



Williamson County
District Courts and County Courts at Law
Amended Fair Defense Plan

LOCAL RULES ADOPTING STANDARDS AND PROCEDURES FOR THE
APPOINTMENT OF COUNSEL TO REPRESENT INDIGENT DEFENDANTS
UNDER FELONY AND/OR MISDEMEANOR ACCUSATION.

NOVEMBER 1, 2021
WILLIAMSON COUNTY, TEXAS

Table of Contents

Preamble and Order Adopting Plan 1

I. Prompt and Accurate Magistration 2

 A. Arresting Officer’s Responsibilities 2

 B. Prompt Magistration 2

 C. Affidavit of Financial Condition 2

 D. Use of Interpreters 3

 E. Magistrate’s Duties 3

 F. Right to Counsel 3

 G. Attorney Election..... 4

 H. Bail Setting..... 4

II. Appointment of Counsel..... 4

 A. Appointing Authority..... 4

 B. Appointment, Generally..... 5

 C. Timing of Application/Appointment 5

 D. Defendants arrested out-of-county for Williamson County offenses: 6

 E. Defendants arrested in Williamson County for out-of-county warrants..... 6

 F. Defendants detained pursuant to writs..... 7

 G. Mental Illness/Intellectual Disability..... 7

III. Indigence Determination Standards..... 7

 A. Definitions. 7

 B. Determination of Eligibility for Appointment of Counsel 8

 C. In-Custody Defendants previously Determined Ineligible for Appointment 9

 D. Duration of Indigence Finding..... 9

 E. Investigators and Expert Testimony..... 9

IV. Reimbursement by Defendant for Cost of Legal Services Provided 9

 A. Provisions Governing Reimbursement..... 9

V. Minimum Attorney Qualification 11

 A. Approval for Inclusion on Appointment Lists..... 11

 B. General Qualifications for All Lists 11

 C. Appointment to Misdemeanor List..... 12

 D. Appointment to State Jail Felony and Third Degree Felony Cases (The “C” List) 12

E.	Appointment to Second Degree Felony Cases (The “B” List).....	12
F.	Appointment to Any First Degree Felony Cases (The “A” List)	13
G.	Capital Case List Qualifications:	13
H.	Appellate List Qualifications.....	13
I.	Special Qualifications for Mental Health Wheel Cases.....	13
J.	Exceptions to Qualification Requirements.....	14
VI.	Standards and Responsibilities for Attorney	14
VII.	Removal and Reinstatement	15
A.	Removal from Individual Cases	15
B.	Temporary Inactive Status	16
C.	Removal from Appointment Lists	16
D.	Reinstatement to Appointment Lists	17
VIII.	Attorney Assignment Process.....	17
A.	Assignment of Attorneys in Non-Capital Cases.....	17
B.	Appointment of Counsel in Capital Cases	18
C.	Appointment of Replacement Counsel	18
IX.	Fee and Expense Payment Process	18
A.	Attorney Fee Schedule and Compensation of Appointed Attorneys	18
B.	Payment of Expenses:	19
	Appendix.....	21

Preamble and Order Adopting Plan

The District Court Judges and County Court at Law Judges of Williamson County, Texas (hereinafter "Judges") are committed to upholding the legal rights of the accused, while at the same time serving as good stewards of the public funds that are expended in the justice system.

This document is the Williamson County Fair Defense Plan for the District Courts and County Courts at Law ("Plan"), is adopted to assure compliance with the Texas Fair Defense Act and related statutes. Accordingly, pursuant to the requirements of the Texas Code of Criminal Procedure, Arts. 1.051, 26.04, 26.047, 26.05, 26.052, and all other relevant statutes, the Judges hereby adopt these rules for the timely and fair appointment of counsel for indigent accused persons in Williamson County effective 11/1/2021.

This Plan supersedes all other plans and standards previously adopted by the Judges.

Signed this 14th day of October 2021



Hon. Donna King
Judge, 26th District Court



Hon. Brandy Hallford
Judge, County Court at Law No. 1



Hon. Stacey Mathews
Judge, 277th District Court



Hon. Laura Barker
Judge, County Court at Law No. 2



Hon. Rick Kennon
Judge, 368th District Court



[Doug Arnold \(Oct 8, 2021 10:26 CDT\)](#)

Hon. Doug Arnold
Judge, County Court at Law No. 3



Hon. Ryan Larson
Judge, 395th District Court



Hon. John McMaster
Judge, County Court at Law No. 4



Hon. Betsy Lambeth
Judge, 425th District Court
Local Administrative District Judge

I. Prompt and Accurate Magistration

A. Arresting Officer's Responsibilities

1. The arresting officer, or the person having custody of the arrestee, shall ensure that every arrestee shall be brought before a magistrate without unnecessary delay, but not later than 48 hours after the person is arrested. [Art. 14.06(a), CCP]
2. Unless arrested pursuant to an arrest warrant, bench warrant, capias, or other order of a magistrate or judge, necessary forms establishing probable cause must be completed and filed at the time an arrestee is booked into jail for any felony or misdemeanor punishable by incarceration.

B. Prompt Magistration

1. The accused must be brought before the magistrate without necessary delay, but within 48 hours of arrest. [Art. 14.06(a), CCP]
2. If an accused person, arrested for a misdemeanor, without a warrant, has not had probable cause determined by a magistrate within 24 hours of arrest, then they must be released on a surety bond in an amount of no more than \$5,000, on a personal bond in an amount of no more than \$5,000 [Art. 17.033(a), CCP], or without bail upon order by the magistrate with an affirmative finding of "no probable cause."
3. If an accused person, arrested for a felony, without a warrant, has not had probable cause determined by a magistrate within 48 hours of arrest, then they must be released on a surety bond of no more than \$10,000, or on a personal bond in an amount of no more than \$10,000, [Art. 17.033(b), CCP], or without bail upon order by the magistrate with an affirmative finding of "no probable cause."
4. If requested by the state, a magistrate may postpone the release of the accused for not more than 72 hours after the accused's arrest if a probable cause determination has not been made, in compliance with the procedure set forth in Article 17.033, Texas Code of Criminal Procedure. [Art. 17.033(c), CCP]
5. All accused persons initially arrested in another county on a Williamson County warrant for a Class B misdemeanor or higher offense shall be presented before a magistrate within 24 hours of that accused's arrival at the Williamson County Jail.

C. Affidavit of Financial Condition

1. For accused persons appearing in the Williamson County Jail, on behalf of the Court, Williamson County Pretrial Services offers all arrestees eligible for consideration for appointment of court appointed counsel an opportunity to complete an Affidavit of Financial Condition prior to Magistration or as soon as practicable.
2. This document will contain such information as may be necessary to make a determination of the accused's ability to pay for an attorney.
3. Pretrial Services staff will provide reasonable assistance needed to complete the forms necessary for the accused to request appointment of an attorney. [Art. 15.17(a), CCP]
4. If appointed counsel is requested, at the time of Magistration the accused will certify the accuracy of their affidavit for the purpose of determining eligibility for appointed counsel.

D. Use of Interpreters

The Magistrate should determine if the accused can speak and understand English, or if the accused is deaf, and conduct any related proceedings in a manner consistent with Art. 38.30 and 38.31. [Art. 15.17(a), CCP]

1. If it appears that an arrested person cannot understand, speak, read, or write the English language, the magistrate shall appoint an interpreter to interpret the proceedings, including a qualified telephone interpreter.
2. If it appears that an arrested person is deaf, the magistrate shall appoint a qualified interpreter to interpret the proceedings in any language that the person can understand, including but not limited to sign language.

E. Magistrate's Duties

1. In cases where the individual was arrested without an arrest warrant, bench warrant, capias, or other order of magistrate or judge, the magistrate shall determine if there is probable cause to believe the person committed the offense.
2. If probable cause has not been determined by a magistrate, the provisions outlined above in I, (C) shall apply.
3. If probable cause is found to exist, or the individual was arrested pursuant to an arrest warrant, bench warrant, capias, or other order of magistrate or judge, then, pursuant to Art. 15.17, TCCP, the magistrate shall:
 - a. Record the date and time the accused was arrested and the date and time when they were brought before the magistrate;
 - b. Inform the defendant of the charge(s) against him or her.
 - c. In clear language, inform the accused of the following rights:
 - i. Right to retain counsel;
 - ii. Right to remain silent;
 - iii. Right to not make a statement and if he makes a statement, it can be used against him or her in court.
 - iv. Right to have an attorney present during any interview with peace officers or attorneys representing the state;
 - v. Right to terminate the interview at any time;
 - vi. Right to an examining trial if charged with a felony offense; and
 - vii. Right to request the appointment of counsel if they are indigent and if the accused cannot afford an attorney, and procedures necessary for requesting such appointment;

F. Right to Counsel

1. Regarding the right to the right to counsel, a record must be made (and shall be preserved as required by Art. 15.17, CCP) that:
 - a. The accused was informed of their right to counsel and their right to request appointment of counsel if unable to afford counsel, [Art. 1.051(f-2), 15.17(a), 15.17(e)(1), CCP]

- b. The accused was informed of the procedures for requesting a court appointed attorney;
- c. The Magistrate asked whether the accused wants to request a court appointed attorney, [Art. 15.17(e)(2), CCP]; and
- d. Whether or not the accused requested an attorney be appointed. [Art. 15.17(e)(3), CCP]

G. Attorney Election

- 1. If the accused advises the magistrate that they intend to hire his or her own attorney or declines to complete an Affidavit of Financial Condition, the magistrate shall advise the accused of the procedures for making a request for a court appointed attorney at any time after the initial magistration. [1 TAC §174.51]
 - a. A request for a court appointed attorney by an accused person incarcerated in the Williamson County Jail for a Class B misdemeanor or higher offense, shall be brought to the attention of Pretrial Services within 24 hours.
- 2. If the accused advises the magistrate that they are requesting a court appointed attorney, the magistrate shall:
 - a. Record the request on the magistration form;
 - b. Request the accused certify the accuracy of their Affidavit of Financial Condition under oath;
 - c. Obtain, under oath, such other information as may be necessary to a determination of the accused's ability to pay for an attorney; and
 - d. Assist the accused in completing any paperwork necessary to request the appointment of an attorney.
 - e. The Court or their designee shall, within 24 hours of receipt of the application, appoint or deny the request for court appointed counsel. [Art. 1.051(c) & 15.17(a), CCP]

H. Bail Setting

If bail is allowed by law, the magistrate shall set the amount of bail and any conditions of bond for the accused.

II. Appointment of Counsel

A. Appointing Authority

- 1. The District Court Judges and County Court at Law Judges hearing criminal cases are responsible for ensuring appropriate appointment of counsel to eligible accused persons requesting court appointed attorneys. [Art. 26.04(b), CCP]
- 2. The Judges have designated Williamson County Associate Judges, acting as magistrates, and the staff of Williamson County Pretrial Services to be their designees for the purpose of appointing counsel as permitted by Art. 26.04(b), CCP.

B. Appointment, Generally

1. If authorized to appoint counsel, the designee must act upon the request by the end of the first working day following receipt of the request for appointment of counsel. [Art. 15.17(a) and Art. 1.051(c)(2), CCP]
2. If not authorized to appoint counsel, the designee shall, without unnecessary delay but not later than 24 hours, transmit the request to the court authorized to appoint counsel. [Art. 15.17(a), CCP]
3. In the case of an accused person who is charged with both a misdemeanor and a felony case, such person shall automatically be appointed legal counsel for the misdemeanor case if legal counsel is appointed on the felony case. The misdemeanor Court or Court designee shall appoint the same attorney that was appointed to the felony case unless the same legal counsel is not available to accept the appointment, or for good cause shown. If the accused has requested court appointed counsel in the felony case and such request has been denied, the accused may still request appointed counsel for the misdemeanor case by submitting the written request as set forth in these procedures.

C. Timing of Application/Appointment

1. Prompt Appointment by Court or Designee
 - a. Any request for court appointed counsel that is received by the Court or Court's designee, shall be reviewed for a determination of indigency and, if approved, counsel shall be appointed from the public appointment list by the end of the first working day following the day the request was presented to the Court. [Art. 1.051(c), CCP]
 - b. "Working day" means Monday through Friday, except for official Williamson County holidays or closings.
 - c. It is recognized that certain interruptions of this sequence may occur. The following provisions are intended to be used in the circumstances they describe:
 - i. All accused persons who do not request or complete a request for a court appointed attorney at the time of magistration shall be provided with the instructions necessary to subsequently complete a request for court appointed counsel. [1 TAC §174.51]
 - ii. If an accused person is released on bail without making a request for court appointed counsel at the magistration hearing and the accused subsequently discovers an inability to afford counsel, that person may contact Williamson County Pretrial Services to apply for court appointed counsel.
 - iii. Requests for a court appointed attorney received from an accused for charges pending in another county shall be treated consistent with these procedures.
2. Other Times when Application for Court Appointed Counsel may be Made
 - a. If an accused person appears without counsel in any adversarial judicial proceeding that may result in punishment by confinement, the Court shall advise the unrepresented accused of the right to counsel and procedures for obtaining counsel.
 - i. If an accused person is determined by the Court or the Court's designee to not be indigent, the Court or the Court's designee shall deny the request for court

appointed counsel and within a reasonable time notify the accused to retain private counsel.

- ii. In the event the application for appointment of counsel is granted, the Court or Court's designee will note the approval on the accused's application and notify the accused and the attorney of the appointment by telephone, facsimile, electronic mail, or in person.
- b. An accused person may request court appointed counsel prior their first court appearance if the accused has not either previously requested or requested and was denied appointment of counsel at the time of magistration. This request may be made electronically at <https://www.wilco.org/Departments/Pretrial-Services/Indigent-Defense> .
- c. An accused person may request court appointed counsel at their first court appearance if the defendant has not either previously requested or requested and was denied appointment of counsel at the time of magistration.
- d. If an accused person appears without counsel in any adversary judicial proceeding that may result in punishment by confinement, the Court may not direct or encourage the accused to communicate with the attorney representing the state until the Court advises the accused of the right to counsel and the procedure for requesting appointed counsel, and the accused has been given a reasonable opportunity to request appointed counsel.
- e. At the Judge's discretion, the accused may request court appointed counsel at any other time allowed by the trial court.

D. Defendants arrested out-of-county for Williamson County offenses:

1. Requests from an accused person arrested in another county on a Williamson County warrant shall be acted upon within 24 hours of receipt of request.
2. Williamson County shall ensure that designated personnel and contact information (facsimile, telephone, electronic mail, etc.) is maintained on the Texas Indigent Defense Commission (TIDC) Website.

E. Defendants arrested in Williamson County for out-of-county warrants

1. For accused persons arrested on out-of-county warrants, the magistrate will ask the accused if they 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 and assistance in completing the forms. The forms will be transmitted to the TIDC listed appointing authority in the county issuing the warrant within 24 hours of the request being made. [Art. 15.18(a-1), CCP]
2. Persons arrested on out of county warrants must be appointed counsel if the person has not been transferred or released to the custody of the county issuing the warrant before the 11th day after the date of the arrest. [Art. 1.051(c-1), CCP]
3. The designee shall inform an attorney appointed to represent an accused person on Williamson County charges who also has out-of-county warrants that the arrested

accused is being detained in the Williamson County jail on the out-of-county warrants in addition to any local charges.

F. Defendants detained pursuant to writs.

1. The magistrate shall appoint counsel for the purpose of writ matters under Chapter 11 of the Code of Criminal Procedure or bond matters under Chapter 17 of the Code of Criminal Procedure if the following conditions exist:
 - a. The accused who has been arrested on an out-of-county warrant is entitled to and requests appointment of counsel, and;
 - b. The accused has not been transferred or released into the custody of the county issuing the warrant before the 11th day after the date of arrest, and;
 - c. The accused has not been appointed counsel.

G. Mental Illness/Intellectual Disability.

If there is reason to believe that the accused lacks the present ability to request counsel or complete the necessary forms because of incompetency or other mental impairment, the magistrate shall enter a request for counsel on behalf of the accused. Such a request will alert the appointing authority that counsel competent to represent mentally ill persons should be appointed.

III. Indigence Determination Standards

A. Definitions.

1. "Indigent" means a person who is not financially able to employ counsel.
2. "Net Household Income" means the accused's income and any spousal income that is available to the accused, and includes:
 - a. Take-home wages and salary (gross income earned less any deductions required by law or as a condition of employment);
 - b. Net self-employment income (gross income minus business expenses and any deductions required by law or as a condition of operating the business);
 - c. Regular payments from government income maintenance program, alimony, child support, public or private pensions, veterans benefits, training stipends, military family allotments;
 - d. Food and/or rent received in lieu of wages, money which is received from tax refunds, gifts, one-time insurance payments or compensation for injury or property loss; and
 - e. Income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.
3. "Non-exempt assets and property" include, but are not limited to, cash on hand, savings, checking accounts, stocks, bonds, certificates of deposit, and accounts at financial institutions.
4. "Household" means all individuals who are legal dependents of the accused.

5. "Legal Dependents" are individuals under the age of 18 or disabled individuals over the age of 18 for whom the accused has financial responsibility.

B. Determination of Eligibility for Appointment of Counsel

1. **Indigence Application.** An accused person's request for a court appointed attorney shall include a completed application and any requested supporting documentation (i.e. Affidavit of Financial Condition).
2. **Factors Considered.** To determine if an accused person is indigent, the judge or designee may consider the accused's net income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income that is available to the accused. [Art. 26.04 (m), CCP]. If a finding of indigency is made, counsel shall be appointed.
3. **Factors not Considered.** In determining the accused's indigence status, the appointing authority shall not consider the following:
 - a. income of a victim of domestic violence or the income of a parent/guardian of a victim of domestic violence shall not be considered. Crimes of domestic violence include any assault on a child that is a member of the accused's household or assault on any adult who is a member of the accused's household.
 - b. The Court or the Court's designee may not consider whether the accused has posted or is capable of posting bail, except to the extent that it reflects the accused's financial circumstances.
4. **Standard for Indigence.**
 - a. **Indigence Presumed.** An accused is presumed indigent if any of the following circumstances are present:
 - i. At the time of requesting appointed counsel, the accused or accused's dependents are eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or public housing;
 - ii. The accused is currently serving a sentence in a correctional facility, is currently residing in a public mental health facility, or is subject to a proceeding in which admission or commitment to such a mental health facility is sought; or
 - b. **Income and Asset Test.** If an accused does not qualify for appointment of an attorney based on a., above, an accused person is considered indigent if they meet either of the following criteria, **and** the asset test:
 - i. The accused's household income is at or below 125% of the latest poverty guidelines established and revised annually by the United States Department of Health and Human Services, and used for analysis for the purpose of this plan by Williamson County Pretrial Services; **or**
 - ii. The difference between the accused's monthly net household income and reasonably necessary expenses is less than \$500. Reasonably necessary expenses should include but are not limited to: rent or mortgage,

food/groceries, child support paid, car payment, car insurance, health insurance, medical bills, and utilities (water, electric, gas, phone); **and**

iii. The accused's non-exempt assets do not exceed \$5,000.00 for felony cases, or \$2,500.00 for misdemeanor cases.

5. **Special Circumstances.** An accused person who does not meet the standard for indigence above may still qualify for a court appointed attorney if the Court or its designee determines special circumstances exist.

a. The Court or designee may consider unusual, excessive, or extraordinary medical expenses, the age or physical infirmity of household members, or other expenses.

b. The Court may also consider the complexity of the case, the estimated cost of presenting a legal defense, the fees charged by lawyers in the community for providing defense services in similar cases, whether the accused has retained counsel in related legal matters (such as ALR or forfeitures), and any efforts the accused has made to retain an attorney.

6. **Transfer of Property.** If the accused has transferred property after the offense date, the Court shall determine the reason for the transfer of the property and whether adequate monetary consideration was received. If adequate monetary consideration was not received, the Court shall presume that the transfer was made for the purpose of establishing eligibility for court appointed counsel, unless the accused furnishes clear and convincing evidence that the transfer was made exclusively for another purpose. If a transfer was made either for the purpose of establishing eligibility or without adequate monetary consideration and the property is re-conveyed to the accused or an adjustment is made by which the accused receives full value, the accused shall, if otherwise qualified, be eligible to receive court appointed counsel.

C. In-Custody Defendants previously Determined Ineligible for Appointment

If an accused person remains in custody for 5 days, Pretrial Services will review the Defendant's situation. Based on this review, an attorney will be appointed if appropriate. If appointment is not appropriate, the court where the case is assigned/filed will be notified.

D. Duration of Indigence Finding

An accused determined to be indigent is presumed to remain indigent for the remainder of the case unless a material change in the accused's financial circumstances occurs.

E. Investigators and Expert Testimony

The guidelines established for the appointment of counsel also apply to the reimbursement of expenses incurred for the purpose of investigation or expert testimony, as approved by the Court.

IV. Reimbursement by Defendant for Cost of Legal Services Provided

A. Provisions Governing Reimbursement

1. If the Court determines that an accused person has financial resources that enable him to offset in part or in whole the costs of the legal services provided, including any expenses

and costs, the Court shall order the accused to pay during the pendency of the charge or, if convicted, as court costs the amount that it finds the accused is able to pay.

2. An accused person may be required to reimburse Williamson County in whole or in part for the cost of legal services provided, as set forth in Article 26.05(g), (g-1) & (h) of the Texas Code of Criminal Procedure and outlined below:

“(g) If the judge determines that a defendant has financial resources that enable the defendant to offset in part or in whole the costs of the legal services provided to the defendant in accordance with Article 1.051(c) or (d), including any expenses and costs, the judge shall order the defendant to pay during the pendency of the charges or, if convicted, as a reimbursement fee the amount that the judge finds the defendant is able to pay. The defendant may not be ordered to pay an amount that exceeds:

(1) the actual costs, including any expenses and costs, paid by the county for the legal services provided by an appointed attorney; or

(2) if the defendant was represented by a public defender’s office, the actual amount, including any expenses and costs, that would have otherwise been paid to an appointed attorney had the county not had a public defender’s office.

(g-1) (1) This subsection applies only to a defendant who at the time of sentencing to confinement or placement on community supervision, including deferred adjudication community supervision, did not have the financial resources to pay the 19 maximum amount described by Subsection (g)(1) or (2), as applicable, for legal services provided to the defendant.

(2) At any time during a defendant’s sentence of confinement or period of community supervision, the judge, after providing written notice to the defendant and an opportunity for the defendant to present information relevant to the defendant’s ability to pay, may order a defendant to whom this subsection applies to pay any unpaid portion of the amount described by Subsection (g)(1) or (2), as applicable, if the judge determines that the defendant has the financial resources to pay the additional portion.

(3) The judge may amend an order entered under Subdivision (2) if, subsequent to the judge’s determination under that subdivision, the judge determines that the defendant is indigent or demonstrates an inability to pay the amount ordered.

(4) In making a determination under this subsection, the judge may only consider the information a court or courts’ designee is authorized to consider in making an indigency determination under Article 26.04(m).

(5) Notwithstanding any other law, the judge may not revoke or extend the defendant’s period of community supervision solely to collect the amount the defendant has been ordered to pay under this subsection. (h) Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid directly to a private investigator licensed under Chapter 1702, Occupations Code, or to an expert witness in the manner designated by appointed counsel and approved by the court.

[...]

(h) Reimbursement of expenses incurred for purposes of investigation or expert testimony may be paid directly to a private investigator licensed under Chapter 1702, Occupations Code, or to an expert witness in the manner designated by appointed counsel and approved by the court.

V. Minimum Attorney Qualification

The Judges hearing criminal cases shall establish attorney appointment lists. Placement on, retention on, and/or removal from an appointment list is at the discretion of the Judges hearing criminal cases. Attorneys may apply for placement on multiple lists. To be eligible for an appointment list, an attorney must meet the minimum requirements for the specific list. In the Felony lists, an attorney may receive an appointment for the highest level of offense for which they are qualified, and for any lower level offense in which they are qualified. If a case is enhanced above an attorney's qualified level, the attorney shall notify the Court immediately, and the Court will review the case and take any action the Court deems necessary to ensure the adequate representation of the defendant.

A. Approval for Inclusion on Appointment Lists

1. Misdemeanor List and Misdemeanor Mental Health List: An attorney must be approved by a majority of the Williamson County - County Court at Law Judges hearing criminal cases.
2. State Jail & Third Degree Felony List, Second Degree Felony List, First Degree Felony List, Appellate List, and Felony Mental Health List - An attorney must be approved for each list by a majority of the Williamson County – District Court Judges hearing criminal cases.
3. Capital Case List – An attorney must be approved by the local selection committee of the Third Administrative Judicial Region for appointment as lead counsel in death penalty cases, as provided in Article 26.052, Texas Code of Criminal Procedure.

B. General Qualifications for All Lists

1. An attorney on the appointment list must ensure all information on their application is current.
2. An attorney must be a licensed practicing attorney and a member in good standing with the State Bar of Texas and the Williamson County Bar Association.
3. An attorney shall comply with annual reporting requirement by submitting online the "TIDC Attorney Reporting Form" to the Texas Indigent Defense Commission (<https://tidc.tamu.edu/AttorneyReporting/>). This form shall be submitted by October 15th of each year, and an attorney who fails to comply with this requirement shall be removed from any list to which they are admitted until the requirement is met.
4. An attorney shall provide proof of completing a minimum of 10 hours of Continuing Legal Education in the area of criminal law and procedure each year, to include 1 hour of CLE on Ethics in Criminal Cases. An attorney not current on CLE requirements will be suspended from receiving new appointments until the CLE requirement is met.

5. All attorneys on the appointment list shall file by October 15th of each year the “Certificate of Compliance” with the Williamson County District Court Administration (Felony Lists) or the designated Williamson County Court Coordinator (Misdemeanor Lists) attesting to completion of the required CLE or submit documentation showing that the attorney is certified as a specialist in criminal law;
 - a. The designated reporting period shall be from October 1st to September 30th;
 - b. Continuing legal education completed within the one-year period immediately preceding an attorney’s initial reporting period may be used to meet the educational requirements for the initial year;
 - c. Continuing legal education completed during any reporting period exceeding the minimum of 10 hours for such period may be applied to the following period’s requirement – this carryover provision applies to one year only.
6. An attorney may not have been the recipient of any public disciplinary action by the State Bar of Texas or any other attorney licensing authority of any state or the United States within the last 3 years.
7. An attorney must be a resident of Williamson County or maintain an office where clients may visit and is capable of receiving telephone calls and documents via e-mail or fax.
8. An attorney must have the ability to produce typed motions and orders and access/use the state eFiling Portal.
9. An attorney shall notify the Director of Williamson County District Court Administration promptly, in writing, of any criminal arrests, charges, or indictments other than Class C offenses, convictions, protective orders, bar disciplinary action, professional sanctions, allegations of professional misconduct, negligence or findings of ineffective assistance of counsel, or instances where they have been removed from any other court appointment list to the Board of Judges.

C. Appointment to Misdemeanor List

1. An attorney shall meet General Qualifications for All Lists (*see V(A) above*).
2. An attorney shall have a minimum one (1) year experience practicing criminal law;
3. An attorney shall have experience as lead counsel in at least two (2) criminal jury cases tried to verdict. The styles and cause numbers of these cases should be listed on the Williamson County’s Application for Public Appointment form.

D. Appointment to State Jail Felony and Third Degree Felony Cases (The “C” List)

1. An attorney shall meet General Qualifications for All Lists (*see V(A) above*).
2. An attorney shall have a minimum of three (3) years experience practicing criminal law;
3. An attorney shall have prior experience as 1st or 2nd chair in at least four (4) criminal jury trials tried to verdict. At least two (2) of the trials must have been for felony offenses. The styles and cause numbers of these cases shall be listed on the Williamson County Application for Public Appointment form.

E. Appointment to Second Degree Felony Cases (The “B” List)

1. An attorney shall meet General Qualifications for All Lists (*see V(A) above*).

2. An attorney shall have a minimum of five (5) years experience practicing criminal law;
3. An attorney shall have prior experience as 1st or 2nd chair in at least four (4) criminal jury trials tried to verdict. At least two (2) of the trials must have been for felony offenses at the third degree level or above. The styles and cause numbers of these cases shall be listed on the Williamson County Application for Public Appointment form.

F. Appointment to Any First Degree Felony Cases (The “A” List)

1. An attorney shall meet General Qualifications for All Lists (see V(A) above).
2. An attorney shall have a minimum of five (5) years experience practicing criminal law;
3. An attorney shall have prior experience as 1st or 2nd chair in at least seven (7) criminal cases tried to verdict before a jury. At least two (2) of the trials must have been for felony offenses at the second degree level or above. The styles and cause numbers of these cases shall be listed on the Williamson County Application for Public Appointment form.

G. Capital Case List Qualifications:

1. Lead trial counsel shall be on the list of attorneys approved by the local selection committee of the Third Administrative Judicial Region for appointment as lead counsel in death penalty cases, as provided in Article 26.052, Texas Code of Criminal Procedure;
2. Second chair counsel shall be on the list of attorneys approved by the local selection committee of the Third Administrative Judicial Region for appointment as lead trial counsel or second chair counsel in death penalty cases, as provided in Article 26.052, Texas Code of Criminal Procedure;
3. Appellate counsel shall be on the list of attorneys approved by the local selection committee of the Third Administrative Judicial Region for appointment as appellate counsel in death penalty cases, as provided in Article 26.052, Texas Code of Criminal Procedure.

H. Appellate List Qualifications

An attorney shall meet at least one of the following criteria:

1. Be currently Board Certified in Criminal Law or Criminal Appellate Law by the Texas Board of Legal Specialization; or
2. Have personally authored and filed at least three (3) criminal appellate briefs or post-conviction writs of habeas corpus; or
3. Have submitted an appellate writing sample approved by a majority of the Judges; or
4. Have worked as a briefing clerk of an appellate court for a period of at least one year.

I. Special Qualifications for Mental Health Wheel Cases

In addition to meeting the general qualifications for all lists (see V(A), above), as well as the specific qualifications for the list to which an attorney is applying, in order to be appointed to represent an accused person identified as having a mental health issue, an attorney must meet the following qualifications:

1. An attorney must have been lead counsel in at least 3 mental health cases (whether misdemeanor or felony) with at least one of the following issues presented: competency, sanity or court ordered mental health treatment.
2. An attorney must be knowledgeable concerning criminal law related to accused persons with mental health issues, Texas mental health law, and the law and procedures pertaining to competency and sanity.
3. An attorney must have received 3 hours of CLE offered by the Williamson County Courts in mental health criminal issues during the reporting period or receive such training within 3 months of placement on the mental health appointment list, and present certification of same. This training must be renewed annually and may count towards the total amount of criminal law CLE as required by the plan.

J. Exceptions to Qualification Requirements

Exceptions to the above requirements may be made for attorneys with specialized skills or training, such as:

1. Fluency in a foreign language or sign language;
2. Specialized training or experience with Mental Health cases;
3. Experience with appellate law;
4. Other specialized qualifications as deemed necessary by a majority of the Judges.

VI. Standards and Responsibilities for Attorney

Attorneys included on an Appointment List and who are appointed to a case shall:

1. Notify the Court within 72 hours of receipt of the appointment;
2. Make every reasonable effort to:
 - a. Contact the accused by the end of the first working day after the date on which the attorney is appointed; and
 - b. Personally interview the accused as soon as practicable after the attorney is appointed, but **no later than 10 calendar days** if the accused is incarcerated in the Williamson County Jail.
3. Represent the accused until:
 - a. The charges are dismissed;
 - b. The accused is acquitted;
 - c. Appeals are exhausted; or
 - d. The attorney is relieved of his or her duties by the Court, or replaced by other counsel, after a finding of good cause has been entered on the record.
4. Investigate, either personally or aided by an investigator, the facts of the case and be prepared to present any factual defense(s) that may be reasonably and arguably available to the accused.
5. Brief the law of the case and be prepared to present any legal defense(s) that may be reasonably and arguably available to the accused;

6. Be prepared to negotiate with the prosecutor for the most favorable resolution of the case as can be achieved through a plea agreement;
7. Be prepared to try the case to conclusion, either with or without a jury;
8. Be prepared to file post-trial motions, give notice of appeal and appeal the case pursuant to the standards and requirements of the Texas Rules of Appellate Procedure;
9. Maintain reasonable communication and contact with the client at all times and keep the client informed of the status of the case;
10. Advise the client on all matters involving the case and such collateral matters as may reasonably be required to aid the client in making appropriate decisions about the case;
11. Perform the attorney's duty owed to the accused in accordance with these procedures, the requirements of the Code of Criminal Procedure, and applicable rules of ethics; and,
12. Manage the attorney's workload to allow for the provision of quality representation and the execution of the responsibilities listed in these rules in every case.

VII. Removal and Reinstatement

A. Removal from Individual Cases

1. A judge may replace an appointed attorney if the appointed attorney does not make an effort to contact the accused by the end of the first working day, and/or does not interview the accused **within 10 calendar days**, and/or for any other suitable reason, as determined by the judge. An attorney may notify the judge of any non-compliance and obtain an exception for good cause.
2. The judge presiding over a criminal case may remove appointed counsel upon entering a written order showing good cause for such removal, including without limitation, the following:
 - a. Counsel's failure to comply with the requirements imposed upon counsel by this plan;
 - b. Current information about the accused and the charges against the accused indicate that another qualified attorney is more appropriate for the accused under these rules;
 - c. Replacement of appointed counsel in a death penalty case is required under Article 26.052(e), Texas Code of Criminal Procedure;
 - d. The appointed counsel shows good cause for being removed, such as illness, workload, or scheduling difficulties;
 - e. The accused requests an attorney, other than trial counsel, for appeal; or
 - f. The accused shows good cause for removal of counsel, including counsel's persistent or prolonged failure to communicate with the accused.
3. An attorney may be removed from representation upon their own motion, including for reasons of conflict of interest or ethical concerns, and if the Court is satisfied that the lawyer has good cause for being relieved and that the client will not be prejudiced.

4. Upon the accused's request, the Court may, upon finding of good cause which may include, but is not limited to, persistent or prolonged failure to communicate, replace appointed counsel.
5. Replacement counsel shall be selected and appointed immediately following removal of counsel as described below.

B. Temporary Inactive Status

1. Attorneys on a felony list may request to be placed on inactive status for a defined period (being placed "on hold"), where no new appointments will be made for up to 90 days by submitting such a request in writing to the Director of District Court Administration or his designee. This request must include a start and end date for the inactive status and is subject to approval by the Court.
2. Attorneys on the misdemeanor list may request to be placed on inactive status for a defined period (being placed "on hold"), where no new appointments will be made for up to 30 days by submitting such a request in writing to the Court Administrator for County Court at Law #3. This request must include a start and end date for the inactive status and is subject to approval by the Court.
3. Attorneys on a court appointment list shall comply with Williamson County Local Rules regarding providing vacation notifications to the Court (see Williamson Co. Loc. R. pg. 7).

C. Removal from Appointment Lists

1. The Judges will monitor attorney performance on a continuing basis to assure the competency of attorneys on the list.
2. An attorney may be removed from one or more appointment lists, if a majority of the Judges hearing misdemeanor or felony matters, respectively, determine that good cause exists for removal. Good cause may include, but is not limited to:
 - a. Intentionally or repeatedly failing to fulfill the duties required by law or local rules;
 - b. Failing to provide effective assistance of counsel as determined by a Texas Appellate Court;
 - c. Failing on two or more occasions to contact or interview clients in a timely manner as required herein;
 - d. Submitting a claim for legal services not performed as specified in Article 26.05(e), Code of Criminal Procedure;
 - e. Having been found to have violated a rule of professional conduct by the State Bar of Texas;
 - f. After having been placed on the appointment list, being convicted of or receiving deferred adjudication for any offense, other than an offense punishable by a fine only;
 - g. Being under indictment or charged with an offense, other than an offense punishable by a fine only; or
 - h. Failing to comply with the requirements for continued inclusion on the appointment lists.

D. Reinstatement to Appointment Lists

1. An attorney who was removed from the appointment list for non-completion of the required CLE hours may be immediately reinstated upon providing proof that the attorney has completed the required hours, so long as the attorney meets the other qualifications under this plan.
2. An attorney who was removed from the appointment list for not submitting the attorney's annual TIDC Attorney Reporting Form may be immediately reinstated upon submission of the form, so long as the attorney meets the other qualifications under this plan.
3. An attorney who has been removed from the appointment list for any other reason and who wishes to be reinstated must apply through the original application process.

VIII. Attorney Assignment Process

A. Assignment of Attorneys in Non-Capital Cases

The following method shall be used to assign attorneys for all indigent defendants in Non-Capital Cases:

1. The selection and appointment of counsel shall be in accordance with Article 26.04 of the Texas Code of Criminal Procedure and pursuant to these procedures.
2. The misdemeanor appointment list shall include all attorneys who have applied and been approved by the County Court at Law Judges. The felony appointment lists shall include all attorneys who have applied and been approved by the District Court Judges.
3. When a finding of indigency has been made by the Court, legal counsel shall be appointed by the Court or the Court's designee on rotation from the appropriate appointment list as soon as possible, but not later than the end of the first working day after the Court made the finding of indigency. "Working day" means Monday through Friday, except for official Williamson County holidays or closings.
4. The Court or its designee shall appoint the lawyer whose name appears next in order on the public appointment list that corresponds to the most serious offense as currently charged, unless:
 - a. The accused is deaf or does not speak and understand the English language, in which case the next available attorney on the list speaking the accused's primary language will be appointed;
 - b. The Court or its designee exercises discretionary authority to appoint one of the attorneys whose name is among the next five in order on the list;
 - c. The Court or its designee finds that the individual facts of the case or circumstances of the defendant are good cause and rise to the level of need to appoint any qualified, willing attorney;
 - d. When an attorney is appointed out of order under the above stated provisions, that attorney's name will be moved to the last place and any lawyer who was not appointed will remain at the top of the list until appointed or removed from the list.

5. Each attorney appointed under these procedures shall represent the accused until final disposition of the case or until released by the Court.
6. At the conclusion of all proceedings in the trial court, including post-trial motions, if an indigent defendant wishes to file an appeal the appointing judge or his or her designee shall appoint the lawyer whose name appears next in order on the Appellate List. The appointment is subject to the same rotation provisions as those listed for trial attorneys.

B. Appointment of Counsel in Capital Cases

Immediately after the 15.17 hearing in a Capital Case, the Magistrate shall contact the District Judge in whose court the case is assigned for direction on appointing lead counsel from the list of attorneys approved by the local selection committee of the Administrative Judicial Region pursuant to the requirements of Article 26.052(e), Code of Criminal Procedure.

C. Appointment of Replacement Counsel

Whenever appointed counsel is removed pursuant to the provisions of VII (A), above, replacement counsel shall immediately be selected and appointed in accordance with the procedures described in this plan.

IX. Fee and Expense Payment Process

A. Attorney Fee Schedule and Compensation of Appointed Attorneys

1. The fees set forth in the Felony Fee Schedule and the Misdemeanor Fee Schedule currently in effect will be paid to court appointed attorneys for time reasonably necessary for adequate representation of the accused.
2. Other services not specifically set forth therein shall be compensated at the rate set forth in the respective fee schedule for time spent in or out of court objectively necessary for the adequate representation of the accused, as determined by the judge of the court in which the representation was provided.
3. Request for payment by court appointed attorneys will be submitted electronically on the Court's approved form. No payment shall be made for such services until the form has been submitted to the judge, and the judge has approved the payment.
 - a. If the judge disapproves the 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.
 - b. An attorney whose request for payment is disapproved or is not acted upon within 60 days of submission may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region.
4. If an accused previously determined to be indigent is subsequently determined not to be indigent, the attorney shall be compensated by the county according to the fee schedule for hours reasonably expended on the case.
5. Court appointed counsel shall be reimbursed for reasonable and necessary expenses in the manner provided for by Articles 26.05 and 26.052 (f), (g), and (h) of the Code of Criminal Procedure.

6. Court appointed counsel are not allowed to solicit or accept remuneration from the client on the appointed case. If a client is charged with new offenses or is in need of other legal services during the pendency of his appointed case, the appointed attorney cannot accept remuneration for representation in those matters without prior approval by the Court.

B. Payment of Expenses:

1. **Expenses not Approved for Reimbursement.** Administrative or secretarial work whether performed by a secretary, legal assistant, paralegal, or attorney shall not be approved for reimbursement. Such work includes but is not limited to preparing and submitting forms and invoices for payment, file set up, file maintenance, and file review.
2. **Expenses Approved for Reimbursement.** Court appointed counsel will be reimbursed for reasonable and necessary expenses incurred, including for investigation and experts. Prior court approval should be obtained before expenses are incurred through filing of an *ex parte* motion. See *Ake v. Oklahoma*, 400 US 68 (1985). Expenses shall be paid according to the procedures set forth below.
3. **Procedure with Prior Court Approval.**
 - a. Appointed Counsel may file with the trial court an *ex parte* request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:
 - i. The type of investigation to be conducted or the type of expert to be retained;
 - ii. 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,
 - iii. An itemized list of anticipated expenses for each investigation or each expert.
 - b. 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:
 - i. State the reasons for the denial in writing;
 - ii. Attach the denial to the confidential request; and
 - iii. Submit the request and denial as a sealed exhibit to the record
4. **Procedure without Prior Court Approval**
 - a. Counsel appointed to represent accused persons on A-level cases (*1st degree felony cases*) are authorized to incur investigative expenses of up to \$750 without prior approval of the Court, and which will be reimbursed with appropriate supporting documentation.
 - b. Appointed counsel should not incur investigative or expert expenses without prior approval of the Court. In an emergency situation, counsel may find need to incur expenses without authorization in advance. Such situations should be rare, and, on presentation of a claim for reimbursement, the Court shall order

reimbursement of counsel for such expenses if the expenses are found to be reasonably necessary and reasonably incurred.

- c. Unreasonable or unnecessary expenses will not be approved.

Appendix

- Appendix A Indigent Defense Information Form
- Appendix B Inmate Request Form
- Appendix C Affidavit of Financial Condition
- Appendix D Application for Public Appointment to Represent Indigent Defendants
in Williamson County Courts
- Appendix E Felony Indigent Defense Payment Voucher -- Fixed Fee
- Appendix F Felony Indigent Defense Payment Voucher -- Hourly Fee Non Trial Disposition
- Appendix G Felony Indigent Defense Payment Voucher -- Hourly Fee Trial
- Appendix H Felony Indigent Defense Payment Voucher -- Hourly Fee Appeals
- Appendix I Misdemeanor Indigent Defense Payment Voucher

INFORMATION ABOUT YOUR RIGHT TO A COURT APPOINTED ATTORNEY

HOW DO I KNOW IF I AM ELIGIBLE FOR A COURT APPOINTED ATTORNEY?

1. You will have to provide the magistrate/indigent defense coordinator or the trial court judge with information pertaining to your financial situation under oath.
2. The trial court judge will make the decision as to your eligibility for a court appointed attorney.
3. Many factors are considered in this decision. In general, if you and your family’s income fall under the following income ranges you **may** be eligible for a court appointed attorney.

PERSONS IN FAMILY UNIT	125% OF THE FEDERAL POVERTY GUIDELINES
1	\$ 16,100
2	\$ 21,775
3	\$ 27,450
4	\$ 33,125
5	\$ 38,800
6	\$ 44,475
7	\$ 50,150
8	\$ 55,825
FOR EACH ADDITIONAL PERSON, ADD	\$ 4,540

4. Other factors, such as savings, bank account balances, investments, and the existence of property which you may be able to sell or borrow against may impact your eligibility for a court appointed attorney. To be eligible for a court appointed attorney, your available liquid assets (cash you have on-hand or property you can sell) need to be under \$2,500 for a misdemeanor offense and under \$5,000 for a felony offense.
5. You **may** be eligible for a court appointed attorney if you and your family are currently experiencing extraordinary difficulties such as medical emergencies, divorce, recent job loss or reduction in income or the recent death of a person who contributes to your family’s financial needs.
6. If you are released from jail on bail **you should attempt to hire your own attorney**. If you are unable to hire your own attorney, you should apply for a Court Appointed attorney using the online Indigent Defense Portal (instructions below). If you are unable to use the Indigent Defense Application Portal, you may apply in person at your first Court Date. When you appear in court you should bring copies of any documents you believe support your eligibility for a court appointed attorney to court with you. Such documents may include, but are not limited to, payroll stubs, tax returns, and proof that you are receiving public assistancesuch as food stamps, SSI, etc.

HOW DO I ASK FOR A COURT APPOINTED ATTORNEY?

1. You can request a court appointed attorney at the time you meet with the Magistrate shortly after your arrest. If, at this time, you do not know whether you will be able to hire your own attorney, you may wait and make this decision at a later time.
2. If you choose to wait, and it turns out you are unable to hire your own attorney, you can request a court appointed attorney through the online Indigent Defense Portal before your first court date (link below) OR at any subsequent court appearance.
3. If you remain in jail and would like to request a court appointed attorney, you may submit a **REQUEST FOR COURT APPOINTED ATTORNEY** using the kiosk located within the jail (contact your pod officer for help) or submit a written request.

IS THE ATTORNEY FREE?

In some cases, you **may** be required to reimburse the county for the expense of your court appointed attorney.

WILL THE ATTORNEY ASSIST ME ON CASES PENDING IN OTHER COUNTIES?

No, your attorney is only appointed to represent you on Class A and Class B misdemeanors and felony charges pending in Williamson County. If you have charges pending against you in other counties, you will have to make a request to those counties for the assistance of counsel on those charges.

IF YOU BELIEVE THAT YOU ARE ELIGIBLE AND WOULD LIKE TO REQUEST A COURT APPOINTED ATTORNEY, PLEASE GO TO <https://www.wilco.org/Departments/Pretrial-Services/Indigent-Defense>

For more information, contact the Williamson County Office of Indigent Defense at 512-943-1959.

INFORMACION SOBRE SU DERECHO DE OBTENER UN ABOGADO DESIGNADO POR LA CORTE

¿SOY ELIGIBLE PARA UN ABOGADO DESIGNADO POR LA CORTE?

1. Usted tendrá que completar una aplicación y proveer su información relevante a su situación financiera bajo juramento.
2. El Coordinador de Defensa para Indigentes o el juez de la corte de juicio hará la decisión sobre su elegibilidad para un abogado designado por la corte y le notificará de la decisión.
3. Se consideran muchos factores en esta decisión. Generalmente, si el ingreso de Ud. y su familia es menos de los siguientes rangos de ingreso Ud. podría ser elegible para un abogado designado por parte de la Corte.

Personas en la Unidad Familiar	125% Del reglamento Federal sobre Pobreza
1	\$ 15,950
2	\$ 21,550
3	\$ 27,150
4	\$ 32,750
5	\$ 38,350
6	\$ 43,950
7	\$ 49,550
8	\$ 55,150
Por Cada Persona Adicional, Agregue	\$ 4,480

4. Otros factores como cuentas de ahorro, saldo en cuentas bancarias, inversiones o artículos que pueda vender o pedir prestados en contra, pueden afectar su elegibilidad para la designación de un abogado por parte de la corte. Para ser elegible en la designación de un abogado por parte de la corte, el valor de sus disponibles debe ser menos de \$2,500.00 en casos de infracciones menores y menos de \$5,000.00 en casos de infracciones mayores.
5. Usted puede ser elegible en la designación de un abogado por parte de la corte, si en su familia actualmente existen dificultades extraordinarias, como emergencias médicas, divorcio, pérdida reciente del empleo o reducción de ingresos o la muerte de una persona que contribuía para cubrir las necesidades financieras de su familia.
6. Si sale de la cárcel bajo fianza usted debe de intentar contratar un abogado. Si usted no puede contratar su propio abogado, debe aplicar por un abogado designando por la corte usando el Portal de Defensa Indigente por él internet (el Portal). Si no puede usar el Portal, usted puede aplicar en persona en su primera cita de corte
7. Si hace su aplicación en persona o por el Portal, debe traer copias de documentos que usted piensa soporte su elegibilidad de obtener un abogado designando por la corte. Los documentos pueden incluir, pero no están limitados a, desprendibles de pago de sueldos, devolución de impuestos, y prueba que usted está recibiendo asistencia pública como estampillas para alimentos, ingresos de seguro social, etc.

¿COMO PUEDO SOLICITAR UN ABOGADO DESIGNADO POR PARTE DE LA CORTE?

1. Usted puede solicitar la designación de un abogado cuando vea el Magistrado poco después de ser arrestado. Si en este momento usted no sabe si usted puede contratar su propio abogado, usted puede esperar y hacer esta decisión en otro momento.
2. Si decide esperar y resulta que no puede contratar su propio abogado, puede solicitar la designación de un abogado por parte de la corte, en cualquier momento cuando aparezca ante el Juez o usted puede usar el Portal de Defensa Indigente por el internet para solicitar un abogado antes de su primera cita en la corte.
3. Si usted permanece en la cárcel y desea solicitar un abogado designado por la corte, puede presentar una SOLICITUD DE ABOGADO DESIGNADO en el quiosco ubicado dentro de la cárcel.

¿ES EL SERVICIO DE ABOGADO GRATUITO? En algunos casos, se le pedirá que reembolse al condado los gastos de la designación de abogado por parte de la corte.

¿PODRA EL ABOGADO ASISTIRME EN CASOS PENDIENTES EN OTROS CONDADOS?

No, su abogado solo es designado para representarlo en delitos menores clase A o B, o delitos graves pendientes en el condado de Williamson. Si tiene en su contra cargos pendientes en otros condados, deberá solicitar a esos condados la asistencia de abogado para esos cargos.

SI USTED PIENSA QUE ES ELEGIBLE Y QUIERE SOLICITAR UN ABOGADO DESIGNADO DE LA CORTE, POR FAVOR VAYA A: <https://www.wilco.org/Departments/Magistrate/Indigent-Defense>

Para más información, llama a la oficina de Defensa Indigente Del Condado de Williamson en 512-943-1959

Appendix B Inmate Request Form

INMATE REQUEST FORM FOR COURT APPOINTED ATTORNEY

If you remain incarcerated and need to request a court appointed attorney, you may submit a REQUEST FOR COURT APPOINTED ATTORNEY using the kiosk located within the jail (contact your pod officer for assistance). Or you can complete and present this form to any corrections officer/jail staff member to request to see the magistrate about a court appointed attorney.

If you are released on bail before you make a request for a court appointed attorney and later decide that you cannot afford an attorney, you may contact the Williamson County Office of Indigent Defense at 512-943-1959. You may also apply online by going to <https://www.wilco.org/Departments/Pretrial-Services/Indigent-Defense> prior to your court appearance for information regarding procedures for requesting a court appointed attorney or you may request that the trial court appoint an attorney when you appear before that court. You will be asked to provide your financial information on an "Affidavit for Court Appointed Attorney". Be prepared to provide to the court or the Indigent Defense Coordinator supporting documents you might have such as payroll stubs or proof that you are receiving public assistance to demonstrate that you qualify for a court appointed attorney.

DATE: _____

DEFENDANT'S NAME: _____

SO#: _____ DOB: _____ HOUSING: _____

I, the undersigned defendant, in accordance with the Texas code of Criminal Procedure, request the appointment of counsel for representation in my forthcoming criminal proceeding(s). I currently have no form of legal representation. I am indigent and have no means of hiring my own attorney.

Defendant's signature: _____

Received by: _____
Officer/Staff Date and Time

Date and time delivered to Magistrate Office or Court Liaison Officer: _____

FOR JAIL STAFF:

**THIS FORM MUST BE DELIVERED TO THE MAGISTRATE OFFICE
WITHIN 24 HOURS OF RECEIPT BY ANY JAIL STAFF PERSONNEL**

The State of Texas

Williamson County

Vs.

State of Texas

Defendant Name:				Interviewing Staff:			
DOB:		Age:		Booking #:		SO #	
Court:		Cause:		Offense:			
Special Needs:				Def Currently:	<input type="checkbox"/> In Correctional Facility <input type="checkbox"/> On Bond <input type="checkbox"/> In Mental Health Facility		
Interpreter Needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Language:		Interpreter Name/ID:			
Defendant Refused to Provide Data:	<input type="checkbox"/> Check if Applicable			5 Day Review Date/Staff			

AFFIDAVIT OF FINANCIAL CONDITION

Marital/Family Status	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Separated				
Spouse's Name (if Married)					
Number of dependents that rely on you for financial support (not including yourself):					
	Name	Age	Relationship		

Housing Information:	<input type="checkbox"/> Rent <input type="checkbox"/> Own <input type="checkbox"/> Live with Family <input type="checkbox"/> Homeless			
I live at (address, city, state, zip)				
How long at this address:				
Phone number & type (cell, home):		My email address:		

I receive:	<input type="checkbox"/> Medicaid <input type="checkbox"/> SSI <input type="checkbox"/> SNAP <input type="checkbox"/> TANF <input type="checkbox"/> Public Housing				
-------------------	--	--	--	--	--

Employment Information:	<input type="checkbox"/> Employed <input type="checkbox"/> Unemployed		Hours worked per week?	
Employer's name:				
Employer's address:				
Employer's telephone number:		How long employed:		
Job or occupation:				
If not employed, my last job was:				

Monthly Income		Necessary Monthly Living Expenses		Nonexempt Assets	
Your Salary		Rent/Mortgage and Insurance		Cash on Hand	
Spouse's Salary		Transportation Costs		Value of Real Property (Land)	
Child Support Received		Utilities (Elec., Gas, Water)		Amount in Savings Account	
Other Government Check		Cell/Home Phone		Amount in Checking Account	
Other Income		Food		Value of Stocks, Bonds, and Investments	
		Child Related Expenses, incl. Child Support/Child Care			
		Health Insurance & Medical Expenses			
		Probation Fees/ Court Ordered Monies			
		Minimum Credit Card Payment			
TOTAL INCOME		TOTAL NECESSARY EXPENSES		TOTAL ASSETS	
List any Financial Concerns you would like the Court to consider:					

Vs.

State of Texas

THIS SECTION TO BE COMPLETED BY DEFENDANT ONLY

I have been advised of my right to representation by counsel in connection with the charge(s) pending against me. If I am asking the court to appoint counsel for me, then I certify that I am without means to employ counsel of my own choosing. I swear under penalty of perjury that the above information is true, correct, and complete. The information listed above is accurate and I will immediately notify the court of any changes in my financial situation. I understand that all information in this affidavit is subject to verification and that falsifying this information is a criminal offense.

I am asking the Court to appoint a lawyer for me in Williamson County:

I am asking the Court to appoint a lawyer for me in another county (list county):

I am not asking the Court to appoint a lawyer for me.

Defendant Signature

Date

Sworn to and subscribed before me on the date shown:

Magistrate/Peace Officer/Pretrial Services Staff

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Defendant Currently Meets Eligibility Requirements?

YES

NO

Staff Initials/Date



Appendix D

Application for Public Appointment to Represent Indigent Defendants in the Williamson County Courts

A. Attorney Contact Information

Last Name:

First Name:

Physical Office Address (no PO Boxes):

Mailing Address (incl. City/State/Zip):

Office Telephone #

Cell #

Email Address

B. General Qualification & Disciplinary Information

State Bar #

Date Licensed to Practice Law in Texas

- | | | |
|--|-------|----|
| 1. Are you currently in good standing with the State Bar of Texas and the Williamson County Bar Association? | Yes | No |
| 2. Are you certified by the Texas Board of Legal Specialization (TBLS) in Criminal Law? | Yes | No |
| 3. Are you a member of the State Bar College | Yes | No |
| 4. Are you currently under indictment or charged with a criminal offense other than a class C traffic offense? | Yes | No |
| 5. Have you ever been convicted or placed on deferred adjudication for any offense other than a class C offense? | Yes | No |
| 6. Have you ever been sanctioned by the State Bar Grievance Committee? | Yes | No |
| 7. Do you have an appeal pending of any State bar Sanction? | Yes | No |
| 8. Have you ever been sanctioned for failure to appear before a court? | Yes | No |
| 9. Has a court ever found that you have provided ineffective assistance of counsel? | Yes | No |
| 10. What percentage of your practice is criminal law? | _____ | |
| 11. Approximately how many criminal cases have you tried to conclusion before a jury as LEAD COUNSEL? | _____ | |
| a. How many of these were felony cases? | _____ | |
| 12. Approximately how many criminal cases have you tried to conclusion before a jury as SECOND CHAIR counsel? | _____ | |
| a. How many of these were felony cases? | _____ | |

Williamson County Courts
Application for Public Appointment to Represent Indigent Defendants
Page 2

13. Approximately how many appeals have you pursued in which you authored the brief (excluding subcontracted briefs)? _____
14. Do you have unique training or skill in mental health cases? Yes No
15. Do you have training or skill as a sign-language interpreter? Yes No
16. Are you fluent in any language other than English? Yes No
a. If so, please list: _____
17. Do you represent any municipality as a judge or attorney? Yes No
a. If so, please list: _____
18. Do you have any legal conflicts that would prohibit you from taking appointments? Yes No
a. If so, please state: _____

C. Appointment List(s) Requested

I am applying to be considered for the following appointments (check each that applies):

1. Misdemeanors and Petitions to Revoke or Adjudicate [Circle Specific Court Below]
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(C). CCL 1 CCL2 CCL3
2. Misdemeanors along with felony case pending [Circle Specific Court Below]
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(C). CCL 1 CCL2 CCL3
3. Felony C List (State Jail/3rd Degree and Motions to Revoke or Adjudicate)
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(D).
4. Felony B List (2nd Degree and Motions to Revoke or Adjudicate)
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(E).
5. Felony A List (1st Degree and Motions to Revoke or Adjudicate)
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(F).
6. Appeals
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(H).
7. Mental Health Cases
Note specific requirements for this list contained in the Williamson County District Courts and County Courts at Law Fair Defense Plan V(I).

Williamson County Courts
Application for Public Appointment to Represent Indigent Defendants
Page 3

D. Certification

I, the undersigned attorney, hereby state under oath that all of the information provided in my “Application for Public Appointment to Represent Indigent Defendants in the Williamson County Courts” is correct, that I have read and understand the qualifications set out in the Williamson County District Courts and County Courts at Law Amended Fair Defense Plan (“the Plan”), and that I meet the qualifications for the appointment level which I seek. I understand that I have a duty to promptly notify the Court or Court’s Designee of any matter that may make me ineligible to receive appointments under the applicable qualifications, and to notify the Court or Court’s Designee of any changes to the information contained in this application. I understand that I may be removed from the appointment list for failure to meet any qualifications included in the stated in the Plan for the appointment level which I seek.

_____ Date

_____ Attorney’s Signature

State of Texas
 County of _____

On this date personally appeared before me _____, who, after being properly identified and duly sworn, declared that he/she signed this foregoing Application for Public Appointment to Represent Indigent Defendants in the Williamson County Courts and who further states that the statements therein contained are true and correct.

[SEAL]

_____ Notary Public’s Signature

Required Attachments

Please note that an application is not complete unless it is accompanied by any and all required attachments, as listed below.

Attachment	Attached	N/A
1. Your most recent reporting year CLE report from the State Bar of Texas		
2. If you have been sanctioned by the Bar Grievance Committee in the last 10 years, attach the decision(s) by the Committee and, if desired, a written explanation.		
3. If you have been sanctioned for failure to appear before a Court in the last 10 years, attach any applicable court documents and, if desired, a written explanation.		
4. If a Court has found that you have provided in effective assistance of counsel in the last 10 years, attach any applicable documents and, if desired, a written explanation.		
5. If you have ever been convicted of or placed on deferred adjudication for any offense other than a class C level traffic offense, attach copies of all final orders (or those deferring adjudication) and judgments.		
6. If you are applying for an appointment list (A, B, C, Misdemeanor, or Mental Health), attach a document listing the cause number and styles of trials for the level(s) at which you are seeking appointments and your role in the case (i.e. lead counsel, second chair, etc.).		
7. If you are applying for the Appellate List, list the cause numbers and styles in which you were personally the author of briefs.		

**WILLIAMSON COUNTY DISTRICT COURT
COURT APPOINTED ATTORNEY COMPENSATION FORM – FIXED FEE**

Attorney Name:		Last 4 of Fed. ID or SSN	
Firm Name: <i>(if different from Atty Name)</i>		Is firm a corporation	Yes No
Address:		Phone #:	
		Email Address:	

Cause Number _____

The State of Texas vs.		In the		Judicial District
	<i>(Defendant Name)</i>			of Williamson County, Texas
Case Type:	State Jail Felony or F3 ("C List" Case)	F2 ("B List Case")		F1 ("A" List Case")

Instructions:

- A request for payment for expenses must be accompanied by a copy of Court’s authorization for expenses incurred and **detailed invoices**, to include number of hours of time expended (if applicable) and information about services provided.
- Maximum hourly rate for investigators is \$75/hr.; A-List (1st Degree Felony) cases are authorized to expend up to \$750 in investigator expenses at or below the maximum hourly rate without prior approval of the Court. Court approval must be sought in advance for expenditures beyond that amount.

Dates of Service		through	
I request payment of		<i>(total payment requested)</i>	which includes:
Attorney Fees in the amount of:		Expenses in the amount of:	
Representing:	Amount	Representing:	
Flat fee for Disposition of Primary Case State Jail/F3: \$600 per case F2: \$750 per case F1: \$1,000 per case		_____	in Investigator Expenses
Number of <i>additional cases</i> arising out of same arrest/transaction <i>(=number of additional cases x\$250/case)</i> List Cause Number(s) of additional cases:		_____	in Expert Witness Expenses
Yes No Spanish Speaking Defendant? <i>(if yes, amount =number of cases x\$150/case)</i>		_____	in Other Litigation Expenses
Yes No Mental Health Wheel Case? <i>(if yes, amount =total number of cases x \$300/case)</i>			
Number of Writ Hearings with Witnesses (x \$250/hearing)			
Number of Days of Evidentiary Pretrial Hearings with Witnesses (x \$300 per ½ day/\$600 per day)			

I, the undersigned attorney, represent and certify to this court that I am an attorney licensed to practice law in the State of Texas, that I was appointed by the Court in this case, that the above information is true and accurate, and that the requested fees comport with the Fair Defense Plan and District Court Fee Schedule.

_____ Date

_____ Attorney Signature

**WILLIAMSON COUNTY DISTRICT COURT
COURT APPOINTED ATTORNEY COMPENSATION FORM – HOURLY FEE – NON TRIAL DISPOSITION**

Attorney Name:		Last 4 of Fed. ID or SSN	
Firm Name: <i>(if different from Atty Name)</i>		Is firm a corporation	Yes No
Address:		Phone #:	
		Email Address:	

Cause Number _____

The State of Texas vs.		In the		Judicial District
	<i>(Defendant Name)</i>	of Williamson County, Texas		
Case Type:	State Jail Felony or F3 ("C List" Case)	F2 ("B List Case")	F1 ("A" List Case")	Capital Case

Instructions/Notes:

- State Jail and Third Degree Felony cases shall ordinarily be paid based on the fixed fee schedule. Attorney must obtain approval from the Court in writing in advance of submitting an Hourly Fee Compensation Form for a SJF or F3 case.
- When submitting Hourly Fee Compensation Form, attorney **must attach detailed invoices**, to include number of hours of time expended, general description of services provided, & a copy of Court’s authorization if total request exceeds cap.
- A request for payment for expenses must be accompanied by a copy of Court’s authorization for expenses incurred and **detailed invoices**, to include number of hours of time expended (if applicable) and information about services provided.
- Maximum hourly rate for investigators is \$75/hr.; A-List (1st Degree Felony) cases are authorized to expend up to \$750 in investigator expenses at or below the maximum hourly rate without prior approval of the Court. Court approval must be sought in advance for expenditures beyond that amount.

Dates of Service		through	
I request payment of		<i>(total payment requested)</i>	which includes:
Attorney Fees in the amount of:		Expenses in the amount of:	
Representing:		Representing:	
#		Amount	
	Hours of work at: F3/SJF: \$100/hr, cap of \$1,000 per case F2: \$125/hr, cap of \$1,500 per case F1: \$155/hr, cap of \$2,500 per case Capital: \$197/hr		_____ in Investigator Expenses _____ in Expert Witness Expenses _____ in Other Litigation Expenses

I, the undersigned attorney, represent and certify to this court that I am an attorney licensed to practice law in the State of Texas, that I was appointed by the Court in this case, that the above information is true and accurate, and that the requested fees comport with the Fair Defense Plan and District Court Fee Schedule.

Date

Attorney Signature

**WILLIAMSON COUNTY DISTRICT COURT
COURT APPOINTED ATTORNEY COMPENSATION FORM – HOURLY FEE – TRIAL DISPOSITION**

Attorney Name:		Last 4 of Fed. ID or SSN	
Firm Name: <i>(if different from Atty Name)</i>		Is firm a corporation	Yes No
Address:		Phone #:	
		Email Address:	

Cause Number _____

The State of Texas vs.		In the		Judicial District
	<i>(Defendant Name)</i>	of Williamson County, Texas		
Case Type:	State Jail Felony or F3 ("C List" Case)	F2 ("B List Case")	F1 ("A" List Case")	Capital Case
Role:	First Chair/Co Counsel		Second Chair	

Instructions/Notes:

- When submitting Hourly Fee Compensation Form, attorney **must attach detailed invoices**, to include number of hours of time expended and general description of services provided.
- A request for payment for expenses must be accompanied by a copy of Court’s authorization for expenses incurred and **detailed invoices**, to include number of hours of time expended (if applicable) and information about services provided.
- Maximum hourly rate for investigators is \$75/hr.; A-List (1st Degree Felony) cases are authorized to expend up to \$750 in investigator expenses at or below the maximum hourly rate without prior approval of the Court. Court approval must be sought in advance for expenditures beyond that amount.

Dates of Service		through	
I request payment of		<i>(total payment requested)</i>	which includes:
Attorney Fees in the amount of:		Expenses in the amount of:	
Representing:	Amount	Representing:	
Number of Trial Days <i>First Chair/Co Counsel:</i> \$1,200 per day, \$600 per ½ day <i>Second Chair:</i> \$600 per day, \$300 per ½ day		_____ in Investigator Expenses _____ in Expert Witness Expenses _____ in Other Litigation Expenses	
Trial Prep Hours at: <i>First Chair/Co Counsel:</i> F2 and below: \$125/hr. F1: \$155/hr. Capital: \$197/hr. <i>Second Chair:</i> F2 and below: \$100/hr. F1: \$125/hr. Capital: \$150/hr.			

I, the undersigned attorney, represent and certify to this court that I am an attorney licensed to practice law in the State of Texas, that I was appointed by the Court in this case, that the above information is true and accurate, and that the requested fees comport with the Fair Defense Plan and District Court Fee Schedule.

_____ Date

_____ Attorney Signature

**WILLIAMSON COUNTY DISTRICT COURT
COURT APPOINTED ATTORNEY COMPENSATION FORM – HOURLY FEE –APPELLATE CASE**

Attorney Name:		Last 4 of Fed. ID or SSN	
Firm Name: <i>(if different from Atty Name)</i>		Is firm a corporation	Yes No
Address:		Phone #:	
		Email Address:	

Cause Number _____

The State of Texas vs.		In the		Judicial District
	<i>(Defendant Name)</i>	of Williamson County, Texas		

Instructions/Notes:

- When submitting Hourly Fee Compensation Form, attorney **must attach detailed invoices**, to include number of hours of time expended, general description of services provided, & a copy of Court’s authorization if total request exceeds cap.
- A request for payment for expenses must be accompanied by a copy of Court’s authorization for expenses incurred and **detailed invoices**, to include number of hours of time expended (if applicable) and information about services provided.

Dates of Service		through	
I request payment of		<i>(total payment requested)</i>	which includes:
Attorney Fees in the amount of:		Expenses in the amount of:	
Representing:		Representing:	
#		Amount	
	Hours of work at \$155/hr. cap of \$5,500 per case.		_____ in Other Litigation Expenses <i>Expenses in other categories (i.e. investigator) may be authorized by the court on a case-by-case basis.</i>

I, the undersigned attorney, represent and certify to this court that I am an attorney licensed to practice law in the State of Texas, that I was appointed by the Court in this case, that the above information is true and accurate, and that the requested fees comport with the Fair Defense Plan and District Court Fee Schedule.

_____ Date

_____ Attorney Signature

**COURT APPOINTED ATTORNEY PAYMENT VOUCHER
COUNTY COURT AT LAW**

TO THE COMMISSIONERS COURT
OF WILLIAMSON COUNTY, TEXAS

Attorney Name:

Firm Name:

(if different from Attorney Name)

Address:

XX-XXX

Last 4 digits of Federal Identification Number
or

XXX-XX-

Last 4 digits of Social Security Number

Email:

Phone Number:

Line Item No. 01-0100-0425-004134

Is firm a Corporation? Yes No

The State of Texas vs.

Cause No(s).

Offense

Request for Payment as Court Appointed Counsel

In the above numbered and entitled cause(s) I, the undersigned attorney, represent to the Court that I was appointed by the Court to represent the Defendant in the above-styled and numbered cause and that I have performed the following work on the case(s):

FINAL CASE DISPOSITION:	No Charges Filed	Plea	Trial	Dismissal
	Appeal	Attorney Withdrew	without final disposition	

_____	Plea and Sentence (1 defendant with 1 case)	\$300
_____	**Additional cases on same defendant (plea, 12.45 or dismissal) (per case)	\$50
_____	Dismissal after court appearances & discovery (1 defendant with 1 case)	\$300
_____	**Additional cases (per case)	\$50
_____	Dismissal without court appearances	\$75
_____	Trial preparation / extraordinary work	\$75 / hr
_____	Court Trial or Jury Trial (per ½ day)	\$300
_____	Appeals (\$2500 max)	\$75 / hr
_____	MHMR / Extraditions defendant / Sign language (Additional)	\$100
_____	Additional fees from page 2 (itemized statement)	

TOTAL REQUESTED

I certify the above information is true and accurate.

Attorney Signature

ORDER

Having reviewed the foregoing motion, and considering the facts of this case and the local guidelines for payment of counsel, I find that \$ _____ is proper, and order that payment be made in that amount.

_____, 20_____
Approval Date

Presiding Judge

TO BE COMPLETED ONLY IF REQUESTING ADDITIONAL FEES
THAN STANDARD RATE

ATTACH TO PAGE ONE
ITEMIZED STATEMENT TO SUPPORT HOURLY RATE (\$75 per hour)
FOR CONTESTED MATTERS OR TO DEVIATE FROM
STANDARD FEE SCHEDULE

Attorney should include date of service, service performed and amount of time.

TOTAL TIME: X / hr =

I certify the above information is true and correct.

Attorney Signature