

MISDEMEANOR COURT APPOINTMENTS ATTORNEY QUALIFICATIONS

Attorneys requesting placement on the misdemeanor court appointment wheel pursuant to the Dallas County Criminal Courts indigent defense plan must be qualified to represent criminal defendants charged with misdemeanor offenses. The qualifications are:

Mandatory

A. General Qualifications

1. An attorney must be a member in good standing with the State Bar of Texas.
2. An attorney must have a secretary, receptionist, local area code- answering service, or a local area code- regularly monitored answering machine.
3. An attorney must have a functioning fax machine and an e-mail address, both available 24 hours a day.
4. An attorney shall have on file with the Court Managers Office a completed sworn application approved by the Judges of the County Criminal Courts.
5. An attorney shall promptly notify, in writing, the Court Managers Office and each individual Court Coordinator of any changes to the information contained in the application for appointments.
6. An attorney shall promptly notify, in writing, the Court Manager of any matter that would disqualify the attorney by law, regulation, rule or under these guidelines from receiving appointments in representing indigent defendants.
7. An attorney shall annually file with the Court Managers Office each year a copy of his/her State Bar of Texas Continuing Legal Education annual reporting form which demonstrates the annual completion of **at least six hours of criminal law continuing legal education. None of the six hours of CLE may be self study, juvenile, civil or family. Your CLE report must be filed by January 15th of each year to remain eligible on the wheel or you must reapply the next quarter.. Hours are counted by calendar year, not birth month.**
8. *An attorney must be licensed for at least one year before applying for the misd. wheel .*
9. *An Attorney must either live in Dallas County or office within Dallas County.*
10. An attorney shall meet any additional requirements that may be later imposed by the Judges of the County Criminal Courts trying misdemeanor cases.

B. Experience

Licensed to practice law and provide proof of participation in a law school criminal clinic; or attend either the Criminal Defense Lawyers Project Criminal Trial Advocacy Institute, (held at Sam Houston State University in Huntsville, in March each year) or The National Institute of Trial Advocacy Course, (held in Dallas, at SMU every June). *Participation in a criminal clinic must be within thirty (30) months of being placed on the misd. wheel; or*

Licensed to practice law and have been lead counsel in two (2) or

more criminal jury trials *class B or higher*; or

Licensed to practice law and have sat co-counsel in 3 or more criminal jury trials in the last ten (10) years.

Licensed to practice law and are employed as a public defender, district, county, or city attorney.

If applying for appeals, you must have authored briefs on at least 3 appeals;

And, be of sound mind and good character.

C. Distribution of cases.

1. Appointments will be made from a rotating list of eligible attorneys.
2. The Court Appointed Attorney list will be updated quarterly. All necessary applications and information should be delivered to the Court Managers Office by the **4:00 PM on the** following dates: *March 1, June 1, September 1, and December 1, or the first Monday of that month if those dates fall on a week-end or holiday only.*
3. **Court Appointed Attorneys are appointed to the defendant within 24 hours of the request. The court appointed attorney shall remain on that case through disposition/appeal.**

D. Removal from Misdemeanor Court Appointment List

1. An attorney shall be removed from the misdemeanor court appointment list for the following reason(s):
 - a. Conviction or deferred adjudication for any felony, or
 - b. Conviction or deferred adjudication for any crime of moral turpitude, or
 - c. Under indictment or formally charged with a felony or crime of moral turpitude, or
 - d. Intentional misrepresentation by the attorney on the application for misdemeanor court appointment.
2. An attorney may be removed from the misdemeanor court appointment list and from any case to which the attorney has been appointed for the following:
 - a. Failing to perform the attorney's duty owed to the defendant, or
 - b. A finding by the court that the attorney provided ineffective assistance of counsel, or
 - c. Failing to maintain compliance with each of the misdemeanor court appointed guidelines and qualifications.
 - d. If after a hearing it is shown that the attorney submitted a claim for services not performed by the attorney, or for good cause at the discretion of the county criminal court judges.
 - e. Any attorney called for an appointment who cannot appear or notify the court by 9:30 a.m. the following morning, will be removed from that

appointment and his/her name will go back on the bottom of the list for appointments in the future. Excessive tardiness or failure to appear is grounds for removal from the wheel and case (s).

f. Disbarment or suspension by the State Bar of Texas

3. Removals from the list shall be for a minimum of one year. Removals from the list may be probated. For removals or probated removals the judges may require the completion of rehabilitative measures as a condition of the probation or re-application. Upon a showing of good cause the county criminal court judges may remove an attorney from the list for a period longer than one year or permanently.
4. If you are removed from the attorney wheel you may make a written request for a hearing. If you are in danger of being removed from the attorney wheel, you will be notified in writing via U.S. mail at the address provided by you on your application, prior to the next judges meeting.

E. Reinstatement

An attorney who is removed from the court appointed attorney list for the reasons stated in D. 1.a., b., or c., above, may be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted.

An attorney who is removed from the misdemeanor court appointment list for any reason may apply for reinstatement to the list upon the expiration of one year from the date the attorney was removed from the list, unless the county criminal court judges removed the attorney for a longer period of time.

Required Attachments

1. Your most recent reporting year CLE report from the State Bar of Texas.
2. If you have been sanctioned in any way by the State Bar Grievance Committee or the Commission of Lawyer Discipline in the last 10 years, attach the decision(s).
3. If you have been sanctioned for failure to appear before a Court in the last 10 years, attach any applicable court documents and a written explanation.
4. If a Court has found that you have provided ineffective assistance of counsel in the last 10 years, attach any applicable documents and a written explanation.
5. If you have ever been convicted of or placed on deferred adjudication for any offense other than a class C traffic offense, attach copies of all final order (or those deferring adjudication) and judgments.

- 6. If you are applying for appeals, list the last 3 appeals and case numbers in which you authored the briefs. Attach a copy of one appeal with application.**

- 7. If you have ever been removed from any court appointed attorney list in any county, state, or court, attach a copy of that decision.**

**Application for Misdemeanor Court Appointment List,
County Criminal Courts of Dallas, Texas**
Original and 4 copies required
Application must be in Print or Type

Please check the boxes that apply:

I am applying for appeals only I am also applying for the appointment wheel.

I am a former judge.

I am a former or current assistant district attorney.

Where? _____ When? _____

I am a former or current assistant public defender.

Where? _____ When? _____

I am a former or current assistant city attorney.

Where? _____ When? _____

I have completed the 6 hours of CLE in criminal law as required (See attached documentation)

I am currently on the Dallas County Felony Wheel qualified for _____ degree cases.

(It is required that you read the Dallas County Misdemeanor Court Appointment List Guidelines and Rules and Procedures before filing out this application.)

Last Name: _____ First Name: _____ DOB: _____

State Bar Number: _____ Date licensed to practice law: _____

You must have a business or home address in Dallas County.

Business Mailing Address: _____

Home Mailing Address: _____

Phones: Office: _____ Mobile: _____

Pager: _____ Fax: _____

E-Mail Address: _____

******Describe legal experience: You must include the cause numbers and name of the court(s) in which you participated. At least two of the cases must be criminal jury trials or you must have sat co-counsel in (3) or more criminal jury trials with in the past 10 years.**

Physical Office Assets. Describe the physical office assets available to you that allow you to comply with the misdemeanor court appointment list guidelines. Attach additional page(s) as necessary.

Are you a member in good standing with the State Bar of Texas? _____

Are you a board certified criminal law specialist? _____

List any second language(s) that you speak **fluently**. _____

If you are a licensed interpreter please list your license number. _____

Did you participate in a law school criminal clinic within the past 30 months? _____
If yes, which one and when? _____

Have you attended and completed the Criminal Defense Lawyers Project Criminal Trial Advocacy Institute? _____
If yes, When? _____

Have you attended and completed The National Institute of Trial Advocacy? _____
If yes, when? _____

Are you able to communicate with the deaf? _____

Are you interested working with special needs/mentally challenged offenders? _____

If the answer to any of the following six questions is yes, attach a copy of any orders, opinions, sanctions, etc., that were issued in connection with the matter. You may attach a brief explanation in desired.

1. Have you ever been sanctioned by the State Bar of Texas? _____
2. Do you have an appeal pending of any State Bar sanction? _____
3. Have you ever been sanctioned/reprimanded for failure to appear before a court? _____
4. Have you ever been convicted of an offense other than a class C offense? _____
5. Are you currently under indictment or charged with an offense other than a class C misdemeanor? _____ What county? _____
6. Has a court ever found that you provided ineffective assistance of counsel? _____
7. Have you ever been removed from a court appointment list in any county? If so, why?

Oath

I, _____, the undersigned attorney, hereby state under oath that all of the above information is correct, that I have read and understand the qualifications set out in the Dallas County Misdemeanor Court Appointment List Guidelines and the Rules and Procedures and I meet those qualifications. I understand that I have a duty to promptly notify the Court Manager and each Coordinator of any matter that may make me ineligible to receive appointments under the terms of the Dallas County Misdemeanor Court Appointment List and to notify the Court Manager and each Coordinator of any changes to the information contained in this application. I understand that I may be removed from the appointment list for failure to meet any qualification stated in the Dallas County Misdemeanor Court Appointment List.

Attorney

On this date personally appeared before me _____, who after being properly identified and placed under oath swore before me that all of the information stated on the foregoing Application For Placement on the Misdemeanor Court Appointment List is the truth.

Sworn to and subscribed before me on this _____ day of _____, 20____.

Name: _____

Office of person taking oath: _____

Dallas County, Texas

Oath may be administered by a county criminal court judge, county court clerk or notary public.
Notary seal and date commission expires if applicable: