

LOCAL RULES TO IMPLEMENT THE TEXAS FAIR DEFENSE ACT

2009-2010 PLAN STANDARDS AND PROCEDURES RELATED TO APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN FELONY CASES IN COLLIN COUNTY

To implement the Texas Fair Defense Act (FDA, Acts 2001, 77th Leg.), the following Local Rules of Administration are adopted under Texas Local Government Code 74.093, effective January 9, 2009.

SECTION ONE APPOINTING COUNSEL

1.01 Procedures for Timely Appointment of Counsel

The Collin County district judges hereby designate all justices of the peace and municipal court judges within Collin County to appoint counsel at arraignment for indigent defendants with felony charges, except for:

- a. capital cases, which will be made by the presiding judge of the district court which is next in rotation. The affidavit and request shall be immediately faxed to the local administrative district judge for immediate action; and
- b. probation revocations and other pending matters where the magistrate can reasonably ascertain that the case is presently assigned to a district court, in which event the affidavit and request (together with any identifying information such as a cause number) shall be immediately faxed to the appropriate district judge for immediate action.

All persons confined in state custody in Collin County shall be arraigned as soon as practicable after their confinement and at least within 48 hours of arrest. For detained persons, counsel shall be appointed not later than the end of the first working day after the date on which the receipt of the request for appointment of counsel. If the accused does not speak English, or is deaf, the accused shall be provided with an interpreter. Counsel shall be appointed from among the next five names on the approved attorney list in the order in which the names appear on the list unless the court makes a finding of good cause on the record. Appointed counsel shall make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and shall 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 after a finding of good cause entered on the record.

1.02 Compliance with Texas Fair Defense Act

The appointing magistrates are directed to review and comply with the Texas

Fair Defense Act (FDA, Acts 2001, 77 Leg.)

1.03 Computerized Attorney Listing System

The district judges adopt the computerized attorney listing system developed in conjunction with Information Services Department and direct that all appointments shall be made from the list as published by the Information Technology Department on the AS400 or Odyssey. If the AS400 or Odyssey computer system is inoperable for any reason, the appointing judge or magistrate shall appoint an attorney from the written list of approved attorneys.

1.04 Admonishments Form

The appointing magistrate shall use the approved Admonishment Form (Exhibit "A") or modify their current forms to substantially comply with the approved form.

SECTION TWO COMPLIANCE WITH MANDATE FOR EQUAL ALLOCATION OF APPOINTMENTS

2.01 Procedures for the Fair Allocation of Attorneys

(a) In order to meet the requirements of the Texas Fair Defense Act, and Article 26.04 (b)(6) requiring the fair, neutral and nondiscriminatory allocation of appointments among qualified attorneys, the district judges will receive written applications for court appointed attorneys and meet periodically to approve and update the list. A copy of the application is attached hereto as Exhibit "B". The lists shall be provided to all district judges, county judges and designated magistrates, and clerks. The Information Technology Department is directed to post the list and any updates within 72 hours on the AS400 or Odyssey. The Information Technology Department shall provide the necessary programming and support to comply with the statutory requirements of rotation and identification of the 'next five names' as required by Article 26.04 (a).

(b) The courts may waive the requirement of documenting jury trials for those attorneys whose abilities are presently well known to the judiciary.

2.02 Minimum Standards for Court Appointed Attorneys

The minimum standards for placement on the list of qualified attorneys shall be:

1. Licensed and in good standing with the State Bar of Texas
2. Two years of experience in criminal law (with six months in Collin County)
3. Exhibited proficiency, professionalism, and reliability
4. Maintain an office in Collin County with either a fax or email access

5. Ten hours per year of CLE in criminal law
6. Two jury trials as lead counsel

2.03 Graduated Lists

Applications will be received for, and lists approved for, the following graduated lists. Each list details the qualifications required for placement on the list:

1st and 2nd degree felonies

Board Certified in Criminal Law,

OR

1. Meet minimum qualifications of Rule 2.02, and
2. Eight jury trials, including at least four felony jury trials as lead counsel.

3rd degree and SJF

1. Meet minimum qualifications of Rule 2.02, and
2. Four jury trials as lead counsel.

Appeals and Non-Capital Writs¹

1. Meet minimum qualifications of Rule 2.02, and
2. Demonstrate proficiency by submitting writing samples to the courts.

Motions (Motions to Revoke, Petitions to Adjudicate, Extraditions, and other miscellaneous matters)

1. Meet minimum qualifications of Rule 2.02.

2.04 Selection and Appointment of Counsel in Death Penalty Cases

(a) Whenever a capital felony case is filed, the presiding judge in the district court in which the case is filed shall appoint two attorneys pursuant to the following criteria from the First Administrative Region; unless and until the state gives notice in writing that the state will not seek the death penalty.

1. At least two attorneys shall be appointed. One designated as first chair, or lead attorney, the other as second chair;
2. The first and second chair attorneys must be members of the State Bar of Texas;
3. The first chair attorney must exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases. The first chair's commitment and proficiency must include at least five years experience in litigation of serious felony matters and experience in at least one capital case;

4. The first chair attorney must have tried to a verdict as lead defense counsel a significant number of felony cases, including homicide trials and other trials for offenses punishable as first or second degree felonies, or capital felonies;
 5. The first chair attorney must have trial experience in the use of and challenge to mental health or forensic expert witnesses, and in investigating and presenting mitigating evidence at the penalty stage of a death penalty trial; and
 6. The first chair attorney must have participated in continuing legal education courses or other training relating to criminal defense in death penalty cases within the previous year and must have completed a minimum of twelve hours of such training over the previous two year period.
 7. The second chair attorney must have at least two years experience in representing individuals charged with felony matters; and
 8. The second chair attorney must have completed a minimum of eight hours of continuing legal education courses or other training relating to criminal defense in death penalty cases over the previous two year period.
- (b) The judge of the court in which a capital felony case is filed shall appoint counsel to represent an indigent defendant as soon as practicable after charges are filed. At least one of the attorneys appointed must be from the master list of attorneys eligible for appointment to death penalty cases, unless the State gives notice in writing that the State will not seek the death penalty.
- (c) The Judge of the Court in which the case is pending shall determine which attorneys from the approved list are to be appointed, and shall decide which attorney shall be designated as first chair or lead attorney. The Judge appointing counsel shall ensure that the attorney designated as first chair or lead attorney meets the qualifications for first chair or lead attorneys set forth herein.
- (d) To be assigned as counsel in a death penalty case an attorney must meet the minimum standards set forth in Article 26.052 (d)(2), Tex. Code Crim. Proc, and the standards adopted by the First Administrative Judicial Region.

¹ Ordinarily, trial counsel shall continue to represent the indigent defendant through all appeals. This list is to be used when circumstances require the appointment of counsel at this stage of the proceedings.

2.05 Annual Renewal and Review of Counsel

- (a) Each year, appointed court appointed counsel shall complete and file a renewal application (Exhibit "D") which verifies their contact information and other required information. Counsel shall also attach a copy of the State Bar CLE compliance form as proof of their compliance with the annual criminal law CLE requirements. The renewal application shall be filed with the Indigent Defense Office by December 31 of each year.

2.06 Removal and Review of Counsel

Any district judge may immediately remove from the appointment list any attorney who intentionally or repeatedly fails to fulfill their obligations to their client or the Court. Upon such event, the board of judges shall review the matter at its next scheduled meeting. Unless a majority of the board of judges votes in favor of restoring the attorney's name, the attorney's name shall not be restored to the list of attorneys eligible for appointment.

PART THREE

PROCEDURES FOR INDIGENCY DETERMINATION

3.01 Definitions. As used in this rule:

a. **"Total income"** shall include all income of the defendant and spousal income available to the defendant. In the case of a juvenile defendant, the child's parents or other person determined responsible for the support of the child income shall be considered. Total income shall include wages, salaries, tips, taxable interest, dividends, capital gains, business income, IRA distributions, pensions and annuities, rental real estate, royalties, partnerships, S corporations, trusts, etc., farm income, unemployment compensation, Social Security benefits, and other income. Unless there has been a substantial change in income, total income will be determined from line 22 of the most recent U.S. Individual Income Tax Return – 1040 or line 4 of form 1040EZ.

b. **"Household size"** shall be determined by the number of dependants claimed on the most recent U.S. Individual Income Tax Return 1040 or 1040EZ. If a U.S. Individual Income Tax Return has not been filed, household size shall mean all individuals who are dependent on the defendant for financial support.

c. **"Liquid assets"** shall include but are not limited to cash, savings, checking accounts, stocks, bonds, certificates of deposit, and equity in real and personal property that can be readily converted to cash, other than assets and property exempt from attachment under state law.

3.02 Financial Considerations

The financial standards set forth below shall be used to determine whether a defendant is indigent and shall be applied equally to each defendant in the county. A defendant is considered indigent if:

a. their total income does not exceed 125% of the Federal Poverty Guidelines

established and revised annually by the U.S. Department of Health and Human Services and published in the Federal Register; or

125 % of the Federal Poverty Level (2008)

2008 HHS Poverty Guidelines

Persons in Family or Household	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,400	\$13,000	\$11,960
2	14,000	17,500	16,100
3	17,600	22,000	20,240
4	21,200	26,500	24,380
5	24,800	31,000	28,520
6	28,400	35,500	32,660
7	32,000	40,000	36,800
8	35,600	44,500	40,940
For each additional person, add	3,600	4,500	4,140

SOURCE: *Federal Register*, Vol. 73, No. 15, January 23, 2008, pp. 3971–3972

b. if the defendant and defendant's spouse were not required by law to file the most recent U.S. Individual Income Tax return (either 1040 or 1040EZ) due to gross income below the filing requirements; and

c. if the defendant and defendant's spouse liquid assets do not exceed \$2,500; or

d. whose liquid assets do not exceed double the estimated cost of obtaining competent private legal representation on the offense(s) with which the defendant is charged.

3.03 Other Considerations

A defendant is considered indigent if the defendant:

a. is currently serving a sentence in a correctional institution, is currently held in custody, is currently residing in a mental health facility, or is the subject of proceeding in which admission or commitment to such a mental health facility is sought; and does not have liquid assets in excess of 3.02 c.

b. at the time of requesting appointed counsel, the defendant or defendant's

dependents have been determined to be eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, public housing or Collin County Indigent Health Care.

3.04 Factors Not to be Considered

- a. A defendant's posting of bail or ability to post bail may not be considered, except as provided by law, in determining whether the defendant is indigent. Even when a defendant has posted bail, the defendant's financial circumstances are measured by the financial standards stated in this rule.
- b. The resources available to friends or relatives of the defendant may not be considered in determining whether the defendant is indigent. Only the defendant's financial circumstances as measured by the financial standards stated in this rule shall be used as the basis for determining indigence.
- c. A defendant shall not be denied the appointment of counsel merely because the person is employed.

3.05 Procedures for Determining Indigence.

- a. As soon as possible following arrest, and in any event not later than the Article 15.17 hearing, each arrested person who wants to request appointment of counsel shall be provided with a form on which the arrested person will provide under oath the necessary information concerning the person's financial resources and will indicate that the person requests appointment of counsel. The arrested person will be provided reasonable assistance in completing the form. A copy of the form is attached hereto as Affidavit of Indigency.
- b. The form requesting appointment of counsel and containing the information concerning the arrested person's financial resources will be transmitted to the appointing judge or person(s) designated by the judges to determine indigency.
- c. The appointing judge or person(s) designated by the judges to appoint counsel will determine whether the person meets the financial standards for indigence in Rule 3.02. The determination will be recorded on the form requesting appointment of counsel and the form will be filed with the other orders in the case.
- d. The arrested person may be required by the court designee, magistrate, the appointing judge, or the judge presiding over the case to respond to examination regarding the person's financial resources.
- e. A written or oral statement elicited under this article or evidence derived from the statement may not be used for any purpose, except to determine the defendant's indigence or to impeach the direct testimony of the defendant regarding the defendant's indigence.
- f. A defendant determined to be indigent is presumed to remain indigent for the

remainder of the case unless a material change in the defendant's financial circumstances occurs. Counsel shall notify the Court if a material change occurs. Release from custody or change of employment status are changes which shall be brought to the attention of the Court within 14 days.

g. A defendant's status as indigent or not indigent may be reviewed in a formal hearing at any stage of a court proceeding based on evidence of a material change in the defendant's financial circumstances. A defendant's status as indigent or not indigent also may be reviewed in a formal hearing at any stage of a court proceeding based on additional information regarding financial circumstances, subject to the presumption. If a defendant previously determined to be indigent subsequently is determined not to be indigent, the attorney shall be compensated by the county in accordance with these Rules for time reasonably expended on the case.

h. Contingent on the employment of an indigency eligibility specialist, the judges shall designate the specialist to review and audit requests for indigency. A copy of the request form shall be transmitted to the indigency specialist for investigation and review. Income verification and determination will be completed no later than the end of the first working day after the date on which the indigency specialist receives the defendant's request for appointment of counsel. The indigency eligibility specialist shall notify the defendant and the Court of the outcome of the determination." A defendant determined not to be indigent who remains in custody without obtaining counsel shall have his indigency status reviewed at least every 14 days.

3.06 Partial Indigency

a. The court may find a defendant to be partially indigent if the person is able to pay some part of the cost of legal representation and if the payment does not impose manifest hardship on the accused or the accused's household.

b. An accused person found to be partially indigent may be ordered by the court to pay, while the case is pending, monthly installments commensurate with the accused's ability to pay based upon his/her income and assets.

3.07. Reimbursement

a. An accused person who is found guilty, and after all appeals, if any, are exhausted, shall be required to reimburse Collin County a sum not more than the amount paid by the County to the accused's attorney, provided however that a finding is made at the time of final disposition that the accused has the ability to reimburse the County without substantial financial hardship. Such reimbursement shall be taxed as costs in the accused person's case.

PART FOUR PROCEDURES FOR ATTORNEY COMPENSATION

4.01 Attorney Fee Schedule

The district judges adopt (pursuant to Article 26.05 Tex. Code of Crim. Proc.) a fee schedule for appointed attorneys, attached hereto as "2009-2010 Fee Schedule for Appointed Attorneys".

Payment can vary from the fee schedule in unusual circumstances or where the fee would be manifestly inappropriate because of circumstances beyond the control of the appointed counsel.

4.02 Payment Request Form

Counsel shall submit their requests for payment on the auditor's approved Payment Request Form. Counsel seeking compensation in excess of the flat fee guidelines described in Section 4.01 shall submit their pay request, together with an explanation of the circumstances, to the administrative judge appointed for this region in accordance with Article 26.05 of the Code of Criminal Procedure.

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:

- (1) the type of investigation to be conducted or the type of expert to be retained;
- (2) 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
- (3) an itemized list of anticipated expenses for each investigation or each expert.

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:

- (1) state the reasons for the denial in writing;
- (2) attach the denial to the confidential request; and
- (3) submit the request and denial as a sealed exhibit to the record.

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. Unreasonable or unnecessary expenses will not be approved.

Articles 26.05(d), 26.052(f), (g), & (h), Code of Criminal Procedure

4.03

Counsel failing to comply with Section 3.05 (f) shall not be permitted to apply for compensation in excess of the flat fee.

**PART FIVE
CONCLUSION**

5.01 Amendments

This plan is subject to amendment.

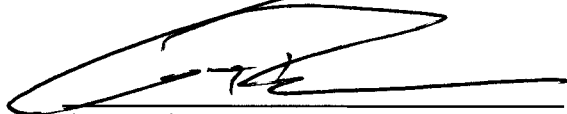
5.02 Availability of Forms

Forms provided for in this plan are available on the county website.

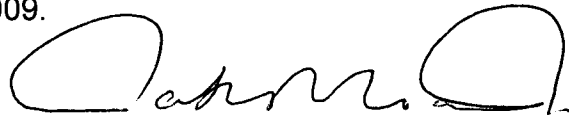
5.03 Effective Date

This plan is effective and shall remain in effect until further order of the district judges.

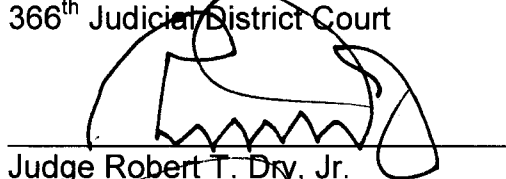
Signed this 9 day of JAN, 2009.



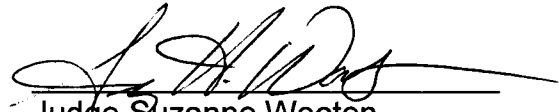
Judge Greg Brewer
366th Judicial District Court



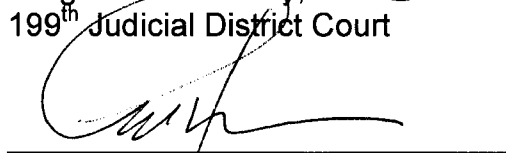
Judge John Roach Jr.
296th Judicial District Court



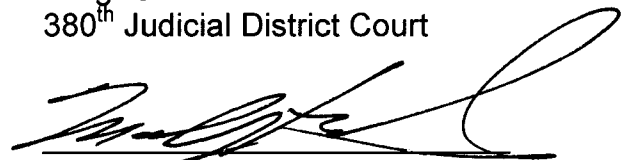
Judge Robert T. Dry, Jr.
199th Judicial District Court



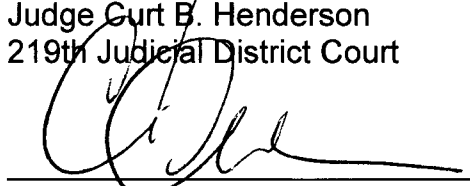
Judge Suzanne Wooten
380th Judicial District Court



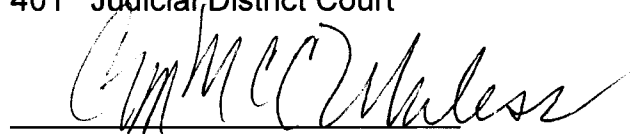
Judge Curt B. Henderson
219th Judicial District Court



Judge Mark Rusch
401st Judicial District Court



Judge Chris Oldner
416th Judicial District Court



Judge Cynthia Wheless
417th Judicial District Court



Judge Jill Willis
429th Judicial District Court

MAGISTRATES ADMONISHMENT FORM COLLIN COUNTY

NAME OF DEFENDANT:

DATE: _____ TIME: _____ PLACE:

_____ READ BY JUDGE

SIGNATURE:

_____ (Check while you are reading)

- _____ 1. You are charged with the offense of _____
- _____ 2. You have the right to retain or hire counsel.
- _____ 3. You have the right to remain silent.
- _____ 4. You are not required to make a statement, and any statement you make may be used against you at your trial. Any statement you make may be used as evidence against you in court.
- _____ 5. You have the right to have an attorney present to advise you prior to and during any questioning.
- _____ 6. You have the right to terminate the interview at any time.
- _____ 7. You have the right to an examining trial.
- _____ 8. If you are unable to employ a lawyer, you have the right to have a lawyer appointed to advise you prior to and during any questioning. You have the right to request the appointment of an attorney.
- _____ 9. If you are requesting an attorney, you must complete an Affidavit of Indigency Form. This form is available for you to complete now at this time.
- _____ 10. If you need assistance in filling out the Affidavit of Indigency, you will be provided assistance.

____ 11. You must swear to the truthfulness of all of the information in the
Affidavit of Indigency.

____ 12. Are you requesting the appointment of an attorney?

ANSWER: (circle answer given) (YES) (NO)

Bail is set at \$_____

**APPLICATION FOR APPROVAL AS COURT APPOINTED ATTORNEY
DISTRICT COURTS OF COLLIN COUNTY**

The applicant shall file the original of this application with the District Clerk. The applicant shall present a copy of this application to each district judge.

Name: _____
Address: _____
Phone: _____ Fax: _____
Cell: _____ Email: _____

If you are fluent in any foreign language, please state the language?

Do you have any fee sharing, work sharing, or similar agreements with any other attorney relating to any court appointed work? _____ If so, please describe on a separate sheet.

For what level of appointments are you applying?

All 1 & 2 3 & SJF Motions Appeals

Minimum Qualifications:

1. Licensed and in good standing with the State Bar of Texas,
2. Two years of criminal law experience (with six months in Collin County),
3. Exhibited proficiency, professionalism, and reliability,
4. Maintain an office in Collin County with either a fax or email access,
5. Ten hours per year of CLE in criminal law,
6. Two jury trials as lead counsel.

Do you meet the above minimum qualifications? _____ Are you Board Certified in Criminal Law? _____ (If yes, you do not need to attach any supporting documentation other than your most current State Bar CLE compliance form)

Attach most recent CLE compliance sheet from State Bar and docket sheets, or other proof of jury trials in which you have served as lead counsel.

If applying for the Appeal List, attach writing samples.

I affirm under oath that the representations in this application are true. I further agree to notify all judges, in writing, if any of the representations in this application change.

Signature: _____ Date: _____ Time: _____

AFFIDAVIT OF INDIGENCY

State of Texas

In the _____ Judicial
District Court of Collin
County, Texas

v.

Level _____

Offense _____,



All information must be completed by the defendant and must be current, accurate, and true. Intentionally or knowingly giving false information may result in your prosecution for the offense of aggravated perjury, a felony. The punishment for aggravated perjury includes imprisonment not to exceed ten (10) years and a fine not to exceed ten thousand dollars (\$10,000). Please fill in all blanks. If you do not know the information being asked, enter DO NOT KNOW in the blank. If the information being asked does not apply to you, enter N/A in the blank.

Defendant's Personal Information

Name

Phone Number

H

C

W

Street Address

City, State, Zip

Social Security #

Driver's License #

Date of Birth

Marital Status

Name of Spouse

Spouse's SS#

Dependents Name(s) (list below):

Age

Relationship

Are you currently in jail or in a correctional institution?

No

Yes If yes, provide name of institution:

Verification

Y / N

Y / N

Are you or your legal dependents currently receiving any of the following?

Food Stamps

Y / N

Medicaid

Y / N

Public Housing

Y / N

Temporary Assistance to Needy Families (TANF)

Y / N

Supplemental Security Income (SSI or SSDI)

Y / N

Collin County Indigent Health Program

Y / N

Employer Information

Employer

Phone Number

Supervisor's Name

Street Address:

City, State, Zip

Hours worked ____ per
 week or ____ per month

Pay rate

Spouse's Employer

Street Address:

City, State Zip

Hours worked ____ per
 week or ____ per month

Pay rate

If unemployed, list:

Length of time unemployed

Name of previous employer

Street Address of previous employer:

City, State, Zip

Income (Monthly)	Monthly Amount	Office Use Only
Take Home Pay	\$	(pay stubs / W2s / 1040 / TWC)
Spouse's Take Home Pay	\$	(pay stubs / W2s / 1040 / TWC)
Interest Income	\$	
Investment Income	\$	
Rental Income	\$	
Alimony (received)	\$	
Business Income	\$	
Pensions, annuities, IRAs	\$	
Unemployment	\$	
Social Security Benefits	\$	
Royalties, trusts, S. corps.	\$	
Other (describe)	\$	
Total Monthly Amount	\$	

Assets (paid, paying on a loan to purchase or leased) Asset Value

A. Place of Residence ____ Rent ____ Own Describe if house, condominium, apartment, other:

\$

B. Real Property Owned (e.g. Land, Buildings, etc.) Description/Location: \$

C. Automobiles and/or Motorcycles Make Model Year

\$ Make Model Year

\$

D. Stock and Bonds (provide description)

\$

E. Other Property (large equipment, watercrafts, etc.)

\$

\$

F. Bank Accounts

Bank Name
Type of Account
Balance

\$

G. Other Assets (Identify)

\$

ASSETS TOTAL VALUE

\$

Expenses	Monthly Payment	Expenses	Monthly Payment
Rent or Mortgage	\$	Cable TV or Satellite TV	\$
Car Payment	\$	Pager	\$
Insurance-Health, Car, Life, Homeowners, etc.	\$	Cell Phone	\$
Child Care	\$	Loan or Debt Payments	
Child Support	\$	Outstanding Loans (list)	
Water	\$	Balance: \$ _____	\$
Gas	\$	Balance: \$ _____	\$
Telephone	\$	Credit Card Debt (list)	
Electricity	\$	Balance: \$ _____	\$
Food	\$	Balance: \$ _____	\$
Clothes	\$	Other Expenses (list)	\$
Medical	\$		\$

Other financial considerations I want the court to know:

--

By signing my name below, I swear, that all of the above information about my financial condition is **current, accurate, and true**. By signing below, I understand that **a court official will verify** any of the information for accuracy as required to determine my eligibility. I have also been advised by the Court of my right to representation by counsel in the trial of the charge pending against me. I am without means to employ counsel of my own choosing and I hereby request the Court to appoint counsel for me. **I further understand that the cost of any attorney appointed will likely be added to my court costs and I will be responsible for paying all ordered court costs.**

I hereby authorize the release of any financial information to any representative of Collin County from any person, group or company named in this affidavit.

Defendant's Signature _____

SUBSCRIBED and SWORN to before me, the undersigned authority, this ____ day of _____, 20____

Clerk's Signature

Staff Use Only:					
Comments:					
			Defendant Meets Eligibility Requirements		
	Amount	Criteria	Yes	No	Undetermined
Automatic Qualification	N/A				
Total Income	\$	<or = 125% FPL			
Assets	\$	< or = \$2,500			

The Indigency Eligibility Specialist finds that:

_____ the defendant is **indigent** according to the guidelines promulgated by the courts of Collin County, or

_____ the ends of justice are best served by appointing the defendant an attorney without a finding of indigence,

_____ the defendant is **currently incarcerated** and is **not indigent** for the following reasons:

a. _____ has the following non-exempt assets readily convertible to cash; to-wit: _____

b. _____ is currently receiving weekly income from the following source and in the following amount; to-wit: _____

_____ the defendant is **not currently incarcerated** and is **not indigent**
for the following reasons:

a. _____ has the following non-exempt assets readily convertible to cash; to-wit: _____

b. _____ is currently receiving weekly income from the following source and in the following amount; to-wit: _____

Indigency Eligibility Specialist

Date: _____

ANNUAL RENEWAL APPLICATION

COURT APPOINTED ATTORNEY - DISTRICT COURTS OF COLLIN COUNTY

The applicant shall file the original of this application with the Indigent Defense Office by December 31 of each year.

Name: _____
Address: _____
City, State, Zip, County: _____
Phone: _____ Fax: _____
Cell: _____ Email: _____
State Bar Number: _____
Languages Spoken Other Than English: _____

For what level of appointments are you renewing your application?

All 1 & 2 3 & SJF Motions Appeals

To the Board of District Judges (Check all that apply):

_____ I am licensed and in good standing with the State Bar of Texas.

_____ In the past year, I have exhibited proficiency, professionalism, and reliability.

_____ I continue to maintain an office in Collin County with a) a working telephone number, and b) a working fax number or email access.

_____ I have attached the most recent State Bar CLE compliance form demonstrating that I have completed ten hours per year of CLE in criminal law in the past twelve months.

_____ I am Board Certified in Criminal Law by the Texas Board of Legal Specialization.

_____ Other information I desire to relate to the Board of District Judges is (you may attach separate documents):

I affirm under oath that the representations in this application are true. I further agree to notify all judges, in writing, if any of the representations in this application change.

Signature: _____ **Date:** _____

**2009-2010 Fee Schedule for Indigent Defense Court Appointed
Attorneys**

PLEAS:

First & Second Degree Felonies: \$750

Third Degree & State Jail Felonies and all Drug cases: \$500

(\$200 for 2nd and each subsequent case at the discretion of the Judge)

TRIALS:

Pre-Trial: \$1000

\$375 per ½ day(s) in trial

APPEALS:

Appeal from jury verdict or bench trial \$3,500

Other appeal \$2,000

Each Judge has discretion to adjust fees in an additional amount not to exceed \$1,000.00.

The right of an attorney to appeal a fee amount to the Board of District Judges is eliminated. However, a Judge may still bring an exceptional fee request to the attention of the Board at his or her discretion.

This is a 4-part form - PRESS HARD

Crillin County Task Force on Indigent Defense

Original - Author *** Yellow - Production *** Pink - Clerk of the Courts *** Green - Attorney

