**Texas Fair Defense Act**

**Application and Affidavit for Appointments In The**

**Bell County Courts**

# Attorney Contact Information

|  |  |
| --- | --- |
| Full Name | Bar Card # |
| Physical Address (No PO Boxes) | |
| Business Address | |
| Business Phone | Mobile Phone |
| Fax Number | Email Address |

# General Requirements for Court Appointed Attorneys

|  |  |
| --- | --- |
| Please select each checkbox acknowledging you meet each requirement. | |
| ☐ | Licensed to practice law in the State of Texas; |
| ☐ | In good standing with the State Bar; |
| ☐ | Exhibit proficiency and commitment to providing quality representation to criminal defendants; |
| ☐ | Exhibit professionalism and reliability when providing representation to criminal defendants; |
| ☐ | Have a staffed office in Bell County or reside in Bell County or approved as an attorney on any of Bell County’s Qualified Attorney List as of October 1, 2010. (Per Bell County IDC policy, an attorney applying or qualified on the appellate list only shall be exempt from this requirement.); |
| ☐ | Have an E-mail and fax machine working 24 hours a day; |
| ☐ | Agree to notify the Indigent Defense Coordinator’s office promptly, in writing, of any matter that would disqualify the attorney by law, regulation, rule or under the Bell County Indigent Defense Policy from receiving appointments to represent indigent defendants. |

# Wheel Consideration

Please select all offense levels for which you would like to be considered.

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| --- | --- | --- |
| **County Courts** | |  |
| ☐ | Misdemeanor | One year experience in handling criminal cases or have an attorney with at least three years criminal experience sign on as their mentor and who would be available to assist them in any trial of the case. |
| Six hours of Continuing Legal Education in Criminal Law every year. |

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| **Juvenile Courts** | |  |
| ☐ | Misdemeanor | See Juvenile Indigent Defense Plan |
| ☐ | Felony | See Juvenile Indigent Defense Plan |

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| **District Courts** | |  |
| ☐ | 3rd Degree and  State Jail Felonies | Have met the qualifications for placement on the Misdemeanor List; |
| Have practiced in the area of criminal law for at least two years; and |
| Have tried to verdict at least two criminal jury trials as lead or second chair counsel. |
| ☐ | 1st & 2nd  Degree Felonies | Have met the qualifications for placement on the Misdemeanor List; |
| Have practiced in the area of criminal law for at least four years; and |
| Have tried to conclusion at least three criminal jury trials as lead or second chair counsel, including at least one felony trial. |
| ☐ | Capital Cases  (No Death Penalty)[[1]](#footnote-1) | Have met the qualifications for placement on the Misdemeanor List; |
| Have practiced in the area of criminal law for at least five years; |
| Have tried to verdict at least five criminal jury trials as lead counsel, including at least two trials which were first or second degree felonies or capital felonies and at least one of which a homicide case. |

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| **Appeals** | |  | |
| ☐ | Misdemeanor Appeals | Have met the qualifications for placement on the Misdemeanor List; | |
| and must meet at least one of the following criteria: | |
| ☐ | Be currently board certified in criminal law by the Texas Board of Legal Specialization; or |
| ☐ | Have personally authored and filed at least 3 criminal briefs or post-conviction writs of habeas corpus; or |
| ☐ | Have submitted an appellate writing sample approved by a majority of the judges; or |
| ☐ | Have worked as a briefing clerk of an appellate court for a period of one year or more. |
| ☐ | Felony Appeals | Have met the qualifications for placement on the Misdemeanor List; | |
| and must meet at least one of the following criteria: | |
| ☐ | Be currently board certified in criminal law by the Texas Board of Legal Specialization; or |
| ☐ | Have personally authored and filed at least 3 criminal briefs or post-conviction writs of habeas corpus; or |
| ☐ | Have submitted an appellate writing sample approved by a majority of the judges; or |
| ☐ | Have worked as a briefing clerk of an appellate court for a period of one year or more. |
| ☐ | Juvenile Appeals | See Juvenile Indigent Defense Plan | |

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| **Categories** | |  | | | | | |
| ☐ | Criminal Defendants with a Mental Illness | 1. One year experience in handling mental illness applications (through serving as hired counsel or observation of at least five mental illness hearings.) 2. Three hours of approved Continuing Legal Education in representing mentally ill persons. 3. Sign and file with the Court an acknowledgment of having been provided with a copy of the attorney's duties in representing proposed defendants and of having become knowledgeable with the applicable provisions of the Mental Health Code. | | | | | |
| ☐ | Spanish Speaking | I affirm by signing the included Affidavit, my ability to fluently communicate in Spanish. I am fluent in both oral and written communication. | | | | | |
| ☐ | Other Languages | I affirm by signing the included Affidavit, my ability to fluently communicate in the language noted below. I am fluent in both oral and written communication of the language(s) noted below. | | | | | |
|  |  | 1 |  | 2 |  | 3 |  |
| ☐ | Other Training and/or Skills | 1 |  | 2 |  | 3 |  |

# Attorney Profile

|  |  |
| --- | --- |
|  | Date licensed to practice law in Texas |

|  |  |  |
| --- | --- | --- |
| Yes | No |  |
| ☐ | ☐ | Are you currently in good standing with the state bar? |
| ☐ | ☐ | Are you currently under indictment or charged for a criminal offense other than class C traffic offenses? |
| ☐ | ☐ | Do you have an appeal pending of any bar sanction? |
| ☐ | ☐ | Are you board certified by the Texas Board of Legal Specialization? |
|  | | If yes, in what area (s)? |
|  | |  |
| ☐ | ☐ | Are you a member of the State Bar College? |
|  | | How many hours of continuing legal education did you average in the last three years? |
|  | | How many open criminal files are in your current caseload? |
|  | | What percentage of your practice is in criminal law? |

# Jury Trials

|  |  |
| --- | --- |
|  | How many criminal jury trials have you tried in the last 5 years? |

# Trial Experience

|  |  |
| --- | --- |
|  | What percentage of your practice consists of criminal appointments? |
|  | Approximately how many appeals have you pursued in which you authored the brief (excluding subcontracted briefs)? (Applicable appellate applicants only) |

# Bell County History

|  |  |
| --- | --- |
| Which Bell County Judges presided over your last five trials (both jury and non-jury trials)? | |
| 1 |  |
| 2 |  |
| 3 |  |
| 4 |  |
| 5 |  |

**Since your prior application-**

# Sanctions

|  |  |
| --- | --- |
| Yes | No |
| ☐ | ☐ | Have you been sanctioned or censored by any professional entity of which you are or were a member including but not limited to the State Bar Grievance Committee?  If yes, attach decisions by the entity and, if desired, any written explanations. |
| ☐ | ☐ | Have you been sanctioned for failure to appear before a court?  If yes, attach any applicable court documents and, if desired, any written explanations |
| ☐ | ☐ | Have you admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel?  If so, explain by attaching any applicable documents and, if desired, any written explanations. |
| ☐ | ☐ | Have you been convicted or placed on deferred adjudication for any offense other than traffic citations?  If yes, attach copies of all final orders (or those deferring adjudication) and judgments. |

# Required Attachments Checklist

Your application will not be complete until you submit the following items to:

(All items should be mailed together.)

Bell County Pretrial Services/Indigent Defense

Attn: Court Appointed Attorney Application

P.O. Box 366

Belton, Texas 76513

|  |  |
| --- | --- |
| ☐ | A complete and signed application. |
| ☐ | A signed and notarized affidavit. |
| ☐ | Your annual CLE report from the State Bar for the last three years. |
| ☐ | If you have been sanctioned by the State Bar Grievance Committee, attach the decision(s) by the committee and, if desired, a written explanation. |
| ☐ | If you have been sanctioned for failure to appear before a court, attach any applicable court documents and, if desired, a written explanation. |
| ☐ | If you have admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel, attach any applicable documents and, if desired, a written explanation. |
| ☐ | If you have been convicted or placed on deferred adjudication for any offense other than traffic, attach copies of all final orders (or those deferring adjudication) and judgments. |
| ☐ | If you are applying for appellate appointments, attach a copy of a brief you have authored and which was filed within the past five (5) years. |

# ATTORNEY QUALIFICATIONS AFFIDAVIT

STATE OF TEXAS \*\*

COUNTY OF BELL \*

APPLICATION TO BE PLACED ON PUBLIC APPOINTMENT LIST FOR BELL COUNTY

I,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a licensed attorney in Texas, State Bar Of Texas Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, with my principal office at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby file this Application in compliance with the LOCAL RULES OF BELL COUNTY FOR THE TIMELY AND FAIR APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS, and swear or affirm that the information contained herein is true and accurate.

Should any change in this information occur, I will file an Amended Application with Bell County within thirty days of the change.

REQUEST

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby request to be placed on the Attorney List/Wheels as documented herein.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Signature Date

SWORN TO and SUBSCRIBED before me on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(date)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public in and for

The State of Texas

My commission expires:

1. The Death Penalty Attorney List is maintained by the Third Administrative Judicial Region (<http://www.courts.state.tx.us/3ajr/3ajr.asp>). [↑](#footnote-ref-1)