



GRAYSON COUNTY COURT AT LAW

GRAYSON COUNTY JUSTICE CENTER
200 SOUTH CROCKETT STREET
SHERMAN, TEXAS 75090
(903) 813-4380

JAMES CORLEY HENDERSON
JUDGE

**STANDING ORDER REGARDING CONTINUANCE OF
HEARINGS IN CRIMINAL CASES**

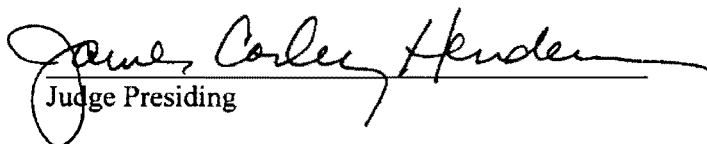
1. All motions for continuance of hearings in criminal cases shall contain both a CERTIFICATE OF CONFERENCE which states whether the motion is unopposed and a PROPOSED ORDER.
2. No hearing shall be required on unopposed motions. If the motion is unopposed, the PROPOSED ORDER shall be provided upon the court's Notice of Agreed Setting form, which shall be signed by the attorney for the State and the attorney for the defendant (if represented). The Court shall be consulted prior to entering a date and time for the reset.
3. If a motion for continuance is opposed, the party filing the motion shall state: (1) the expected length of time necessary for a hearing; (2) that the party has conferred with the opposing party concerning available dates; and (3) suggested hearing dates and times.
4. No motion for continuance will be considered which does not comply with this Order.
5. This Order does not apply to continuance of trial settings.
6. This Order shall not be interpreted to restrict the discretion of the Court in any respect regarding whether to require a hearing on any uncontested or agreed matter presented to the Court for approval.

SIGNED this the 24th day of June, 2003.

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DEBRA L. JACKSHEAR BUSH
CLERK
GRAYSON COUNTY, TX


Judge Presiding



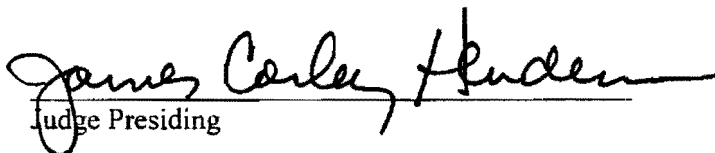
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JAMES CORLEY HENDERSON
JUDGE

**STANDING ORDER REGARDING PLEA CONFERENCES AND
PRETRIAL MANAGEMENT HEARINGS**

1. The Standard Discovery Order, General Order 2003-2, shall apply in all criminal cases.
2. Defendant, counsel for the defendant (if represented), and counsel for the state shall appear FOR A PLEA CONFERENCE as may be directed by the court, in order for the parties to confer with one another for the purpose of determining whether a plea agreement may be reached. In no event, however, is defendant's right to remain silent to be affected by this Order. Offers to plead which may be extended at this conference are valid only for the duration of the conference, and may be withdrawn when and as decided by counsel for the state.
3. If no plea agreement is reached, then the defendant, counsel for the defendant (if represented) and counsel for the state shall be prepared FOR A PRE-TRIAL MANAGEMENT HEARING, conducted pursuant to Art. 28.01 of the Code of Criminal Procedure, which shall be held immediately following the plea conference.
4. Plea conferences and pre-trial management hearings may be rescheduled by agreement of the parties, which shall be communicated to the Court before the setting. However, no setting shall be rescheduled to occur more than 14 days from the dates set forth herein except with the permission by written order of this Court.

SIGNED this the 4th day of April, 2003.


Judge Presiding

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2003 APR -4 PM 3:45
WILMA BLACKSHEAR BUSI
COUNTY CLERK
GRAYSON COUNTY, TX

No. _____

STATE OF TEXAS

*

IN THE COUNTY COURT AT LAW

*

VS.

*

GRAYSON COUNTY, TEXAS

*

*

COURT AT LAW NO. 1

PLEA CONFERENCE AND PRETRIAL MANAGEMENT DOCKETING ORDER

On this day came on to be considered the above cause. The defendant and counsel for the defendant, if represented by counsel, appeared either in person or by written waiver of appearance.

Counsel for the state appeared. After consideration of all matters presented, the Court hereby ORDERS:

1. The Standard Discovery Order, General Order 2003-2, is entered this date.
2. Defendant, counsel for the defendant (if represented), and counsel for the state shall appear FOR A PLEA CONFERENCE in this court at _____m. on the _____ day of _____, 20____, in order for the parties to confer with one another for the purpose of determining whether a plea agreement may be reached. In no event, however, is defendant's right to remain silent to be affected by this Order. Offers to plead which may be extended at this conference are valid only for the duration of the conference, and may be withdrawn when and as decided by counsel for the state.
3. If no plea agreement is reached, then the defendant, counsel for the defendant (if represented) and counsel for the state shall be prepared FOR A PRE-TRIAL MANAGEMENT HEARING, conducted pursuant to Art. 28.01 of the Code of Criminal Procedure, which shall be held immediately following the plea conference.
4. Rescheduling of the above setting is permitted by agreement of the parties, which shall be communicated to the Court before the setting. However, no setting shall be rescheduled to occur more than 14 days from the dates set forth herein except with the permission by written order of this Court.

SIGNED this the _____ day of _____, 2003.

JUDGE PRESIDING



GRAYSON COUNTY COURT AT LAW

GRAYSON COUNTY JUSTICE CENTER
200 SOUTH CROCKETT STREET
SHERMAN, TEXAS 75090
(903) 813-4380

JAMES CORLEY HENDERSON
JUDGE

STANDING ORDER REGARDING PETITIONS FOR OCCUPATIONAL DRIVER'S LICENSE

1. A hearing shall be required on all petitions for occupational driver's license, except as set forth herein.
2. At any hearing, the petitioner shall be prepared to submit to the Court: (1) Verification of DPS Form SR-22 insurance coverage; (2) Texas DPS certified driver record listing ALL accidents and violations in record; and (3) Documentation of work, school and/or other schedule in support of petition.
3. A hearing is **not** required under the following circumstances:
 - A. The petitioner has no prior alcohol or drug related convictions.
 - B. All information set forth in paragraph 2 is provided, and said information reflects (1) DPS Form SR-22 coverage with BI limits of at least \$100,000/\$300,000; (2) DPS driver record reflects no significant history of accidents or violations; and (3) the requested driving schedule comports with the actual schedule of work, school, etc.
 - C. An ignition interlock device shall be installed on petitioner's primary vehicle.
 - D. A proposed Order that substantially conforms with this court's usual order shall be submitted.
 - E. "Request for Approval of ODL Without Hearing" shall be made in writing.
4. This Order shall not be interpreted to restrict the discretion of the Court in any respect regarding whether to require a hearing on any Petition for Occupational Driver's License presented to the Court for approval.
5. This Order shall apply to all Petitions for Occupational Driver's License filed after September 24, 2003.

FILED FOR RECORD

SIGNED this the 24th day of September, 2003.

2003 SEP 24 PM 3: 57

WILLIAM BLACKSHEAR BUSH
COUNTY CLERK
GRAYSON COUNTY, TX


Judge Presiding

General Order No. 2011-3

IN THE COUNTY COURT AT LAW
GRAYSON COUNTY, TEXAS

ORDER REGARDING CAPIAS PRO FINE WARRANTS
FOR CASES SENTENCED PRIOR TO JANUARY 1, 2003
(GRAYSON COUNTY COURT AT LAW, NO. 1)

The Civil Division of the Grayson County Sheriff's Office has requested direction from the Court concerning appropriate procedures regarding unpaid fines and court costs which appear in their records related to sentences imposed in cases prior to January 1, 2003, which is the date the undersigned became the presiding Judge of this court.

It is the opinion of the court that fines and court costs related to cases sentenced prior to January 1, 2003, are not lawfully collectible at this time, and that *Capias Pro Fine* warrants shall not be issued in such cases.

IT IS SO ORDERED.

SIGNED this the 27 day of May, 2011.


JUDGE PRESIDING, COURT NO. 1

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2011 MAY 27 AM 11:18
MILNA BLACKSHEAR BUSH
COUNTY CLERK
GRAYSON COUNTY, TX

General Order No. 2003-1

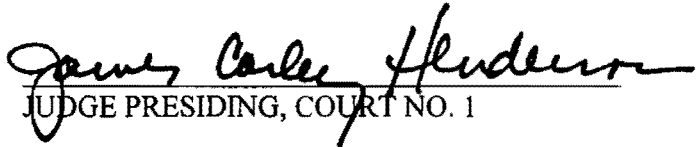
**IN THE COUNTY COURTS AT LAW
GRAYSON COUNTY, TEXAS**

ORDER AUTHORIZING SERVICE OF PROCESS

Pursuant to Rule 103 of the Texas Rules of Civil Procedure, citation and other notices in cases pending in the Grayson County Courts at Law may be served by any person who is not less than eighteen years of age. No person who is a party to or interested in the outcome of a suit shall serve any process.

IT IS SO ORDERED.

SIGNED this the 7th day of January, 2003.



JUDGE PRESIDING, COURT NO. 1



JUDGE PRESIDING, COURT NO. 2

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GRAYSON COUNTY

LOCAL RULES OF THE COUNTY COURTS AT LAW

concerning the

ELECTRONIC FILING OF COURT DOCUMENTS

PART 1. GENERAL PROVISIONS

Rule 1.1 Purpose

These rules govern the electronic filing and service of court documents, by any method other than fax filing, in Grayson County. These rules are adopted pursuant to Rule 3a of the Texas Rules of Civil Procedure and may be known as the “Grayson County Local Rules of the County Courts at Law Concerning the Electronic Filing of Court Documents.”

Rule 1.2 Effect on Existing Local Rules

These rules are adopted in addition to any other local rules of the county courts at law in Grayson County. These rules do not supersede or replace any previously adopted local rules.

Rule 1.3 Electronic Filing Optional Unless Ordered by Court

(a) Except as provided by subsection (b) below, the electronic filing and serving of court documents is wholly optional.

(b) Upon the motion of a party and for good cause shown, county courts may order the parties in a particular case to electronically file and serve court documents that are permitted to be electronically filed under Rule 3.3.

PART 2. DEFINITIONS

Rule 2.1 Specific Terms

The following definitions apply to these rules:

(a) “Convenience fee” is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee charged by the County Clerk will be considered as a court cost.

- (b) "County Clerk" means the Grayson County Clerk.
- (c) "Digitized signature" means a graphic image of a handwritten signature.
- (d) "Document" means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form. The term does not include court orders.
- (e) "Electronic filing" is a process by which a filer files a court document with the County Clerk's office by means of an online computer transmission of the document in electronic form. For purposes of these rules, the process does not include the filing of faxed documents which is described as the "electronic filing of documents" in Section 51.801, Government Code.
- (f) "Electronic filing service provider (EFSP)" is a business entity that provides electronic filing services and support to its customers (filers). An attorney or law firm may act as an EFSP.
- (g) "Electronic order" means a computerized, non-paper court order that a judge signs by applying his or her digitized signature to the order. A digitized signature is a graphic image of the judge's handwritten signature.
- (h) "Electronic service" is a method of serving a document upon a party in a case by electronically transmitting the document to that party's e-mail address.
- (i) "Electronically file" means to file a document by means of electronic filing.
- (j) "Electronically serve" means to serve a document by means of electronic service.
- (k) "Filer" means a person who files a document, including an attorney.
- (l) "Party" means a person appearing in any case or proceeding, whether represented or appearing pro se, or an attorney of record for a party in any case or proceeding.
- (m) "Regular filing fees" are those filing fees charged in connection with traditional filing.
- (n) "Rules" are the Grayson County Local Rules of the County Courts at Law concerning the Electronic Filing of Documents.
- (o) "Traditional court order" means a court order that is on paper.
- (p) "Traditional filing" is a process by which a filer files a paper document with a clerk or a judge.

Rule 2.2 Application to Pro Se Litigants

The term "counsel" shall apply to an individual litigant in the event a party appears pro se.

PART 3. APPLICABILITY

Rule 3.1 Scope

(a) These rules apply to the filing of documents in all non-juvenile civil cases, including cases that are appeals from lower courts, before the various county courts with jurisdiction in Grayson County.

(b) These rules apply to the filing of documents in cases before the various county courts referred to in paragraph (a) above that are subsequently assigned to associate judges or any other similar judicial authorities.

Rule 3.2 Clerks

These rules apply only to the filing of documents with the County Clerk. These rules do not apply to the filing of documents directly with a judge as contemplated by TEX. R. CIV. P. 74.

Rule 3.3 Documents That May Be Electronically Filed

(a) A document that can be filed in a traditional manner with the County Clerk may be electronically filed with the exception of the following documents:

- i) citations or writs bearing the seal of the court;
- ii) returns of citation;
- iii) bonds;
- iv) wills and codicils thereto;
- v) subpoenas;
- vi) proof of service of subpoenas;
- vii) documents to be presented to a court in camera, solely for the purpose of obtaining a ruling on the discoverability of such documents;
- viii) documents sealed pursuant to TEX. R. CIV. P. 76a; and

ix) documents to which access is otherwise restricted by law or court order, including a document filed in a proceeding under Chapter 33, Family Code.

(b) A motion to have a document sealed, as well as any response to such a motion, may be electronically filed.

Rule 3.4. Documents Containing Signatures

(a) A document that is required to be verified, notarized, acknowledged, sworn to, or made under oath may be electronically filed only as a scanned image.

(b) A document that requires the signatures of opposing parties (such as a Rule 11 agreement) may be electronically filed only as a scanned image.

(c) Any affidavit or other paper described in Rule 3.4(a) or (b) that is to be attached to an electronically-filed document may be scanned and electronically filed along with the underlying document.

(d) Where a filer has electronically filed a scanned image under this rule, a court may require the filer to properly file the document in a traditional manner with the County Clerk. A third party may request the court in which the matter is pending to allow inspection of a document maintained by the filer.

PART 4. FILING MECHANICS

Rule 4.1 TexasOnline

(a) Texas Online is a project of the TexasOnline Authority, a state entity charged with establishing a common electronic infrastructure through which state agencies and local governments may electronically send and receive documents and required payments.

(b) To become registered to electronically file documents, filers must follow registration procedures outlined by TexasOnline. The procedure can be accessed from TexasOnline's website at "www.texasonline.com."

(c) Filers do not electronically file documents directly with the County Clerk. Rather, filers indirectly file a document with the County Clerk by electronically transmitting the document to an electronic filing service provider (EFSP) which then electronically transmits the document to TexasOnline which then electronically transmits the document to the County Clerk. A filer filing or serving a document must have a valid account with an EFSP and with TexasOnline

(d) Consistent with standards promulgated by the Judicial Committee on Information Technology (JCIT), TexasOnline will specify the permissible formats for documents that will be electronically filed and electronically served.

(e) Filers who electronically file documents will pay regular filing fees to the County Clerk indirectly through TexasOnline by a method set forth by TexasOnline.

(f) An EFSP may charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees.

(g) TexasOnline will charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees and will be in an amount not to exceed the amount approved by the TexasOnline Authority.

(h) The County Clerk may charge filers a convenience fee to electronically file documents. This fee will be in addition to regular filing fees, credit card fees, or other fees.

Rule 4.2 Signatures

(a) Upon completion of the initial registration procedures, each filer will be issued a confidential and unique electronic identifier. Each filer must use his or her identifier in order to electronically file documents. Use of the identifier to electronically file documents constitutes a "digital signature" on the particular document.

(b) The attachment of a digital signature on an electronically-filed document is deemed to constitute a signature on the document for purposes of signature requirements imposed by the Texas Rules of Civil Procedure or any other law. The person whose name appears first in the signature block of an initial pleading is deemed to be the attorney in charge for the purposes of Texas Rules of Civil Procedure 8, unless otherwise designated. The digital signature on any document filed is deemed to be the signature of the attorney whose name appears first in the signature block of the document for the purpose of Texas Rules of Civil Procedure 13 and 57.

(c) A digital signature on an electronically-filed document is deemed to constitute a signature by the filer for the purpose of authorizing the payment of document filing fees.

Rule 4.3 Time Document is Filed

(a) A filer may electronically transmit a document through an EFSP to TexasOnline 24 hours per day each and every day of the year, except during brief periods of state-approved scheduled maintenance which will usually occur in the early hours of Sunday morning.

(b) Upon sending an electronically-transmitted document to a filer's EFSP, the filer is deemed to have delivered the document to the County Clerk and, subject to Rule 4.3(h), the document is deemed to be filed. If a document is electronically transmitted to the filer's EFSP and is electronically transmitted on or before the last day for filing the same,

the document, if received by the County Clerk not more than ten days tardily, shall be filed by the County Clerk and deemed filed in time. A transmission report by the filer to the filer's EFSP shall be prima facie evidence of date and time of transmission.

(c) On receipt of a filer's document, the filer's EFSP must send the document to Texas Online in the required electronic file format along with an indication of the time the filer sent the document to the EFSP and the filer's payment information. TexasOnline will electronically transmit to the filer an "acknowledgment" that the document has been received by TexasOnline. The acknowledgment will note the date and time that the electronically-transmitted document was received by TexasOnline.

(d) Upon receiving a document from a filer's EFSP, TexasOnline shall electronically transmit the document to the County Clerk. If the document was not properly formatted, Texas Online will transmit a warning to the filer's EFSP.

(e) Not later than the first business day after receiving a document from TexasOnline, the County Clerk shall decide whether the document will be accepted for filing. The County Clerk shall accept the document for filing provided that the document is not misdirected and complies with all filing requirements. The County Clerk shall handle electronically-transmitted documents that are filed in connection with an affidavit of inability to afford court costs in the manner required by TEX. R. CIV. P. 145. If the County Clerk fails to accept or reject a document within the time period, the document is deemed to have been accepted and filed.

(f) If the document is accepted for filing, the County Clerk shall note the date and time of filing which, with the exception of subsection (h) below, shall be the date and time that the filer transmitted the document to the filer's EFSP. The County Clerk shall inform TexasOnline of its action the same day action is taken. TexasOnline shall, on that same day, electronically transmit to the filer's EFSP a "confirmation" that the document has been accepted for filing by the County Clerk. The EFSP will electronically transmit the confirmation to the filer. This confirmation will include an electronically "file-marked" copy of the front page of the document showing the date and time the County Clerk considers the document to have been filed.

(g) If the document is not accepted for filing, the County Clerk shall inform TexasOnline of its action, and the reason for such action, the same day action is taken. TexasOnline shall, on that same day, electronically transmit to the filer's EFSP an "alert" that the document was not accepted along with the reason the document was not accepted. The EFSP will electronically transmit the alert to the filer.

(h) Except in cases of injunction, attachment, garnishment, sequestration, or distress proceedings, documents that serve to commence a civil suit will not be deemed to have been filed on Sunday when the document is electronically transmitted to the filer's EFSP, TexasOnline, or the County Clerk on Sunday. Such documents will be deemed to have been filed on the succeeding Monday.

Rule 4.4 Filing Deadlines Not Altered

The electronic filing of a document does not alter any filing deadlines.

Rule 4.5 Multiple Documents

(a) Except as provided by subsection (b) below, a filer may include only one document in an electronic transmission to TexasOnline.

(b) A filer may electronically transmit a document to TexasOnline that includes another document as an attachment (e.g., a motion to which is attached a brief in support of the motion).

Rule 4.6 Official Document

(a) The County Clerk's file for a particular case may contain a combination of electronically-filed documents and traditionally-filed documents.

(b) The County Clerk may maintain and make available electronically-filed documents in any manner allowed by law.

Rule 4.7 E-mail Address Required

In addition to the information required on a pleading by TEX. R. CIV. P. 57, a filer must include an e-mail address on any electronically-filed document.

Rule 4.8 Document Format

(a) Electronically-filed documents must be computer-formatted as specified by TexasOnline. Electronically-filed documents must also be formatted for printing on 8½-inch by 11-inch paper.

(b) An electronically-filed pleading is deemed to comply with TEX. R. CIV. P. 45.

PART 5. SERVICE OF DOCUMENTS OTHER THAN CITATION

Rule 5.1 Electronic Service of Documents Permissible

(a) In addition to the methods of serving documents (other than the citation to be served upon the filing of a cause of action) set forth in TEX. R. CIV. P. 21a, a filer may serve documents upon another party in the case by electronically transmitting the document to that party at the party's email address. Service in such a manner is known as "electronic service," and is permissible in the circumstances set out in paragraph (b) below.

(b) Documents may be electronically served upon a party only where that party has agreed to receive electronic service or where the court has ordered the parties to electronically serve documents.

(c) By virtue of electronically filing a document or serving a document or by agreeing to accept service, a filer additionally agrees to provide information regarding any change in his or her e-mail address to TexasOnline, the County Clerk, and all parties in the case.

(d) A party who electronically files a document is not required to electronically serve documents upon other parties unless the court has ordered the parties to electronically serve documents.

(e) A filer may electronically serve a document in instances where the document is traditionally filed as well as in instances where the document is electronically filed.

Rule 5.2 Completion of Service and Date of Service

(a) Electronic service shall be complete upon transmission of the document by the filer to the party at the party's e-mail address.

(b) Except as provided by subsection (c) below, the date of service shall be the date the electronic service is complete.

(c) When electronic service is complete after 5:00 p.m. (recipient's time), then the date of service shall be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

Rule 5.3 Time for Action After Service

Whenever a party has the right or is required to do some act within a prescribed period of time after service of a document upon the party and that document is electronically served, then three days shall be added to the prescribed period of time.

Rule 5.4 Certification of Service

(a) Documents to be electronically served upon another party shall be served before the time or at the same time that the document is filed.

(b) A filer who electronically serves a document upon another party shall make a written certification of such service that shall accompany the document when that document is filed. The written certification shall include, in addition to any other requirements imposed by the Texas Rules of Civil Procedure, the following:

(i) the filer's e-mail address or telecopier (facsimile machine) number;

(ii) the recipient's e-mail address;

(iii) the date and time of electronic service; and

(iv) a statement that the document was electronically served and that the electronic transmission was reported as complete.

PART 6. ELECTRONIC ORDERS AND VIEWING OF ELECTRONICALLY-FILED DOCUMENTS

Rule 6.1 Courts Authorized to Make Electronic Orders

(a) A judge may electronically sign an order by applying his or her digitized signature to the order. Judges are not required to electronically sign orders.

(b) Upon electronically signing an order, the judge shall electronically forward the order to the County Clerk who may treat the electronic order as the official copy of the order. Alternatively, the County Clerk may print the electronic order and treat the printed order as the official copy of the order.

(c) The County Clerk may electronically scan a traditional court order. The scanned court order may then serve as the official copy of the court order. The County Clerk is not required to electronically scan traditional court orders in order to create official electronic court orders. Electronic scanning of traditional court orders is at the option of the County Clerk.

Rule 6.2 Viewing of Electronically-filed Documents

(a) The County Clerk shall ensure that all the records of the court, except those made confidential or privileged by law or statute, may be viewed in some format by all persons for free.

(b) Independent of the TexasOnline system and the requirement of viewing access described in subsection (a), the County Clerk may choose to provide for both filers and the general public to electronically view documents or court orders that have been electronically filed or scanned. Where such provision has been made, persons may electronically view documents or court orders that have been electronically filed or scanned.

(c) Nothing in this rule allows for the viewing of documents or court orders, in any form, that are legally confidential (e.g., papers in mental health dealings) or otherwise restricted by judicial rule or order.

PART 7. MISCELLANEOUS PROVISIONS

Rule 7.1 Assigned Court to Resolve Disputes

In the event a dispute should arise involving the application of these rules or various electronic filing issues, the court assigned to the case in which the dispute arises shall decide any dispute.

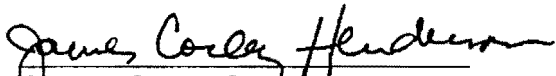
Rule 7.2 Rule Guiding Interpretation

These rules shall be liberally construed so as to avoid undue prejudice to any person on account of using the electronic filing system or sending or receiving electronic service in good faith.

ADOPTION OF RULES

The foregoing "Grayson County Local Rules of the County Courts at Law concerning the Electronic Filing of Documents" are hereby adopted by the undersigned judges in Grayson County on this the 15 day of February, 2006 and submitted to the Supreme Court of Texas for approval.

These rules shall become effective upon their approval by the Supreme Court of Texas.



Grayson County Court at Law



Grayson County Court at Law #2

FEB 15 2006

GRAYSON COUNTY COURTS AT LAW

PLAN AND STANDING RULES AND ORDERS GOVERNING PROCEDURES FOR TIMELY AND FAIRLY APPOINTING COUNSEL FOR INDIGENT ACCUSED PERSONS IN GRAYSON COUNTY, TEXAS

Effective Date – *November 1, 2007*

Be it remembered that on this date, and pursuant to Art. 26.04 of the Texas Code of Criminal Procedure, the below-signed County Court at Law Judges for Grayson County hereby adopt, order, establish, and order published these countywide procedures, rules, and orders for timely and fairly appointing counsel for indigent defendants in the county arrested for or charged with a misdemeanor punishable by confinement.

1. DUTIES OF ARRESTING OFFICER AND MAGISTRATE

- a. The arresting officer and magistrate shall perform the duties set forth at Art. 15.17, Texas Code of Criminal Procedure, together with any other duties required by state or federal law.
- b. Any person arrested or taken into custody within this county shall be taken before a magistrate of this county without unnecessary delay, and not later than 48 hours after the person is arrested.
- c. The Justices of the Peace of Grayson County shall establish a plan to coordinate daily availability of a District or County Judge, Justice of the Peace or other magistrate authorized by law to provide magistrate warnings to arrested persons. Justice of the Peace, Precinct 1, shall be responsible for coordinating availability.
- d. The magistrate shall provide the warnings required by law, either in person or by closed circuit television or in any other manner authorized by law, and may use the Adult Magistrate Warning form attached as **Appendix 1** to document said warnings.
- e. The magistrate shall inform the arrested person of the right to request appointment of counsel and of the procedures for requesting appointment of counsel.
- f. If the arrested person is indigent and requests the appointment of counsel, the magistrate shall, without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, transmit or cause to be transmitted to the Chief Court Coordinator of Grayson County any forms or other information provided by the arrested person as may be necessary for appointment of counsel as set forth in this plan. The Chief Court Coordinator shall make available to the arrested person the forms necessary for the appointment of

counsel as set forth in this plan, and shall ensure that the arrested person is provided reasonable assistance in completing said forms.

2. PROCEDURE AND FINANCIAL STANDARDS FOR DETERMINING INDIGENCY STATUS

a. Consideration of Application by Court or Court's Designee.

- i. Court or Court's Designee. Determination of indigency and appointment of counsel under this plan may be made by either County Court at Law Judge or by a person who may be designated by the Local Administrative County Court at Law Judge.
- ii. Persons in Custody. After receiving notice from the magistrate that an arrested person has requested the appointment of counsel, the Court or Court's designee for the County Courts at Law shall review the Affidavit of Indigency and such other information bearing on the financial status of the defendant and make a determination of indigence status and appoint counsel not later than the end of the third working day after the date on which the Court or Court's designee receives the request, or, if later, within the time frame set forth in the Texas Code of Criminal Procedure.
- iii. Persons Not in Custody. If the accused/defendant is released from custody by posting a bond or otherwise after the person has completed the Affidavit of Indigency, but prior to a determination of indigence, the Court or the Court's designee shall deny the request for appointment of counsel, and the accused/defendant will be required to complete a new Affidavit of Indigency at the first appearance in court after the case has been filed. Determinations of indigence and appointment of counsel for persons not in custody shall be made by the presiding judge of the Court in which the case is filed, or by the Court's designee, prior to the next scheduled appearance following the submission of the application.
- iv. Pending Felony Charges. Determinations of indigence and appointment of counsel to represent persons who have been charged with or are subject to bond pertaining to an offense classified as a felony shall be handled pursuant to Rules, Orders and Procedures as may be adopted by the District Courts of this county.

b. Criteria for Indigence.

i. Definitions.

1. "Net household income" means all income of the defendant and spousal income actually available to the defendant. Such income shall include: take-home wages and salary (gross income earned

minus those deductions required by law or as a condition of employment); net self employment income (gross income minus business expenses, and those deductions required by law or as a condition of operating the business); regular payments from a governmental income maintenance program, alimony, child support, public or private pensions, or annuities; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. Seasonal or temporary income shall be considered on an annualized basis, averaged together with periods in which the defendant has no income or lesser income.

2. "Household" means all individuals who are actually dependent on the defendant for financial support.
3. "The cost of obtaining competent private legal representation" includes the reasonable cost of support services such as investigators and expert witnesses as necessary and appropriate given the nature of the case.

ii. Financial Standards for Determining Indigence: The Court or the Court's designee making court appointments of counsel for indigents shall consider the following standards for determining indigence and such other reasonable factors as the Court finds bearing on financial inability of a defendant to retain counsel:

1. Defendant's income from any and all sources;
2. Sources of the defendant's income;
3. Assets of the defendant;
4. Property owned by the defendant, or in which the defendant has an interest;
5. Outstanding obligations of the defendant;
6. Necessary expenses of the defendant;
7. The number and age of the defendant's legal dependents;
8. Spousal income available to the defendant; and
9. Such other reasonable factors as determined by the judge.
10. The Court or the Court's designee shall not consider whether the defendant has posted bail, except to the extent that it reflects on the defendant's financial circumstances.

iii. Application Process. Persons who request a determination of indigency and appointment of counsel shall:

1. Complete under oath the Affidavit of Indigency concerning financial resources, attached as **Appendix 2**, or such substantially similar Application as may be approved by the Court;

2. Respond under oath to an examination regarding his financial resources by the judge responsible for determining whether the defendant is indigent; or
 3. Complete the Affidavit of Indigency and respond to examination by the judge.
- iv. Determination of Indigence. A defendant shall be considered indigent if the person falls within any of the following criteria, as established by evidence deemed competent and reliable by the court:
1. Poverty Guidelines. The accused/defendant's net household income is at or below the most recently published Federal Poverty Guidelines, as determined by the U.S. Department of Health and Human Services and published annually in the Federal Register. See, <http://aspe.hhs.gov/poverty/index.shtml>.
 2. Governmental Assistance. The defendant or the defendant's dependents have been determined to be eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, or public housing.
 3. In Custody. The defendant is currently serving a sentence in a correctional institution, is currently held in custody and unable to post bail, 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.
 4. Other Factors. A defendant who does not meet any of the financial standards above shall nevertheless be determined indigent if the defendant is otherwise unable to retain private counsel without substantial hardship to the defendant or the defendant's dependents, taking into account the nature of the criminal charge(s), the anticipated complexity of the defense, the estimated cost of obtaining competent private legal representation for the matter charged, and the amount needed for the support of the defendant and the defendant's dependents.
- v. Partial Indigence. Pursuant to Art. 26.05 (g), if the Court finds that the defendant is employed, and has financial resources that enable him to offset in part the costs of the legal services provided, the court shall ORDER that the defendant pay during the pendency of the charges the amount that it finds the defendant is able to pay. Failure to make payments as required may result in the dismissal and discharge of the attorney appointed.

- vi. Employment of Retained Counsel. A defendant that retains counsel following the appointment of counsel shall be required to repay the costs of the court-appointed legal services provided.

3. PROCEDURE FOR NOTIFICATION OF APPOINTMENT

- a. At the time the Court or Court's designee finds that the defendant is indigent and appoints an attorney, the Court Coordinator shall notify both the defendant and attorney, and may use the Notice of Appointment form attached as **Appendix 3** to provide said notice.
- b. If the defendant is in custody, a copy of the Notice of Appointment shall be delivered to the Grayson County Sheriff to be provided to the defendant. If the defendant is not in custody, the Notice of Appointment shall be mailed to the defendant's address of record.
- c. The appointed attorney shall ordinarily be notified of the appointment by fax, but any other method of notification deemed expedient by the Court may be used in appropriate circumstances. At the time of the appointment, the attorney shall be informed whether the defendant is or is not in the custody of the Grayson County Sheriff.

4. STANDARDS FOR APPOINTMENT OF COUNSEL

- a. Misdemeanor Appointment List. All attorneys meeting the qualifications for appointment and who have been approved by a majority of the County Court at Law Judges shall be placed on the Misdemeanor Appointment List. Application shall be made in writing on a form approved by the Local Administrative County Court at Law Judge.
- b. Allocation of Appointments.
 - i. Attorneys shall be appointed from the Misdemeanor Appointment List using a system of rotation. Attorneys shall be appointed from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the Court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.
 - ii. Appointment by rotation shall not be required in the following circumstances:
 - 1. An attorney previously appointed to represent an accused/defendant that has a pending misdemeanor case shall also be appointed on any subsequent misdemeanor case(s) that the

defendant might have prior to the completion of the initial appointment.

2. If an accused/defendant has a pending felony charge/case, then the Court or the Court's designee may appoint the attorney that is representing the accused/defendant on the felony charge/case.
3. If the Court or the Court's designee determines that the defendant does not speak and understand the English language or that the defendant is deaf, the Court or the Court's designee shall make an effort to appoint an attorney who is capable of communicating in a language understood by the defendant.

c. Qualifications for Appointment. Attorneys must possess the following qualifications to be eligible for the Misdemeanor Appointment List:

- i. Attorneys must be licensed to practice law in the State of Texas.
- ii. Attorneys must be members in good standing with the State Bar of Texas.
- iii. Attorneys must devote at least thirty percent (30%) of their time practicing criminal law in the State of Texas or must be board certified by the Texas Board of Legal Specialization in criminal law.
- iv. Attorneys appointed must not have been found by any court to have engaged in professional misconduct within the last three (3) years.
- v. Attorneys must not have received a public reprimand or greater penalty within the last three (3) years.
- vi. Attorneys must not have been convicted, given probation, deferred adjudication or fined for a felony level offense, or a crime involving moral turpitude.
- vii. Attorneys must not be currently under indictment or charged with a felony or a criminal offense involving moral turpitude.
- viii. Attorneys must complete at least ten (10) hours of CLE in criminal law each year. This requirement shall be waived for the initial application process. All attorneys must file with the Chief Court Coordinator a copy of their Continuing Legal Education annual report form (or a list of CLE completed if the attorney has been licensed less than one year) no later than December 30th of each year. Such report shall reflect a minimum of ten (10) hours in criminal law. An attorney is allowed a maximum of five (5) hours of self-study to count toward CLE requirements. Attorneys may carry over up to 10 hours in criminal law to the next reporting year. Those

attorneys who fail to comply with the CLE provisions of the Plan will be removed on January 16th of each year unless good cause is shown not to do so.

- ix. Attorneys must have an office in Grayson County with a physical address that can be given to defendants.
- x. Attorneys must complete an application/affidavit and provide all relevant information to be considered for inclusion in this Plan.
- xi. Attorneys applying for inclusion in this Plan agree to be bound by and accept as a condition of appointment the schedule for Court-appointed attorneys fees set forth herein.
- xii. Attorneys are required to act with competence, commitment and dedication to the interest of the accused/defendant and with zeal in advocacy upon their behalf.
- xiii. Attorneys are under an independent and ethical duty to supplement their application/affidavit with information that may affect their eligibility for court appointments under this Plan.
- xiv. An attorney meeting all the qualifications under the Plan must be approved by a majority of the County Court at Law Judges.

d. Duties/Responsibilities of Attorneys to Accused/Defendant.

- i. Appointed attorneys shall make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed. The appointed attorney is required to provide verification of such contact to the Court
 - ii. Attorneys appointed are responsible to ascertain whether an indigent client has a pending felony or is subsequently charged with a felony offense to which another attorney has been appointed. If this occurs, it shall be the misdemeanor attorney's immediate responsibility to inform the Court and the felony appointed attorney so that a substitution may be effected. The withdrawing misdemeanor attorney shall immediately make arrangements for an orderly transfer of his/her files(s) and also must submit their bill for services to the appropriate Court.
- e. Completion of assignment and discharge of court appointed attorney. Except as provided herein, attorneys are appointed to represent an indigent defendant until the defendant is acquitted, appeals are exhausted, or the Court, after entering a finding of good cause on the record, relieves the attorney and/or replaces the

attorney with other counsel. In addition, the assignment shall be considered complete and the attorney shall be discharged in the following circumstances:

- i. Plea Agreement. The appointment shall be completed upon disposition of all charges by an agreed plea which includes a waiver of right to appeal.
- ii. Theft By Check Pretrial Diversion. If a defendant and the State negotiate and execute a Pre-Trial Diversion Agreement, the appointment shall be completed and the attorney shall be discharged upon approval of the agreement by the court. Defendant shall be permitted to re-apply for court appointed counsel or the court may re-appoint counsel at any time during the term of the agreement.
- iii. Habeas Corpus/Bond Reduction/Release from Custody. If the appointment is made while the defendant is in custody and the defendant posts bond and is released, or the defendant is released on a habeas corpus order or other order which reduces the defendant's bail, and a charge has not been filed against the defendant, the court appointment shall be completed and the attorney discharged. Defendant shall be permitted to re-apply for court appointed counsel or the court may re-appoint counsel at any time thereafter.
- iv. Upon Defendant's Failure to Appear. If at any time during the pendency of a charge upon which the defendant has posted bond the defendant fails to appear for a scheduled court hearing, the court appointment shall be completed and the attorney discharged. Such discharge shall be effective the 30th day following the date of the hearing at which the defendant failed to appear. Defendant shall be permitted to re-apply for court appointed counsel or the court may re-appoint counsel at any time thereafter.

5. PROCEDURES FOR REMOVAL OF ATTORNEYS FROM THE COURT-APPOINTED LIST

- a. Grounds for Removal. An attorney may be removed from the appointment list if the attorney:
 - i. Has twice or more failed to contact or interview clients in a timely manner as required by Article 26.04(j)(1), Code of Criminal Procedure;
 - ii. Has submitted a claim for legal services not performed as specified in Article 26.05(e), Code of Criminal Procedure;
 - iii. Fails to maintain compliance with each of the appointment list guidelines;
 - iv. Has been found by a court to have provided ineffective assistance of counsel;
 - v. Has violated a rule of professional responsibility;
 - vi. Has been convicted of or received a deferred adjudication for any offense, other than an offense punishable by a fine only;

- vii. Is under indictment or being formally charged with an offense, other than an offense punishable by a fine only; or
 - viii. Has intentionally misrepresented statements on the application for the appointment list.
 - ix. An attorney may also be removed from the appointment list for other stated good cause.
- b. Board of Judges. The county court at law judges shall constitute the board of judges for purposes of this Plan.
- c. Referral. If any judge presiding in this county believes that an attorney has violated any of the provisions listed in paragraph (a) above, the judge may refer an attorney to the board of judges for removal from the appointment list. The referral must be in writing and shall clearly state the grounds that form the basis of the referral. No disciplinary action with respect to the attorney being retained or removed from the appointment list may be made without such a referral.
- d. Notification/Hearing. Upon receiving an attorney referral, the board of judges shall notify the attorney in writing of the referral and inform the attorney of the grounds that form the basis of the referral. The notice shall also inform the attorney of the time and place the board of judges will meet to discuss the referral and give the attorney an opportunity to respond to the referral in writing or in person or both.
- e. Action. After the board of judges meets and gives the attorney an opportunity to be heard, the board of judges shall determine whether the attorney should be removed from the appointment list. In addition, the board of judges may require the attorney to take other rehabilitative measures. Removals may be probated. For removal or probated removals, the judges ordering the removal may require the completion of rehabilitative measures as a condition of probation or reapplication. An order of removal should state in the order the earliest date at which the attorney may apply for reinstatement. An attorney who is removed from an appointment list under "Grounds for Removal" number 6 or 7 shall be immediately reinstated upon proof that the charges were dismissed or that the attorney was acquitted, unless other grounds for removal exist against the attorney that would prohibit reinstatement. The decision of the board of judges is final and may not be appealed

6. COMPENSATION OF COUNSEL APPOINTED UNDER THIS PLAN TO REPRESENT PERSONS CHARGED ONLY WITH MISDEMEANOR OFFENSES

- a. Fixed Rate Compensation. Attorneys appointed to represent eligible persons charged or being held by Grayson County only on misdemeanor offenses shall be compensated according to the following fee schedule adopted as provided under Article 26.05(b) of the Code of Criminal Procedure:

DISPOSITION	FEE
BY JURY OR NON-JURY TRIAL	\$400 PER HALF-DAY \$750 PER DAY
AGREED PLEA OR DISMISSAL OF CHARGES PRIOR TO JURY SELECTION	\$300
AGREED PLEA ON JAIL CHAIN DOCKET, REQUIRING ONLY ONE CLIENT CONSULTATION AND ONE COURT APPEARANCE	\$175
PREPARING AND FILING BRIEF ON APPEAL	\$1,200 PER APPELLATE BRIEF FILED
PRETRIAL HABEAS CORPUS OR BOND MOTIONS	\$100
REPRESENTATION OF PERSONS CHARGED WITH MULTIPLE MISDEMEANOR OFFENSES	UP TO AN ADDITIONAL \$100
REPRESENTATION OF PERSONS UNABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE	UP TO AN ADDITIONAL \$100

- b. Compensation Above Fixed Rate. Judges may approve payment ABOVE the fixed rate amounts in unusual circumstances or where the fee would be manifestly inappropriate because of circumstances beyond the control of the appointed counsel. At the time such circumstances become apparent, the attorney must advise the court, in writing, of the circumstances. Such information shall be provided to the presiding judge *ex parte* and *in camera*. At the time the attorney submits application for payment, the attorney must attach a detailed explanation of services performed including the date performed, the time spent on each activity, and a designation of in court or out of court time.
- c. Application for Payment. Counsel shall submit requests for payment according to the following provisions:
- i. Timely submission. Fee vouchers shall be submitted no later than 20 days after the disposition of the case, the completion of the assignment or discharge of the attorney as provided in this Plan.

- ii. Fee Voucher. All requests for payment shall be made using the auditor's approved Attorney Fee Voucher form, attached as **Appendix 4**, or such substantially similar voucher as may be approved by the Court. Unless the voucher is submitted to the Court at the plea hearing, the voucher shall be submitted to the Grayson County Clerk's office located at the Justice Center.
- iii. Fixed Rate Compensation. If possible, the attorney should present the Court with a completed Attorney Fee Voucher form upon disposition of the case. In no event shall payment be requested more than 20 days after disposition of the case. Requests for payment submitted more than 20 days after disposition of the case WILL NOT BE APPROVED, except for good cause shown in highly unusual situations.
- iv. Compensation Above Fixed Rate. At the time the attorney submits application for payment, the attorney must attach a detailed explanation of services performed including the date performed, the time spent on each activity, and a designation of in court or out of court time. When a case is disposed of by agreed plea, the attorney will be compensated at the fixed rate, unless at the time of the plea the attorney applies to the Court for payment for compensation above the fixed rate and presents all necessary documentation.
- v. Partial Payments. Except for good cause shown, no partial payment or advance payment will be made on cases. However, payment for the trial court disposition may be made pending appeal. Payment for services performed on appeal would then be made at the conclusion of all appeals.
- vi. Appeals. Application for payment for preparing and filing briefs on appeal shall be submitted at the conclusion of all appeals. The application for payment shall be submitted to the presiding trial court judge. A copy of each brief prepared shall be submitted with the application for payment.

7. RULES FOR THE APPEAL OF A TRIAL COURT'S DISAPPROVAL OF REQUESTED COURT-APPOINTED ATTORNEY'S FEE

- a. Duties of Attorney Seeking Review of Trial Court's Order. An attorney who chooses to appeal the trial court's disapproval of the requested attorney's fees shall file a motion with the Presiding Judge of the Administrative Judicial Region within twenty (20) days of the trial court's signing of an order disapproving the requested court appointed attorney's fee. The appealing attorney shall set forth in his motion the following information:
 - i. The cause number, style and caption of the case;
 - ii. The type and classification of the offense;
 - iii. The date that the attorney was appointed;

- iv. The date on which the case was disposed;
- v. Whether the case was disposed of by dismissal, a plea, a bench trial, or a jury trial;
- vi. the date and the length of each court appearance within the nearest one-tenth of an hour, if the attorney is requesting to be compensated based upon an hourly fee;
- vii. The date of each office conference or jail conference and the time spent within the nearest one-tenth of an hour;
- viii. A copy of any itemization submitted to the trial court for the purpose of payment including a statement of each date a service was rendered, the type of service rendered, the time expended in the rendering of said service, the expenses incurred, and a statement explaining any attached vendor's invoice or expert's services invoice;
- ix. Any factors that required unusual effort on the attorney's part to overcome in the representation of the defendant including but not limited to; need for an interpreter, uncharged crimes and Penal Code Sec. 12.45 issues, multiple defendants, etc.
- x. The date that the fee order the subject of the motion was signed;
- xi. A detailed statement by the attorney explaining how the trial court's order disapproving the requested court appointed attorney's fee deviated from the county's approved fee schedule adopted under the Texas Fair Defense Act.

The appealing attorney shall attach the following documents to the motion:

- i. A copy of the trial court's order disapproving the requested court appointed attorney's fee, if any; and
 - ii. A copy of the county's attorney fee schedule adopted pursuant to the Texas Fair Defense Act.
- b. Procedure. The appealing attorney shall file the original of the motion with the clerk of the court in which the case is pending, and shall file a certified copy of the motion with the Presiding Judge of the Administrative Judicial Region and with the trial court. The Presiding Judge of the Administrative Judicial Region shall abate any ruling on the motion for a period of not less than ten (10) days from the filing of the motion pending an opportunity for further review by the trial court.

After receiving the motion, the trial court may enter a revised payment order within the ten (10) day period following the filing of the motion. The trial court shall file a copy of the revised payment order with the Presiding Judge of the Administrative Judicial Region.

If a revised payment order is entered resolving the dispute to the satisfaction of the appealing attorney, the attorney shall file with the Presiding Judge a notice

withdrawing the appeal. The motion will then be deemed moot and no further action will be taken by the Presiding Judge of the Administrative Judicial Region.


If the trial court's revised payment order does not fully resolve the issue to the satisfaction of the appealing attorney, the attorney shall, within five (5) days of the signing of the trial court's revised payment order, file with the Presiding Judge of the Administrative Judicial Region and the trial court a notice stating that the matter remains subject to contest. The attorney shall attach a copy of the trial court's revised payment order to said notice. The trial court shall, within five (5) days of the filing of the notice of contest, file written findings that set forth in detail the reason(s) for disapproving the requested attorney's fee. The findings should substantially comply with the form attached as **Appendix 5**.

If the Presiding Judge of the Administrative Judicial Region has not received notice of a resolution of the appeal prior to the expiration of ten (10) days from the filing of the motion, the Presiding Judge shall rule on the motion in accordance with the provisions of 26.05(c), Texas Cod of Criminal Procedure. The Presiding Judge shall sign an order that substantially conforms to the form order attached as **Appendix 6**.

8. LOCAL ADMINISTRATIVE JUDGE'S REPORTING COMPLIANCE

This Plan was adopted by unanimous vote of the below-signed judges and is effective beginning November 1, 2007.

SIGNED AND ORDERED this the 30th day of October, 2007.


James Corley Henderson
Judge, Grayson County Court at Law No. 1
Local Administrative Judge


Carol Siebman
Judge, Grayson County Court at Law No. 2

APPENDIX 3
GRAYSON COUNTY COURTS
 GRAYSON COUNTY JUSTICE CENTER
 200 SOUTH CROCKETT STREET
 SHERMAN, TEXAS 75090

County Court at Law
 COURT COORDINATOR

903.813.4200 EXT 2904 office
 903.892.8300 fax

NOTICE OF APPOINTMENT
(DEFENDANT IN CUSTODY)

Date:

Having considered the defendant's Affidavit of Indigency, the attorney named is hereby appointed to represent the defendant as stated herein.

Attorney:	Attorney Address and Telephone No.:	Attorney Appointed:
In the case of: STATE OF TEXAS v.		
Cause No.	Offense:	Offense Date:
Related Cases:	Offense:	Offense Date:
Next Hearing:	Hearing Date:	Hearing Time:
Location:		

This defendant is in the custody of the Grayson County Sheriff at this time.

Art. 26.04(j)(1) provides that: "An attorney appointed under this article shall . . . make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed."

The Grayson County Plan and Standing Rules and Orders Governing Procedures for Timely and Fair Appointment of Counsel for Indigent Accused Persons in Grayson County, Texas, includes specific obligations of appointed counsel in criminal cases: "To make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed."

RETURN TO CHIEF COURT COORDINATOR ACKNOWLEDGING COMPLIANCE WITH THE RULES AND PROCEDURES AS REFERENCED ABOVE.

_____ I interviewed the defendant on _____ and/or
 _____ I mailed a letter to the defendant on _____ and/or
 _____ Other: _____

 Court-Appointed Attorney's Signature

 Date

Any scheduling conflicts should be brought to the attention of the court coordinator as soon as possible.

E-Fax: Attorney for Defendant

E-Fax: Defendant, c/o Grayson County Jail

Copy: Attorney for State

APPENDIX 4

Attorney Misdemeanor Flat Fee Voucher

Jurisdiction <input type="checkbox"/> District <input type="checkbox"/> County <input type="checkbox"/> County Court at Law COURT:	Primary Cause No. Related Cases: 2. 3. 4.	Offense Offense: 2. 3. 4.	Date of Disposition: Disposition:	
In the case of: STATE OF TEXAS v.				
Case Level: <input type="checkbox"/> Adult <input type="checkbox"/> Juvenile		Degree of Primary Case:		
Attorney		Attorney Address		
State Bar No. Tax ID Number		Telephone No.		
Attorney Appointed:				
Flat Fee – Court Appointed Services				
<i>Check</i>	<i>Disposition</i>	<i>Flat Fee</i>	<i>Amount claimed</i>	TOTAL FLAT FEE \$
	BY JURY OR NON-JURY TRIAL	\$400 PER ¼ DAY \$750 PER DAY		
	AGREED PLEA OR DISMISSAL OF CHARGES PRIOR TO JURY SELECTION	\$300		
	AGREED PLEA ON JAIL CHAIN DOCKET, REQUIRING ONLY ONE CLIENT CONSULTATION AND ONE COURT APPEARANCE	\$175		
	PREPARING AND FILING BRIEF ON APPEAL	\$1,200 PER APPELLATE BRIEF FILED		
	PRETRIAL HABEAS CORPUS OR BOND MOTIONS	\$100		
	REPRESENTATION OF PERSONS CHARGED WITH MULTIPLE MISDEMEANOR OFFENSES	UP TO AN ADDITIONAL \$100		
	REPRESENTATION OF PERSONS UNABLE TO SPEAK AND UNDERSTAND THE ENGLISH LANGUAGE	UP TO AN ADDITIONAL \$100		
				\$
Investigation Expenses (<i>defense investigator, lab fees, medical exams, psychological exams</i>)			Amount claimed	TOTAL INVESTIGATION EXPENSES \$
Expert Witness (<i>payment to defense witnesses and travel expenses</i>)			Amount claimed	TOTAL EXPERT EXPENSES \$
Other Litigation Expenses (<i>defense interpreter services, transcript services, other</i>)			Amount claimed	TOTAL OTHER LITIGATION EXPENSES \$
Additional Comments				TOTAL COMPENSATION AND EXPENSES CLAIMED \$
Attorney Certification – I, the undersigned attorney, certify that the above information is true and correct and in accordance with the laws of the State of Texas. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel. Date:				
Attorney's Signature:				
SIGNATURE OF PRESIDING JUDGE:				Amount Approved:
Date:				\$
Reasons for denial or variation.				

APPENDIX 5

NO. _____

THE STATE OF TEXAS	§	IN THE _____ COURT
VS.	§	OF
_____	§	_____ COUNTY, TEXAS
	§	
	§	
	§	

Trial Court's Written Findings Regarding Requested Court Appointed Attorney's Fee

On this _____ day of _____, the Court, after reviewing the above styled and numbered case, finds that the requested amount of payment by _____ in the amount of \$_____ is not reasonable and therefore is disapproved for the following reason(s).

- The Court finds that the requested fees exceed the Court's approved fee schedule.
- The Court finds that the attorney has failed to provide to the Court an itemized document setting forth billable attorney's hours and/or expenses.
- The Court finds that the attorney has submitted an hourly rate that exceeds the rate established by the fee schedule.
- The Court finds that the attorney has submitted an itemized statement that records unauthorized expenses, to-wit:

- The Court finds that the time and labor required, the lack of novelty and difficulty of the questions involved and the skill requisite to properly perform the legal services do not justify the requested fee.
- The Court finds that the requested payment exceeds the fee customarily charged in the locality for similar legal services.
- The Court finds that the nature and length of the professional relationship with the client does not justify the requested fee.

The Court finds that the requested payment of fees as submitted by the attorney is not supported for the following reasons:

Other:

The Court finds that an attorney's fee in the amount of \$ _____ should be paid to said attorney as fair and just compensation for the attorney's fee in the case.

SIGNED the _____ day of _____, 20_____.

JUDGE PRESIDING

APPENDIX 6

NO. _____

THE STATE OF TEXAS

§
§
§
§
§

IN THE _____ COURT

VS.

OF

_____ COUNTY, TEXAS

Order on Motion to Review Disapproval of Requested Court Appointed Attorney's Fee

On this day, came on for consideration the motion to review the disapproval of the requested attorney's fee filed by _____, court appointed counsel for the Defendant in the above-entitled and numbered cause. After considering the motion and other documents filed, the following order is rendered.

IT IS ORDERED that motion is GRANTED/DENIED.

If the motion is granted.

IF IS FURTHER ORDERED that _____ shall be paid a reasonable attorney's fee of \$_____.

If the motion is denied.

IT IS FURTHER ORDERED that the order for payment signed by the trial court on _____ is AFFIRMED.

Continue with the following.

The District Clerk of _____ County, Texas shall certify this order to the Commissioners Court of _____ County for its observance and, if applicable, furnish a copy of this order to the County Auditor.¹

SIGNED on _____, 20_____.

PRESIDING JUDGE
Administrative Judicial Region

¹ Not later than the 45th day after the date an application for payment of a fee is submitted, the commissioners court shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the fee schedule for that county. **Art. 26.05(c), Texas Code of Criminal Procedure.**

General Order No. 2011-1

**IN THE COUNTY COURTS AT LAW
GRAYSON COUNTY, TEXAS**

**ORDER AUTHORIZING *CAPIAS PRO FINE* WARRANTS
TO BE VACATED UPON PAYMENT**

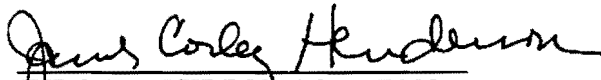
The Civil Division of the Grayson County Sheriff's Office shall have the authority to vacate any active *Capias Pro Fine* warrant upon (1) the payment of all unpaid fines and costs in the case; or (2) the payment of all delinquent fines and costs together with the execution by the defendant of a payment plan satisfactory to the Sheriff's Office.

Capias Pro Fine warrants should not be vacated for any other reason without the approval of the judge presiding.

This Order shall become effective immediately.

IT IS SO ORDERED.

SIGNED this the 27 day of May, 2011.


JUDGE PRESIDING, COURT NO. 1


JUDGE PRESIDING, COURT NO. 2

FILED FOR RECORD

2011 MAY 27 AM 11:18

ILLIEN BLACKSHEAR BUSH
COUNTY CLERK
GRAYSON COUNTY, TX

General Order No. 2011-2

IN THE COUNTY COURTS AT LAW
GRAYSON COUNTY, TEXAS

ORDER ESTABLISHING *CAPIAS PRO FINE* WARRANT PROCEDURES

In an effort to clarify an appropriate policy concerning the presentation of *Capias Pro Fine* warrants to the County Courts at Law, the following policy is hereby adopted:


The Civil Division of the Grayson County Sheriff's Office should prepare a *Capias Pro Fine* warrant for signature and submit same for immediate consideration in any case where a person has defaulted in payment of fines and costs within the six (6) months preceding the requested issuance of the warrant.

Capias Pro Fine warrants should not be submitted for signature, without explanation, when more than six (6) months have elapsed since the defendant's default. The *Capias Pro Fine* Warrant Request form promulgated by the Civil Division is approved for use in such cases.

This Order shall become effective immediately.

IT IS SO ORDERED.

SIGNED this the 27 day of May, 2011.


JUDGE PRESIDING, COURT NO. 1


JUDGE PRESIDING, COURT NO. 2

FILED FOR RECORD

2011 MAY 27 AM 11:18

HENA BLACKSHEAR BUSH
COUNTY CLERK
GRAYSON COUNTY, TX

General Order 2013-1

**IN THE COUNTY COURTS AT LAW
GRAYSON COUNTY, TEXAS**

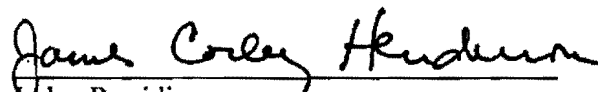
Effective on January 1, 2014, the Standard Discovery Order, General Order 2003-2, dated January 7, 2003, is hereby RESCINDED as to the conduct of discovery in the prosecution of an offense committed on or after January 1, 2014.

Discovery in the prosecution of an offense committed on or after January 1, 2014, shall be governed by Article 39.14, Texas Code of Criminal Procedure, as amended.


Discovery in the prosecution of an offense committed prior to January 1, 2014, shall be governed by General Order 2003-2. For the purposes of this order, an offense is committed prior to January 1, 2014, if any element of the offense occurs before said date.

IT IS SO ORDERED.

Signed: December 17, 2013



Judge Presiding
County Court at Law No. 1



Judge Presiding
County Court at Law No. 2

FILED FOR RECORD
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