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# APPLICATION FOR INDIGENT REPRESENTATION

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AFFIDAVIT OF LICENSED ATTORNEY  
RESIDING OR PRACTICING LAW  
IN BRAZORIA COUNTY, TEXAS  
THE STATE OF TEXAS  
COUNTY OF BRAZORIA

I, \_\_\_\_\_,

*(PRINT name of attorney completing affidavit)*

State Bar of Texas Number \_\_\_\_\_, do hereby file this affidavit in compliance with the Amended Standards and Procedures Related to Appointment of Counsel for Indigent Defendants in Brazoria County, Texas for establishment of a list of eligible licensed attorneys to represent indigent accused persons in Brazoria 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 thirty (30) days of such change, file an Amended Affidavit of Licensed Attorney Residing or Practicing Law in Brazoria County, Texas with the local administrative judge of the Brazoria County District Courts at the Brazoria County Courthouse in Brazoria, Texas who shall in a timely manner notify the local administrative judge of Brazoria County Courts at Law of such filing. I have checked below all applicable provisions and have completed the requested information below with full, complete, and true answers.

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## 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 Brazoria 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)
- MISDEMEANOR criminal cases**  
Meet basic requirements for all attorneys, **and**;  
Be familiar with the docket call procedures for all County Courts at Law.
- APPEALS of MISDEMEANOR criminal cases**  
Two (2) years prior experience in criminal litigation **and** at least one (1) 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  
and  
THIRD DEGREE FELONY criminal cases**  
Have at least one (1) year prior experience in criminal litigation **and** prior experience as lead counsel in at least three (3) criminal jury trials, excluding Class C misdemeanors, within the last five (5) years.
- SECOND DEGREE FELONY criminal cases**  
Have at least three (3) years experience in criminal litigation **and** prior experience in two (2) or more felony jury trials as lead counsel, or active co-counsel with prior court approval, within the last ten (10) years.
- 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 (4) years prior experience in criminal litigation **and** tried to conclusion at least four (4) felony jury trials within the last ten (10) years.
- 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 (5) years experience in criminal litigation **and** tried to verdict at least eight (8) felony cases, excluding State Jail felonies, within the last five (5) years.
- CAPITAL FELONY criminal cases**  
*Capital Murder Where Death Penalty Is Sought by State of Texas:*  
First Chair: On the approved list of attorneys qualified for capital murder appointment as maintained by the 2<sup>nd</sup> Administrative Judicial Region of the State of Texas.  
Second Chair: At least five (5) years experience in criminal litigation **and** tried to verdict as lead counsel at least eight (8) felony cases before a jury within the past five (5) years for offenses punishable as 1<sup>st</sup> or 2<sup>nd</sup> degree felonies, **or**;  
On the approved list of attorneys qualified for capital murder appointment as 2<sup>nd</sup> Chair as maintained by the 2<sup>nd</sup> Administrative Judicial Region of the State of Texas, **and** trial experience in use of and challenges to mental health and forensic expert witnesses.
- APPEALS of NON-CAPITAL FELONY cases**  
*First and Second Degree Felonies*  
At least three (3) years experience in criminal litigation or appellate practice **and** at least two (2) appellate briefs filed in criminal cases within the last five (5) years.
- APPEALS of NON-CAPITAL FELONY cases**  
*Third Degree Felonies, State Jail Felonies and Misdemeanors*  
Two (2) years prior experience in criminal litigation **and** at least one (1) brief filed in a criminal or juvenile case within the last five (5) years, **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 (5) criminal appellate briefs.

**APPEAL OF CAPITAL FELONY cases**

***Capital Murder - Death Penalty***

On the approved list of attorneys qualified for capital murder appellate appointments as maintained by the 2<sup>nd</sup> Administrative Judicial Region of the State of Texas.

**JUVENILE**

Must have observed at least one (1) detention hearing and one contested hearing, **and for Misdemeanor**, meet all requirements for misdemeanor criminal cases; **and for Felony**, meet all requirements for the felony charged, **or** a juvenile judge determines that the attorney has the skill, competency and work ethic to represent the defendant.

*I am applying for the following Juvenile Matters:*

**MISDEMEANOR**

**STATE JAIL FELONY AND THIRD DEGREE FELONY**

**SECOND DEGREE FELONY**

**FIRST DEGREE FELONY**

**CAPITAL FELONY**

**JUVENILE APPEALS**

***First Degree Felonies***

Have at least four (4) years experience in criminal/juvenile litigation, **and** tried to verdict at least five (5) felony jury trials within the past seven (7) years.

**JUVENILE APPEALS**

***Second Degree Felonies***

Have at least three (03) years experience in criminal/juvenile litigation **and** prior experience in at least three (03) felony jury trials as lead counsel within the past five (5) years.

**JUVENILE APPEALS**

***Third Degree and State Jail Felonies***

Have at least one (1) 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 APPEALS**

***Misdemeanors***

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

**PLEASE IDENTIFY BY CATEGORY, AND LIST ON AN ATTACHED SHEET, THE STYLE, CAUSE NUMBER AND APPROXIMATE DATE OF THE CASES THAT QUALIFY YOU TO HANDLE THE CATEGORIES OF REPRESENTATION YOU HAVE APPLIED FOR.**

**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:**

- |  |  |
|--|--|
| <input type="checkbox"/> High School Diploma | <input type="checkbox"/> Doctor of Philosophy Degree |
| <input type="checkbox"/> Bachelor's Degree   | <input type="checkbox"/> Medical Doctor Degree       |
| <input type="checkbox"/> Law Degree          | <input type="checkbox"/> Other Advanced Degree       |
| <input type="checkbox"/> Master's 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(s) 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 twelve (12) months (total must equal at least ten (10) hours);
  - \_\_\_\_\_ hours of C.L.E. credits in criminal law. No self study hours have been counted.
  - \_\_\_\_\_ hours, not to exceed ten (10) hours) from the preceding calendar year in C.L.E. credits to apply to this year's requirement.
  - My State Bar of Texas minimum Continuing Legal Education Annual Verification form is attached and I have highlighted the required hours; **or,**
  
- I have attended C.L.E. programs dealing with juvenile law issues during the following years:  
\_\_\_\_\_
- 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: \_\_\_\_\_

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

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

(Attach a separate sheet if necessary for additional information)

**BAR ASSOCIATION AFFILIATIONS:**

- I am a member in good standing of the Brazoria County Bar Association.
- I am a member in good standing of the State Bar of Texas.
- Other \_\_\_\_\_

**III.**

**CRIMINAL/JUVENILE PRACTICE**

- 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 all courts in Brazoria County, Texas

VI.

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

I certify, under oath, that

- I have received, read, and understand the Brazoria County Plan and Standing Rules and Orders for Procedures for Timely and Fair Appointment of Counsel for Indigent Accused Persons in Brazoria County, Texas dated \_\_\_\_\_, and effective January 01, 2010, and will, at all times, fully comply with said plan, rules and orders. I specifically agree that:
  
- I shall maintain either a phone or personal cell phone with voice mail, or 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 Brazoria County holidays as set out in the official Brazoria County calendar approved by the Brazoria County Commissioner's Court) and which receptionist or answering service can promptly locate me and notify me of appointments or hearing settings. In understand that Court appointed counsel on the approved list must maintain a fax number to which faxes may be received 24 hours a day, seven days a week. These numbers are as follows:

Office Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Office Receptionist (\_\_\_\_\_) \_\_\_\_\_

Office Answering Service (\_\_\_\_\_) \_\_\_\_\_

Fax Number (\_\_\_\_\_) \_\_\_\_\_

Office Email (optional) \_\_\_\_\_

Office Address in Brazoria County or location of conference room or meeting room to meet clients in Brazoria County, Texas \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I will give written notice of any change in these notification numbers to the Verification Officer for Brazoria County prior to the change.
  
- 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 will personally interview my client as soon as practicable, but in all events within fifteen (15) days of my appointment**

unless good cause can be shown to the Judge presiding over the case. **I will file an acknowledgement and confirmation of the representations contained in this paragraph prior to submitting my fee voucher. I understand that if I fail to contact and interview the person I am appointed to represent within the times required in this section, the Judge may deny or substantially reduce my fee for representing this person.**

- I will zealously represent my client but always within the bounds of the law and legal ethics of Texas.
- I will represent a defendant until the defendant is either acquitted, the case dismissed, enters into a plea bargain agreement and final judgment is entered, or; if convicted by a Court or Judge, until appeals are exhausted or waived, or; the Court, after entering a finding of good cause on the record, relieves me or replaces me with other counsel.
- I will maintain a current listing in a telephone directory in either Pearland, Alvin, Angleton, West Columbia, Brazosport, Brazoria or West Columbia.
- I must annually file with the Verification Officer by December 1<sup>st</sup> of each year an accurate copy of my State Bar of Texas Minimum Continuing Legal Education Annual Verification Report and a sworn “Annual Certification of Attorney” that I am in compliance with the general and specific qualifications required under this Plan {Form 4}. I understand this is my sole obligation and no reminder notices will be sent.
- I must timely submit my bills(s) for:
  - Indigent legal representation on the date a case is disposed of by a plea or bench trial; or
  - Indigent legal representation within ten (10) days of the date of judgment in a jury trial; or
  - Indigent appeal representation for appeals within fifteen (15) days of the date a mandate is returned on appeal.

**All bills must be itemized listing the service performed, the actual date of the service and the actual time spent. No minimum time, and no value billing, nor travel time is permitted. If I appear in any Court on more than one appointed case in one day, the total time spent in all Courts for that day shall be fairly divided among all cases. 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 have a continuing duty to file an Amended Affidavit within thirty (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: \_\_\_\_\_

Capacity: \_\_\_\_\_

(SEAL)