1. **Minimum Attorney Qualifications for Adults (Small Sized Counties)**
   1. The Judges hearing criminal cases shall establish attorney appointment lists for the following categories of offenses. Attorneys may apply for and be placed on multiple lists. To be eligible for an appointment list, an attorney must meet the following minimum requirements:
      1. Misdemeanor Qualification Requirements:
         1. All attorneys on the appointment list must ensure all information on their application is correct;
         2. An attorney must be a licensed practicing attorney and a member in good standing of the State Bar of Texas;
         3. An attorney shall submit by October 15th each year a statement that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that begins on October 1 and ends on September 30. The report must be submitted through the online form to the Texas Indigent Defense Commission/form prescribed by the Texas Indigent Defense Commission to the court administration office in the county.
         4. An attorney shall complete a minimum of \_\_\_ hours of CLE in the area of criminal law and procedure each year. All attorneys on the appointment list must file a certificate with the court administration office each year attesting to completion of the required CLE or submit documentation showing that the attorney is certified as a specialist in criminal law. Continuing legal education activity completed with-in a one year period immediately preceding an attorney’s initial reporting period may be used to meet the educational requirements for the initial year. Continuing legal education activity completed during any reporting period in excess of the minimum of \_\_\_ hours for such period may be applied to the following period’s requirement. The carryover provision applies to one year only;
         5. An attorney must have a minimum \_\_\_ year(s) experience in criminal law;
         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 \_\_\_year(s);
         7. An attorney must maintain an office capable of receiving email, fax, and telephone calls;
         8. An attorney must have the ability to produce typed motions and orders;
         9. An attorney shall notify the court administration office promptly, in writing, of any matter that would disqualify the attorney by law, regulation, rule or under these guidelines from receiving appointments to represent indigent defendants.
      2. State Jail and Third Degree Felony Case Qualification Requirements
         1. An attorney must meet general requirements for misdemeanor appointments;
         2. An attorney must have a minimum \_\_\_ year(s) experience in criminal law;
      3. First and Second Degree Felony Case Qualification Requirements
         1. An attorney must meet the general requirements for State Jail and Third Degree Felony appointments.
         2. An attorney must have a minimum \_\_\_ year(s) experience in criminal law;
         3. An attorney must have experience as 1st or 2nd chair in at least \_\_\_ felony case(s) tried to verdict before a jury. At least \_\_\_ of the trial(s) must have been felonies. The styles and cause numbers of these cases must be listed in the District Courts appointment application form.
      4. Capital Case Qualification Requirements:
         1. Lead trial counsel must be on the list of attorneys approved by the local selection committee of this 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 must be on the list of attorneys approved by the local selection committee of this 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 must be on the list of attorneys approved by the local selection committee of this administrative judicial region for appointment as appellate counsel in death penalty cases, as provided in Article 26.052, Texas Code of Criminal Procedure.
      5. Appeal Qualification Requirements - An attorney must meet at least one of the following criteria:
         1. Be currently board certified in criminal law by the Texas Board of Legal Specialization; or
         2. Have personally authored and filed at least three 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.
   2. Approval for Appointment Lists
      1. Misdemeanor List – An attorney must be approved by a majority of the Statutory County Court Judges hearing criminal cases.
      2. State Jail and Third Degree Felony, First and Second Degree Felony List, Capital Case List, and Appeal List - An attorney must be approved for each list by a majority of the District Court Judges hearing criminal cases.
   3. Removal from Appointment List - The judges will monitor attorney performance on a continuing basis to assure the competency of attorneys on the list. An attorney may be removed or suspended, as appropriate, from one or more appointment lists by a majority vote of the judges.
   4. 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 otherwise meets the other qualifications under this Plan.
      2. An attorney who was removed from the appointment list for not submitting the attorney's annual practice time report may be immediately reinstated upon submission of the report so long as the attorney otherwise 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.
   5. Duties of Appointed Counsel - Appointed Counsel shall:
      1. Notify the court within 72 hours of the receipt of appointment;
      2. Make every reasonable effort to:
         1. Contact the defendant by the end of the first working day after the date on which the attorney is appointed; and
         2. Interview the defendant as soon as practicable after the attorney is appointed;
      3. Represent the defendant until:
         1. Charges are dismissed;
         2. The defendant is acquitted;
         3. Appeals are exhausted; or
         4. The attorney is relieved of his duties by the court or replaced by other counsel after a finding of good cause entered on the record.
      4. Investigate, either by self or through 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 defendant;
      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 defendant;
      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; and
      10. Advise the client on all matters involving the case and such collateral matters as may reasonably be required to aid the client is making appropriate decisions about the case; and
      11. Perform the attorney’s duty owed to the defendant in accordance with these procedures, the requirements of the Code of Criminal Procedure, and applicable rules of ethics.
      12. Manage attorney’s workload to allow for the provision of quality representation and the execution of the responsibilities listed in these rules in every case.