

X.
MISDEMEANOR APPEALS

The County Court at Law Judge, upon invocation of the appellate process by defendant, may appoint an attorney under contract with the County to provided legal representation to indigent defendants.

If the defendant had an attorney appointed at the trial phase it will be presumed that the defendant is unable to employ counsel and the Court shall appoint an attorney for the appeal. If the Court determines that the defendant has not had a court appointed attorney pre-information, the Court shall set a hearing and at the same time as giving notice of the hearing, advise the defendant of the procedures for applying for a court appointed attorney.

XI.
CAPITAL FELONIES

Upon the arrest of a defendant for a capital felony, the same procedures set out herein will apply to the appointment of a pre-indictment attorney to represent said capital defendant prior to indictment, provided that the Judge making the pre-indictment appointment shall endeavor to assign one of the more experienced pre-indictment attorneys among those available. If the appointed attorney is not qualified to try a capital case as set out herein, he shall advise the Local Administrative District Judge that an attorney qualified to handle capital cases should be appointed. The Local Administrative District Judge shall appoint at least one capital qualified attorney to represent the defendant pending indictment.

After indictment of an indigent defendant of a capital case, the trial judge shall appoint two attorneys qualified under Art. 26.052 of the code of Criminal Procedure and the Fifth Region local selection committee procedures. The trial judge, in his discretion, may defer appointing a second chair attorney pending a determination if the State will seek the death penalty. Upon notice that the State will seek the death penalty, the trial judge shall promptly appoint a second attorney if he has not already done so.

The attorney may request pre-approval of investigators and experts in accordance with Art. 26.052 and the court shall approve reasonable and necessary costs for such services.

Fees shall be paid to appointed counsel in capital cases where the death penalty is sought:

\$ 375.00 per half day of voir dire
\$ 750.00 per full day of voir dire
\$ 1,000.00 for each day of trial

The trial judge may approve additional time at the rate of \$ 75.00 per hour for all other reasonable and necessary documented legal activity. To be compensated for time not accounted for in the flat daily rates, an attorney must submit a separate hourly billing statement. The billing statement must reflect the date an itemized legal activity occurred and each itemized activity must be rounded to the nearest ¼ hour. The billing statement must be signed by the attorney. The signature of the attorney is an attestation as to the billing statement's accuracy. If the trial judge determines that any hourly charges are unreasonable or unnecessary, he shall specify which charges are being disapproved.

Attorneys on appeal in capital cases shall be paid at the same hourly rates as set out above, provided that, itemized billings shall be submitted to the trial judge.

XII. JUVENILE COURT CASES

The Cameron County Juvenile Board shall establish the procedures, standards, guidelines, rules, and orders for the appointment of counsel to represent indigent juveniles in juvenile court cases as provided by law.

XIII. RESPONSIBILITY OF COURT APPOINTED COUNSEL

The court appointed counsel shall make every reasonable effort to contact the defendant not later than the end of the first working day after appointment and to interview the defendant as soon as practicable. This provision applies to both pre-indictment and post indictment attorneys.

Court appointed counsel under contract with the county must maintain an office with a phone that is answered by a receptionist or an answering service from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. Monday through Friday except Cameron County holidays and which receptionist and answering service can promptly locate the attorney and notify said attorney of appointment or hearing or setting. Court appointed attorneys under contract must maintain a fax number to which faxes may be received twenty four hours a day, seven days a week. These numbers shall be provided to the Local Administrative District Judge for all attorneys and to the specific District Judge for the attorneys assigned to trial cases in that court. These numbers shall be the official numbers which will be utilized by the Court to inform counsel of appointment or court hearings. Any change in these notification numbers must be given in writing to the Local Administrative District Judge and to the Judge of the Court to which the attorney is assigned.

Court appointed counsel shall comply with all laws, rules, procedures, and ethical provisions for providing reasonable assistance of counsel to their client.