



**NOTICE OF APPLICATION FOR INDIGENT DEFENSE CONTRACT ATTORNEY
IN THE DISTRICT COURTS OF HENDERSON COUNTY, TEXAS**

County Website:	Posted November 1, 2023
Applications emailed to Henderson County Bar:	November 1, 2023
Contract Period:	January 1, 2024 – December 31, 2025
Deadline to submit sealed applications:	2:00 PM (CST), December 1, 2023
Label Submission Envelopes:	2024 – 2025 Contract Attorney Application

The District Courts of Henderson County, Texas are soliciting applications for licensed attorneys to provide Indigent Defense representation for Felony cases for a contract term of 24 months. All applications shall be sent by mail or hand-delivered to:

Kevin Endsley
392nd District Court of Texas
109 W. Corsicana Street
Athens, Texas 75751

The District Judges of Henderson County appreciate your time and effort in preparing an application for these services. Please note that applications must be received at the designated address by the deadline shown. Applications received after the deadline will not be considered for award and will be returned unopened.

Definitions:

- **NOA** shall mean Notice of Application
- **Appointing Authority** shall mean the Henderson County District Court Judges, who have authority to establish an indigent defense plan and approve attorneys to represent indigent defendants in criminal cases under Article 26.04, Code of Criminal Procedure.
- **Contracting Authority** shall mean Henderson County, Texas, acting by and through her duly elected County Judge and Commissioners Court.
- **Contract Attorney** shall mean an attorney contracted with the County following the NOA and award process.
- **Applicant** shall mean the attorney responding to the NOA who is seeking a contract with Henderson County.

1. **Application** – The Application required for submission is attached.

Applications shall address qualifications, experience, and past performance along with any additional relevant information the Applicant would like the Appointing Authority to consider.

2. **Evaluations** – In-person interviews may be requested with one or all Applicants. All applications will be evaluated and considered based on the following subjective criteria:
 - a. Applicant’s experience and qualifications;
 - b. Applicant’s past performance in representing defendants in criminal cases, including but not limited to successfully completing cases, meeting deadlines, accessibility, support staff, and office amenities;
 - c. Applicant’s disciplinary history with the State Bar of Texas or any other State’s Bar;
 - d. Applicant’s ability to comply with the terms of the contract;
 - e. Additional information – Any additional information included in the application that supports the application or enhances the Applicant’s experience.

Following the review and ranking of all applications, the Appointing Authority shall by majority vote select the Contract Attorney(s) and authorize the Contracting Authority to enter into a contract(s).

3. **Scope** - The Contract Attorney shall enter into a twenty-four (24) month contract with responsibility for representation of Indigent Defendants charged with Felony cases in Henderson County, including Writs of Habeas Corpus, and **excluding** appeals and Civil Asset Forfeiture cases.

The District Judges of Henderson County intend to extend an offer to up to five (5) Applicants for indigent defense services for Felony cases filed in the 173rd and 392nd District Courts. The District Judges may also consider appointing the Contract Attorney(s) for the representation of Indigent Defendants with Henderson County Felony cases filed in the 3rd District Court.

4. **Compensation** - The Contract Attorney shall receive the sum of \$110,000.00 (One Hundred Ten Thousand and no/100 Dollars) every twelve-month period for the term of the contract, payable in 12 equal monthly payments, unless the contract is terminated sooner.

The Contract Attorney shall receive as additional compensation the applicable Henderson County Texas Attorney Fee Voucher daily rate in effect at the time of trial for active jury trial participation as approved by the Appointing Authorities.

5. **Case Load** – The Contract Attorney may be appointed to represent a maximum of 200 cases including Felonies and Motions to Revoke or Proceed at any one time. The Contract shall include appointments for representation in First, Second, Third and State Jail Felonies, but **shall not** include appointment for representation in Civil Asset Forfeiture, Appellate matters, Capital Felonies or Misdemeanor offenses. **In no event shall the Contract Attorney's active caseload exceed 200 cases.**

A case is defined as the representation of one defendant per criminal transaction/episode regardless of the number of criminal charges a defendant may have received during that criminal transaction/episode. It is contemplated that a single defendant may have more than one criminal episode/transaction being prosecuted simultaneously; therefore, one defendant can count toward the Contract Attorney's maximum caseload more than once. Motions to Revoke and Proceed are included in the definition of a case.

6. **Expense Reimbursement** – The Contract Attorney shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts consistent with Texas Code of Criminal Procedure art. 26.05(d). All expenses to be reimbursed must be itemized in writing, supported by invoices and /or vouchers, and submitted to the Presiding Judge for approval along with the order to approve the reimbursement. Prior court approval must be obtained.

7. **Other Information and Requirements**

- a. The selected Contract Attorney must be a licensed practicing attorney and a member in good standing of the State Bar of Texas with a minimum of two (2) years' experience in Criminal Law with 1st or 2nd chair experience in at least 3 criminal cases tried to verdict before a jury.
- b. The Contract Attorney must also be familiar with the Texas Rules of Evidence and shall have knowledge of the use of expert witnesses and evidence, including, but not limited to, psychiatric and forensic evidence, and have completed or agrees to complete a minimum of 8 hours of CLE in the area of criminal law and procedure each year.
- c. In addition to these basic qualifications, the Contract Attorney must also maintain the following requirements:
 - i. Maintain their principal office location in Henderson County with the capability of receiving email, fax, and telephone calls;
 - ii. Agree to attend all court settings in the contracting court;
 - iii. Refuse any appointment or client representation that would interfere with the Contract Attorney's duties under the contract;
 - iv. Refrain from entering into a contract as a Contract Attorney with another court for indigent client representation.
 - v. Contract Attorneys may serve on other court-appointed wheels or take retained clients, as long as the retained and/or appointed cases do not interfere with the Contract Attorney's duties under the contract.

Henderson County and/or the Henderson District Judges expressly reserves the right to accept or reject any or all applications submitted and to waive any technicalities or formalities considered to be in the best interest of Henderson County and/or the Henderson County Indigent Defense Program and appoint according to the wheel system.

Additional contract requirements can be found within a copy of the proposed contract enclosed for your review, as well as the Henderson County Fair Defense Plan for the District and County Courts at Law. This Plan can be found online at the County's webpage at <https://www.henderson-county.com/departments/courts/392nd-district-court> and online at the Texas Indigent Defense Commission webpage at <http://tidc.tamu.edu/public.net/Reports/IDPlanNarrative.aspx>.

Please submit written questions to Judge Scott McKee at smckee@henderson-county.com

APPLICANTS WHO INTEND TO BE AWARDED A CONTRACT BY HENDERSON COUNTY WILL BE ASKED TO COMPLETE THE FOLLOWING **AFTER** BEING SELECTED AND NOTIFIED BY THE DISTRICT JUDGES, BUT **PRIOR** TO CONSIDERATION FOR AWARD BY THE HENDERSON COUNTY COMMISSIONERS COURT.

Certificate of Interested Parties (Form 1295)

Texas Law requires that a county may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties to the county. The disclosure of interested parties will be submitted online via Form 1295 and must be submitted to the County Auditor prior to any signed contract and/or vote by Commissioner's Court.

The Filing Process:

1. After selection and notification by the District Judges, the Contract Attorney is required to log in to the Texas Ethics Commission and fill out the Electronic Filing Application.
2. Once submitted, the system will generate an electronic Form 1295 displaying a "Certificate Number." The Contract Attorney must print, sign and notarize Form 1295.
3. Within ten (10) business days from notification of the pending award by the Henderson County District Judges, the completed Form 1295 must be submitted to the Henderson County Auditor. The Commissioners Court and County Judge cannot approve the contract until this form is completed and submitted to the Auditor.
4. The Contract Attorney shall repeat this process and obtain a separate Form 1295 each time he or she enters into a new contract, renews a contract, or makes modifications and/or amendments to a Henderson County contract. Instructions and information are available at <https://www.ethics.state.tx.us/filinginfo/1295/> or by calling the Texas Ethics Commission at (512) 463-5800.