



**Texas Fair Defense Act
Application/Affidavit for Appointments In The
Hidalgo County Criminal and Juvenile Courts**

ATTORNEY CONTACT INFORMATION:

Name: _____ **Bar #** _____ **Date Licensed in TX** _____

Business Address: _____ **City/State** _____ **Zip** _____

Business # _____ **Fax #** _____ **Mobile #** _____

Email Address: _____

ATTORNEY PROFILE:

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 traffic offenses? YES NO
3. Do you have an appeal pending of any bar sanction? YES NO
4. Are you board certified by the Texas Board of Legal Specialization?
If yes, in what area(s)? _____ YES NO
5. Are you a member of the State Bar College? YES NO
6. How many hours of continuing legal education did you average the last three years? (please attach your most recent annual CLE report From the State Bar) _____
7. 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
8. 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
9. Have you ever 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. YES NO
10. Have you ever been convicted or placed on deferred adjudication for any offense other than traffic? If yes, attach copies of all final orders (or those deferring adjudication) and judgments. YES NO
11. How many years have you been in practice? _____
12. What was the date of your first court appointment? _____
13. How many open criminal files are in your current caseload? _____

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

15. Have you ever served as a criminal prosecutor? YES NO
If "yes" where, when, and for how long _____

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

17. How many criminal cases have you tried to conclusion before a jury? (Include hung juries, but exclude agreed competency hearings.) _____
List case numbers of said jury trials. (Attach copies of judgments of said jury trials)

18. Have you tried a capital murder case where the State was seeking the death penalty? YES NO
If "yes" when and where _____

19. Of these trials, how many were in the last 5 years? _____

20. Of the trials in Question 17 how many were felony cases? _____

21. Of these felony trials, in how many were you First chair? _____

22. Of these felony trials, in how many were you Second chair? _____

23. Of the trials in Question 17, how many were misdemeanors? _____

24. Of these misdemeanor trials, in how many were you First chair? _____

25. Of these misdemeanor trials, in how many were you Second chair? _____

26. Indicate the approximate percentage of your trial experience that has involved:

Sex	Property	Assault
Offenses _____	Crimes _____	Offenses _____
Drug	Assault	Juvenile
Offenses _____	Offenses _____	Offenses _____

27. What percentage of your practice consists of criminal appointments? _____

28. Approximately how many appeals have you pursued in which you authored the brief (excluding subcontracted briefs)? (Applicable appellate applicants only) _____

29. Do you have any training or experience with mental health cases? YES NO

30. Are you fluent in any foreign languages? YES NO
If yes, please list what languages _____

List and describe other activities related to criminal law:

31. Speaking: _____

32. Teaching: _____
33. Legal Publications: _____
34. Please describe anything that you wish to include for consideration that you feel makes you uniquely qualified to accept appointments in criminal cases (e.g. participation in criminal law mentoring or peer review programs)
- _____
- _____
35. List any professional organizations or associations to which you belong:
- _____
- _____

Please check boxes next to all case types you would like to be considered for:

****Note: Please refer to Hidalgo County Local Rules To Implement The Texas Fair Defense Act for requirements on each of the appointment lists below.**

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Capital Cases | <input type="checkbox"/> State Jail Felonies | <input type="checkbox"/> Juvenile |
| <input type="checkbox"/> 1 st Deg Felonies | <input type="checkbox"/> Sexual Assault Cases | <input type="checkbox"/> Appeals |
| <input type="checkbox"/> 2 nd And 3 rd Deg Felonies | <input type="checkbox"/> Misdemeanors | |

NOTE: If you are applying for appellate appointments, attach a copy of a criminal brief authored by you filed within the last five years.

NOTE: Attorneys appointed to represent defendants shall submit their vouchers no later than 45 days from the date of disposition on misdemeanor cases and no later than 90 days on felony cases.

Applicant's Signature

SWORN TO and SUBSCRIBED before me on ____ day of _____, 20____.

My commission expires:

Notary Public in and for The State of Texas

Please attach any other information that would qualify you for appointments in specialized areas

Required Attachments

Your application will not be complete until you submit the following items to the Hidalgo County Indigent Defense Board:

1. A signed and notarized affidavit.
2. A recent photograph of yourself, no larger than 3" x 5" inches. If you do not have an appropriate photograph, please call the Indigent Defense Program Manager Isidro Sepulveda, Jr. at (956) 318-2367.
3. Your most recent annual CLE report from the State Bar.
4. If you have ever been sanctioned by the State Bar Grievance Committee, attach the decision(s) by the committee and, if desired, a written explanation.
5. If you have ever been sanctioned for failure to appear before a court, attach any applicable court documents and, if desired, a written explanation.
6. If you have ever admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel, attach any applicable documents and, if desired, a written explanation.
7. If you have ever 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.
8. 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.
9. If you are applying to be on any felony wheel, attach a copy of the jury trial judgments that are required for each felony wheel qualification.

Appointment List Requirements

Misdemeanor Requirements

1. Currently Licensed and in good standing with the State Bar of Texas;
2. Exhibited proficiency and commitment to providing quality representation to criminal defendants;
3. Exhibited professionalism and reliability when providing representation to criminal defendants;
4. Averaged 10 hours a year of continuing legal education courses relating to criminal law as recognized by the State Bar of Texas;

Juvenile Requirements

1. Currently Licensed and in good standing with the State Bar of Texas;
2. Exhibited proficiency and commitment to providing quality representation to juvenile offenders;
3. Averaged 10 hours a year of continuing legal education courses relating to juvenile law and or criminal law as recognized by the State Bar of Texas;

State Jail Felony Requirements

1. Same as 1-4 on Misdemeanor Qualification.
2. Have practiced in the area of criminal law for at least one (1) year; and
3. Have tried to verdict at least three (3) criminal jury trials as lead counsel or second chair;

Third Degree/Second Degree Felony Requirements

1. Same as 1-4 on Misdemeanor Qualification.
2. Have practiced in the area of criminal law for at least two (2) years; and
3. Have tried to verdict at least two (2) felony jury trials as lead counsel or second chair;

Sexual Assault Requirements

1. Same as 1-4 on Misdemeanor Qualification.
2. Have practiced in the area of criminal law for at least two (2) years; and
3. Have tried to verdict at least two (2) felony jury trials as lead counsel or second chair;

First Degree Felony Requirements

1. Same as 1-3 on Misdemeanor Qualification.
2. Averaged 12 hours a year of continuing legal education courses relating to criminal law as recognized by the State Bar of Texas;
3. Have practiced in the area of criminal law for at least four (4) years; and
4. Have tried to verdict at least four (4) felony jury trials as lead counsel or second chair, of which at least two(2) must be as first chair

Capital Felony Requirement

1. Have met the qualification for placement on the First Degree.
2. Have tried to verdict at least ten (10) criminal jury trials as lead counsel, including at least eight (8) felony trials of which at least six (6) trials were first or second degree felonies or capital felonies of which at least two (2) were homicide cases; and
3. For appointment in capital felony cases where the death penalty is sought the attorney must, in addition, meet the qualifications set forth below in Rule 5 of the Hidalgo County Indigent Defense Program Local Rules

Rule 5 of the Hidalgo County Indigent Defense Program Local Rules. Selection and Appointment of Counsel in Death Penalty Cases

5.01 Whenever a capital felony case is filed, the presiding judge in the district court in which the case is filed shall appoint two attorneys at the time the initial appointment is made; unless and until the state gives notice in writing that the state will not seek the death penalty.

5.02 Qualifications of Lead Counsel. To be assigned as lead counsel in a death penalty case an attorney must:

(a) Be on the list of attorneys approved by the local selection committee of the administrative judicial region for appointment in death penalty cases as provided in Article 26.052 of the Code of Criminal Procedure;

(b) Have met the qualifications for placement on the Capital Felony List in this county as set forth in Rule 4.02(e), whether or not the attorney has ever applied for placement on that list;

(c) Have tried to verdict at least 15 felony jury trials as lead counsel;

(d) Have tried to verdict two death penalty cases as first or second chair defense counsel; and (e) Be approved for appointment in the case by a majority of the felony judges in the county.

5.03 Qualifications of Second Chair Counsel. To be assigned as second chair counsel in a death penalty case an attorney must:

(a) Be on the list of attorneys approved by the local selection committee of the administrative judicial region for appointment in death penalty cases as provided in Article 26.052 of the Code of Criminal Procedure;

(b) Have met the qualifications for placement on the Capital Felony List in this county as set forth in Rule 4.02(e), whether or not the attorney has ever applied for placement on that list; and

(c) Be approved for appointment in the case by a majority of the felony judges in the county.

Appellate Requirements

1. Have met the qualifications set forth on the Misdemeanor List; and
2. Have met at least one of the following criteria:
 - (i) be currently board certified in criminal law by the Texas Board of Legal Specialization
 - (ii) Have personally authored and filed at least 5 criminal appellate briefs or post-conviction writs of habeas corpus; or
 - (iii) Have submitted an appellate criminal writing sample approved by a majority of the judges.