

**TEXAS FAIR DEFENSE ACT  
HARRIS COUNTY DISTRICT COURTS**

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**APPLICATION  
FOR COURT APPOINTMENTS TO FELONY CASES  
MAY, 2010**

**NOTE: This application is for attorneys who are not currently approved for felony appointments in the Harris County District Courts Trying Criminal Cases.**

Follow the instructions in each section carefully. Please ensure that your responses are legible.

You must submit a **signed and notarized** application to the Administrative Office of the District Courts located at 1201 Franklin, 7th Floor, **by 5:00 p.m. on April 30th, 2010.**

**Late applications will not be accepted.**

**Exam scheduled for the week of 5/3-7/2010 from 1p-4p each day at 1201 Franklin 7<sup>th</sup> Floor. Please sign up for the first available date AFTER you return the application packet. A Study Guide is included with this application. NO ELECTRONIC DEVICES SUCH AS Laptops and PDAs ARE ALLOWED IN THE EXAM ROOM. IPHONES, BLACKBERRYS AND OTHER INTERNET READY PHONES MUST BE PUT AWAY WHILE IN THE EXAM ROOM.**

Information about each court's appointment procedures and requirements for term attorneys is available from the Administrative Office of the District Courts at 1201 Franklin, 7th Floor. This information is also provided on the Harris County District Courts' Fair Defense Act web site at [www.justex.net](http://www.justex.net) . Click on the Fair Defense Management Act Link.

If you have any questions about the application or the application process, please call the Administrative Office at 713-755-6575.

**Required Application Attachments**

1. A recent electronic photograph (jpeg format) of yourself. No hard copy photos will be accepted. Photos must be in JPEG format and submitted on a CD or thumb drive. The administrative office will not take photos.
2. Your **most recent** annual CLE report from the State Bar.
3. An electronic copy of an appellate brief or a post-conviction writ you authored and filed. **(Only required if applying for appellate appointments.)** Hard copies will not be accepted. They must reside on the same CD/thumb drive as the photo.
4. Any other documents specified in the application. Please also include an electronic MS Word document that contains written explanations if you have ever:
  - a. been sanctioned by the State Bar Grievance Committee.
  - b. been sanctioned for failure to appear before a court.
  - c. admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel.
  - d. been convicted or placed on deferred adjudication for any offense other than traffic offenses.

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

## NON-CAPITAL CERTIFICATION EXAM STUDY GUIDE

The exam is open book and given online. You will have 3 hrs to complete the exam.

It may cover significant, non-capital, criminal cases from the US Supreme Court and Texas Court of Criminal Appeals and provisions of the Texas Code of Criminal Procedure, the Texas Penal Code, and the Texas Rules of Evidence. Specific examples of topics that the exam may cover are listed below:

<b>Ethical Duties</b>	<b>Pretrial</b>	<b>Trial</b>	<b>Sentencing</b>	<b>Post-Trial</b>	<b>Guilty Pleas</b>	<b>Immigration</b>
Duty to client	Setting Bond	Voir Dire	Concurrent vs Consecutive Sentences	Right to Appeal	Admonishments	Impact of Criminal Cases on Immigration Rights
Plea Bargaining	Pretrial Bonds	Use of Experts	Enhancements	Preservation /waiver of error	Right to Appeal	
Fee Vouchers	Bond Revocation	Defenses	Community Supervision	Perfecting Appeal		
	Discovery	Jury Instructions	Extraneous Offense Evidence	Motion for New Trial		
	Severance			Expunction		
	Funding for Experts					
	Mental Competency					
	Suppression					

**TEXAS FAIR DEFENSE ACT**  
**APPLICATION FOR APPOINTMENTS IN THE HARRIS COUNTY DISTRICT COURTS**  
**May, 2010**

**PART A - GENERAL INFORMATION**  
**(REQUIRED OF ALL APPLICANTS)**

**ATTORNEY CONTACT INFORMATION (Please Print Very Clearly):**

*TITLE:* \_\_\_\_\_

*LAST NAME:* \_\_\_\_\_

*LAST NAME IN JIMS:* \_\_\_\_\_

*(if different)*

*FIRST NAME:* \_\_\_\_\_

*BAR CARD #:* \_\_\_\_\_ *SPN:* \_\_\_\_\_

*PHYSICAL ADDRESS:*  
*(not a P.O. Box)* \_\_\_\_\_

*CITY:* \_\_\_\_\_ *ZIP:* \_\_\_\_\_

*MAILING ADDRESS:* \_\_\_\_\_

*CITY:* \_\_\_\_\_ *ZIP:* \_\_\_\_\_

*TELEPHONE #:* \_\_\_\_\_ *FAX #:* \_\_\_\_\_

*PAGER #:* \_\_\_\_\_ *CELL PHONE #:* \_\_\_\_\_

*E-MAIL ADDRESS:* \_\_\_\_\_

**ATTORNEY PROFILE**

**Circle "YES" or "NO". If you circle "YES" for any of Questions 2-8, attach any applicable court or committee documents, copies of all final orders (or those deferring adjudication), judgments, and, if desired, any written explanations.**

- |            |           |   |
|------------|-----------|---|
| <b>Yes</b> | <b>No</b> | 1. Are you currently in good standing with the State Bar?   |
| <b>Yes</b> | <b>No</b> | 2. Are you currently under indictment or charged with a criminal offense?<br>(Do not include class C traffic offenses)      |
| <b>Yes</b> | <b>No</b> | 3. Do you have a pending appeal of any State Bar sanction?  |
| <b>Yes</b> | <b>No</b> | 4. Has the State Bar Grievance Committee ever sanctioned you?   |
| <b>Yes</b> | <b>No</b> | 5. Have you ever been sanctioned for failure to appear before a court?  |
| <b>Yes</b> | <b>No</b> | 6. Have you ever admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel? |
| <b>Yes</b> | <b>No</b> | 7. Have you ever been convicted or placed on deferred adjudication for any offense other than a traffic offense?            |
| <b>Yes</b> | <b>No</b> | 8. Have you ever been found by a court to have rendered ineffective assistance of counsel?                                  |

**What kinds of appointments are you seeking? Check all that apply:**

- 
- |   |   |
|---|---|
| <input type="checkbox"/> 9. Capital Cases – First Chair   | <input type="checkbox"/> 12. 1st-Degree Felonies                  |
| <input type="checkbox"/> 10. Capital Cases – Second Chair | <input type="checkbox"/> 13. 2nd-Degree Felonies                  |
| <input type="checkbox"/> 11. Capital Appeals              | <input type="checkbox"/> 14. 3rd-Degree Felonies (STJF/MRPs/MAJs) |
|   | <input type="checkbox"/> 15. Non-Capital Appeals                  |

- Before you may apply for court appointments of any type, you must meet the educational and testing criteria established by the Harris County District Courts. (e.g., to apply for capital appointments, you must have: 1) completed the requisite CLE, 2) passed the test, and 3) be on the 2<sup>nd</sup> Administrative Judicial Region’s list of approved attorneys). The Harris County District Courts’ Administrative Office (DCA) maintains a list of attorneys who have fulfilled these educational and testing requirements.

**ATTORNEY BACKGROUND**

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**Yes**      **No**      16. Are you board certified by the Texas Board of Legal Specialization?

\_\_\_\_\_ 17. If yes, in what area(s)?

**Yes**      **No**      18. Are you a member of the State Bar College?

**Top**      **Bottom**      19. Where did you graduate in your law school class?  
**Half**      **Half**

\_\_\_\_\_ 20. How many years have you been in practice?

\_\_\_\_\_ 21. What was the date of your first court appointment? (Month/Year)

\_\_\_\_\_ 22. How many hours of continuing legal education did you **average the last three years**? **Attach** your latest annual State Bar of Texas CLE report.

\_\_\_\_\_ 23. How many open criminal files are in your current caseload?

\_\_\_\_\_ 24. What percentage of your current practice is in criminal law?

\_\_\_\_\_ 25. What percentage of your current practice is criminal appointments?

\_\_\_\_\_ 26. *For appellate applicants only:* Approximately how many appeals have you pursued in which **you** authored the brief/post-conviction writ (excluding subcontracted briefs)? **Attach** a copy of a brief/writ *you authored*.

27. Which Harris County district **judges** presided over your last five (5) trials? (Provide the judge's name, not the court number. Your response may be fewer than five. Do not list visiting judges.)

28. Before which Harris County district **judge(s)** have you routinely appeared? (Provide the judge's name, not the court number.)

### **ATTORNEY TRIAL EXPERIENCE**

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Please read each question carefully. Your answers must add up as indicated below. Although you may estimate your response, the response must be in discrete numbers (i.e., 4, 12, 31). Do not answer in ranges (i.e., 5-10, 10-50). Do not answer with phrases such as "more than 20" or "at least 100". If you do not answer the question in the appropriate format, the processing of your application will be delayed.

### **FELONY TRIAL EXPERIENCE**

**Questions 29-37.** These questions refer to the number of criminal cases you have tried to conclusion before a jury. This number should include hung juries, but exclude agreed competency hearings. Include your best estimate of **all** criminal cases you have tried either in Harris County, another county, or in federal courts.

- \_\_\_\_\_ 29. As **first chair**, how many felony criminal cases have you tried to conclusion before a jury?
- + \_\_\_\_\_ 30. As **second chair**, how many felony criminal cases tried to conclusion before a jury?
- = \_\_\_\_\_ 31. **How many total felony criminal cases have you tried to conclusion before a jury. (Add the number you entered for Question 29 to the number you entered for Question 30.)**

### **FEDERAL EXPERIENCE**

- \_\_\_\_\_ 32. As **first chair**, how many federal criminal cases have you tried to conclusion before a jury?
- + \_\_\_\_\_ 33. As **second chair**, how many federal criminal cases have you tried to conclusion before a jury?
- = \_\_\_\_\_ 34. **How many total federal criminal cases have you tried to conclusion before a jury? (Add the number you provided in Question 32 to the number you entered for Question 33.)**

**MISDEMEANOR EXPERIENCE**

- \_\_\_\_\_ 35. As **first chair**, how many misdemeanor criminal cases have you tried to conclusion before a jury?
- + \_\_\_\_\_ 36. As **second chair**, how many misdemeanor criminal cases have you tried to conclusion before a jury?
- = \_\_\_\_\_ 37. **How many total misdemeanor criminal cases have you tried to conclusion before a jury? (Add the number you provided in Question 35 to the number you entered for Question 36.)**

**TOTAL CRIMINAL TRIAL EXPERIENCE**

- \_\_\_\_\_ 38. **What is the total number of criminal cases you have tried to conclusion before a jury? (Add the total numbers from Question 31, Question 34 and Question 37.)**
- \_\_\_\_\_ 39. Of the total cases cited in Question 38, how many criminal cases have you tried to conclusion before a jury **in the last five (5) years?**

**Questions 40-43.** Approximately what percentage of your *total trial* experience has involved the following types of offenses? (N.B.: The percentages do not have to total 100%):

- \_\_\_\_\_ % 40. Sex Offenses
- \_\_\_\_\_ % 41. Drug Offenses
- \_\_\_\_\_ % 42. Property Crimes
- \_\_\_\_\_ % 43. Assaultive Offenses

Indicate areas in which you have unique training or skill. (You may attach any applicable documentation or certification.)

44. Mental health cases
45. Level V deaf interpreter
46. Fluent in the following language(s) other than English:

\_\_\_\_\_

47. Other training or skill (Please describe):

\_\_\_\_\_

**PART B**  
**(TO BE COMPLETED ONLY BY APPLICANTS SEEKING CAPITAL MURDER APPOINTMENTS)**

**First-chair capital murder appointments (death or non-death capitals)**. You must certify that you have tried at least two (2) death penalty cases to verdict as first or second chair. At least one of those cases must be as defense counsel unless you have been in practice as defense counsel for at least five years. Please list the two cases below:

DEFENDANT'S NAME	COURT/JUDGE	YEAR OF TRIAL
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48. \_\_\_\_\_

49. \_\_\_\_\_

50. Are you currently approved by the 2nd Administrative Judicial Region of Texas for:

**Yes**   **No**   1st-Chair Capital appointments

**Yes**   **No**   2nd-Chair Capital appointments

**Yes**   **No**   Capital Appeals appointments

**PART C**  
**OPTIONAL INFORMATION**

**ADDITIONAL EXPERIENCE**

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List and describe other activities you have participated in that relate to criminal law:

51. Speaking: \_\_\_\_\_

52. Teaching: \_\_\_\_\_

53. Legal Publications: \_\_\_\_\_

54. Please include any other information that you believe makes you uniquely qualified to accept appointments in criminal cases (e.g. participation in criminal law mentoring or peer review programs; AV rated by Martindale-Hubbell, etc. ):

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

55. I belong to the following any professional organizations or associations:

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

**PART D**  
**JURAT**  
**(REQUIRED OF ALL APPLICANTS)**

\_\_\_\_\_  
Applicant's signature

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

My commission expires:

\_\_\_\_\_  
Notary Public in and for  
The State of Texas