



Second Administrative Judicial Region of Texas

APPLICATION FOR APPROVAL AS QUALIFIED APPELLATE COUNSEL

IN DEATH PENALTY CASES

This application is only for those applicants opting to be on the list for qualified **appellate 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 appellate counsel.

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 H 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 capital case, unless the local selection committee determines under Subsection (n) that the conduct underlying the finding no longer accurately reflects my ability to provide effective representation;
- (D) Have at least five years of criminal law experience;
- (E) Have authored a significant number of appellate briefs, including appellate briefs for homicide cases and other cases involving an offense punishable as a capital felony or a felony of the first degree or an offense described by Article 42A.054(a);
- (F) Have trial or appellate experience in:
 - (i) the use of and challenges to mental health or forensic expert witnesses; and
 - (ii) the use of mitigating evidence at the penalty phase of a death penalty trial; and
- (G) Have participated in continuing legal education courses or other training relating to criminal defense in appealing death penalty cases approved by the Presiding Judge for MCLE for at least twenty hours (of which no more than five hours may be self-study) within the previous two years.¹ **[Attach proof of CLE, specifying which portions of the CLE course(s) relate to criminal defense in death penalty cases and the number of CLE hours for those portions of the CLE course and include description of any self-study course]**
- (H) If I am actively involved in the appeal of a death penalty case when my appointment expires, I agree to maintain the standards necessary and reapply to remain on the list of qualified counsel in order to complete the case.

¹ Determination of whether an attorney has satisfied the CLE requirements of the Local Selection Committee shall include whether the attorney has, in the past year from the date of application to be Qualified Counsel, satisfied the minimum CLE requirements promulgated by the State Bar of Texas, including three hours of Legal Ethics. See Texas Code of Criminal Procedure Art. 26.052(d)(5) and State Bar Rules Article XII, Section 6(B).

In addition to items A through H above, 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;
- Have had one year experience as a briefing or staff attorney for an appellate court;
- Have attained Board Certification in Criminal Appellate Law by Texas Board of Legal Specialization;

Peer Review

I submit the following 3 to 5 lawyers and/or judges, not partners or associates of mine, who may be contacted and who can attest to my competence in criminal law.

1. _____ () _____

Name Office Telephone

Address City/State/Zip

2. _____ () _____

Name Office Telephone

Address City/State/Zip

3. _____ () _____

Name Office Telephone

Address City/State/Zip

4. _____ () _____

Name Office Telephone

Address City/State/Zip

5. _____ () _____

Name Office Telephone

Address City/State/Zip

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

Applicant Signature

Date

**Note: This appointment will expire on July 1, 2018
(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 of _____, attorney at law, Texas Bar License Number _____, is hereby approved for appointment in this judicial region as **appellate counsel** in death penalty cases 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 as **appellate counsel** in death penalty cases pursuant to Article 26.052 of the Texas Code of Criminal Procedure.

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

Date

ⁱⁱ To be approved as qualified appellate counsel in death penalty cases, applicant also must obtain approval from the Local Administrative Judge of the counties in which applicant seeks appointment. Attach to this application a list of all counties in which applicant seeks approval for appointment.