

**TEXAS FAIR DEFENSE ACT
APPLICATION/AFFIDAVIT FOR APPOINTMENTS IN THE
HIDALGO COUNTY CRIMINAL AND JUVENILE COURTS**



ATTORNEY CONTACT INFORMATION:

Name: _____ Bar Card #: _____ Date licensed to practice law in
Texas: _____ Physical Address (not a post office box): _____
Business Address: _____ Business #: _____ Cellular #: _____
FAX #: _____ E-mail address: _____

***NOTE: You will receive notification of appointment by fax and e-mail.**

ATTORNEY PROFILE

Please Circle Yes or No:

YES	NO
YES	NO
YES	NO

- 1. Are you currently in good standing with the state bar?**
- 2. Are you currently under indictment or charged for a criminal offense other than class C traffic offenses.**
- 3. Do you have an appeal pending of any bar sanction?**

I am applying to be considered for the following appointments:

YES	NO

- 4. Capital Cases (all)**
- 5. Non-Death Capital Cases Only**
- 6. 1st Degree Felonies**
- 7. 2nd & 3rd Degree Felonies**

YES	NO

- 8. State Jail Felonies
- 9. Direct Appeals
- 10. Post-Judgment writs
- 11. Motion to Adjudicate Guilt / Motion to Revoke Probation
- 12. Juvenile
- 13. Misdemeanor
- 14. Sexual Assault

YES	NO
YES	NO
YES	NO

- 15. Are you board certified by the Texas Board of Legal Specialization?
- 16. If yes, in what area(s)?
- 17. Are you a member of the State Bar College?
- 18. How many hours of continuing legal education did you average the last three years?
Attach your latest annual CLE report from the State Bar.
- 19. Have you ever been sanctioned by the State Bar Grievance Committee? If yes, attach decisions by the committee and, if desired, any written explanations.
- 20. 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.
- 21. 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.
- 22. 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.

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

39. Sex Offenses

40. Drug Offenses

41. Property Crimes

42. Assault Offenses

43. Juvenile Offenses

44. What percentage of your practice consists of criminal appointments?

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

Indicate areas in which you have unique training or skill.

YES	NO	46. Mental health cases
YES	NO	
		47. Fluent in different language(s) other than English: If "yes," what languages
YES	NO	

46. Mental health cases

**47. Fluent in different language(s) other than English:
If "yes," what languages**

48. Other (Please describe)

List and describe other activities related to criminal law:

49. Speaking: _____

50. Teaching: _____

51. Legal Publication: _____

52. 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)

53. List any professional organizations or associations to which you belong:

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

SWORN TO and SUBSCRIBED before me on _____ (date) _____
Applicant's signature

Notary Public in and for
The State of Texas

My commission expires:

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.



ATTORNEY QUALIFICATIONS

Misdemeanor Qualifications

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 Qualifications

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;

Third Degree/ Second Degree Felony Qualifications

1. Same as 1-4 on Misdemeanor Qualification.
5. Have practiced in the area of criminal law for at least six (6) months; and
6. Have tried to verdict at least two (2) criminal jury trials as lead counsel or second chair, before said counsel can be lead counsel in a trial.
7. Counsel can plea-bargain, and handle all pre-trial matters without meeting qualifications (6) and can act as trial counsel with the assistance of other counsel that meet qualification (6) serving as First or Second chair co-counsel

First Degree Felony Qualifications

1. Same as 1-4 on Misdemeanor Qualification.
5. Have practiced in the area of criminal law for at least one (1) year; and
6. Have tried to verdict at least five (5) criminal jury trials as lead counsel or second chair, (at least two must be felonies).

Capital Felony Qualifications

1. Have met the qualification for placement on the First Degree.
2. Have practiced in the area of criminal law for at least three (3) years; and
3. 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
4. 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.

Appellate Qualifications

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.

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.