

**STANDARDS FOR THE QUALIFICATION OF ATTORNEYS
FOR APPOINTMENT TO DEATH PENALTY CASES IN THE EIGHTH
ADMINISTRATIVE JUDICIAL REGION OF TEXAS PURSUANT TO
ARTICLE 26.052 OF THE TEXAS CODE OF CRIMINAL PROCEDURE**

Pursuant to the requirements of Article 26.052 of the Texas Code of Criminal Procedure, a minimum of two (2) attorneys, designated as lead counsel and as second chair, are to be appointed as trial counsel as soon as practicable after charges are filed in death penalty cases, from the List of Attorneys Qualified for Appointment to Death Penalty Cases in the Eighth Administrative Judicial Region of Texas, which shall be compiled pursuant to these Standards, unless the State gives notice in writing that the State will not seek the death penalty.

To be qualified for appointment as trial counsel, as appellate counsel, as post-conviction habeas counsel, or as counsel on application for a writ of certiorari in the United States Supreme Court in death penalty cases, an attorney must possess the following qualifications:

1. Counsel must be a member in good standing of the State Bar of Texas.
2. Counsel must be familiar with the Texas Penal Code; the Texas Code of Criminal Procedure; the State Bar of Texas Guidelines and Standards for Texas Capital Counsel; and the local rules of practice for the criminal courts in the jurisdiction within the Eighth Administrative Judicial Region where the case is pending.
3. Counsel must exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases, consistent with the State and federal constitutions; the State statutes; and the State Bar of Texas Guidelines and Standards for Texas Capital Counsel.
4. For appointment as lead trial counsel in a death penalty case, Counsel must have a minimum of ten (10) years experience in the litigation of serious and complex criminal cases. To be appointed as lead trial counsel, Counsel shall have previously tried to verdict, as lead defense counsel, at least fifteen (15) felony cases, at least ten (10) of which must have been for offenses enumerated in Art. 42.12, Section 3g, Tex. Code Crim. Proc. For appointment as lead trial counsel, Counsel must also have prior trial experience in the use of, and challenges to, mental health and forensic expert witnesses; in investigating and presenting mitigating evidence at the penalty phase of a death penalty trial; and Counsel must have previously served as defense counsel in, or have presided over, at least one (1) prior death penalty case that was tried to a verdict. Any attorney approved to serve as lead trial counsel under these Standards may be appointed to serve as either lead counsel, or as second chair trial counsel, at the discretion of the appointing authority in the particular case.
5. For appointment as second chair trial counsel, Counsel must have a minimum of seven (7) years experience in the litigation of serious and complex criminal cases, or be Board Certified in Criminal Law by the Texas Board of Legal Specialization. To be appointed as second chair trial counsel, Counsel shall have previously tried to verdict at least ten (10) felony cases, at least five (5) of which must have been for offenses enumerated in Art. 42.12, Section 3g, Tex. Code Crim. Proc. For appointment as second chair trial counsel, prior death penalty experience is not required.

but it is strongly recommended.

6. For appointment as appellate counsel, or as post-conviction habeas counsel in death penalty cases, Counsel must have a minimum of ten (10) years experience in the trial, direct appeal, and/or post-conviction proceedings in serious and complex criminal cases. To be appointed as appellate counsel, or as habeas counsel, Counsel shall have previously tried to verdict, appealed upon direct appeal, or served as defense counsel in post-conviction habeas proceedings, in at least fifteen (15) felony cases which were tried to verdict, at least ten (10) of which must have been for offenses enumerated in Art. 42.12, Section 3g, Tex. Code Crim. Proc.
7. For appointment as death penalty habeas counsel, Counsel must be listed upon the current list of attorneys approved by the Court of Criminal Appeals for representation in Art. 11.071 death penalty habeas proceedings; and Counsel must participate in at least six (6) hours of continuing legal education each year in the specific area of death penalty post-conviction/habeas corpus litigation, as part of or in addition to the ten (10) hours of continuing legal education in the area of death penalty litigation required by these Standards.
8. For appointment as appellate counsel, or as habeas counsel, Counsel must have previously served as defense trial counsel, as appellate counsel, or as post-conviction habeas counsel, in at least one prior death penalty case that was tried to verdict.
9. Counsel must have significant and continuous training in the field of criminal law, and in the specific area of death penalty litigation; and Counsel must participate in a minimum of ten (10) hours each year of continuing legal education courses or other training related directly to the criminal defense of death penalty cases (including death penalty appeals and/or death penalty habeas proceedings).
10. At the time of original application, and by September 1st of each year thereafter, the Applicant shall submit an application for certification or recertification on the form approved by the Committee promulgating these Standards, showing compliance with the following requirements:
 - a) Compliance with the State Bar of Texas minimum annual CLE requirement of fifteen (15) hours each year;
 - b) Completion of at least ten (10) hours of CLE during the past year in the specific area of death penalty litigation (including death penalty appeals and/or death penalty habeas litigation); further, those applicants seeking qualification for appointment as post-conviction habeas counsel must demonstrate compliance with the specific six (6) hour CLE requirement for death penalty post-conviction habeas corpus representation set out hereinabove, and must also demonstrate their inclusion upon the current list of approved counsel promulgated by the Court of Criminal Appeals for representation in Art. 11.071 proceedings;
 - c) That there has been no finding by any State Bar of Texas grievance committee,

disciplinary tribunal, or court, that the Applicant has violated any of the Texas Rules of Disciplinary Conduct; nor has there been any finding by any court of the Applicant having rendered ineffective assistance in any criminal matter;

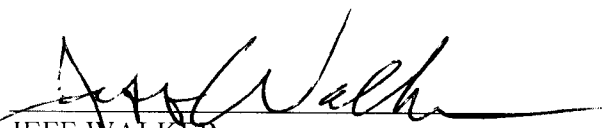
- d) The inclusion of a listing of all felony cases charging any offense enumerated in Art. 42.12, Section 3g, Tex. Code Crim. Proc., in which the Applicant served as trial counsel and which were tried during the past year; or in which Counsel served as appellate counsel, and wherein the appellate brief was filed during the past year; or in post-conviction habeas proceedings in which Counsel has served as post-conviction habeas counsel, and which were decided within the past year; together with the court where the case was heard, the judge presiding, the cause number, the style of the case, the names of opposing counsel, and the final verdict rendered in the trial, or the final disposition entered in the appeal or the post-conviction habeas corpus proceeding held in the case.
11. Each application for certification or recertification must have attached thereto a copy of the Applicant's State Bar of Texas Continuing Legal Education Annual Reporting Form which reflects his compliance with the CLE requirements set forth herein. (A printout is available from the State Bar website.)
12. Attorneys certified to serve as lead trial counsel, second chair trial counsel, appellate counsel for death penalty appeals, or as death penalty habeas counsel, must provide the Committee with the aforesaid documents on an annual basis, by September 1st of each year, in order to be considered for recertification and inclusion upon the list of qualified attorneys certified by the Committee beginning on October 1st, of each year.
13. Failure to comply with any of these requirements may result in the attorney losing his certification for appointment in death penalty cases by this Committee, and in his possible removal from all pending death penalty cases (at the discretion of the appointing authority) in which Counsel has been appointed.
14. Any attorney who has served as trial counsel in a death penalty case may not be appointed as appellate counsel, or as post-conviction habeas counsel in that case, unless both the defendant and the attorney request the appointment on the record, and the Court finds that good cause exists to make the appointment.


The local selection committee for this administrative judicial region shall annually review those attorneys listed upon the list of attorneys approved for appointment to death penalty cases within the Eighth Administrative Judicial Region of Texas, in order to insure that all such attorneys listed therein satisfy the requirements of Texas Code of Crim. Proc., Article 26.052, and these Standards; and to insure that such attorneys exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases consistent with the State and federal constitutions, the State statutes, and the State Bar of Texas Guidelines and Standards for Texas Capital Counsel, by demonstrating a substantial knowledge of procedural and substantive law; skill in management of complex negotiations and litigation; skill in oral advocacy and legal research; skill in

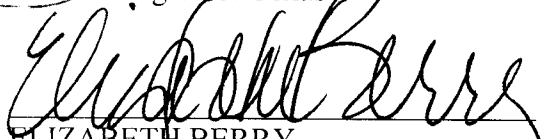
investigation of mental status; skill in the use of a mitigation specialist and other experts, and familiarity with the common areas of forensic investigation; skill in trial advocacy and in the presentation of mitigation and mental health testimony; maintenance of a manageable workload which enables high-quality representation to be provided to each client; and skill in the assembly and management of a capital defense team which includes all expert, investigative or other professional services reasonably necessary for an adequate preparation of the defense in a death penalty case.

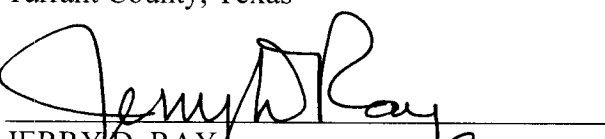
The foregoing Standards are the minimum qualifications necessary for appointment as counsel in death penalty cases throughout the Eighth Administrative Judicial Region of Texas, and only those attorneys satisfying the Standards set out herein, and included upon the list of approved counsel certified for appointment in death penalty cases promulgated by this Committee, may be appointed to any death penalty case, appeal, or post-conviction habeas proceeding, pending in any county or judicial district within the Eighth Administrative Judicial Region of Texas. A copy of these Standards, together with the List of Attorneys Qualified for Appointment in Death Penalty Cases in the Eighth Administrative Judicial Region of Texas compiled under these Standards, are to be prominently posted in each District Clerk's office within this administrative region.

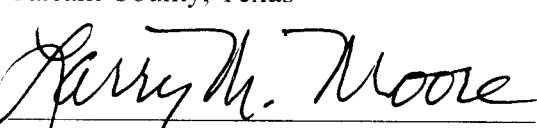
These Standards were promulgated by the Committee formed pursuant to Article 26.052 of the Texas Code of Criminal Procedure, on the 11th day of SEPT., 2006, as witnessed by the signatures of the committee members.

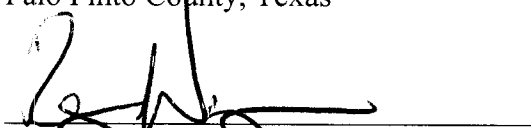

JEFF WALKER
Presiding Judge, 8th Administrative
Judicial Region of Texas


GEORGE GALLAGHER
Judge, 396th Judicial District Court
Tarrant County, Texas


ELIZABETH BERRY
Judge, Criminal District Court No. Three
Tarrant County, Texas


JERRY D. RAY
Judge, 29th Judicial District Court
Palo Pinto County, Texas


LARRY M. MOORE
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4210 West Vickery Blvd.
Fort Worth, Texas 76107


REAGAN WYNN
Attorney at Law
505 Main Street, Suite 220
Fort Worth, Texas 76102

NOTICE

Attorneys seeking inclusion on the List of Attorneys Qualified for Appointment to Death Penalty Cases in the Eighth Administrative Judicial Region of Texas, shall submit their application to the Hon. Jeff Walker, Presiding Judge of the Eighth Administrative Judicial Region of Texas, on the form provided for such application, as lead counsel, as second chair, as appellate counsel, and/or as post-conviction habeas counsel, by September 1st of each year. The Committee shall certify the Applicant for inclusion upon the list for appointment as counsel in death penalty cases in those positions for which the Applicant has shown himself to be qualified under these Standards.

**Application For Death Penalty Appointments
8th Administrative Judicial Region**

Last name: _____

First name: _____

State Bar Card #: _____

Date licensed to practice law: _____

Physical address (not a post office box): _____

Mailing Address: _____

Telephone #: _____

Fax #: _____

Pager #: _____

Cellular Phone #: _____

E-mail address: _____

This Application is for: Initial Certification or Recertification

Please Circle

Yes or no

Yes No 1. Are you currently in good standing with the State Bar of Texas?

Yes No 2. Are you currently under indictment or charged for a criminal offense other than class C traffic offenses?

Yes No 3. Are you certified by the Texas Board of Legal Specialization in criminal law?

Yes No 4. Are you a member of the State Bar College?

Yes No 5. Have you ever been sanctioned by the State Bar Grievance Committee or the Commission on Lawyer Discipline?

- Yes No 6. Do you have an appeal pending of any State Bar sanction?
- Yes No 7. Have you ever been sanctioned for failure to appear before a court?
- Yes No 8. Has a court ever found that you have provided ineffective assistance of counsel?
- Yes No 9. Have you ever been convicted or placed on deferred adjudication for any offense other than a class C offense?
- _____ 10. What percentage of your practice is criminal law?
- _____ 11. Approximately how many criminal cases have you tried to conclusion before a jury? (include hung juries, but exclude agreed competency hearings)
- _____ 12. Of the trials in Question 11, how many were felony cases?
- _____ 13. Of the trials in Question 11, how many were misdemeanor?
- _____ 14. Approximately how many appeals have you pursued in which you authored the brief (excluding subcontracted briefs)?
- Yes No 15. Do you have unique training or skill in mental health cases?
- Yes No 16. Do you have training or skill as a deaf interpreter?
- Yes No 17. Are you fluent in any other language other than English?
If so, please list. _____
- Yes No 18. Do you represent any municipality as a judge or attorney?
If so, please list. _____
- Yes No 19. Do you have any legal conflicts that would prohibit you from taking appointments?
If so, please state. _____

Required Attachments

1. Your most recent reporting year CLE report from the State Bar of Texas.
2. If you have been sanctioned by the State Bar Grievance Committee or the Commission on Lawyer Discipline in the last 10 years, attach the decision(s) And, if desired, a written explanation.
3. If you have been sanctioned for failure to appear before a Court in the last 10 years, attach any applicable court documents and, if desired, a written explanation.
4. If a Court has found that you have provided ineffective assistance of counsel in the last 10 years, attach any applicable documents and, if desired, a written explanation.
5. If you have ever been convicted of or placed on deferred adjudication for any offense other than a class C traffic offense, attach copies of all final orders (or those deferring adjudication) and judgments.
6. If you are applying for appointments to appeals or post-conviction habeas proceedings, list the required information pursuant to the Standards, including the style of the case, cause number, court, opposing counsel, and ultimate disposition entered in the appeal or habeas proceeding;
7. If you are applying for trial appointments, list the required information pursuant to the Standards, including the style of the case, cause number, court, judge presiding, opposing counsel, and verdict entered.

Request for Appointments

I am applying to be considered for the following appointments: (check whatever apply)

- _____ 1. Death Penalty Lead Counsel.
- _____ 2. Death Penalty Second Chair.
- _____ 3. Death Penalty Appeals.
- _____ 4. Death Penalty Post-Conviction Habeas.

Oath

I, _____, the undersigned attorney, hereby state under oath that all of the above and attached information is correct, that I have read and understand the qualifications set out in the Standards for the Qualification of Attorneys for Appointment to Death Penalty Cases in the Eighth Administrative Judicial Region of Texas Pursuant to Article 26.052 of the Texas Code of Criminal Procedure and that I meet those qualifications. I understand that I have a duty to promptly notify the Presiding Judge of the Eighth Administrative Judicial Region of any matter that may make me ineligible to receive appointments under those standards, and to notify the Presiding Judge, in writing, of any changes to the information contained in this application. I understand that I may be removed from the appointment list for failure to meet any qualification stated in the Standards for the Qualification of Attorneys for Appointment to Death Penalty Cases in the Eighth Administrative Judicial Region of Texas Pursuant to Article 26.052 of the Texas Code of Criminal Procedure.

Attorney

On this date personally appeared before me, _____, who after being properly identified and placed under oath swore that all of the information stated on the foregoing Application For Death Penalty Appointments is true and correct.

Name: _____

Office of person taking oath: _____

Oath may be administered by a criminal district court judge, criminal court clerk or notary public. Notary seal and date commission expires, if applicable.

(Below is for office use only:)

On the ____ day of _____, 20____, the Committee on Capital Appointments for the Eighth Administrative Judicial Region, considered the foregoing application and it is hereby

____ approved, ____ denied. Comments: _____

Hon. Jeff Walker, Presiding Judge, 8th Admin. Region