



TWO HUNDRED SEVENTEENTH JUDICIAL DISTRICT
OF TEXAS

LUFKIN, TEXAS 75901

June 18, 1993

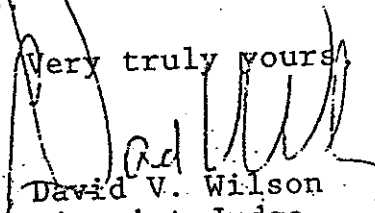
DAVID V. WILSON
DISTRICT JUDGE

TO ALL ATTORNEYS

RE: LOCAL RULES

Enclosed is a copy of the Angelina County District Court Local Rules, temporarily approved by the Supreme Court of Texas on June 10, 1993. They are effective immediately. While there are some changes from the previous rules, we have generally been operating under these procedures.

Very truly yours,


David V. Wilson
District Judge

DVW:dd

Enclosure

RULES OF THE
159TH JUDICIAL DISTRICT COURT AND THE
217TH JUDICIAL DISTRICT COURT
OF ANGELINA COUNTY TEXAS

(EFFECTIVE JUNE 1, 1993)

Rule 1. The objective of the rules of the District Courts of Angelina County is to obtain a just, fair, equitable and impartial adjudication of the rights of litigants under established principles of substantive law and established rules of procedural law, to the end that this objective may be attained with as great expedition and dispatch and at the least expense both to the litigants and to the state as may be practicable, the rules shall be applied to ensure that, so far as reasonably possible, all matters are brought to trial or final disposition at the earliest, reasonable date.

Rule 2. NO RULE

Rule 3. Flow of Cases.

3.1 By administrative Order signed and entered March 1, 1990, all cases filed in any District Court in this county may be heard by either Judge without the necessities of transfer Orders.

3.2 Motions.

3.2.1 Hearings on Motions not requiring testimony or documentary evidence may be conducted by telephone conference call by agreement of counsel. Any request for a court reporter must be made in advance. All arrangements and expenses for the telephone conference call must be made by the attorney requesting the telephone conference. Voice-activated speaker phones may be used only with prior approval of the court.

3.2.2 Form. Pre-trial & Post-trial Motions and Responses shall be in writing and shall be accompanied by a proposed Order granting the relief sought. The proposed Order shall be a separate instrument, unless the entire motion, order, signature lines and certificate of service are all on one (1) page.

3.2.3 Certificate of Conference. A request for hearing shall be accompanied by a Certificate of Conference, which shall:

- a. be in writing;
- b. include authority relied upon by movant or respondent;
- c. contain a certificate that:
 1. The movant and respondent have conferred with each other and in good faith have attempted to resolve the matter; but have failed, and,
 2. identifies the matters in dispute;.
- d. be filed prior to hearing.
- e. Section 3.2.3 (c) does not apply to motions for summary judgment or motions to transfer venue.

3.3 Trials.

3.3.1 Manner of Setting (non-jury). Cases shall be set for trial by order of the court.

3.3.2 Manner of Setting (jury). Cases shall be set for trial upon the party requesting the setting certifying in his written request:

- a. that all pleadings are in order;
- b. a copy of the request for setting has been mailed to all counsel involved and give the address of such counsel;
- c. that a jury fee has been paid;
- d. that all discovery has been or will be accomplished by the requested setting date;
- e. that the case is ready or will be ready for trial;
- f. that counsel have in good faith negotiated to settle the case or upon completion of discovery will in good faith negotiate to settle the case.

3.3.3 Assignment to Trial. Selection of multiple

juries from petit jury is essential for the orderly administration of justice. Jury cases will normally be set during a two-week period. The judge will decide the number of juries to be selected to best utilize the number of days available for trial. Attorneys are expected to limit their voir dire to thirty (30) minutes per side. The Court may, however, in its discretion expand that time upon request. Challenges for cause may be presented at the conclusion of voir dire. Peremptory challenges will be submitted to the clerk or coordinator at the direction of the court, however, no other attorneys conducting subsequent voir dire will have the benefit of knowing the peremptory challenges exercised in prior cases. At the conclusion of jury selection in all cases to be tried, the juries will be seated, administered the proper oath and directed to return on the appropriate beginning date of their respective trials.

3.3.4 Jury Charges. Each plaintiff's counsel announcing ready for trial shall, in good faith, submit to the court and opposing counsel at docket call the plaintiff's proposed instructions, definitions and questions raised by the plaintiff's pleadings.

(a). Each defense counsel announcing ready for trial shall submit to the court and opposing counsel on the day of docket call all proposed instructions, definitions and questions raised by the defendant's pleadings.

(b). Any additional questions, definitions and explanatory instructions raised as a result of either of the plaintiff's or defendant's submission shall be furnished to the court and to opposing counsel prior to jury selection. The Court will provide both the preliminary and concluding instructions including the signature page.

3.3.5 Unless good cause be shown, the only motions that will be heard at docket call will be Motions for Continuance and Motions in Limine unless good cause be shown. All undisposed motions in cases proceeding to trial shall be considered waived for the purposes of that trial setting only.

RULE 4 Family Law Cases.

4.1 Family and Juvenile cases are to be filed, docketed.

and processed by the Office of the District Clerk of this county pursuant to Rule 10b of the Rules of Judicial Administration of the Supreme Court of Texas.

- 4.2 Juvenile cases are to be filed separately as "Juvenile Court" cases. County Court-at-Law and County Court-at-Law No. 2 will be the designated juvenile courts; however, the District courts may hear juvenile cases in the absence of the designated juvenile court judges upon his (her) recusal or otherwise when requested by the local administrative judge.
- 4.3 All family law cases will be randomly assigned by the clerk with two going to the District Courts and one going to County Court-at-Law Number Two, or in a manner prescribed by the local administrative judge, and shall be assigned, insofar as practicable in a fair and equitable manner among the courts.
- 4.4 After assignment to the District Courts or County Court-at-Law, every family law case, both jury and non-jury shall remain pending in such court until final disposition, or transfer.
- 4.5 Any case may be transferred to another court by Order of the Judge of the Court in which the case is pending with the consent of the Judge of the Court to which it is transferred, or by the Order of the local administrative judge of this county.
- 4.6 Miscellaneous:

Before any custody case (both original and modification) may be heard, the litigants shall be required to view the video tape "Don't Forget The Children". Counsel for each litigant will be responsible for the viewing of this video tape by his client. A written certification of compliance with this rule shall be filed with the Court.

RULE 5 NO RULE

RULE 6 Flow of Felony Cases.

- 6.1 The 217Th Judicial District Court will be primarily responsible for all criminal cases beginning January thru June of each year. The 159Th Judicial District Court will be primarily responsible for all criminal cases from July thru December each year.
- 6.2 All criminal cases will be given an arraignment date upon the return of an indictment. All inditees and sureties on bonds will be notified of arraignment date. The purpose of arraignment is to assure that each defendant has access to

counsel, to arraign and to set a trial date. Unless a properly executed waiver of arraignment has been filed with the clerk prior to the arraignment date, attendance by indictes is mandatory.

6.3 A docket call will be held prior to the trial week. All announcements at docket call shall be in person with defendants present. Only one of the following announcements will be considered: (a) ready, (b) not ready, (c) passed by agreement, (d) plea to be entered or (e) non-jury setting. If the latter is announced, a Waiver of Jury Trial shall be signed and filed before the defendant is released from docket call.

6.4 All hearings for pretrial motions should be requested prior to docket call. All pretrial motions not heard prior to docket call will be heard at the convenience of the Court.

6.5 SETTINGS.

6.5.1 Manner of Setting (Non-jury). Cases shall be set for trial by order of the Court.

6.5.2 Manner of Setting (Jury). Cases shall be set for trial by the Court Coordinator with notice to counsel and to bondsman.

6.5.3 Assignment to Trial. (See Rule 3.4.2).

RULE 7 NO RULE

RULE 8 NO RULE

RULE 9 NO RULE

RULE 10 Court Room Decorum.

The following rules of conduct shall govern both laymen and attorneys in the District Courts of Angelina County, Texas while the Court is in session:

- a. No tobacco in any form shall be used, except as permitted by the Court;
- b. No person interrogating or being interrogated shall chew gum;
- c. No reading of newspapers or magazines, except as part of the evidence in a case;

- d. No noise or talking which interferes with court proceedings;
- e. No bottles, paper cups, beverage containers or edibles shall be brought into the court room except for use as demonstrative evidence, as allowed by the Court.
- f. All lay persons (litigants, witnesses, and spectators) shall wear proper attire as follows: Men - full-length trousers and shirts with sleeves; women - skirts, dresses or full-length trousers and appropriate blouses or shirts.

RULE 11 NO RULE

RULE 12 Local Courts Administration.

- 12.1 Election of the Administrative Judge. The election of the Administrative Judge shall be held on the first Friday of January.
- 12.2 Term. The term of the local Administrative Judge shall be one year.
- 12.3 Voters. All District Judges and all Statutory County Court-at-Law Judges are eligible voters.
- 12.4 Manner of Election. The nominee who receives a simple majority of the votes will be elected. In the event of a tie vote, the presiding Judge of the Region would be asked to break the tie.
- 12.5 Powers and Duties of Local Administrative Judge. The local administrative judge shall have all the necessary powers, both express and implied, to execute, implement and perform the duties set forth in the Government Code chapter 74, the Supreme Court Rules of Judicial Administration and the rules promulgated by the Regional Presiding Judge.
- 12.6 There will be a meeting of all the District and Statutory County Court at Law Judges of the County at least once per year, and as deemed necessary by the local administrative judge.

RULE 13 Conflict in Trial Settings.
(See rules of Procedure of the Second Administrative Judicial Region)

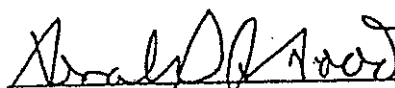
RULE 14 Lawyers' Vacations.

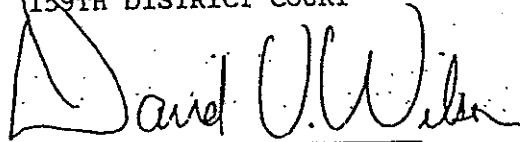
- 14.1 Each attorney who desires to assure himself a

vacation for a period not to exceed four weeks, may do so automatically by designating the four weeks in writing, addressed and mailed or delivered to the district court coordinator before the 15th day of May of each year. The vacation period so designated shall be honored by all of the judges.

- 14.2 This provision shall not apply to vacations for attorneys engaged in a criminal case.
- 14.3 Nothing herein provided shall prevent the various judges from recognizing vacations of attorneys in a discretionary manner.

ENTERED this 29th day of March, 1993.


GERALD A. GOODWIN, JUDGE
159TH DISTRICT COURT


DAVID V. WILSON, JUDGE
217TH DISTRICT COURT

AMENDMENT TO RULE 4.6 OF THE LOCAL RULES
OF THE 159TH AND 217TH JUDICIAL DISTRICT COURTS
OF ANGELINA COUNTY, TEXAS

4.6 Miscellaneous:

This rule applies to all parties in all suits affecting the parent-child relationship filed in the office of the District Clerk on or after the 45th day after this rule is approved by the Supreme Court of Texas.

- 4.6.1 District Courts and/or County Court at Law #2 may require such parties to successfully complete a seminar that addresses the issues confronting children that are the subject of divorce, custody, and child support litigation. Exhibit "A" attached hereto and incorporated herein for all purposes describes the seminar. Each party is responsible for payment of the appropriate fee.
- 4.6.2 The seminar shall be successfully completed within 60 days of the service of the original petition upon the respondent, or if service is waived, then within 60 days of the waiver of citation.
- 4.6.3 Upon a party's failure to successfully complete the seminar pursuant to this rule, the Court may take appropriate action, including striking of any pleading, or any of the sanctions listed in Rule 215 of the Texas Rules of Civil Procedure.
- 4.6.4 For good cause shown, the Court may waive the requirement of completion of the seminar.

ENTERED this 13 day of February, 1996.


GERALD A. GOODWIN, JUDGE
159TH DISTRICT COURT

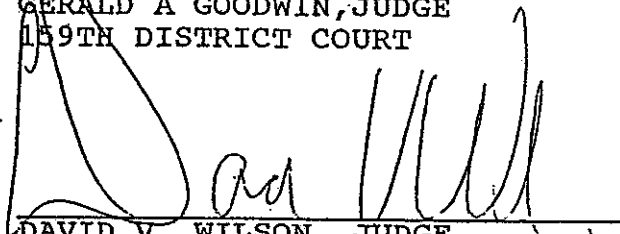

DAVID V. WILSON, JUDGE
217TH DISTRICT COURT

Exhibit "A"

Children's Interest Seminar

The seminar shall focus fostering emotional health for children during periods of stress brought about by divorce and conflict between divorced parents.

The seminar administrator shall be designated by the Court. The Court has currently designated Texas Agricultural Extension Service of Angelina County to be the seminar administrators.

The course content shall generally consist of the following:

- (1) the development stages of childhood,
- (2) the needs of children at different ages,
- (3) stress indicators in children,
- (4) age appropriate expectations of children,
- (5) divorce as a growth stage,
- (6) the grief process,
- (7) reducing stress for children going through a divorce,
- (8) the changing parental and marital roles,
- (9) visitation recommendations to enhance the child's relationship with both parents,
- (10) financial obligations of child rearing,
- (11) conflict management and dispute resolution.

Each seminar shall be a minimum of two hours and a maximum of four hours. The seminar may include the showing of videos such as "Don't Forget the Children" and "Children in the Middle".

The seminar shall be presented at such times and places as scheduled and announced by the seminar administrator.

A fee of not more than \$30.00, unless waived by the Court, may be charged by the seminar administrator to be used to cover costs.

Each person completing the seminar and paying the appropriate fee shall receive a certificate to file with the Court.

The Court may require a certified peace officer to be in attendance at each seminar to provide security.

APPROVED by the Presiding Judge of the Second Administrative
Region on the _____ day of _____, 1996.

HON. THOMAS J. STOVALL
Presiding Judge, Second Administrative
Judicial Region



TWO HUNDRED SEVENTEENTH JUDICIAL DISTRICT
OF TEXAS

DAVID V. WILSON
DISTRICT JUDGE

P.O. Box 908
LUFKIN, TEXAS 75902-0908
936-639-3914
FAX 936-639-3917

August 21, 2001

In re: Procedure pertaining to Orders

Dear Counsel:

Last year in a Notice dated June 30th, you were advised about the following procedures pertaining to the submission, filing and delivery of Orders:

- Please Comply!!*
- 1) The original and one copy of all Orders are to be tendered with a self-addressed, stamped envelope;
 - 2) The original signed Order shall be filed with the Clerk, and the copy returned to the requesting attorney in the return envelope; and
 - 3) The requesting attorney shall be responsible for sending a copy of the signed Order to all counsel of record.

Regrettably, only a few attorneys are supplying self-addressed, stamped envelopes for return of signed Orders. If you are not complying with this requirement, please immediately do so; otherwise, additional procedures shall be required to ensure that all attorneys equally incur this expense.

Additionally, all signed Orders shall be transmitted by mail, in accordance with the Rules of Procedure, even though an attorney or Law Firm has a "Box" in the Clerk's Office. Delays in retrieving Orders from the Box have resulted in further delays in notice to non-requesting attorneys, as well as unnecessary disputes about timeliness of hearing notices and Orders.

Thanking you in advance for your cooperation and compliance, we remain,

Yours truly,

David V. Wilson

Paul E. White

FILED
AT 9:45 O'CLOCK AM

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STATE OF TEXAS
COUNTY OF ANGELINA

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MAR 24 1993

JIMMIE P. ROBINSON, Clerk District Court
Angelina County, Texas
By _____ Deputy

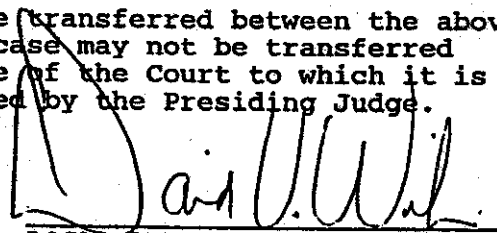
ORDER

FILING AND ASSIGNMENT OF FAMILY LAW CASES

1. All Family Law Cases filed with the District Clerk shall be filed numerically in order of filing and assigned in rotation to the ONE HUNDRED FIFTY NINTH (159th) Judicial District Court, TWO HUNDRED SEVENTEENTH (217th) Judicial District Court and the County Court at Law #2 of Angelina County, Texas. For purposes of this Order "Family Law Cases" shall be suits involving divorce, annulment, suits affecting parent-child relationship, minority disability removal when there is no court of continuing jurisdiction, support when there is no court of continuing jurisdiction, paternity cases and all matters incident to or originating from such cases.

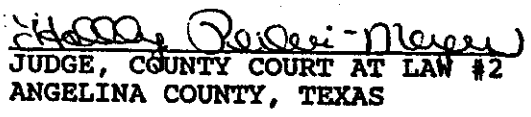
2. A judge of any of the above three (3) enumerated courts of Angelina County may sign a Judgment or Order in any of the courts, regardless of whether the case is transferred. The Judgment, Order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. (Section 75.011, Texas Government Code.) Each Judgment and Order shall be entered in the Minutes of the Court in which the case is pending.

3. All family law cases may be transferred between the above enumerated courts. However, a case may not be transferred without the consent of the Judge of the Court to which it is to be transferred except as directed by the Presiding Judge.


LOCAL ADMINISTRATIVE JUDGE
JUDGE, 217TH DISTRICT COURT


JUDGE, 159TH DISTRICT COURT


JUDGE, COUNTY COURT AT LAW
ANGELINA COUNTY, TEXAS


JUDGE, COUNTY COURT AT LAW #2
ANGELINA COUNTY, TEXAS

FILED
AT 10.00 O'CLOCK Am

FEB 03 2003

THE STATE OF TEXAS:

IN THE DISTRICT COURTS AND
COUNTY COURTS AT LAW HAVING
FAMILY LAW JURISDICTION IN
THE SECOND ADMINISTRATIVE
JUDICIAL REGION OF TEXAS

APPOINTMENT OF THE
READ SQUARES, CLERK, DISTRICT COURT
IV-D COURT MASTER, ANGELO COUNTY TEXAS
BY M J DEPUTY

ORDER APPOINTING MASTER FOR TITLE IV-D CASES

Having determined that the Courts of this Region requires the appointment of Masters pursuant to Section 201.101, Texas Family Code, and Title IV, Part D, Federal Social Security Act, it is

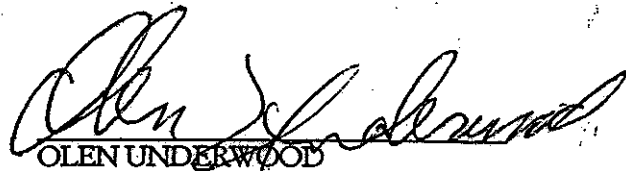
IT IS THEREFORE ORDERED that JULIAN C. DURST is hereby appointed Court Master for the Second Administrative Judicial Region.

This Master is to devote full service to the duties of a Title IV-D Master.

This appointment shall become effective from September 1, 1998, and continue in full force and effect until terminated by further Order of the Presiding Judge of this Administrative Judicial Region.

The original of this order shall be filed of record in the office of this Administrative Region. The Clerk of the Court of any County in the State to which this Master may be assigned shall record a copy of this Order in the Minutes of the Court upon the tender of a copy of this Order by the Master.

SIGNED this 1st day of September, 1998.


OLEN UNDERWOOD
Presiding Judge,
Second Administrative Judicial
Region of Texas

Court -
minutes

STATE OF TEXAS

COUNTY OF ANGELINA

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*
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FILED

06 AUG 21 AM 10:44

REBA D. SOUYRES
CLERK DISTRICT COURT
ANGELINA COUNTY, TEXAS
BY _____ DEPUTY

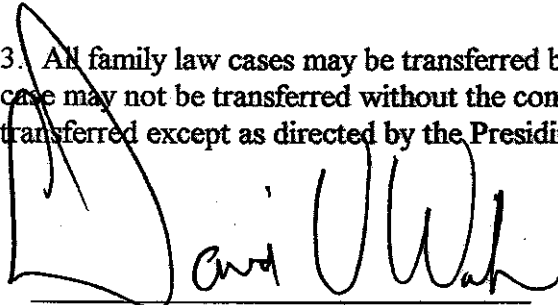
ORDER

FILING AND ASSIGNMENT OF FAMILY LAW CASES

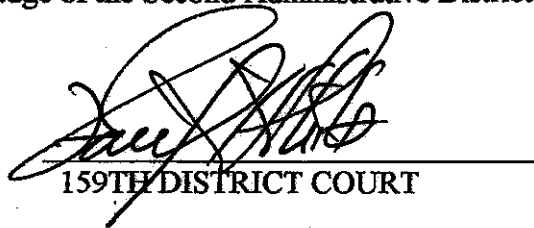
1. All Family Law Cases filed on and after September 1, 2006 filed with the District Clerk shall be filed numerically in order of filing and assigned in rotation to County Court at Law #1 and County Court at Law #2. For purposes of this Order "Family Law Cases" shall be suits involving divorce, annulment, suits affecting parent-child relationship, minority disability removal when there is no court of continuing jurisdiction, support when there is no court of continuing jurisdiction, paternity cases and all matters incident to or originating from such cases. All pending cases in the 159th District Court and 217th District Court will remain in those courts until conclusion of the issues pending before them at present. Any motions to modify, motions to enforce, or new actions in those cases will be reassigned to either County Court at Law #1 or County Court at Law#2 as directed by the District Clerk.

2. A judge of any of the above four (4) enumerated courts of Angelina County may sign a Judgment or Order in any of the courts, regardless of whether the case is transferred. The Judgment, Order, or action is valid and binding as if the case were pending in the court of the judge who acts in the matter. (Section 74.093, Texas Government Code.) Each Judgment and Order shall be entered in the Minutes of the Court in which the case is pending.

3. All family law cases may be transferred between the above enumerated courts. However, a case may not be transferred without the consent of the Judge of the Court to which it is to be transferred except as directed by the Presiding Judge of the Second Administrative District.



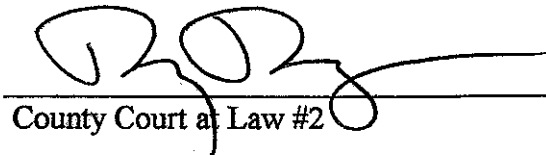
LOCAL ADMINISTRATIVE JUDGE
217TH DISTRICT COURT



159TH DISTRICT COURT



County Court at Law #1



County Court at Law #2

FIRST AMENDED (2009) LOCAL RULES OF ANGELINA COUNTY
FOR THE TIMELY AND FAIR APPOINTMENT OF COUNSEL
FOR INDIGENT DEFENDANTS

I.
METHOD OF APPOINTMENTS

A. Public Appointments List

The District and County Courts at Law in Angelina County, Texas will maintain ~~six~~ five Public Appointment Lists of attorneys qualified to represent indigent defendants as follows:

1. Trial and Appellate Category A for first degree and second degree felony offenses;
2. Trial and Appellate Category B for third degree and state jail felony offenses;
3. Trial and Appellate Category C for all misdemeanors;
4. Capital Trial Category for death penalty offenses and death penalty appeals; and
5. Juvenile Category

Attorneys who desire to represent indigent persons shall file a sworn **APPLICATION TO BE PLACED ON PUBLIC APPOINTMENT LISTS FOR ANGELINA COUNTY** (attached hereto is Exhibit "A") with the Board of Judges to have his/her name approved on one or more of the Public Appointment Lists. Before January 1 of each year, the District Judges and County Court at Law Judges shall meet and approve a list of eligible list of attorneys for each List. A copy of each Public Appointment List shall be posted in the Reception Area of respective Judge's offices and will be available to the public upon request.

B. Appointment of Counsel

~~1. At the Magistrate's Probable Cause hearing, each defendant shall be provided the opportunity to request court appointed counsel, if indigent. When a defendant requests appointed counsel, the magistrate may assist the defendant in completing the Attorney Request Form, attached hereto as Exhibit "B," and the Questionnaire Under Oath Concerning Financial Resources, attached hereto as Exhibit "C." The magistrate shall question the defendant under oath regarding their financial resources.~~

1. Each accused person/defendant will be brought before a magistrate within 48 hours of arrest for proceedings under Article 15.17 of the Code of Criminal Procedure. The magistrate conducting the arraignment shall conduct the probable cause hearing, set bail, inform the accused of right to counsel and give

the magistrate warning in accordance with Article 15.17. When a defendant requests appointment of counsel, the request form will be transmitted by facsimile within 24 hours to the appointing authority (Judges of District Courts or County Courts-at-Law).

2. A defendant who has not bonded and remains in custody shall be presented to the appointing authority on the next working day after arrest to complete the Attorney Request Form, attached hereto as Exhibit "B," and the Questionnaire Under Oath Concerning Financial Resources, attached hereto as Exhibit "C." A defendant who has bonded and does not remain in custody shall, prior to release from custody, be given the form Notice for Appearance for Appointment of Counsel, attached hereto as Exhibit "D", to appear at 8:30AM for District Courts, and 1:30PM for County Courts at Law, on the next working day after arrest before the appointing authority to complete the Attorney Request Form and Questionnaire Under Oath Concerning Financial Resources.

3. The appointing authority shall question the defendant regarding financial eligibility for appointed counsel under this provision and shall consider the accused's income, assets, and liabilities, as set forth in article 26.04(m) of the Texas Code of Criminal Procedure; the seriousness and complexity of each charged offense; the anticipated cost of representation for the offense(s) charged; the social and economic conditions of the accused and any dependents; and any other extenuating circumstances affecting the ability of the accused to retain private counsel. A person accused of a criminal offense shall be presumed to be indigent, i.e., "a person who is not financially able to employ counsel," Tex. Code Crim. Proc. Art. 1.051(b), if any of the following conditions or factors are present:

a. The accused or a dependent of the accused has been determined to be eligible to receive public assistance, including, but not limited to, food stamps, Medicaid, Temporary Assistance to Needy Families, Supplemental Security Income, public or subsidized housing, or civil legal services;

b. The household income of the accused and any dependents is at or below 125% of the poverty guidelines published annually by the United States Department of Commerce;

c. The accused is currently serving a sentence in a correctional institution, is currently residing in a public mental health facility, or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; or

d. The accused previously has been determined to be indigent and entitled to court-appointed counsel in the currently pending or related court proceedings.

When none of these presumptions applies, an accused shall nevertheless be eligible for assignment of counsel if the accused is unable to employ private counsel without substantial financial hardship to the accused or the accused's dependents. An accused shall not be presumed to be financially ineligible for appointment of counsel merely because the accused has posted bail.

2. 4. Upon determination of indigence, the appointing authority or person(s) designated by the authority shall sign an Order Appointing Counsel, attached hereto as Exhibit "E" as soon as possible, but not later than the end of the third working day after the date on which the appointing authority or designee receives and eligible defendant's request for counsel. The magistrate appointing authority shall appoint an attorney from the appropriate Public Appointment List using a system of rotation. The magistrate appointing authority shall appoint the attorney from the names on the Public Appointment List in the order in which the attorney's name appears on the List, unless the Court makes a finding of good cause on the record for appointing an attorney out of order. Where the defendant has both a felony and misdemeanor charges, the magistrate appointing authority shall appoint an attorney from the List for the most serious offense. The magistrate shall sign an Order Appointing Counsel, attached hereto as Exhibit "D". Where the appointing authority finds it necessary to deviate from the rotation, deviation is presumed to be for "good cause" if the appointment was made to:

a. appoint the same counsel as appointed in another pending case involving the same defendant;

b. appoint the same counsel in a probation revocation matter that represented the defendant at the time of the initial plea or prior proceeding in the underlying case;

c. provide a non-English speaking defendant with counsel who is capable of communicating in a language understood by the defendant; or

d. provide immediate representation under exigent circumstances.

The District Judges and County Court-at-Law Judges shall annually review the distribution of appointments from the list of cases and payments collected by the auditor. This review will provide guidance as to whether appointments are being made in a fair, neutral, and non-discriminatory manner, and any necessary adjustments will be made accordingly.

3. 5. The magistrate appointing authority shall notify the attorney of the appointment by the most expeditious means available, and provide counsel with a copy of the Order Appointing Counsel and the last known location of the

defendant. If the attorney does not accept the appointment, the attorney shall immediately advise the magistrate appointing authority or trial Court and the above rotation process shall be repeated.

II.

QUALIFICATIONS OF APPOINTED ATTORNEYS

A. Minimum Continuing Legal Education Requirements (2004 supplement)

An attorney may be appointed only if the attorney:

1. Completes a minimum of six hours of continuing legal education pertaining to criminal law during each 12 month reporting period. The first reporting period will begin on April 27, 2003, and then on the first day of each reporting period thereafter. Continuing legal education may include activities accredited under Section 4, Article XI, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing; or

2. Is currently certified in criminal law by the Texas Board of Legal Specialization.

3. Reporting Period

(a) 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 requirements for the initial year.

(b) Continuing legal education activity completed during any reporting period in excess of the minimum six hour requirement for such period may be applied to the following period's requirement. The carryover provision applies to one year only.

(c) To be included on the appointment list, each attorney must annually submit an affidavit to the county detailing the criminal continuing legal education activities completed in the prior year. Alternatively, an attorney may annually submit documentation showing the attorney is currently certified as a specialist in criminal law.

4. Emergency Appointment.

If no attorney who meets these continuing legal education or board certification requirements is available by the time an attorney must be appointed in a case, another attorney may be appointed. The person making an appointment shall give priority to an attorney with experience in criminal or juvenile law, respectively.

A. B. Trial and Appellate Category A

1. A separate master list will be maintained of attorneys who request and are approved for appointment to first degree and second degree felony cases.

2. All attorneys who request appointments in this category must (a) have been licensed to practice law in Texas for at least three years, (b) have completed at least ~~6 hours of Criminal Law CLE (during the 12 months prior to the appointment)~~, the minimum CLE requirements as set forth above, and (c) have tried to verdict as 1st chair at least 3 felony jury trials.

~~3. CLE qualifications are waived for the initial plan year of 2002.~~

B. C. Trial and Appellate Category B

1. A separate master list will be maintained of attorneys who request and are approved for appointment to third degree and state jail felony cases.

2. All attorneys who request appointments in this category must (a) have been licensed to practice law in Texas for at least one year, (b) have completed at least ~~6 hours of Criminal Law CLE (during the 12 months prior to the appointment)~~, the minimum CLE requirements as set forth above, and (c) have tried to verdict as 1st chair at least 3 Class "B" or higher misdemeanor jury trials.

~~3. CLE qualifications are waived for the initial plan year of 2002.~~

C. D. Trial and Appellate Category C

1. A separate master list will be maintained of attorneys who request and are approved for appointment to all misdemeanor cases.

2. All attorneys who request appointments in this category must be licensed to practice law in Texas and have completed the minimum CLE requirements as set forth above.

D. E. Capital Trial Category

1. A separate master list will be maintained of attorneys who request and are approved for appointment in capital murder cases. To be approved, an attorney must meet the experience requirements established by the Administrative Judge for the Second Administrative Judicial Region for appointment to capital murder cases.

2. Two attorneys will be appointed in each capital case. Only lead counsel is required to meet the above qualifications. Co-counsel must meet at least the requirements of Trial Category A. Additionally, co-counsel must have tried to verdict at least five 1st or 2nd degree felony jury cases.

3. An attorney may not be appointed to more than two capital murder cases per calendar year, except for good cause found by the trial Court.

E. F. Capital Appellate Category

1. A separate master list will be maintained of attorneys who request and are approved for appointments in the appeal of capital murder cases.

2. All attorneys who request appointments in this category must meet the experience requirements established for the Capital Trial Category.

III.

DUTIES OF APPOINTED COUNSEL

Appointed Counsel shall make every reasonable effort to contact their client not later than the end of the first working day after the date on which the attorney is appointed, and shall interview the client as soon as practicable after the attorney is appointed. The Court may replace an attorney who violates this requirement.

Appointed Counsel shall maintain a place of business with a phone which is answered by a receptionist or 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 for County holidays as approved by the Angelina County Commissioners' Court). Said receptionist and answering service must have the capability to promptly locate the attorney to notify the attorney of appointment and hearing settings. Appointed Counsel shall maintain a FAX number to which faxes can be received 24 hours a day, seven days a week. These phone and FAX numbers shall be included in the attorneys Application To Be Placed On Public Appointment List and shall be the official numbers which will be utilized by Court personnel to notify counsel of their appointment and of hearing settings. Any change in these numbers shall be given in writing to each County and District Court prior to the change.

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

Appointed Counsel shall maintain a high standard of ethical conduct toward the Court and their client, and always be completely candid with both.

Appointed Counsel shall timely inform their client of all matters relating to the preparation, trial and disposition of the case, offers of plea bargains, appellate and writ rights, deadlines and such other matters necessary to provide reasonable assistance of counsel.

Appointed Counsel shall represent a defendant until the charges are dismissed, the defendant is acquitted, appeals are exhausted, or the attorney is

relieved of his duties by the Court or replaced by other counsel after a finding of good cause is entered on the record.

IV.
INVESTIGATIVE AND EXPERT EXPENSES (2003 supplement)

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 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.

A. Procedure With Prior Court Approval:

1. 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:

- (a) the type of investigation to be conducted or the type of expert to be retained;
- (b) 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
- (c) an itemized list of anticipated expenses for each investigation or each expert.

2. 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:

- (a) state the reasons for the denial in writing;
- (b) attach the denial to the Confidential request; and
- (c) submit the request and denial as a sealed exhibit to the record.

B. Procedure Without Prior Court Approval:

1. 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), 26.052(f), (g) & (h), Code of Criminal Procedure

IV. V.
REMOVAL FROM PUBLIC APPOINTMENT LISTS

Repeated failure to contact or interview clients in a timely manner, submission of an improperly documented request for payment, repeated failure to fulfill the duties required by law, rules, these Local Rules or ethical provisions for providing reasonable assistance of counsel, may result in removal of an attorney's name from a Public Appointment List.

V.-VI. COMPENSATION OF COUNSEL

A. Legal Fees

All fee payment requests must be itemized by appointed counsel on forms approved by the District and County Court at Law Judges. All requests shall be submitted to the Judge presiding over the proceedings for review and approval, and submitted to the county auditor for payment.

1. Appointed attorneys shall be compensated on an hourly fee basis in accordance with the schedule of fees adopted by formal action of the District and County Court at Law Judges.

2. The range of hourly rates shall be uniform among all Courts, and take into consideration the complexity of the case, the experience and ability of the attorney, time spent in court making an appearance for the defendant as evidenced by a docket entry, time spent in trial, time spent in a proceeding in which sworn oral testimony is elicited, reasonable and necessary time spent out of court supported by any documentation required by the Court, preparation of appellate briefs and preparation of a Motion for Rehearing, the potential punishment faced by the defendant, and reasonable office overhead costs.

3. There will be no minimum or maximum fee per case or per day.

4. If the trial judge recommends disapproval of the requested amount of payment, the Judge shall make written findings, stating the amount of amount different from the requested amount.

5. Any disapproved fee payment request may be appealed by the appointed counsel to the Presiding Judge of the Second Administrative Judicial Region, as provided by the Fair Defense Act.

B. Expenses

1. Compensation for reasonable and necessary expenses shall be made to include investigation, expert witness assistance, and other litigation expenses, such as long distance or collect telephone call.

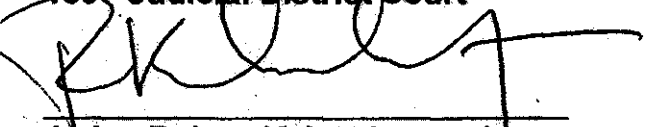
2. Procedures consistent with Articles 26.02(f), (g), and (h) of the Code of Criminal Procedure will be adopted for payment of expenses incurred with and without prior Court approval as provided in the Fair Defense Act.

ORDER

On the 25th day of AUGUST, 2009, The Board of Judges of Angelina County, Texas met and adopted the above First Amended Local Rules of Angelina County for the Timely and Fair Appointment of Counsel for Indigent Defendants.



Judge Paul E. White,
159th Judicial District Court



Judge Robert K. Inselmann Jr.,
County Court at Law No. 1



Judge Barry Bryan,
217th Judicial District Court



Judge Derek C. Flournoy,
County Court at Law No. 2