

149th Judicial District Court

STANDARDS AND PROCEDURES RELATED TO APPOINTMENT OF COUNSEL TO SERVE AS ATTORNEY AD LITEM, GUARDIAN AD LITEM AND MEDIATORS

To implement the Texas Government Code Chapter 37 these standards and procedures were established to be effective January 1, 2016 and will apply in the 149th District Court of Brazoria County, Texas.

APPOINTMENT OF COUNSEL

Method of Appointment

Attorneys shall be appointed to represent indigent defendants from a Master List using a system of rotation as described in Chapter 37 Section 37.003 of the Government Code and as further specified in this rule.

Public Appointment Lists

The 149th District Court has established the Master List from which counsel for attorney ad litem, guardian ad litem and mediators shall be appointed.

Qualifications for Attorneys to Receive Court Appointments

Basic Requirements for All Attorneys:

- A member in good standing of the State Bar of Texas;
- A member in good standing of the Brazoria County Bar Association; provided however that if an attorney who is on the Master List fails to timely pay dues for the coming year, the attorney will not receive further appointments until the dues are paid, and if they are not paid within 3 months the attorney will be removed.
- A person of good moral character, and;
- Complete a minimum of ten (10) hours of certified C.L.E. credits annually in personal injury law. No self-study hours will be counted. Continuing legal education activity completed within a one-year period immediately preceding an attorney's initial reporting period may be used to meet the educational requirement for the initial year. Continuing legal education activity completed during any reporting period in excess of the minimum ten (10) hour requirement for such period may be applied to the following period's requirement.

- The carryover provision applies to one year only. Completion of the required ten (10) hours will be certified to the 149th District Court Coordinator's office on or before the 1st day of each December by filing a sworn annual certification form with the 149th District Court Coordinator or is currently certified in civil trial law or personal injury law by the Texas Board of Legal Specialization; or (c) is over seventy (70) years of age and has served as an attorney or guardian ad litem or mediator in the past year in the 149th District Court.

Requirements for Consideration of Appointment

Only attorneys who make application will be considered for appointment. By submitting an application the attorney represents that he is, and at all times will remain, in compliance with all provisions of these standards and procedures.

Only those attorneys, who have completed the application form and returned the completed application form to the 149th District Court Coordinator's office no later than December 1 of each year, shall be considered for appointment beginning January 1 of the following year.

Any attorney who, during a calendar year, desires to participate as an appointed attorney ad litem, guardian, ad litem or mediator and who did not complete an application prior to December 1 of the prior calendar year may secure an application from the 149th District Court Coordinator and complete and return that application to the same office. Once that application is received, it shall be brought to the attention of the judge for consideration. If the application is approved by the Court, then that attorney's name will be added to the approved appointed list.

Nothing herein shall limit the discretion of a judge to appoint counsel in any case, except as provided by law.

Responsibilities of Court Appointed Attorneys

Court appointed attorneys on the Master List must:

A. Maintain a phone which is either the attorney's personal cellular telephone with voicemail or answered by a receptionist or answering service from 8:00 a.m. until 12:00 noon and from 1:00 p.m. until 5:00 p.m., Monday through Friday (except for Brazoria County official holidays as designated by the Brazoria County Commissioner's Court) and which receptionist or answering service can promptly locate the attorney and notify said attorney of the appointment or hearing setting.

B. Maintain a FAX number or e-mail address to which faxes or e-mail may be received twenty-four (24) hours a day, seven days a week. Any change in their notification numbers or e-mail address must be given in writing to the 149th District Court Coordinator within twenty-four (24) hours of any change.

C. Maintain primary residence in Brazoria County, Texas or maintain a principle legal office in Brazoria County, Texas, or be a full-time employee, associate, or partner of a partnership that has, as its sole purpose, the practice of law.

D. Annually file with the 149th District Court Coordinator by December 1st of each year an accurate copy of his State Bar of Texas Minimum Continuing Legal Education Annual Verification Report and a sworn "Annual Certification of Attorney" that he is in compliance with the general and specific qualifications required under this Plan.

E. Promptly notify the 149th District Court Coordinator's office in writing of any matter that may disqualify the attorney by law, regulation, rule or under this Plan from receiving appointments.

F. Timely appear and represent each appointed client at each and every court date scheduled by the court.

G. Zealously represent their client, but always within the bounds of the law and legal ethics of Texas.

REMOVAL OF ATTORNEYS FROM THE MASTER LIST

Removal and Reinstatement

The 149th District Court recognizes the obligation to closely monitor those attorneys approved to be on the Master List and to carefully consider the removal of attorneys from the Master List who fail to comply with these procedures. An attorney may be removed, or be allowed to remain on the Master List subject to complying with conditions as may be imposed by the judge of the 149th District Court.

a) Grounds for Removal

An attorney shall be removed from the Master List and from any case to which the attorney has been appointed for any of the following:

1. the attorney is convicted or receives deferred adjudication for any felony, including controlled substance offenses;
2. the attorney is convicted or receives deferred adjudication for any crime of moral turpitude;
3. the attorney is under indictment, information, criminal complaint or other formal charge for a felony or crime of moral turpitude;
4. the attorney fails to meet any of the basic requirements;
5. the attorney is sanctioned by the State Bar of Texas;

6. the attorney fails to file with the 149th District Court Coordinator's office the Annual Certification of Attorney; or
7. for good cause at the discretion of the Court.

b) Reinstatement to the Master List

An attorney who was removed from the Master List for the alleged commission of a felony or crime of moral turpitude may be immediately reinstated by the Judge of the 149th District Court upon providing proof that the charges were dismissed or that the attorney was acquitted so long as the attorney otherwise meets the qualifications under the Plan. In addition to dismissal of the case, the attorney shall provide written proof that all conditions antecedent to the dismissal or acquittal have been completed before reinstatement will occur.

An attorney who was removed from the Master List for non-completion of MCLE may be immediately reinstated by the 149th District Court Judge upon providing proof that the attorney has completed the required hours so long as the attorney otherwise meets the qualifications under the Plan.

An attorney who has been removed from the Master List for any other reason and who wishes to be reinstated must apply through the original application process.

In addition to the other requirements for application, the attorney shall include a written description of all measures taken by the attorney to correct the problem(s) for which the attorney was removed from the felony Master List.

c) Voluntary Removal from Felony Master List

A qualified attorney may at any time request, in writing, a period of temporary voluntary removal from the Master List. At the end of any period of less than one year, upon written request, the attorney will be returned to the Master List if he or she otherwise remains qualified. If the period of voluntary removal exceeds one year, the attorney must reapply for appointments through the original application process. All requests are to be made to the 149th District Court Coordinator's office.

THESE STANDARDS AND PROCEDURES RELATED TO APPOINTMENT OF ATTORNEYS AD LITEM, GUARDIANS AD LITEM AND MEDIATORS were enacted this 3 day of April, 2016

ATTEST:

T. Holder
Terri Tipton Holder
Judge, 149th District Court
Brazoria County, Texas