

APPLICATION FOR INDIGENT REPRESENTATION

AFFIDAVIT OF LICENSED ATTORNEY

RESIDING OR PRACTICING LAW

IN GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS

COUNTY OF GALVESTON

I, _____,

(PRINT name of attorney completing affidavit)

State Bar of Texas Number _____, do hereby file this affidavit in compliance with the Galveston County Plan and Standing Rules and Orders for Procedures for Timely and Fair Appointment of Counsel for Indigent Accused Persons in Galveston County, Texas for establishment of a list of eligible licensed attorneys to represent indigent accused persons in Galveston County, Texas and do solemnly swear or affirm that the below information is true and correct. Should any change in this information occur, I understand that I must, within 30 days of such change, file an Amended Affidavit of Licensed Attorney Residing or Practicing Law in Galveston County, Texas with the local administrative judge of the Galveston County District Courts at the Galveston County Courthouse in Galveston, Texas who shall timely notify the local administrative judge of Galveston County Courts at Law of such filing. I have checked below all applicable provision and have completed the requested information below with full, complete, and true answers.

I.

INCLUSION TO THE APPOINTMENT LIST

I understand that, as a result of my application, my name **WILL BE CONSIDERED FOR INCLUSION** on the list of licensed attorneys eligible for court appointments in Galveston County, Texas, and I state, under oath or affirmation that I am **willing, competent, and meet the listed qualifications to handle the following matters:** (check all that apply)

LOCAL OFFICE – I have either a residence in Galveston County or an office in Galveston County in order to meet with local clients.

MISDEMEANOR criminal cases – Individual Appointments

Meet basic requirements for all attorneys, **and**; Be familiar with the docket call procedures for County Courts at Law numbers 1, 2 and 3.

Misdemeanors – Jail Docket Term Assignment

Meet basic requirements for all attorneys, **and**; Be familiar with the docket call procedures for County Courts at Law numbers 1, 2 and 3, **and**; Have two (2) years prior experience in criminal law.

APPEALS of MISDEMEANOR criminal cases.

Two (02) years prior experience in criminal litigation and at least one (01) brief filed in a criminal or juvenile case, **or**; Otherwise deemed qualified by a majority vote of Judges handling criminal cases.

STATE JAIL FELONY criminal cases.

&

THIRD DEGREE FELONY criminal cases.

1. Have at least one (01) year prior experience in criminal litigation **and**; Prior experience as lead counsel in at least three (03) criminal jury trials, excluding Class C misdemeanors.

☐SECOND DEGREE FELONY criminal cases.

Have at least three (03) years experience in criminal litigation, **and**; Prior experience in three (03) or more felony jury trials as lead counsel.

☐FIRST DEGREE FELONY criminal cases.

-Board certified in criminal law, who are therefore qualified to handle all 1st degree felonies and any lesser offenses for purposes of this plan, **or**;

-Have at least four (04) years prior experience in criminal litigation, and; Tried to verdict at least five (05) felony jury trials, and;

☐CAPITAL FELONY criminal cases.

Capital Murder Where Death Penalty Is Not Sought by State of Texas:

-Board certified in criminal law, **or**;

-At least five (05) years experience in criminal litigation and tried to verdict at least eight (08) felony cases, excluding State Jail felonies.

☐APPEALS of NON-CAPITAL FELONY cases.

First and Second Degree Felonies

At least three (03) years experience in criminal litigation or appellate practice **and** at least two (02) appellate briefs filed in criminal cases.

☐Third Degree Felonies, State Jail Felonies and Misdemeanors

Two (02) years prior experience in criminal litigation and at least one (01) brief filed in a criminal or juvenile case, **or**; Otherwise deemed qualified by a majority vote of Judges handling criminal cases.

☐APPEAL of CAPITAL FELONY cases.

Capital Murder - No Death Penalty

-Board certified in criminal law, **or**;

-Have personally authored at least five (05) criminal appellate briefs.

☐MENTAL HEALTH ATTORNEY WHEEL FELONY cases.

Minimum Qualifications for the Felony Mental Health Attorney Wheel

The following standards apply to each attorney appointed to represent a defendant who has a serious mental illness (SMI) or an intellectual and developmental disability (IDD), according to the CCP art. 16.22 report, and is accused of a felony criminal offense.

1. An attorney must meet all the general qualifications.
2. An attorney applying for the felony mental health Attorney Wheel must have served as a prosecutor in a county or district attorney's office for at least four years or have practiced criminal defense law on a regular basis for a minimum of four years or a combination of both totaling four years.
3. The evaluation of experience and competency is done when the applicant applies to be on the appointment list and on a periodic basis thereafter. Factors to be considered are:
 - a) Competence, diligence, and skill;
 - b) Years actively engaged in the practice of criminal law;

- c) Certification as a criminal law specialist;
 - d) Attendance at advanced criminal law courses;
 - e) Number of defendants represented with SMI or IDD; and
 - f) Any other special skills
4. An attorney must have received 3 hours of CLE in mental health criminal issues or receive 3 hours of CLE in mental health criminal issues within 12 months of placement on the mental health attorney wheel.
 5. An attorney must be knowledgeable concerning criminal law related to defendants with mental health issues and the Texas Mental Health Code.
 6. An attorney applying for the felony mental health attorney wheel must meet requirements for placement on the first degree felony list.
 7. An attorney must meet other experience, training, and competency requirements as deemed appropriate by the District Court Judges that do not fall below the standards set forth in this Plan.

JUVENILE A and APPEALS

Capital Murder – No Death Penalty

- Board certified in criminal law, or;
- At least five (05) years experience in criminal litigation and tried to verdict at least eight (08) felony cases excluding State Jail Felonies.

JUVENILE B and APPEALS

First Degree Felonies

- At least four (04) years experience in criminal/juvenile litigation, and tried to verdict at least five (05) felony jury trials;

JUVENILE C and APPEALS

Second Degree Felonies

- At least three (03) years experience in criminal/juvenile litigation and prior experience in at least three felony jury trials as lead counsel;

JUVENILE D and APPEALS

Third Degree Felonies and State Jail Felonies

- At least one (01) year prior experience in criminal/juvenile litigation and prior experience as lead counsel in at least three (3) criminal/juvenile jury trials, excluding Class C misdemeanors;

JUVENILE E AND APPEALS

Misdemeanors

- Must meet basic requirements for all attorneys to be qualified for the juvenile appointment list.

NOTE: Attorneys requesting appointment to juvenile appointments must be willing to accept appeals appointments.

II.

EDUCATIONAL AND C.L.E. BACKGROUND

I certify that I have the following educational and Continuing Legal Education background:

(Check all that apply)

BASIC EDUCATION:

High School Diploma

Bachelor's Degree

Law Degree

Master's Degree

Doctor of Philosophy Degree

Medical Doctor Degree

Other Advanced Degree

LICENSED TO PRACTICE LAW:

Licensed to Practice Law in Texas by the Texas Supreme Court on _____, _____.

(month) (year)

I am currently a licensed attorney in good standing with the State of Texas and the Texas Supreme Court.

I am also a licensed attorney in good standing to practice law in the State of _____.

I have been admitted to practice law in the U.S. Federal District Courts for the _____ District of the State of _____.

I have been admitted to practice law before the U.S. Fifth Circuit Court of Appeals.

I have been admitted to practice law before the U.S. _____ Circuit Court of Appeals.

I have been admitted to practice law before the United States Supreme Court.

I have been certified as a specialist by the Board of Legal Specialization of the State of Texas in the following areas of law:

CONTINUING LEGAL EDUCATION:

I have by actual attendance accrued within the past year:

a minimum of ten (10) hours of C.L.E. credits in criminal law, including, if applicable,

six (6) hours in juvenile law during this calendar year.

I have attended the Advanced Criminal Law Seminar sponsored by the State Bar of Texas for the following years:

I have attended C.L.E. programs dealing with criminal law issues during the following years:

I have attended C.L.E. programs dealing with juvenile law issues during the following years:

I have attended C.L.E. programs dealing only with non-criminal law areas and certify that I have not attended a C.L.E. program dealing with criminal law.

I have attended C.L.E. programs dealing with the use of and challenges to mental health or forensic expert witnesses. The most recent course attended was on the following date:

I have attended C.L.E. programs or training relating to criminal defense in death penalty cases. The most recent course attended was on the following date:

I have attended C.L.E. programs relating to investigating and presenting mitigating evidence at the penalty phase of death penalty trials. The most recent course attended was on the following date:

I have attended C.L.E. programs relating to appeals of criminal cases. The most recent course attended was on the following date: _____

I have attended C.L.E. programs relating to appeals of juvenile cases. The most recent course attended was on the following date: _____

I am currently planning to attend the following C.L.E. courses in the next year:

OTHER EDUCATION, BACKGROUND, RESEARCH OR TRAINING IN CRIMINAL/JUVENILE LAW AREA:
(Please briefly describe)

(Attach a separate sheet if necessary for additional information)

III.

CRIMINAL AND JUVENILE TRIAL/APPEALS EXPERIENCE

I hereby certify, under oath, that the following is my experience in handling criminal/juvenile cases: (Check all that apply)

I have been lead counsel in three (3) or more misdemeanor cases.

- I have been lead counsel in one or more misdemeanor appeals.
- I have been lead counsel in three (3) or more juvenile cases.
- I have been lead counsel in one or more juvenile appeals.
- I have been lead counsel in three (3) or more non-capital felony cases.
- I have been co-counsel or sat second chair in three (3) or more non-capital felony cases.
- I have been lead counsel in one or more non-capital felony appeals.
- I have been lead counsel in one or more capital felony cases – death penalty waived.
- I have been lead counsel in one or more capital felony cases – death penalty sought.
- I have been co-counsel or sat second chair in one or more capital felony cases – death penalty waived.
- I have been co-counsel or sat second chair in one or more capital felony cases – death penalty sought.
- I have been lead counsel in one or more capital felony appeals – life sentence assessed.
- I have been lead counsel in one or more capital felony appeals – death penalty assessed.
- I have served as lead counsel in one or more capital felony 11.071 writ appeals.
- I have tried approximately _____ misdemeanor cases to JURY verdict.
- I have tried approximately _____ juvenile cases to JURY verdict.
- I have tried approximately _____ non-capital felony cases to JURY verdict.
- I have tried approximately _____ capital (death sought) felony cases to JURY verdict.
- I have filed approximately _____ appellate briefs in misdemeanor cases.
- I have filed approximately _____ appellate briefs in juvenile cases.
- I have filed approximately _____ appellate briefs in non-capital felony cases.
- I have filed approximately _____ appellate briefs in capital death penalty cases.
- I have filed approximately _____ 11.071 death penalty writ applications.
- APPROXIMATELY _____ % OF MY LAW PRACTICE IS DEVOTED TO CRIMINAL LAW.
- APPROXIMATELY _____ % OF MY LAW PRACTICE IS DEVOTED TO JUVENILE LAW.

IV.

LANGUAGE AND COMMUNICATION SKILLS

I certify, under oath, that I am capable of communicating in the following languages:

- English
- Spanish
- Deaf – Sign Language

Other: (Specify) _____

V.

ETHICS AND PRIOR SANCTION HISTORY DISCLOSURE

I certify, under oath, that I: (Check only those that are true and correct)

Have not been sanctioned by the State Bar of Texas for any ethical violation.

For the purposes of this inquiry, "Sanctioned" is defined as disbarment, probation, public Reprimand, suspended, fined, or such other State Bar of Texas sanction that is of public record.

Have not been found by a trial judge and/or appellate court to have provided ineffective assistance of counsel.

Will comply with the State Bar Rules for Professional conduct.

Will comply with The Texas Lawyer's Creed – A Mandate for Professionalism.

Will obtain copies and keep myself informed of the local rules of procedure for Galveston County, Texas

VI.

**CERTIFICATION OF KNOWLEDGE OF STANDING RULES FOR
PROCEDURES FOR TIMELY AND FAIR APPOINTMENT OF COUNSEL
FOR INDIGENT ACCUSED PERSONS IN GALVESTON COUNTY, TEXAS**

I certify, under oath, that I have received, read, and understand the Galveston County Plan and Standing Rules and Orders for Procedures for Timely and Fair Appointment of Counsel for Indigent Accused Persons in Galveston County, Texas dated _____, 20__ and effective January 01, 2003 and will comply with said plan, rules and orders.

I certify, under oath, that I shall maintain an office with a phone which is answered by a receptionist or answering service from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. Monday through Friday (except for Galveston County holidays as set out in the official Galveston County calendar approved by the Galveston County Commissioner's Court) and which receptionist or answering service can promptly locate the attorney and notify said attorney of appointment or hearing setting. Court appointed counsel on the approved list must maintain a FAX number to which FAXES and EMAILS may be received 24 hours a day, seven days a week.

These numbers are as follows:

Local Address: _____ Mailing Address _____

Office Receptionist () _____ - _____

Office Answering Service () _____ - _____

FAX Number () _____ - _____

Office Email (required) _____

I will give written notice of any change in these notification numbers to each County Court at Law Judge and District Court Judge in Galveston County prior to the change.

I acknowledge that I shall **contact any accused person I am appointed to represent by the end of the first working day** following notification of my appointment.

I acknowledge that I shall interview said accused person as soon as practicable.

I certify, under oath, that I will zealously represent my client but always within the bounds of the law and legal ethics of Texas.

I understand that I must submit my signed claim form for attorney fees to the trial Judge as follows:

A. Not later than ten (10) days after disposition of a case by modification of probation, or dismissal;

B. Not later than ten (10) days after disposition of a case by plea, except in those cases where a plea is set on the docket with advance notice. In cases where a plea has been set on the docket in advance of the plea, the claim form for attorney fees is due at the time of plea;

C. Not later than ten (10) days after disposition of a case by bench trial, including motions to revoke probation, except if a motion for new trial or rehearing is timely filed, then no later than the next working day after the motion for new trial or rehearing is ruled upon, if denied or overruled;

D. Not later than ten (10) days of the date a verdict in a jury trial is received and accepted by the Court, or; if a motion for new trial is timely filed, no later than the next working day after the motion for new trial is ruled upon, if denied or overruled.

E. Appeals - Attorneys may submit a claim form after the appeal brief has been filed by the court of appeals, but, shall in no event submit a claim form later than ten (10) days after the appellate court issues the mandate

I understand and acknowledge that failure to comply with these time requirements shall result in my waiver of right for such compensation and my services will have been performed PRO BONO.

I understand that I am required to file a copy of all vacation notices with the Office of Justice Administration for Galveston County.

I understand that I have a continuing duty to file an Amended Affidavit within 30 days of the date any of the above information changes.

I hereby, have been sworn upon oath, depose, state, and certify that the above information is true and correct.

Witness my signature on this the _____ day of _____, 20 ____.

AFFIANT

(PRINT NAME)

Subscribed and Sworn to before me this the _____ day of _____, 20 ____.

NOTARY PUBLIC/PERSON AUTHORIZED TO ADMINISTER OATHS

Print Name: _____

(SEAL)

Capacity: _____