

EL PASO DISTRICT AND COUNTY COURTS
TEXAS FAIR DEFENSE ACT
ATTORNEY APPLICATION

DO NOT USE THE BACK OF PAGES

PLEASE PRINT OR TYPE. INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE CONSIDERED

Last Name: _____ First: _____ Bar # _____

Principal Office (Not a P.O. Box): _____

Mailing Address (Not a P.O. Box): _____

Office Telephone No: _____ Secondary Telephone No., if any: _____

Fax Number: _____ E-mail Address: _____

TO QUALIFY FOR ANY APPOINTMENT, INCLUDING APPEALS, AN ATTORNEY MUST HAVE COMPLETED NINE HOURS OF CLE IN CRIMINAL LAW OR PROCEDURE IN THE PAST YEAR, INCLUDING CARRYOVER FROM THE PREVIOUS YEAR. ALL ATTORNEYS MUST FILE A CLE AFFIDAVIT WITH THE COUNCIL OF JUDGES EACH YEAR BY THE LAST DAY OF THEIR BIRTH MONTH ATTESTING TO THE COMPLETION OF THE REQUIRED CLE. SELF-STUDY HOURS MAY NOT BE INCLUDED IN MEETING THE REQUIRED CLE HOURS. IN LIEU OF THE CLE AFFIDAVIT, A CRIMINAL LAW BOARD CERTIFIED ATTORNEY MUST SHOW PROOF OF THAT CERTIFICATION.

IF YOU ARE EXEMPT FROM CLE FROM THE STATE BAR OF TEXAS, YOU MUST COMPLETE 9 HOURS CLE IN CRIMINAL LAW OR PROCEDURE IN ORDER TO BE PLACED ON THE APPOINTMENT LIST.

AN ATTORNEY MUST HAVE A SECRETARY, RECEPTIONIST, ANSWERING SERVICE, OR A CELL PHONE CAPABLE OF RECEIVING EMAILS. AN ATTORNEY MUST HAVE A FUNCTIONING FAX MACHINE AND AN ACTIVE EMAIL ACCOUNT, BOTH MONITORED ON A DAILY BASIS, TO RECEIVE COURT APPOINTMENTS AND NOTICES REGARDING PROCEDURAL CHANGES. THE EMAIL ADDRESS AND THE FAX MACHINE MUST BE AVAILABLE 24 HOURS A DAY. IN ADDITION, AN ATTORNEY MUST RESPOND PROMPTLY TO A PHONE CALL OR EMAIL FROM THE TRIAL COURT, COUNCIL OF JUDGES OFFICE OR OFFICE OF COURT ADMINISTRATION.

YOU WILL RECEIVE NOTIFICATION OF APPOINTMENT BY FAX AND E-MAIL

ATTORNEY PROFILE

1. Law School: _____ Yr of Graduation: _____ Yr admitted to St Bar _____
2. Are you in good standing with the State of Texas? _____ Year licensed to practice _____
3. Percent of practice that is Criminal: _____% What percent of your current practice is in criminal appointments? _____%
4. Years of criminal litigation experience _____ Years of Criminal Practice: _____
5. I have attended at least _____ hours of CLE in criminal law.

ADDITIONAL INFORMATION TO QUALIFY FOR APPOINTMENTS

Please Circle: Yes or No, (If yes, please attach explanation).

Yes No 1. Are you qualified to represent non-English speaking clients? Which language(s)?

Yes No 2. Are you willing to accept clients who speak the language(s) listed in the above question?

- Yes No 3. Do you have unique training or skill in mental health cases?
- Yes No 4. Do you have training or skill as a deaf interpreter?
- Yes No 5. Have you ever been sanctioned by the State Bar of Texas Grievance Committee or the Texas Commission on Lawyer Discipline?
- Yes No 6. Do you have an appeal pending of any State Bar of Texas sanction?
- Yes No 7. Has a court ever found that you have provided ineffective assistance of counsel?
- Yes No 8. Have you ever had a judgment entered against you in contempt of court?
- Yes No 9. Have you received an order to show cause in a contempt hearing for failure to timely file a brief?
- Yes No 10. Do you have access to and ability to review the El Paso District Attorney's Office and the El Paso County Attorney's Office electronic case filing system, such as PORTAL?
- Yes No 11. Are you currently under indictment or charged for a criminal offense other than a Class C?
- Yes No 12. Have you ever been convicted or placed on deferred adjudication for any offense other than a Class C?
- Yes No 13. Is there any matter that would disqualify you by law, regulation, rule or this Plan from receiving appointments to represent indigent defendants? If so, please explain

REQUEST FOR APPOINTMENTS

I am applying to be considered for the following appointments:

- _____ 1. **CLASS A / B MISDEAMEANOR LIST**, to include motions to revoke community supervision and motions to adjudicate guilt.
- _____ 2. **STATE JAIL FELONY / THIRD DEGREE FELONY LIST**, to include motions to revoke community supervision and motions to adjudicate guilt.
- _____ 3. **SECOND DEGREE / FIRST DEGREE FELONY (NON DEATH) LIST**, to include motions to revoke community supervision and motions to adjudicate guilt.
- _____ 4. **MURDER AND ANY FELONY INVOLVING A DEATH LIST.**
- _____ 5. **APPELLATE LIST FOR ALL MISDEMEANORS AND NON DEATH FELONIES.**
- _____ 6. **APPELLATE LIST FOR MURDER AND ALL OFFENSES INVOLVING A DEATH.**

(Capital Murder & Appellate list for Capital Murder List: An attorney must comply with the qualifications and standards adopted by the local selection committee created by the Administrative Regional Judge in compliance with CCP art. 26.052. SELECTION UNDER THIS WHEEL IS DONE BY 6TH ADM. **JUDICIAL REGIONAL JUDGE STEPHEN ABLES.** APPLICATION AVAILABLE AT www.epcounty.com UNDER COUNCIL OF JUDGE ADM. WEBSITE; GO TO *FORMS*, CLICK "QUALIFICATIONS OF ATTORNEYS APPOINTED IN CAPITAL CASES IN WHICH DEATH PENALTY IS SOUGHT".

"CRIMINAL JURY TRIAL" MEANS AN ADULT OR JUVENILE PROSECUTION IN WHICH THE CASE IS PRESENTED TO THE JURY AND THE JURY RENDERS A GUILTY VERDICT, A NOT GUILTY VERDICT, OR IS UNABLE TO RENDER A DECISION AFTER DELIBERATING.

Wheel Lists

To qualify for the **Murder and any Felony Involving a Death** List, an attorney must:

- (a) Be Board Certified in Criminal Law or Appellate Criminal Law, or
- (b) Have four years of experience in criminal litigation, and

- (c) Have experience as trial counsel in six felony criminal jury trials, served as lead counsel in three felony criminal jury trials and served as lead counsel in two 1st degree felony criminal jury trials, and
- (d) Must have attended at least 10 hours CLE in criminal law per year for the last three years, and

Please list the SIX felony jury trials:

DATE COURT/CASE # DEF. NAME OFFENSE FIRST DEGREE(Y/N) LEAD COUNSEL(Y/N) DISP.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

To qualify for the **Second Degree / First Degree Felony (Non Death)** list, an attorney must have:

- (a) Be Board Certified in Criminal Law or Appellate Criminal Law, or
- (b) Have three years of experience in criminal litigation, and
- (c) Have experience as lead counsel or co-counsel in six criminal jury trials, of which four must be felony criminal jury trials.

Please list the SIX jury trials, including four felony jury trials:

DATE COURT/CASE # DEF. NAME OFFENSE DISPO.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

To qualify for the **State Jail / Third Degree Felony** list, an attorney must:

- (a) Be Board Certified in Criminal Law or Appellate Criminal Law, or
- (b) Have one year of experience in criminal litigation, and
- (c) Have experience as lead counsel or co-counsel in four criminal jury trials, of which two must be felony criminal jury trials.

Please list the FOUR jury trials, including two felony jury trials:

<u>DATE</u>	<u>COURT/CASE #</u>	<u>DEF. NAME</u>	<u>OFFENSE</u>	<u>DISPO.</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

To qualify for the **Class A / B Misdemeanor** list, an attorney must:

- (a) Be Board Certified in Criminal Law or Appellate Criminal Law, or
- (b) Have experience as lead or co-counsel in two criminal jury trials.

Please list the TWO jury trials:

<u>DATE</u>	<u>COURT/CASE #</u>	<u>DEF. NAME</u>	<u>OFFENSE</u>	<u>DISPO.</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

To qualify for the **Appellate list for all Misdemeanors and Non Death Felonies**, an attorney must:

- (a) Be Board Certified in Appellate Criminal Law, or
- (b) Have one year of experience in criminal litigation and/or criminal appellate, and
- (c) Have filed two appellate briefs in a criminal or juvenile case.

<u>DEF. NAME</u>	<u>DATE</u>	<u>COURT/CASE #</u>	<u>OFFENSE</u>	<u>DISPO.</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

To qualify for the **Appellate list for Murder and all Offenses Involving a Death**, an attorney must:

- (a) Be Board Certified in Appellate Criminal Law, or
- (b) Have two years of experience in criminal litigation and/or criminal appellate, and
- (c) Have filed four appellate briefs in a criminal or juvenile case.

Please list the **four** appellate briefs:

<u>DEF. NAME</u>	<u>DATE</u>	<u>COURT/CASE #</u>	<u>OFFENSE</u>	<u>DISPO.</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

Oath of Applicant

I, _____, the undersigned attorney, hereby state under oath that all of the above information is complete, true and correct; that I have read and understand the qualifications set out in the El Paso County Indigent Plan and that I meet all the qualifications for the degree of appointment sought. I understand that I have no property interest in receiving appointments; and that in addition to meeting the qualifications under the Plan, that I will not receive felony or misdemeanor court appointments unless I am approved to do so by a majority of the judges hearing criminal cases. I understand that I have a duty to promptly notify the Council of Judges of any matter that may make me ineligible to receive appointments under the El Paso County Indigent Plan; and to notify the COJ, in writing, of any changes to the information contained in this Application. I understand that I may be removed from the appointment wheel for failure to meet any qualification stated in the El Paso County Indigent Plan and for failure to promptly notify the COJ in writing of any change to my status.

I understand that the law requires that I make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which I am appointed and interview the defendant as soon as practicable after I am appointed. I will represent the defendant until charges are dismissed, the defendant is acquitted, appeals are exhausted, or until I am permitted or ordered by the Court to withdraw as counsel for the defendant.

Attorney

SUBSCRIBED AND SWORN BEFORE ME on this the _____ day of _____, 20____.

Notary seal

Notary Public in and for El Paso County, the State of Texas

My commission expires: _____