

Dallas County Court Plan

Preamble

6/9/2020

Preamble

In this plan, the term “Criminal Court Judges” refers to the County Criminal Court and County Criminal Court of Appeals Judges giving preference to criminal cases in Dallas County.

The following plan establishes practices for the appointment of attorneys for indigent defendants. This plan is intended to provide effective processes to any person seeking appointed counsel, any attorney seeking to be appointed to represent indigent defendants, and any staff who are involved in the appointment process.

The Criminal Court Judges are committed to timely providing quality legal representation to indigent criminal defendants, to ensuring fair and neutral procedures for attorney selection.

The Criminal Court Judges in Dallas County will administer the Plan in accordance with the rules set out herein.

All attorneys appointed to represent indigent defendants will continuously adhere to the rules of the Plan.

The County shall submit to the Texas Indigent Defense Commission (TIDC), on a form prescribed by the TIDC, the number of appointments made to each attorney accepting appointments, and the information provided to the county by those attorneys under Article 26.04(j)(4), Code of Criminal Procedure. This is due no later than November 1st of each year.

Prompt Magistration

7/24/2020

Prompt and Accurate Magistration Proceedings

1.0 Each person arrested in Dallas County shall be brought before a magistrate without unnecessary delay, but no later than 48 hours after arrest for determining if the person is indigent for purposes of appointment of counsel.

1.1 The magistrate shall comply with all the requirements of Article 15.17 of the Texas Code of Criminal Procedure, which provides as follows:

- The magistrate shall inform in clear language the person arrested of the accusation against him and of any affidavit filed therewith, of his right to retain counsel, of his right to remain silent, of his right to have an attorney present during any interview with peace officers or attorneys representing the state, of his right to terminate the interview at any time, and of his right to an examining trial.
- The magistrate shall inform the person arrested of his right to request appointment of counsel if the person cannot afford counsel.
- The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel.
- If the arrested person does not speak and understand the English language or is deaf, the magistrate shall inform the person through the use of an interpreter consistent with Article 38.30 or Article 38.31 of the Code of Criminal Procedure.
- The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person.
- The magistrate without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit, or cause to be transmitted, to the court or the court's designee authorized to appoint counsel, the forms requesting appointment of counsel.
- The magistrate shall inform the arrested person that he is not required to make any statement and that any statement made by him may be used against him.
- The magistrate shall allow the arrested person reasonable time and opportunity to consult counsel, and shall, after determining whether the person is currently on bail for a separate criminal offense, admit the person to bail if allowed by law.
- A record shall be made of the magistrate informing the arrested person of the person's right to request appointment of counsel; the magistrate asking the person whether the person wants to request appointment of counsel; and whether the person requested appointment of counsel. The record shall consist of written forms or electronic recordings.

1.2 Every Dallas County arresting agency shall comply with the requirements of the Order of the judges of the County Criminal Courts and Criminal Courts of Appeal giving preference to criminal cases regarding detention of persons without charges filed. Any person who has not had charges filed within the time periods required by said Order shall be released in accordance with said Order.

2.1 If a person is arrested on an out-of-county warrant, the magistrate shall ask if the person requests counsel be appointed to represent them on the pending charge, inform the person of the procedures for requesting counsel, and ensure that the person is provided reasonable assistance in completing the necessary forms for requesting counsel in the county that issued the warrant.

2.2 If a person arrested on an out-of-county warrant requests counsel, the magistrate shall, without unnecessary delay, but not later than 24 hours after the person requested the appointment of counsel, transmit, or cause to be transmitted, the necessary request forms to a court or the court's designee authorized under Article 26.04 to appoint counsel in the county issuing the warrant. The magistrate shall forward the completed forms requesting appointment of counsel along with the financial information gathered from the arrestee to the county issuing the warrant.

2.3 Persons who have been released on bond and/or have not previously requested counsel may contact the Court Coordinator of the Court where the case is preassigned or the Criminal Court Manager's Office staff to request counsel. Either the Court Coordinator or the Court Manager staff will assist the requestor with processing the request for counsel pursuant to this plan.

Indigence Determination Standards

6/9/2020

Indigence Determination Standards

3.0 A defendant who requests a determination of indigence and appointment of counsel shall:

(1) complete under oath a questionnaire concerning his/her financial resources;

(2) and submit to an examination regarding his/her financial resources by the judge or magistrate responsible for determining whether the defendant is indigent; or

3.1 The Magistrates, CSCD Pretrial Officers, Court Coordinators, or Court Manager's Office staff shall advise a Defendant who is requesting counsel in the following manner prior to gathering financial information utilized in the appointment process:

"If you will be asking the Court to appoint a lawyer to assist you with the charges pending against you, you will need to complete under oath a questionnaire concerning your financial resources. You may also be required to respond under oath to an examination by the Judge about your finances. The information you provide must be truthful and you may be subject to penalty of perjury if you intentionally or knowingly provide false information. The information you provide may be shared with the Court, the Criminal Attorney, other court staff, and possibly other agencies. If you refuse to provide the requested financial information or to complete this questionnaire under oath, your request for appointment of counsel will not be considered. You may submit a request for appointed counsel at any time."

3.2 An arrestee or defendant shall truthfully provide answers to the financial questionnaire and to the questions posed by the Magistrates, Pretrial Officers, Court Coordinators, and Court Manager staff. The Pretrial Officers shall fill out the responses to each category of information that is part of the financial questionnaire and which is prompted by the system. Every category of information should be addressed with an arrestee. Additionally Pretrial Officers are required to make an entry in the comment section of the electronic financial questionnaire for each category of the financial questionnaire. Moreover, any specific information which is necessary to be communicated to the Court or the Court's designee, who is processing the request for appointment, shall be included on the financial questionnaire or on the comment portion of the form by the Pretrial Officers. This will include any language preference of the arrestee, and email address, and a cell phone number, if possible. All responses to the financial questionnaire will be recorded electronically on the financial questionnaire in the Indigent Defense System. The financial questionnaire will also become part of the Court file, but will remain confidential.

3.3 The arrestee or defendant will be assisted by the Magistrates and the CSCD Pretrial Officers in the Lew Sterrett jail or another location where an arrestee is being held in custody, and by the Court Coordinator or staff of the Court Manager's office in the Frank Crowley Courts Building when making a request for counsel and providing the information requested on the Financial Questionnaire.

3.4 The court or its designee must evaluate each request for a court appointed attorney to determine whether the defendant is indigent. In determining whether a defendant is indigent, the court or court's designee may consider the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income that is available to the defendant. The court or its designee may not consider whether the defendant has posted or is capable of posting bail, except to the extent that it reflects the defendant's financial circumstances as measured by the following factors: (a) the defendant's income; (b) the source of the defendant's income; (c) the assets and property owned by the defendant; (d) the defendant's outstanding obligations and necessary expenses; (e) the number and age of the defendant's dependents, and (f) income of the defendant's spouse that is available to the defendant.

3.5 Definitions – Terms used to determine eligibility for an indigent's defense services shall have the following meanings:

"Income" shall include the total cash receipts, before taxes, from all resources, including money wages and the net receipts from non-farm or farm self-employment. Further, "income" shall include regular payments from a governmental income maintenance program, public or private pensions, annuities, and income from dividends, interest, rents, royalties or periodic receipts from estates or trusts, regular payments from Social Security, strike benefits from union funds, veteran's benefits, training stipends, alimony, child support and military family allotments, or other regular support from an absent family member or someone not living in the household, or foster care payments, benefits from a governmental income maintenance program (AFDC, SSI, unemployment compensation, or state or county general assistance or home relief), food or rent received in lieu of wages, money which is received from sale of real or personal property or received from tax refunds, gifts, one-time insurance payments or compensation for injury, non-cash benefits (food stamps, etc.).

"Equitable assets": Equitable assets shall include, but are not limited to, cash, savings and checking accounts, stocks, bonds, certificates of deposit, and equity in real and personal property, as well as any interest in retirement accounts.

An “a person who is considered indigent” is any person with a household income at or below 150% of the Federal Poverty Level guidelines as established and revised periodically by the Federal Government, and who has available assets that do not exceed \$15,000, or a person who is currently eligible for and receiving Food Stamps, Medicaid, Public Housing, Supplemental Security Income (SSI), or Temporary Assistance for Needy Families (TANF).

3.6 A defendant is eligible for a misdemeanor court appointed lawyer and shall receive a misdemeanor court appointed attorney, if requested, authorized by the Court and made pursuant to the misdemeanor appointment wheel if:

a.) the defendant’s household income is at or below 150% of the Federal Poverty Level guidelines and his/her equitable assets do not exceed \$15,000;

or

b.) the defendant is currently eligible and receiving Food Stamps, Medicaid, Public Housing, Supplemental Security Income (SSI), or Temporary Assistance for Needy Families (TANF).

3.7 A defendant whose household income exceeds 150% of the Federal Poverty Level guidelines or whose asset threshold exceeds the threshold may still qualify for a court-appointed attorney if the court or its designee determines special circumstances exist. In determining whether special circumstances exist, the court or its designee may consider unusual, excessive, or extraordinary medical expenses, the age or physical infirmity of household members, or other expenses. The court or its designee 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 defendant has retained counsel in related legal matters (e.g., administrative license revocation, forfeiture, etc.), any efforts the defendant has made to retain an attorney, and any other factor impacting the ability of the defendant to retain private counsel.

3.8 As set forth in Texas Code of Criminal Procedure art. 26.04(p), a defendant who is determined by the court to be indigent is presumed to remain indigent for the remainder of the proceedings in the case unless a material change in the defendant's financial circumstances occurs. If there is a material change in financial circumstances after a determination of indigency or nonindigency is made, the defendant, the defendant's counsel, or the attorney representing the state may move for reconsideration of the determination.

3.9 A defendant may be required to reimburse Dallas County in whole or in part, the cost of legal services provided as set forth in Texas Code of Criminal Procedure art. 26.05. If a defendant is placed on probation or deferred adjudication, the Court may

impose as a condition of probation repayment of all or a portion of the county's cost for providing legal representation, the Court determines that repayment does not impose a substantial financial hardship upon the defendant or dependents.

3.10 The guidelines established herein for the appointment of counsel also apply to the reimbursement of expenses incurred for the purposes of investigation or expert testimony, upon prior approval by the Court.

3.11 Any person who is not defined as indigent in accordance with the Plan, but who has received court appointed counsel, shall be required to make payments for the reimbursement of the cost of legal services at the discretion of the Court

Minimum Attorney Qualifications

8/12/2020

Minimum Attorney Qualifications

4.0 A critical review of the quality of representation actually provided by attorneys applying to be on the wheel is a factor in providing high quality representation to indigent defendants. In addition to the objective criteria outlined herein, the statutes of the State of Texas provide for a subjective review of the qualifications of the attorneys applying for inclusion on the wheel. While recognizing that there is a need for an open attorney appointment wheel. The County Criminal Court Judges have an obligation to closely monitor those seeking approval to be on the wheel. Attorney applications will be reviewed and approved by the Misdemeanor Wheel Attorney Committee.

4.1 A. General Objective Qualifications to Receive Appointments

1. An attorney must be a member in good standing with the State Bar of Texas.
2. An attorney must have a secretary, receptionist, local area code-answering service, or a local area code-regularly monitored answering machine.
3. An attorney must have a functioning fax machine and an e-mail address, both available 24 hours a day.
4. An attorney shall have on file with the Court Manager's Office a completed sworn application approved by the Judge of the County Criminal Courts.
5. An attorney shall promptly notify, in writing, the Court Manager's Office and each individual Court Coordinator of any changes to the information contained in the application for appointments.
6. An attorney shall promptly notify, in writing, the Court Manager's office of any matter that would disqualify the attorney by law, regulation, rule or under these

guidelines from receiving appointments in representing indigent defendants.

7. An attorney shall annually file with the Court Managers Office each year a copy of his/her State Bar of Texas Continuing Legal Education annual reporting form which demonstrates the annual completion of at least six hours of criminal law continuing legal education AND at least three hours of Immigration continuing legal education. (At least one hour related to criminal law consequences). None of the nine hours of CLE may be self-study, juvenile, civil or family. Your CLE report must be filed by January 15th of each year to remain eligible on the wheel or you must reapply the next quarter. Hours are counted by calendar year, not birth month.
8. An attorney must be licensed for at least one year before applying for the misdemeanor wheel.
9. An Attorney must either live in Dallas County or have an office in Dallas County.
10. An attorney shall meet any additional requirements that may be later imposed by the Judges of the County Criminal Courts trying misdemeanor cases.
11. An Attorney shall complete the Indigent Defense Portal training and submit a certificate of completion to the Criminal Court's Manager's office.

4.2 Experience

Licensed to practice law and provide proof of participation in a law school criminal clinic; or attend either the Criminal Defense Lawyers Project Criminal Trial Advocacy Institute, (held at Sam Houston State University in Huntsville, in March each year) or The National Institute of Trial Advocacy Course, (held in Dallas at SMU every June). Participation in a criminal clinic must be within thirty (30) months of being placed on the misdemeanor wheel; or

Licensed to practice law and have been lead counsel in two (2) or more criminal jury trials class B or higher; or

Licensed to practice law and have sat co-counsel in 3 or more criminal jury trials in the last ten (10) years.

Licensed to practice law and was employed as a public defender, district, county, or city attorney within the past three years.

If applying for appeals, you must have authored briefs on at least 3 appeals;

And, be of sound mind and good character.

4.3 Distribution of cases.

1. Appointments will be made from a list of eligible attorneys within Indigent Defense System.
2. The Court Appointed Attorney list will be updated quarterly. All necessary applications and information should be delivered to the Court Managers Office by the

4:00 PM on the following dates; March 1, June 1, September 1 and December 1 or the first Monday of that month if those dates fall on a weekend or holiday.

3. Court Appointed Attorneys are appointed to the defendant within 24 hours of the request. The Court Appointed Attorney shall remain on that case through disposition/appeal.

4. Each Attorney should not receive no more than 250 per year.

The County Criminal Court Manager will create and maintain the master wheel and each court will maintain its own list or use a public defender or a combination thereof. When an appointment is made, the Court or its designee will select an attorney from the Indigent Defense System in a fair, neutral and nondiscriminatory manner taking into account the complexity of the case and the immediacy of the requirement for representation.

If the court or the court's designee determines that the defendant does not speak and understand the English language or that the defendant is deaf, the court or the court's designee shall make an effort to appoint an attorney who is capable of communication in a language understood by the defendant. If such attorney is not available, an interpreter will be appointed. Any attorney speaking a second language will also be included on the master list.

An attorney who is appointed from the master list must either personally appear in Court on their specified court date or make alternative arrangements through the Court. Cases may not be transferred or traded. An appointed attorney will represent a defendant until the defendant is acquitted, appeals are exhausted, or the court, after entering a finding of good cause on the record, relieves the attorney and replaces the attorney with other counsel.

If appointed counsel does not appear on his or her specified court date, the Court or its designee may appoint at its discretion any qualified attorney from the court's list who is available. An attorney's intentional or repeated failure to appear in court or make every reasonable effort to contact the defendant may be grounds for removal from the master list. An attorney may be removed from the master list by a majority vote (7 Judges) of the County Criminal Court's and County Criminal Court of Appeals.

When an attorney has been appointed and subsequently the defendant retains other counsel. The burden of notification of such change will be on the appointed attorney.

4.4 An attorney who is appointed from the wheel must either personally represent the client or withdraw. Cases will not be transferable or tradable. The only exceptions for a designated substitute attorney to appear for the appointed attorney will be for a docket appearance where previously approved by the trial court and with the approval

of the defendant, and to consummate a previously negotiated case settlement with the approval of the trial court and the defendant. Note: A court appointed attorney cannot submit a request for reimbursement for any work not performed by the court appointed attorney.

4.5 Confirm receipt of Appointment - Any attorney notified of a trial appointment via the Indigent Defense System is required to confirm receipt of each case to which they are court appointed, by selecting the “confirm receipt” button in the appointment portal, by 10:00 a.m., the morning of the next business day after the appointment is added to their appointment queue. If the attorney does not “confirm receipt”, the attorney will not receive the appointment. **An attorney who fails to confirm receipt 10 (ten) or more times in a fiscal year. the Attorney will be subject to a review by the Attorney Wheel Committee.** If an attorney desires not to receive appointments, the attorney should place himself or herself on hold or remove themselves from rotation in the Indigent Defense System. Failure to confirm receipt shall not be used as a means to manage a docket or vacation schedule. This section does not apply to appellate appointments.

4.6 Conflict of Interest – If an attorney has a valid conflict of interest reason for not representing an indigent defendant, the attorney is required to formally withdraw from the case.

4.7 Withdrawal or substitution - Appointed counsel is to remain on the case until removed by the Court or a final disposition is entered in the case. All attorneys who seek appointments under this plan, hereby, agree to abide by these rules related to appointments.

An attorney wishing to withdraw from representation of an indigent defendant before final disposition, for any reason, shall file a formal motion to withdraw with the Court where the case is pending. In the event counsel is permitted to withdraw, new counsel shall be appointed according to this plan. A voucher is also required to be submitted simultaneously with the motion to withdraw. After initial acceptance of an

appointment, if the Attorney must immediately withdraw. The attorney may submit a voucher for no less than \$50.00.

4.8 Date of initial contact – All attorneys who receive court appointed cases will be required to make every reasonable effort to make initial contact with the Defendant within 24 hours of the attorney’s receipt of notice of the appointment and shall personally interview the defendant within three (3) business days of the receipt of the notice of appointment, provided the defendant is incarcerated in a local detention facility. This personal interview can take place via video conference. All attorneys will also be required to document on the appointment screen in the Indigent Defense Portal the date on which they made initial contact with their client in every court appointed case. The voucher process cannot be initiated in the Indigent Defense System unless the date of initial contact is recorded into the system. All initial contact information provided by court appointed counsel is subject to verification.

4.9 To remain eligible for appointment an attorney must:

- a. ***An attorney must complete three hours of Immigration continuing legal education before applying for the Misdemeanor Wheel.***
- b. An Attorney shall annually file with the Court Manager’s Office each year a copy of his/her State Bar of Texas Continuing Legal Education annual reporting form which demonstrates the completion of at least six hours of criminal law continuing legal education AND one hour of Immigration continuing legal education (related to criminal law consequences). None of the seven hours of CLE may be self-study, juvenile, civil, or family. Your CLE report must be filed by January 15th of each year to remain eligible on the wheel or you must reapply the next quarter. Hours are counted by calendar year, not birth month.
- c. An attorney shall meet any additional requirements that may be later imposed by the Judges of the County Criminal Courts trying the misdemeanor cases.
- d. Submit an Attorney Reporting form annually. Pursuant to Article 26.04(j) of the Code of Criminal Procedure, I hereby swear and affirm that I will submit an Attorney Reporting Form to Dallas County, I understand this form is used to report all adult criminal cases that I have been appointed during a fiscal year period that begins on October 1 and ends on September 30. I understand that the statement is due no later than January 15th following the close of each fiscal year. [For example, if, during the fiscal year that begins on October 1, current year and ends on September 30, the following year), an attorney accepts appointments in Dallas County, he/she must submit separate practice-time statements to Dallas County by January 15th of each year.
- e. An attorney must demonstrate good moral character and fitness as a lawyer to gain and maintain admission to the attorney wheel.

4.10 The County Criminal Court Manager's Assistant shall regularly review reports outlining any noncompliance by court appointed attorneys. This includes attorneys who do not appear for an initial setting, who fail to confirm receipt of an appointment in the Indigent Defense System, who habitually fail to reset cases, or who habitually fail to abide by these rules. This list will be taken into consideration periodically and at any time; an attorney's qualifications are under review by the Criminal Court Judges. Any acts of noncompliance identified by these reports will be addressed by the Judges and may subject an attorney to removal proceedings. Moreover, failure to reset cases may be grounds for appointing new counsel on an individual, case-by-case, basis, as coordinated with each Court's Court Coordinator.

4.11- Removal from Misdemeanor Court Appointment List

1. An attorney shall be removed from the misdemeanor court appointment list for the following reason(s):
 - a. Conviction or deferred adjudication for any felony, or
 - b. Conviction or deferred adjudication for any crime or moral turpitude, or
 - c. Under indictment or formal charged with a felony or crime of moral turpitude, or
 - d. Intentional misrepresentation by the attorney on the application for misdemeanor court appointment.

1. An attorney may be removed from the misdemeanor court appointment list and from any case to which the attorney has been appointed for the following:
 - a. Failing to perform the attorney's duty owed to the defendant, or
 - b. A finding by the court that the attorney provided ineffective assistance of counsel, or
 - c. Failing to maintain compliance with each of the misdemeanor court appointed guidelines and qualifications. **This includes failure to demonstrate good moral character and fitness.

- d. If after a hearing it is shown that the attorney submitted a claim for serviced not performed by the attorney, or for good cause at the discretion of the county criminal court judges.
 - e. Excessive tardiness or failure to appear is grounds for removal from the wheel and case(s).
 - f. Disbarment or suspension by the State of Texas.
 - g. Failure to confirm receipt of (10) or more appointments during the fiscal year between October 1st and September 30th.
1. Removals from the list shall be for a minimum of one quarter or the next filing date for violations in Section 2 (a-g). Removals from the list may be probated. For removals or probated removals the judges require the completion of rehabilitative measures as a condition of the probation or re-application. Upon a showing of good cause the county criminal court judges may remove an attorney from the list for a period longer than one quarter or permanently.
- 4. If an attorney is removed from the attorney wheel he/she may make a written request for a hearing. If an attorney is in danger of being removed from the attorney wheel, he/she will be notified via email.

4.12 Reinstatement

An attorney who is removed from the court appointed attorney list for the reasons stated in D. 1. a., b., or c., above, may be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted.

4.13 Each attorney is required to place themselves on hold or out of rotation when they plan to take vacation or for any reason they are not able to receive appointments and comply with the dictates of code of criminal procedure article 26.04 and this plan. For any reason, if an attorney is unable to place themselves on hold or out of rotation in the system. A representative for the attorney may notify the Court Manager for the Criminal Courts that the attorney is unable to accept appointments and may make a request that the attorney be placed on hold by the Court Manager. The hold shall be removed upon receipt of notification by the attorney to the Court

Manager's office for the County Criminal Courts that the attorney is able to accept appointments and upon proof that the attorney meets the CLE requirements set forth in this plan. An attorney who is on hold or out of rotation for any period exceeding one year, must reapply for placement on the master list.

4.14 An attorney shall submit by October 15th each year a statement that describes the percentage of the attorney's practice that was dedicated to work based on appointments accepted in Dallas County for adult criminal cases and juvenile delinquency cases for the prior twelve (12) months beginning on October 1st and ending on September 30th. The report must be submitted through the online form to the Texas Indigent Defense Commission.

Prompt Appointment of Counsel

8/12/2020

Prompt Appointment of Counsel

5.1 When a defendant requests appointment of trial counsel and submits the required documents as addressed in this plan, the request and any required documentation shall be transmitted to the Court within 24 hours of the request for appointment of counsel being made.

5.2 Counsel shall be appointed for eligible defendants within one working day of the Court's receipt of a request for appointed counsel.

5.3 In any adversarial judicial proceeding that may result in punishment by confinement, the Court shall not direct or encourage the defendant to communicate with the attorney for the State until the Court advises the defendant of the right to counsel and the procedures for requesting appointment of counsel, and the defendant has been given a reasonable opportunity to request appointed counsel.

5.4 In any adversarial judicial proceeding that may result in punishment by confinement, the Court shall not direct or encourage the defendant to communicate with the attorney for the State until the Court advises the defendant of the right to

counsel and the procedures for requesting appointment of counsel, and the defendant has been given a reasonable opportunity to request appointed counsel.

5.5 Requests for appointment of counsel from persons arrested in a county other than Dallas County on a felony Dallas County warrant shall be forwarded to the Criminal District Court Manager's Office who shall then forward the request to the assigned court for a ruling on the request. The ruling and, if appropriate, the appointment of counsel, shall be made within one working day of receipt of the request for appointment of counsel. If the request is received by a county that participates in the Indigent Defense System, that system should be used to give notice of the request for counsel. If that system is not utilized, another verifiable means of notification should be used.

5.6 If a person who has been arrested on an out-of-county misdemeanor warrant is entitled to and requests appointment of counsel, and the person has not been transferred or released into the custody of the county issuing the warrant before the 11th day after the date of arrest, or released pursuant to Article 15.21 by a Magistrate in the county where the person is held, and if counsel has not otherwise been appointed for the defendant in the arresting county, the Court or the Courts' designee authorized under Article 26.04 of the Code of Criminal Procedure to appoint counsel for indigent defendants in the arresting county immediately shall appoint counsel to represent the defendant in any matter under Chapter 11 of the Code of Criminal Procedure or bond matters under Chapter 17 of the Code of Criminal Procedure, regardless of whether adversarial judicial proceedings have been initiated against the defendant in the arresting county. If counsel is appointed for the defendant in the arresting county as required by this subsection. The arresting county may seek from the county that issued the warrant reimbursement for the actual costs paid by the arresting county for the appointed counsel. . If the person is not released by the magistrate or transferred to the arresting county, the magistrate shall advise the County Criminal Court Manager's Office by email, that the person is still detained in the arresting county and whether counsel has been appointed by the county that issued the warrant. Upon receipt of this notice, the Courts' designee shall appoint counsel as indicated above.

5.7 If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission's website at <http://tidc.tamu.edu/public.net/> and submit the request via email to indigentdefense@dallascounty.org. The court or its designee will determine eligibility on all requests for counsel submitted in this manner.

Attorney Selection Process

8/12/2020

Attorney Selection Process

6.0 A master list of qualified attorneys will be maintained by the Criminal Court Manager's Office.

6.1 Attorney appointments will be made based upon the electronic Attorney Assignment system adopted by the County. The computer rotation shall not be varied absent good cause, recorded and properly documented. The appointing authority, however, has the authority to appoint qualified counsel, other than by computer rotation, in the event that the defendant is currently represented by said counsel on another criminal case currently pending in Dallas County. Any appointments other than by the adopted electronic Attorney Assignment system shall be properly documented.

6.2 A court or its designee may appoint from the electronic Attorney Assignment System. The appointment system must provide the priority appointment of a public defender's office.

6.3 Defendants who speak a foreign language will be matched to an attorney qualified to speak that language, if available. Attorneys must seek to be qualified by the Criminal Courts to receive foreign language appointments. Attorneys who receive foreign language appointments will receive appointments for both the foreign language appointments and non-foreign language appointments.

Fee and Expense Payment Process

6/9/2020

Fee and Expense Payment Process

7.1 Appointed attorneys shall be compensated in accordance with the fee schedule approved by the Criminal Court Judges. All requests for payment will be required to be submitted via the Indigent Defense Portal beginning on the date that the system goes live and for each appointment that is initiated in the system.

7.2 Attorneys must submit a complete accurate sworn voucher in the Indigent Defense Portal with the proper documentation, including the date of initial contact with the Defendant, the date of the disposition of the case, the method of disposition, on the correct voucher type as indicated by the system, at the conclusion of each court appointment to be reimbursed for work on court appointed cases. Submitting a voucher is the only means to close a case in the system. Submitting a voucher and having it accepted for payment will cause the appointment to be updated, as no longer active in the defense portal in the Indigent Defense System. Submission via an electronic voucher applies to all court appointed attorneys, including Public Defender appointments. Public Defenders will have separate voucher types set up for their use in the system. Each Public Defender who receives a court appointment will be required to submit a complete accurate sworn "Public Defender" voucher in the system, at the conclusion of each court appointment. Failure to completely and accurately fill out the electronic voucher and to submit any requested documentation, may result in a delay in receiving payment, a failure to receive full payment, or any other remedies available under this plan. Repeated failure to adhere to these requirements related to vouchers may result in automatic removal from the court appointment wheels.

7.3 Partial payments - Attorneys may request partial payment on ongoing cases. Attorneys must submit a complete accurate sworn voucher in the Indigent Defense system with the proper documentation, as indicated above, but the date of the disposition of the case is not required. Attorneys must select the partial payment voucher type in the system to submit a request for partial payment.

7.4 When an attorney has been appointed and the defendant subsequently retains counsel, the appointed attorney may be compensated for any work performed prior to the substitution of retained counsel. An electronic voucher, as described above, will be required to be submitted in this circumstance as well.

7.5 The county auditor will not pay any attorney who is not on the approved list to receive court appointments at the time of appointment.

7.6 If the Judge approves the requested amount of payment, the judge shall make, by computer entry in the Indigent Defense System, an indication that the voucher should be paid as submitted. If a Judge disapproves of the requested amount, the Judge shall indicate so by computer entry in the Indigent Defense System, and either return the voucher to the court appointed counsel for additional information or enter findings stating the amount of payment the judge approves and the reason for approving an amount different from the requested amount. If an attorney is not satisfied with the amount of compensation approved by the judge, the attorney may appeal the judge's decision by filing a motion with the Presiding Judge of the First Administrative Judicial Region.

7.8 Expenses incurred without prior court approval shall be reimbursed if the Court finds that the expenses are reasonably necessary and reasonably incurred pursuant to Code of Criminal Procedure article 26.05. An attorney should obtain prior court approval for any expenses exceeding \$500.00. All vouchers for experts and investigators must be submitted by the attorney.

Miscellaneous

6/9/2020

Miscellaneous

8.0 Amendments to this Plan and the Fee Schedule require a two-thirds vote of the County Criminal Court Judges.

Plan Documents

Dallas County Court Affidavit of Indigence.docx (10/23/2019 4:20:19 PM) [view](#)
Dallas County Court Attorney Fee Schedule.doc (10/23/2019 4:21:25 PM) [view](#)
Dallas County Court Attorney Fee Voucher.pdf (11/23/2009 3:28:59 PM) [view](#)
Dallas County Court Attorney Practice Time Forms.docx (10/23/2019 4:23:28 PM) [view](#)
Dallas County Court Dallas County Court Attorney Practice Time Forms.pdf (10/24/2019 12:17:16 PM) [view](#)
Dallas County Court Magistrates Warning Form.pdf (11/23/2009 2:51:08 PM) [view](#)
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