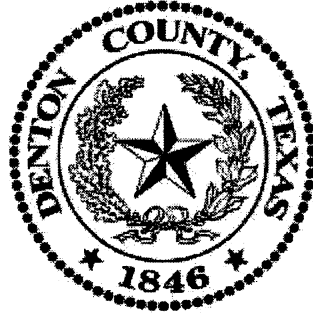




**Indigent Defense Plan**  
**Denton County District Courts**  
**For the Year 2025**

DENTON COUNTY COURTS BUILDING  
1450 E. MCKINNEY, DENTON, TEXAS 76209  
940-349-2300      940-349-2301 FAX

**Indigent Defense Plan**  
**Denton County District Courts**  
**For the Year 2025**

**PURPOSE AND SCOPE**

This alternative program for appointing counsel for indigent defendants in felony criminal cases is created pursuant to Article 26.04 of the TEXAS CODE OF CRIMINAL PROCEDURE. Its purpose and intent is to ensure all indigent defendants receive quality legal assistance in the disposition of their cases from the reasonable and impartial appointment of qualified attorneys in a manner which is fair, neutral, and nondiscriminatory.

Nothing in this plan is intended or shall be construed to obligate Denton County by contract or to bestow any right of employment.

When the terms “Judges”, “District Judges” or “District Courts” are used in this document it means the Denton County District Judges whose regular dockets include felony cases. Masculine pronouns are used in this document to indicate one whose sex is unknown and/or immaterial.

**ATTORNEYS TO BE APPOINTED**

The Denton County District Courts will use an alternative appointment system which meets the requirements of the statute whereby attorneys in private practice will be appointed to represent defendants charged with felony offenses. An attorney wishing to be included on an appointment list(s) will submit their application to District Court Administration, 1450 E. McKinney, Denton, Texas 76209 by completing an application form, which has been approved by majority vote of the District Judges.

Appointments will be made from attorneys who have made application and who have been approved by a majority of the District Judges. Additionally, the District Courts will, by majority vote, determine if the applying attorney should be included on A, B, and/or Appeal Appointment List(s).

Attorneys on the A Appointment List have been approved by a majority of the district judges to have 1<sup>st</sup> and 2<sup>nd</sup> degree felonies assigned to them. Attorneys on the B Appointment List have been approved by a majority of the district judges to have 3<sup>rd</sup> degree and State Jail felonies assigned to them. Attorneys on the Appeal Appointment List have been approved by a majority of the district judges to have felony appeals assigned to them.

Requirements for the A, B, and Appeal Appointment Lists can be found at the two websites listed below:

Texas Indigent Defense Commission:  
<http://tidc.tamu.edu/public.net/>  
Denton County District Court Administration:  
<https://www.dentoncounty.gov/617/For-Attorneys-Only---Applications>

**Special Designation:**

If an attorney is fluent in a foreign language or sign language, then a special designation noting the proficiency(s) will be included on the appropriate list by the attorney's name.

**Court Appointed Mentorship Program**

To enable attorneys to gain the experience necessary to meet the requirements for the appointment lists, the district judges will allow attorneys to participate in a mentorship program.

Attorneys that do not meet the requirements, may obtain a Mentor attorney that is on the appointment list. If the Mentor attorney agrees to sponsor the mentee, the judge will appoint the Mentor attorney to represent the defendant. The judge will also appoint the Mentee attorney as a second chair attorney. The Mentor attorney is required to be present with the Mentee attorney for all court appearances, hearings, trials, and interactions with the defendant.

The Mentor attorney will be paid as described in the plan. The Mentee attorney will not be paid by the county.

**Removal from a List:**

Any attorney may be removed from a list by majority vote of the District Judges. Some of the factors which may be considered in removing an attorney from a list include:

- The failure of an attorney to contact his client within 24 hours from notice of appointment.
- The attorney making a frivolous appeal of the amount paid by the court pursuant to Section 26.05 of the Texas Code of Criminal Procedure.
- It is shown after a hearing that the attorney submitted a claim for legal services not performed by the attorney.
- The failure of an attorney to demonstrate professionalism and reliability when providing representation to his client.
- The failure of an attorney to exhibit proficiency and commitment in providing zealous representation to his client.
- The failure of an attorney to conduct himself in accordance with the rules of ethical conduct or the Lawyers Creed.

An attorney may request to be temporarily suspended from receiving appointments if the attorney feels for any reason he will not be able to contact defendants within 24 hours of appointment or will not be able to provide quality legal services to his clients (i.e. excessive caseloads, vacation, medical leave, personal problems, etc.). To be temporarily suspended from appointments, the attorney should contact District Court Administration in written form at District Court Administration, 1450 E. McKinney, Denton, Texas 76209 or by fax to 940-349-2301. The suspension will remain in effect until the attorney contacts the District Court Administrator in writing to be reinstated.

#### **Duty of Attorneys on Appointment List:**

If an attorney has a change of circumstances regarding any of the minimum requirements for the list upon which the attorney appears, the attorney shall notify the District Court Administrative Judge of the change or circumstances immediately.

An attorney appointed on a felony case shall make himself available for appointment to a misdemeanor case arising out of the same transaction. These appointments will be made and services will be compensated through the County Criminal Court's indigent defense system.

#### **Grandfathering of Attorneys on the Appointment List:**

As of January 1, 2002, the District Courts maintained a list from which attorneys were appointed to represent indigent defendants. The attorneys on that list will be maintained on the current list of attorneys available for appointment unless and until they are removed by majority vote of the district judges, or pursuant to other provisions of this plan.

### **ASSIGNING AN ATTORNEY TO A CASE**

#### **Judge to Make Appointment:**

The District Judges or Magistrate will make all appointment of counsel to indigent defendants in felony cases. If the defendant has a case pending in a district court, the judge of that court will make the appointment. If the defendant has no case pending in a district court, then the judge who has impaneled the current Grand Jury will make the appointment. If the District Judge who is to make appointment is absent or otherwise unable to make a timely appointment, then any other District Judge or Magistrate will make the appointment. Denton County Indigent Defense (Denton County Courts Building, 1450 E. McKinney, 2<sup>nd</sup> Floor, Denton Texas 76209) will receive and screen requests for appointed counsel. Denton County Indigent Defense will determine if the defendant has other charges pending in a court and if so forward the request to that court, noting what cases are pending, the attorney representing the defendant on those charges, and whether or not the defendant is in custody.

For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the

response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made. Regarding the appointment of counsel, persons arrested in other counties on local warrants must be appointed counsel in the county that issued the warrant within 1 working day of receipt of the request in counties with a population of 250,000 or more and within 3 working days of receipt of the request in counties under 250,000. Persons arrested on out-of-county warrants must be appointed counsel in the county of arrest if the person has not been transferred or released to the custody of the county issuing the warrant before the 11<sup>th</sup> day after the date of arrest. [Art. 1.051 (c-1), CCP].

It shall be standard practice for a judge to appoint one (1) attorney per case. For good cause shown, the judge may appoint an additional attorney to assist with “A” list cases. In Capital cases wherein the State is seeking the death penalty, (presumed unless the State has filed Notice of State’s Intention To Not Seek The Death Penalty), the judge shall appoint two (2) attorneys in compliance with Texas Code of Criminal Procedure Art. 26.052(e). If the State files a Notice of Intention To Not Seek The Death Penalty, it shall be standard practice for the appointing judge to revert to the appointment system stated above and release the non-lead attorney from his/her representation of the defendant. For good cause shown, the second attorney may remain on the case to assist the lead attorney.

#### **Timing of Appointment:**

If a requesting defendant is in custody and is determined to be indigent based on the information from the Request for Appointed Counsel, the appointing judge will appoint counsel to represent the defendant within one working day from receipt of a completed Request for Appointed Counsel. If after reviewing the Request for Appointed Counsel it is unclear if the defendant is indigent, the judge will order the defendant to court to inquire of defendant’s financial status and may conduct a hearing if necessary.

If a requesting defendant is not in custody, the appointing judge will determine indigence and appoint counsel at the first setting of the case or when adversarial proceedings are initiated. Each indigent defendant charged with an offense punishable by confinement who appears in court without counsel shall have an opportunity to confer with appointed counsel before judicial proceedings commence.

For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made. Regarding the appointment of counsel, persons arrested in other counties on local warrants must be appointed counsel in the county that issued the warrant within 1

working day of receipt of the request in counties with a population of 250,000 or more and within 3 working days of receipt of the request in counties under 250,000. Persons arrested on out-of-county warrants must be appointed counsel in the county of arrest if the person has not been transferred or released to the custody of the county issuing the warrant before the 11<sup>th</sup> day after the date of arrest. [Art. 1.051 (c-1), CCP].

If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission's website at <http://tidc.tamu.edu/public.net/>, Denton County Indigent Defense at the Denton County Courts Building, 1450 E. McKinney, Denton, Texas 76209. The defendant may submit these forms to Denton County Indigent Defense at the Denton County Courts Building, 1450 E. McKinney, Denton, Texas 76209 – or – by fax to 940-349-2301. The Court will rule on all requests for counsel submitted in this manner.

**Determination of Indigence:**

A defendant wishing to request court-appointed counsel shall complete a Request for Appointed Counsel Form.

A defendant is presumed to be indigent if:

The defendant is in jail and unable to make bail.

The defendant is currently receiving free medical services from Denton County indigent health services.

A district judge making the indigence determination shall consider the defendant indigent under the above circumstances unless it clearly appears from the totality of the Request for Appointed Counsel the defendant is capable of hiring an attorney.

Absent a presumption of indigence, the appointing judge will make a case by case determination of indigence. The appointing judge should consider the following factors:

- the defendant's income;
- source of income;
- assets;
- property owned;
- outstanding obligations;
- necessary expenses;
- the number and ages of dependents,
- if the defendant is receiving Food Stamps,
- if the defendant is receiving Temporary Assistance for Needy Families,
- if the defendant is receiving Supplemental Security Income, and;
- spousal income available to the defendant (unless the spouse is the victim of the offense).

This Indigent Defense Plan will defer to and conform with any Supreme Court Emergency Order and/or Denton County Minimum Health Standard Protocols as

needed. Further, due to any Texas Supreme Court Emergency Order and/or Denton County Minimum Health Standard Protocols, the magistrate or district judge will complete an, “*Emergency Circumstances Certification of Inability to Post Bail, Presumption of Indigency and Substitution of Affidavit of Indigency*,” in lieu of affidavit of indigency, and the defendant has been unable to secure release on bail – or – to retain private counsel, and where a sworn affidavit or request cannot be collected.

Where resources available to the defendant over the next 6 month period (through current cash flow or the selling of assets available to the defendant) does not exceed the national poverty level by an amount needed to hire an attorney for the case(s) charged, the appointing judge should deem the defendant indigent. For this determination the judge should consider the amount necessary to hire an attorney to be:

- \$10,000 for a first degree felony;
- \$7,500 for a second degree felony;
- \$5,000 for a third degree felony;
- \$2,500 for a state jail felony;

### **Special Circumstances**

In certain circumstances a defendant may exceed the financial criteria of the poverty level and asset test, but may still be found indigent. In these instances the IDC must fully document the defendant’s circumstances and obtain judicial approval prior to appointment of counsel.

These may include, but are not limited to, the following circumstances:

- Persons in the household over the age of 60 or are disabled
- Unable to obtain private counsel without substantial hardship to the family
- Complexity and the nature of the criminal charge(s)
- Large medical bills or expenses

### **Selection of an Attorney:**

Appointments shall be made in a nondiscriminatory manner from all qualified attorneys. The appointing judge should use his best efforts to match any special needs of the defendant (e.g. the defendant speaks a foreign language) or special requirements of a case to the abilities of a particular attorney on the appropriate appointment list.

If a defendant has an attorney representing him on a pending case and that attorney is on the appropriate appointment list for a new case the same attorney should be assigned to the new case. Where a List B attorney is appointed to represent a defendant on a pending case, and a defendant’s new case would require an appointment of a List A attorney, the appointing judge should appoint an attorney from List A for the new case. In such instances, the appointing judge may, but is not

required to, remove the attorney appointed on the pending case and replace that attorney with the newly appointed attorney from List A.

To facilitate the expedient assistance of counsel for indigent defendants, where there is an attorney from the appropriate list present in the courtroom at a time when a defendant is present in the courtroom and an appointment is to be made for that defendant, the appointing judge may appoint the attorney present at the time to represent the defendant.

When no circumstances listed above indicate the appointment of a particular attorney, the appointing judge should appoint the next attorney from List A or List B, as the indicated by the punishment range for the offense charged.

#### **Removal of an Attorney from a Case:**

If upon request of appointed counsel showing valid ethical grounds or other good cause, the court believes it would not be in the best interest of the defendant for representation to continue, the court may remove counsel and appoint new counsel.

If after trial of the case, counsel or the defendant request removal of the appointed counsel for purposes of appeal and the court believes it would not be in the best interest of the defendant for trial counsel to continue representation on appeal, the court may remove counsel and appoint new counsel to handle the appeal.

If the defendant retains counsel to represent him in the case, the court may discharge appointed counsel.

If, due to a change in the defendant's circumstances or information being brought to the court's attention, it appears to the court the defendant is no longer indigent, the court may discharge appointed counsel and require the defendant to retain counsel.

If an appointed attorney fails to contact his client within 24 hours from notice of appointment, the court may discharge that counsel and appoint new counsel.

After notice and a hearing, the court may discharge appointed counsel for any other good cause shown.

#### **Duty of Appointed Attorney:**

The appointed attorney shall evaluate the indigence of the defendant and apprise the court if at any time it appears the defendant's indigence is in question.

The appointed attorney shall remain on the case until the defendant is acquitted, appeals are exhausted per Article 1.051 (d) of the TEXAS CODE OF CRIMINAL PROCEDURE, or the court enters an order of record discharging the attorney from further representation.

If appointed counsel is removed from a case, appointed counsel shall prepare an order releasing him from any further obligation in the case and appointing the successor attorney if one is named to replace him. The removed attorney shall also contact the successor attorney and inform the successor attorney of his appointment and of any deadlines or settings in the case.

The appointed attorney shall:

- Contact his client within 24 hours from notice of appointment.
- Demonstrate professionalism and reliability when providing representation to his client.
- Exhibit proficiency and commitment in providing zealous representation to his client.
- Conduct himself in accordance with the rules of ethical conduct and the Lawyers Creed.
- Provide proof of required six (6) hours of continuing legal education hours by October 1 of each year to District Court Administration, 1450 E. McKinney, Denton, Texas 76209 or by fax to 940-349-2301.

Beginning in 2014, Article 26.04(j)(4) of the Code of Criminal Procedure will require all attorneys who accept appointments in adult criminal and juvenile delinquency cases to submit an annual statement which describes the percentage of their practice time that is dedicated to work on those appointed cases. Every year, an attorney is required to submit a practice-time statement to each county in which the attorney accepted an appointment in an adult criminal or juvenile delinquency case during a fiscal year period that begins on October 1 and ends on September 30. Attorney must submit required information on Attorney Reporting Form. The statement is due no later than October 15<sup>th</sup> of each year and on a form prescribed by the Texas Indigent Defense Commission, submit to the county information, for the preceding fiscal year, that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in the county under this article and Title 3, Family Code. The report must be submitted through the online form to the Texas Indigent Defense Commission.

Address any concerns regarding felony appointments to the District Judge of court where defendant is assigned or Local Administrative Judge (LAJ).

## **PAYMENT FOR SERVICES RENDERED**

### **Payment Schedule:**

Pursuant to Article 26.05 of the TEXAS CODE OF CRIMINAL PROCEDURE, the District Courts of Denton County, Texas adopt the following fee schedule for court appointed attorneys. Accordingly, a copy of this Indigent Defense Plan for the Denton County District Courts will be sent to the Denton County Commissioners Court upon its adoption.

The appointed attorney may elect compensation on a fixed fee basis as outlined below:

| <b><u>ACTIVITY</u></b>                   | <b><u>FLAT FEE</u></b>                 |
|------------------------------------------|----------------------------------------|
| Investigator/Expert Fee(s)               | \$75/hour with proper Motion and Order |
| Dismissal                                | \$200                                  |
| Plea (State Jail/3 <sup>rd</sup> Degree) | \$700, \$100 for each additional case  |
| Plea (2 <sup>nd</sup> Degree)            | \$800, \$125 for each additional case  |
| Plea (1 <sup>st</sup> Degree)            | \$900, \$125 for each additional case  |
| Appeals                                  | \$1,500                                |

The appointed attorney may elect compensation on an hourly basis as outlined below:

| <b><u>ACTIVITY</u></b>                                         | <b><u>MINIMUM</u></b>              | <b><u>MAXIMUM</u></b>              |
|----------------------------------------------------------------|------------------------------------|------------------------------------|
| Legal Assistant Rate (all cases)                               | \$65/hour                          | \$65/hour                          |
| Attorney Services (State Jail and 3 <sup>rd</sup> Degree)      | \$150/hour                         | \$150/hour                         |
| Appeals (State Jail and 3 <sup>rd</sup> Degree)                | \$150/hour                         | \$150/hour                         |
| Attorney (Services 1 <sup>st</sup> and 2 <sup>nd</sup> Degree) | \$175/hour                         | \$175/hour                         |
| Appeals (1 <sup>st</sup> and 2 <sup>nd</sup> Degree)           | \$175/hour                         | \$175/hour                         |
| Death Penalty                                                  | \$175/hour (2 <sup>nd</sup> chair) | \$200/hour (1 <sup>st</sup> chair) |

Mileage will be paid at the standard IRS mileage rate, at the time of travel. Mileage to and from the courthouse will not be paid. An attorney *must* include actual mileage in itemized billing with the corresponding rate. Mileage will not be considered if not included in itemized billing.

If an attorney's court appointed client is *temporarily* housed outside of the Denton County jail, hourly payments will be made at the rate of \$65 per hour for travel time accrued by the attorney. The Court will consider no other travel time.

Incidental expenses related to research, jail visits, and conferences with clients or witnesses, postage, copying, courier fees, file maintenance or setup fees, paralegal's assistance or any other miscellaneous expenses are included in the above schedules and will not be compensated separately. The Court will pay the hourly rates or flat fees as established by the approved Schedule For Court-Appointed Attorney's Fees for the District Courts of Denton County, Texas.

#### **Investigation and Expert Expenses:**

Pursuant to Article 26.05 of the Texas Code of Criminal Procedure, appointed counsel shall be reimbursed for reasonable and necessary expenses, for investigation and for mental health and other experts. Expenses incurred with prior court approval shall be reimbursed in the same manner provided for by Articles 26.052(f) and (g), of the

Texas Code of Criminal Procedure and expenses incurred without prior court approval shall be reimbursed in the manner provided for by Article 26.052(h) of The Texas Code of Criminal Procedure.

**Unless good cause is shown prior approval of the court should be obtained to reimburse the attorney for the cost of an investigator or expert, and should not exceed \$500.00.** This reimbursement is in addition to any amounts paid to the appointed attorney for services performed. The payments for experts may be paid to the attorney to reimburse the attorney for the cost *or* directly to the expert.

The Court will pay the hourly rates as established by the approved Schedule for Court-Appointed Attorney's Fees for the District Courts of Denton County, Texas for expert fees or investigator fees.

**Application for Payment:**

No court will approve payment and the Auditor will not pay a request for payment of counsel unless submitted on a completed Attorney Fees Expense Claim Form – Denton County District Courts.

If an attorney elects to be compensated on an hourly basis, the attorney must attach a single copy of a detailed explanation of services performed including the date performed, the time spent on each activity, and a designation of in court or out of court time. For services performed on appeal the attorney must attach one hard copy of the brief submitted to the appellate court. The attorney must also designate all non-attorney expenses as other direct litigation expenditure.

All attorney bills must be reviewed by District Court Administration unless authorized by the Court – *or* – the attorney is requesting a flat fee.

Attorney bills for probation, pretrial diversion, and specialty courts must be submitted to District Court Administration two business days *prior* to the date of the plea hearing. If these bills are not submitted timely the attorney may be required to accept the appropriate flat fee, reset the plea hearing, or have the Court review and approve the bill.

Attorney bills for jail or prison time can be turned in prior to the date of the plea hearing, at the time of the plea hearing, or after the disposition of the case(s). If the attorney bill is submitted over one year after date of disposition, the Court will have the discretion to accept the bill and process for payment.

Attorney bills for cases the attorney has been removed from (e.g. substituted) can be submitted after the date of removal. Attorney bills for cases, which have been dismissed or declined, can be submitted after date of disposition. Attorney bills for adjudication/revocation proceedings, which have been withdrawn or disposed of, can be submitted after resolution of the case. If the attorney bill is submitted over one

year after date of disposition, the Court will have the discretion to accept the bill and process for payment.

Except on good cause shown, no partial payment or advance payment will be made on cases. However, payment for the trial court disposition may be paid pending appeal with payment for the services performed on appeal made at the conclusion of all appeals.

**If a judge disapproves requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount.**

### **ADDITIONAL LANGUAGE ADDED TO QUALIFY FOR GRANT MONIES**

#### **Abiding by laws:**

All persons in Denton County should abide by all applicable laws. This proclamation includes arresting officers, and magistrate as more specifically set forth below.

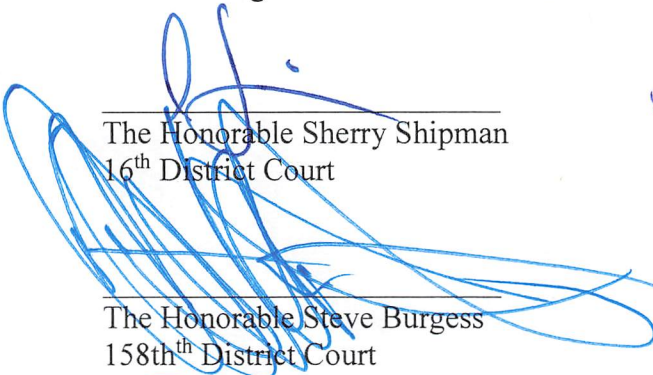
Arresting officers shall comply with Article 15.17 of the Texas Code of Criminal Procedure, to-wit; In each case enumerated in the Texas Code of Criminal Procedure, the person making an arrest in Denton County or the person having custody of the person arrested shall without unnecessary delay, but not later than 48 hours after the person is arrested, take the person arrested or have him taken before some Denton County magistrate or, if necessary to provide more expeditiously to the person arrested the warnings described by Article 15.17 of the Texas Code of Criminal Procedure, before a magistrate in a county bordering Denton County. The arrested person may be taken before the magistrate in person or the image of the arrested person may be broadcast by closed circuit television to the magistrate.

Magistrates shall comply with Article 15.17 of the Texas Code of Criminal Procedure, to-wit; the magistrate shall inform the person arrested of the person's right to request the appointment of counsel if the person cannot afford counsel. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel and provide to the person arrested the Request for Appointed Counsel Form. If the person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31 of The Texas Code of Criminal Procedure, as appropriate. The magistrate shall ensure reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the same time. The magistrate shall without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted to Denton County Indigent Defense (Denton County Courts Building, 1450 E. McKinney, 2<sup>nd</sup> Floor, Denton, Texas 76209) the forms requesting the appointment of counsel. The magistrate may use the model magistrate's warning form promulgated by the Task Force of Indigent Defense and found on the internet at <http://www.courts.state.tx.us/tfid>.

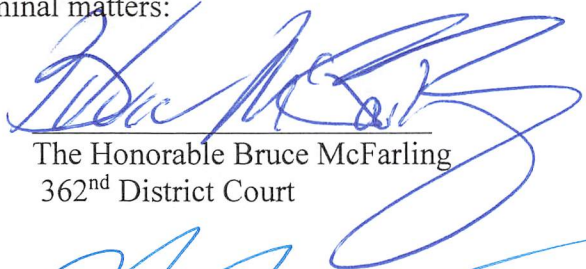
**The Right of Attorneys to Appeal Fee Payment:**

An Attorney shall have the rights bestowed on him by Article 26.05(c) of the Texas Code of Criminal Procedure, to wit; an attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the Presiding Judge of The Eighth Administrative Judicial Region (The Honorable David Evans, Tom Vandergriff Civil Courts Bldg., 100 North Calhoun St., Fort Worth, Texas 76196) The motion should contain a short concise statement explaining why the attorney feels the disapproval was improper or unfair and include any documents the attorney wishes the Presiding Judge to consider in ruling on the attorneys appeal (i.e. the Attorney Fees Expense Claim form and any documents generated by the District Judge in disapproving the attorney's claim). The Motion should be delivered to Eighth Administrative Judicial Regional Office, 100 N. Calhoun St., 2<sup>nd</sup> Floor, Fort Worth, Texas 76196.

Approved and adopted this the 17<sup>th</sup> day of September, 2025 by the Denton County District Judges whose dockets contain criminal matters:



\_\_\_\_\_  
The Honorable Sherry Shipman  
16<sup>th</sup> District Court



\_\_\_\_\_  
The Honorable Bruce McFarling  
362<sup>nd</sup> District Court



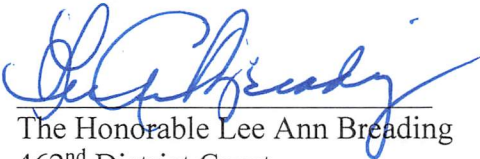
\_\_\_\_\_  
The Honorable Steve Burgess  
158<sup>th</sup> District Court



\_\_\_\_\_  
The Honorable Brent Hill  
367<sup>th</sup> District Court

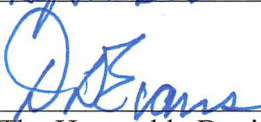


\_\_\_\_\_  
The Honorable Brody Shanklin  
211<sup>th</sup> District Court



\_\_\_\_\_  
The Honorable Lee Ann Breeding  
462<sup>nd</sup> District Court

Pursuant to Article 26.04 of the TEXAS CODE OF CRIMINAL PROCEDURE this plan for the appointment of counsel to represent indigent defendants in the District Courts of Denton County, Texas in hereby approved on this the 24<sup>th</sup> day of September, 2025.



\_\_\_\_\_  
The Honorable David L. Evans  
Presiding Judge  
8<sup>th</sup> Administrative Judicial Region

## **Denton County Supplemental Plan for Continuing Legal Education Requirements**

The judges hearing misdemeanor and felony criminal cases having approved, the following amendment to the Plan for Appointment of Counsel is adopted and supersedes any previous continuing legal education requirements of the plan as follows:

### **MINIMUM CONTINUING LEGAL EDUCATION REQUIREMENTS**

**Appointment in Criminal Cases.** An attorney who meets the requirements of this rule may be appointed to represent an indigent person arrested for or charged with a crime, if the attorney is otherwise eligible to be appointed under the Appointment of Counsel Plan.

An attorney may be appointed under this rule only if the attorney:

- (1) Completes a minimum of six hours of continuing legal education pertaining to criminal law during each 12 month reporting period. The first period will begin on April 27<sup>th</sup>, and then on **October 1<sup>st</sup>** each reporting period thereafter. Continuing legal education may include activities accredited under Section 4, Article XI, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing; or
- (2) Is currently certified in criminal law by the Texas Board of Legal Specialization.

#### Reporting Period.

- (a) Continuing legal education activity completed within a one-year period immediately preceding an attorney's initial reporting period may be used to meet the educational requirements for the initial year.
- (b) Continuing legal education activity completed during any reporting period in excess of the minimum six hour requirement for such period may be applied to the following period's requirement. The carryover provision applies to one year only.
- (c) To be included on the appointment list, each attorney must annually submit an affidavit to the county detailing the criminal continuing legal education activities completed in the prior year. Alternatively, an attorney may annually submit documentation showing the attorney is currently a specialist in criminal law.

#### Emergency Appointment.

If no attorney who meets these continuing legal education or board certification requirements is available by the time an attorney must be appointed in a case, another attorney may be appointed. The person making an appointment shall give priority to an attorney with experience in criminal or juvenile law, respectively.