

**TEXAS FAIR DEFENSE ACT
APPLICATION FOR APPOINTMENTS IN
COUNTY COURT AT LAW NO. 2, ROCKWALL COUNTY**

ATTORNEY CONTACT INFORMATION

LAST NAME: _____

FIRST NAME: _____

BAR CARD #: _____

PHYSICAL ADDRESS (not a post office box)

MAILING ADDRESS:

TELEPHONE #: _____

FAX # (required): _____

PAGER #: _____

CELL PHONE #: _____

E-MAIL ADDRESS: _____

ATTORNEY PROFILE

Please Circle Yes or No

- | | | | |
|----|---|-----|----|
| 1. | Are you currently in good standing with the state bar? | Yes | No |
| 2. | Are you currently under indictment or charged for a criminal offense other than class C offenses? | Yes | No |
| 3. | Do you have an appeal pending of any bar sanction? | Yes | No |

I am applying to be considered for the following appointments:

- | | | |
|---|-------|----|
| 4. Capital Cases (all) | Yes | No |
| 5. Non-Death Capital Cases Only | Yes | No |
| 6. 1 st Degree Felonies | Yes | No |
| 7. 2 nd & 3 rd Degree Felonies | Yes | No |
| 8. State Jail Felonies/Probation Revocations | Yes | No |
| 9. Direct Appeals | Yes | No |
| 10. Post-judgment Writs | Yes | No |
| 11. Juvenile Cases | Yes | No |
| 12. Are you board certified by the Texas Board of Legal Specialization? | Yes | No |
| 13. If yes, in what area(s) | _____ | |
| 14. Are you a member of the State Bar College? | Yes | No |
| 15. How many hours of continuing legal education did you average the last three years? Attach your latest annual CLE report from the State Bar. | _____ | |
| 16. Have you ever been sanctioned by the State Bar Grievance Committee? If yes, attach decisions by the committee and, if desired, any written explanations. | Yes | No |
| 17. Have you ever been sanctioned for failure to appear before a court? If so, attach any applicable court documents and, if desired, any written explanations. | Yes | No |
| 18. Have you ever admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel? If so, explain by having any applicable documents and, if desired, any written explanations. | Yes | No |
| 19. Have you ever been convicted or place on deferred adjudication for offense other than traffic? If yes, attach copies of all final orders those deferring adjudication) and judgments. Public Intox. (no paperwork) | Yes | No |
| 20. How many years have you been in practice? | _____ | |
| 21. How many open criminal files are in your current caseload? | _____ | |
| 22. Which judges presided over your last five criminal trials? | _____ | |

23. Before which judge(s) have you routinely appeared? _____

24. What percentage of your practice is in criminal law? _____

25. If you are applying for Juvenile appointments, please list your juvenile experience.

TEXAS FAIR DEFENSE ACT
APPLICATION FOR APPOINTMENTS IN THE COUNTY COURT AT LAW NO. 2

STATE OF TEXAS

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ROCKWALL COUNTY, TEXAS

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AFFIDAVIT

Before me, the undersigned authority, on this day personally appeared _____, who after being duly sworn stated: I certify that I am in compliance with Section 1, Paragraph 4 (Continuing Training) of the County Court at Law No. 2 Standards Relating to the Provision of Counsel to Indigents.

AFFIANT

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

Notary Public, State of Texas

[SEAL]

**TEXAS FAIR DEFENSE ACT
ANNUAL UPDATE TO APPLICATION FOR APPOINTMENTS
COUNTY COURT AT LAW NO. 2 OF ROCKWALL COUNTY**

NAME: _____

BAR CARD: _____

- | | | |
|---|-----|----|
| 1. Are you currently in good standing with the state bar? | Yes | No |
| 2. Do you have an appeal pending of any bar sanction? | Yes | No |
| 3. Do you live in Rockwall County? | Yes | No |
| 4. Is your office in Rockwall County? | Yes | No |

OFFICE PHYSICAL ADDRESS: _____

BUSINESS MAILING ADDRESS: _____

PERSONAL RESIDENCE (Confidential): _____

OFFICE PHONE #: _____

FAX# (Required): _____

CELL PHONE #: _____

Do you authorize the court to give this # out? Yes No

Do you authorize the court to text you for court matters? Yes No

EMAIL ADDRESS: _____

Attorney Signature

Date

Notary Signature

Date

382nd; 439th District Courts and Rockwall County Courts at Law Standards Relating to the Provision of Counsel to Indigents

Purpose and Scope of Standards.

The following standards are designed to provide for a systematic method of providing qualified counsel to indigents in criminal and juvenile cases. These standards address principles of eligibility and certification for trial, writs of habeas corpus, revocations of probation, appeal, and juvenile cases at various levels.

Section I: General Principles of Eligibility.

Eligibility. The following standards shall be applied to attorney certification under any part of these standards related to criminal law.

1. **Eligibility.** The attorney shall be familiar with the practice and procedures of the criminal courts of Texas, and shall be a member in good standing of the State Bar of Texas. Practice before a juvenile court shall be considered as experience in criminal litigation for the purpose of these standards. Pro bono service shall also be considered as experience for the purpose of these standards.
2. **Evidentiary Matters.** The attorney shall be familiar with the Texas Rules of Evidence and shall have knowledge of the use of expert witnesses and evidence, including, but not limited to, psychiatric and forensic evidence.
3. **Co-Counsel.** If the Court appoints co-counsel for any offense, it shall be at the discretion of the Court as to the qualification of counsel.
4. **Continuing Training.** To maintain annual certification, successful completion of a minimum of eight (8) hours of training in the State Bar of Texas in criminal law, ethics, evidence, or trial practice. This is an annual calendar year requirement with reporting each January by the presentation of an affidavit presented prior to January 31 of each year. A failure to present the affidavit shall cause an attorney to be subject to removal from the list of those eligible for appointment. In addition, to maintain eligibility, all attorneys shall conduct themselves in an ethical and professional manner.

Section II: Capital Offenses.

In order to serve as lead counsel in a capital offense where the State of Texas is seeking the death sentence, an attorney must meet the following:

1. Exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases.
2. Have five (5) years experience in criminal litigation.
3. Have tried to verdict as lead counsel a significant number of felony cases, including homicide trials and other trials for offenses punishable as second or first degree felonies or capital felonies.
4. Have trial experience in the use of and challenges to health or forensic expert witnesses and investigating and presenting mitigating evidence at the penalty phase of a death penalty trial.
5. Have participated in continuing legal education relating to death penalty criminal defense.

Section III: Capitol offenses where death penalty is not sought by State of Texas and 1st degree felonies and co-counsel for capital offenses where the State is seeking death penalty. (This category also includes enhanced felonies which carry a first degree range of punishment.)

In order to be eligible for appointment in the above described offenses, an attorney must meet the following criteria:

1. Have four (4) years experience in criminal litigation.
2. Have tried to verdict as lead counsel for the defense or the prosecution at least three (3) trials of any grade of felony. At least two (2) of these trials must be jury trials.

Section IV: Second and Third Degree Felonies. (This category includes enhanced State Jail felonies.)

In order to be eligible for appointment in the above described offenses, an attorney must meet the following criteria:

1. Have at least two (2) years of experience in criminal litigation.
2. Have tried to verdict as lead counsel for the defense or the prosecution at least two (2) trials of any State Jail felonies or A or B misdemeanor. At least one (1) of these trials must be a jury trial.

Section V: State Jail Felony and Felony Probation Revocations

In order to be eligible for appointment in the above described offenses, an attorney must meet the following criteria:

- Have at least one (1) year experience in criminal and/or civil litigation, which may include juvenile practice.

Section VI: Class A/B Misdemeanors and Misdemeanor Probation Revocations

In order to be eligible for appointment in the above described offenses an attorney must meet the following criteria:

- Have at least six (6) months experience in criminal and/or civil litigation which may include juvenile practice.

Section VII: Appellate Counsel - Felony

In order to serve as appellate counsel for capital offenses whether or not death penalty has been assessed and in 1st degree felonies as defined in Section III, an attorney shall:

1. Have three (3) years of experience in criminal litigation and;
2. Have filed a brief and/or argued two (2) cases before the Courts of Appeal of Texas, the Texas Supreme Court, the Texas Court of Criminal Appeals, Fifth Circuit Court of Appeals or United States Supreme Court.

In all other felonies an attorney shall have one (1) year experience in appellate practice and procedure and filed a brief and/or argued a case before the Courts of Appeal for the State of Texas, the Texas Court of Criminal Appeals, the Texas Supreme Court, Fifth Circuit court of Appeals and/or United States Supreme Court or shall have two (2) years of general experience in criminal litigation.

Section VIII: Writ Counsel

In capital felonies where the death penalty has been assessed, appointed counsel for any writ of habeas corpus must possess the following qualifications:

1. The attorney must have three (3) years criminal litigation experience and;
2. The attorney must have filed a brief and/or argued before the Courts of Appeal of the State of Texas, the Texas Court of Criminal Appeals, the US District Court, the Texas Supreme Court, the Fifth Circuit and/or the United States Supreme Court.

For all other grades of offenses, counsel for writs of habeas corpus shall have at least one (1) year's experience in criminal or civil litigation.

Section IX: Misdemeanor Appellate

- In order to be eligible for appointment an attorney shall have at least one (1) year experience in appellate practice and procedures.

Section X: Juvenile Counsel

An attorney who meets the requirements of this rule may be appointed to represent an indigent juvenile detained for or accused of engaging in delinquent conduct or conduct indicating a need for supervision, if the attorney is otherwise eligible to be appointed under the Appointment of Counsel Plan.

An attorney may be appointed under this rule only if the attorney:

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

1. General Principals

All attorneys licensed to practice law by the State Bar of Texas are eligible to apply for appointment. Applicants must meet the general principal of eligibility referred to in Section I., unless specified otherwise below.

2. Qualifications

This plan recognizes the five different levels or seriousness of juvenile charges. To qualify for appointment as juvenile counsel the following requirements apply:

- a) **CINS CHARGES:** a minimum of one (1) year experience or participation as counsel/co-counsel on three (3) juvenile cases. A minimum of five hours of certified CLE credit in criminal or juvenile law each year.
- b) **DELINQUENCY CHARGES WITH NO TYC COMMITMENT POSSIBLE:** a minimum of one (1) year experience or participation as counsel/co-counsel on three (3) juvenile cases. A minimum of eight (8) hours of certified CLE credit in criminal or juvenile law each year.

- c) **DELINQUENCY CHARGES WITH TYC COMMITMENT POSSIBLE:** a minimum of two (2) years' experience or participation as counsel/co-counsel on five (5) juvenile cases. A minimum of eight (8) hours of certified CLE credit in criminal or juvenile law each year.
- d) **DETERMINATE SENTENCING CHARGES:** a minimum of three (3) years' experience or participation as counsel/co-counsel on eight (8) juvenile cases. A minimum of eight (8) hours of certified CLE credit in criminal or juvenile law each year.
- e) **CERTIFICATION CHARGES:** a minimum of three (3) years' experience or participation as counsel/co-counsel on ten (10) juvenile cases. A minimum of eight (8) hours of certified CLE credit in criminal or juvenile law each year.

3. **Additional Considerations**

All counsel applying for appointments to juvenile cases must receive the approval of the Rockwall County Juvenile Board by a majority vote of the members of the Board.

To receive appointment for appeals of juvenile cases, counsel must meet the minimum requirements of an attorney qualified to receive appointments in "Delinquency Charges with TYC Possible" or participation as counsel/co-counsel in the appeal of two (2) juvenile cases.