



Second Administrative Judicial Region of Texas

APPLICATION FOR APPROVAL AS QUALIFIED COUNSEL

IN DEATH PENALTY CASES

This application is only for those applicants opting to be on the list for qualified counsel for appointment in death penalty cases in the Second Administrative Judicial Region of Texas. Each applicant will need to apply in the counties of choice to be placed on their list.

I, _____, Texas Bar License Number _____, a resident of _____ County with offices in _____ County(ies), do request approval by the Presiding Judge of the Second Administrative Judicial Region of Texas or his/her designee of this judicial region to be qualified for appointment in death penalty cases as:

(Check all that apply)

- Appellate counsel First chair Second chair

I certify that I meet all of the following requirements as required by Tex. Code Crim. Proc. Art. 26.052 for such appointments in the following respects:

(A through G required of all applicants)

- (A) Member of the State Bar of Texas;
- (B) Have exhibited proficiency and commitment to providing quality representation to defendants in death penalty cases;
- (C) Have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any criminal case. For good cause shown, the Local Selection Committee may grant a waiver of this requirement, except when the attorney has been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case.
- (D) Have at least five years of experience in criminal litigation;
- (E) Have tried to a verdict as lead defense counsel a significant number of felony cases, including homicide trials and other trials for offenses punishable as first or second degree felonies or capital felonies;
- (F) Have trial experience in:
 - (i) the use of and challenges to mental health or forensic expert witnesses; and
 - (ii) investigating and presenting mitigating evidence at the penalty phase of a death penalty trial; and
- (G) Have successfully completed continuing education courses or other training relating to criminal defense in death penalty cases approved by the Presiding Judge for MCLE for at least twenty hours within the previous two years. **[Attach proof of CLE]**

Required for Appellate Counsel (In addition to items A through G above, I qualify as first chair as indicated on the following page and additionally within the previous five years I meet or exceed **one or more** of the following criteria)

- Have tried five criminal felony jury trials as first chair;
- Have handled three or more capital appeals;
- Have handled ten appeals; or
- Have had one year experience as a briefing attorney for an appellate court.

Required for First Chair (In addition to items A through G on the previous page, I meet or exceed **three or more** of the following criteria as indicated below.)

Required for Second Chair (In addition to items A through G on the previous page, I meet **two** of the following criteria as indicated below. Further I agree, unless and until I have participated in more than one capital murder trial I will not accept an appointment unless first chair counsel has tried or handled on direct appeal two or more death penalty cases.)

(List and check all that apply)

Within the previous ten years,

- I have been counsel in one or more death penalty cases as first or second chair;
- I have been counsel in two or more cases of post-conviction writ of habeas corpus in death penalty cases;
- I have been appellate counsel in one or more cases on direct appeal of death penalty case;
- I have been counsel in ten or more felony cases tried to a jury verdict as first chair;
- I have been appellate counsel in five or more felony direct appeals as lead counsel;
- I have attained Board Certification in Criminal Law by Texas Board of Legal Specialization; or
- I have ten years experience during which 25 % or more of practice is devoted to practice of criminal law.

I, _____, certify that the above representations are true and correct and I make these representations in order to gain approval by the Local Administrative Judge of _____ County and the Presiding Judge of the Second Administrative Judicial Region of Texas to be qualified for appointment as counsel in death penalty cases.

Applicant Signature

Date

**Note: This appointment will expire on July 1, 2007
(Each applicant will be required to re-apply annually on or before July 1st)**

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**APPROVAL BY THE PRESIDING JUDGE
OF THE SECOND ADMINISTRATIVE JUDICIAL REGION OF TEXAS**

Having reviewed the application above, _____, attorney at Law, Texas Bar License Number _____ is hereby approved for appointment in this judicial region as counsel in death penalty cases, as indicated below, and the District Clerk of each county is hereby ordered to add the name of said counsel to the list of approved counsel for appointment in death penalty cases pursuant to Article 26.052 of the Texas Code of Criminal Procedure:

Counsel is approved for appointment as:

- Appellate counsel First chair Second chair

*Honorable Olen Underwood, Presiding Judge
Second Administrative Judicial Region of Texas*

Date

ⁱ Additional Counsel: In order to promote quality representation and to expand and maintain a pool of qualified attorneys, nothing in this plan shall be construed to preclude the appointment of additional compensated or *pro bono* counsel who shall, under the supervision of first and second chair, serve as trial counsel or under the supervision of appellate counsel, serve as counsel on appeal, in any death penalty case. Attorneys applying to a court to serve in such a capacity are exempt from complying with the qualification requirement of this plan.