## QUALIFICATIONS OF APPOINTED COUNSEL AND FEE SCHEDULE FOR INDIGENT DEFENDANTS

**FORT BEND COUNTY COURTS AT LAW**

**ADDENDUM B**

**I.**

**ATTORNEY OF THE DAY APPOINTMENTS**

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

**II.**

**GENERAL REQUIREMENTS FOR ALL MISDEMEANOR APPOINTMENTS**

**1. E-Discovery & E-File.** Counsel must be proficient in the use of Fort Bend County’s e-Discovery portal and counsel must be able to e-File documents with the Fort Bend County Clerk in all misdemeanor cases.

**2. Appearance of Counsel.** Counsel must appear for ALL court settings on appointed cases. If there is a scheduling conflict with a court setting, counsel must contact the Court prior to the setting. Failure to appear two times without timely notice, in accordance with the plan and individual Court requirements, can result in removal from that case and/or removal from the appointment list. If another counsel will appear for appointed counsel, regardless if the counsel appearing is of the same firm as appointed counsel, that appearance must be noted on the fee voucher. If another counsel appears for appointed counsel and performs any substantive legal work, they must be qualified to handle that level of offense.

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

**4. Proof of Experience & Annual Requirements.**

1. Proof of required experience may be presented to the Indigent Defense Coordinator through court records. If those records are unavailable due to an expunction or non-disclosure order, then affidavits outlining the substance of the unavailable records will be acceptable. Other significant experience in contested matters may be submitted for consideration.
2. Counsel must meet the minimum amount of trial experience every three years. Failure to timely provide proof of this experience will cause the attorney to be suspended from the appointment list. After 60 days of non-compliance, the attorney will be removed from the appointment list and will be required to reapply. Proof of qualification for a higher level offense constitutes qualification for a lower level offense.
3. Counsel must provide proof of CLE every year at a time designated by the Indigent Defense Coordinator. Failure to provide proof of the prior year’s CLE will cause the attorney to be suspended from the appointment list. After 60 days of non-compliance, the attorney will be removed from the appointment list and will be required to reapply.

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

**III.**

**SPECIFIC REQUIREMENTS FOR MISDEMEANOR APPOINTMENTS**

**1. Level 1 Offenses**

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

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

1. First chaired one (1) jury trial to verdict;

2. Have experience in cross-examination of expert witnesses;

3. Attended fifteen (15) hours of CLE on criminal matters within the previous calendar year;

4. Attended CLE on HGN, blood testing, drug testing, or breath testing;

5. Conducted one (1) evidentiary hearing; and

6. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.

**2. Level 2 Offenses**

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

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

1. First or second chaired one (1) jury trial to verdict, or conducted two (2) evidentiary hearings;

2. Viewed Practicing in Fort Bend County video in the Fort Bend County Law Library;

3. Attended fifteen (15) hours of CLE on criminal matters within the previous calendar year; and

5. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.

**3. Level 3 Offenses**

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

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

1. Viewed Practicing in Fort Bend County video in the Fort Bend County Law Library;

3. Attended ten (10) hours of CLE on criminal matters within the previous six (6) months;

4. Conducted one (1) evidentiary hearing; and

5. Met all other standards within the Fort Bend County Adult Plan and Local Rules for the Appointment of Counsel to Indigent Defendants in the District and County Courts of Fort Bend County, Texas Pursuant to Senate Bill 7 and the Texas Rules of Criminal Procedure.