to work in their court by the court manager's office receives a five-day weekly assignment or a Monday and Friday assignment.
29. A judge has six discretionary strikes for each four-week period.
30. A judge has the discretion to assign a lawyer to a weekly or daily assignment.
31. A judge can no longer appoint any lawyer at will from among the approved lawyers on a list.

J. Appointment of Counsel To Indigent Defendants

32. Only the judge can actually appoint a lawyer to a case.
33. A lawyer cannot send a replacement of his or her choosing on a day the lawyer cannot appear in an assigned court.
34. A lawyer cannot bring-on co-counsel without the approval and appointment of that person by the judge.
35. A lawyer may choose to work *pro bono* if appointed by the judge.
36. A lawyer who associates himself or herself on a case without being appointed by the judge is not entitled to payment.

K. Duties of Counsel

37. Initial appointment, duration and conduct remain the same.
38. A judge cannot, without a principled reason, terminate the appointment of trial counsel and appoint a different lawyer as appellate counsel.
39. If a judge were to appoint appellate counsel without relieving trial counsel of his or her duties, appellate counsel would not be entitled to payment.
40. 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.

L. Compensation and Reimbursement

41. See attached fee voucher for fee schedule.
42. A lawyer assigned to a *weekly or daily assignment* will complete the top and bottom of the fee voucher.
43. A lawyer assigned to a *specialized case assignment, appeal or extraordinary writ* case will complete the itemized center portion of the fee voucher.
44. A lawyer initially assigned to a case as the result of a weekly or daily assignment will record all future services using the center, itemized portion of the fee voucher.
45. A lawyer working a weekly or daily assignment cannot be compensated for appearing in another county court during their assignment period, *i.e.* no "double dipping."
46. An exception to 49, above, is in cases where the lawyer is representing an indigent client in motions, hearings, competency, or trial matters.
47. A lawyer cannot be paid for resetting a case in one court while appearing and being paid a daily or weekly rate in another court.
48. 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.
49. The county auditor will only pay attorneys who were assigned to courts in accordance with the judicial Plan.
50. A weekly assignment lawyer is only required to file one fee voucher at the end of the week.
51. A daily assignment lawyer files a voucher each day, or at the conclusion of a multiple day assignment.
52. A special assignment lawyer files a fee voucher at the conclusion of the case.
53. Appeals and writ lawyers file their fee vouchers after the brief is filed. If a PDR is filed, a second voucher is submitted after the PDR is filed. A copy of the brief or petition must accompany each fee voucher.

54. Weekly lawyer is unable to work 3 days of one week, but all of following week. Replacement? First ask the Monday-Friday lawyer if she/he is available for those days. If "yes" use the M/F lawyer. If this creates a vacancy on Friday and the court needs to fill it with a third lawyer, then coordinator asks for daily assignment lawyer for the Friday.
55. Lawyers on weekly and daily assignment file their fee vouchers in the auditor's box on the third floor of the CJC.

Appendix E.
Assignment Periods For Amended Plan

WEEK	DATES	COUNTY HOLIDAYS
1.	July 1—July 5, 2002	July 4th
2.	July 8—July 12	
3.	July 15—July 19	
4.	July 22—July 26	
5.	July 29—August 2	
6.	August 5—August 9	
7.	August 12—August 16	
8.	August 19—August 23	
9.	August 26—August 30	
10.	Sept. 2—Sept. 6	Labor Day 2nd
11.	Sept. 9—Sept. 13	
12.	Sept. 16—Sept. 20	
13.	Sept. 23—Sept. 27	
14.	Sept 30—Oct. 4	
15.	Oct. 7—Oct. 11	
16.	Oct. 14—Oct. 18	
17.	Oct. 21—Oct. 25	
18.	Oct. 28—Nov. 1	
19.	Nov. 4—Nov. 8	
20.	Nov. 11—Nov. 15	
21.	Nov. 18—Nov. 22	
22.	Nov. 25—Nov. 29	Thanksgiving 28th
23.	Dec. 2—Dec. 6	
24.	Dec. 9—Dec. 13	

25.	Dec. 16—Dec. 20	
26.	Dec. 23—Dec. 27	Xmas 24 & 25
27.	Dec.30—January 3, 2003	New Year's Day, January 1st