

7.

RESPONSIBILITY OF COURT APPOINTED COUNSEL

Court appointed counsel shall make every reasonable effort to contact the defendant not later than the end of the first working day after notice of appointment. Court appointed counsel shall interview the defendant as soon as practical, but not later than the end of ten (10) working days after appointment.

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

Court appointed counsel shall maintain a high standard of ethical conduct.

Court appointed counsel shall timely inform their client of matters relating to the preparation, trial and disposition of their case and of appellate and writ rights, deadlines and procedures and such other matters as are necessary to provide effective assistance of counsel.

Court appointed counsel shall represent the defendant until the defendant is acquitted, appeals are exhausted, or the Court relieves the attorney and/or replaces the attorney with other counsel.

The Judge may replace an attorney if the appointed attorney does not make an effort to contact the defendant by the end of the first working day or does not interview the defendant within ten (10) working days, unless good cause is shown to said Judge.

8.

COMPENSATION FOR COURT APPOINTED COUNSEL

Court appointed counsel shall receive fair and reasonable compensation as required by Article 26.05 C.C.P. Said compensation will be according to the following fee schedule:

Fee Schedule:

Compensation shall be set by the Court in an amount not less than \$150.00 per court appearance plus reasonable and necessary expenses incurred by appointed counsel.

9.

REQUESTS FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES

Each appointed attorney shall prepare an affidavit itemizing the time and services performed and any expenses claimed on a verified form and submit it to the Judge of the Court within thirty

(30) days of the conclusion of said attorney's representation.

The trial Judge will review said statement and either approve the same or make written findings stating the amount of payment approved and the reasons for approving an amount different from that requested.

10.

APPOINTMENT FOR APPEAL AND WRITS

The appointment of counsel for indigent defendants on appeal and/or writ matters will be negotiated by the Judge on a case by case basis. No attorney shall be appointed in these matters unless they are known to the Judge to have had experience handling appellate matters.

11.

APPOINTMENT OF INVESTIGATORS AND EXPERTS

Appointment and reimbursement for reasonable and necessary investigation, mental health and other experts, shall be as provided by law and only upon written motion and prior approval of the trial Judge.

12.

INVESTIGATIVE AND EXPERT EXPENSES

Counsel appointed in a non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

Procedure With Prior Court Approval:

Appointed counsel may file with the trial court a pretrial *ex parte* confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

- 1) the type of investigation to be conducted or the type of expert to be retained;
- 2) 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
- 3) an itemized list of anticipated expenses for each investigation or each expert.

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:

- 1) state the reasons for the denial in writing;
- 2) attach the denial to the confidential request; and
- 3) submit the request and denial as a sealed exhibit to the record.

Procedure Without Prior Court Approval:

Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved.

Articles 26.05(d), 26.053(f),(g) & (h), Code of Criminal Procedure

13.

FORMS

Attached hereto is an appendix containing a series of forms for use by the Magistrates, Judges, and Court appointed counsel in carrying out the terms of this plan.