

ATTACHMENT A TO OAC PANEL ATTORNEY CONTRACT
CRITERIA FOR ADMITTANCE TO OAC CLASS PANELS
(Revision Date: January 14, 2011)

1. CLASS I ATTORNEY REQUIREMENTS:

- A. MEMBER OF THE CALIFORNIA BAR
 - 1. Has practiced law for at least three (3) months

- B. HAS CRIMINAL LAW EXPERIENCE
 - 1. Has served one (1) year as a public defender or prosecutor, OR
 - 2. Has handled six (6) criminal cases as the principal attorney (with case information)
 - 3. Must provide a list of cases handled including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled

- C. HAS COMPLETED OAC-APPROVED CRIMINAL LAW CLE
12 hours in last 12 months, including but not limited to: evidence (2), jury selection (2), DV (2), DUI (2), Prop. 36 (2), Pitchess, Discovery and Other Motions (2)

- D. HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:
 - 1. A list of attorneys with whom the applicant has practiced law or worked as a lawclerk
 - 2. A list of references (may include judges)
 - 3. Two Letters of Recommendation from attorneys or judges

2. CLASS II ATTORNEY REQUIREMENTS:

- A. MEMBER OF THE CALIFORNIA BAR
 - 1. Has practiced law for at least one (1) year

- B. HAS CRIMINAL LAW EXPERIENCE
 - 1. Has handled ten (10) criminal cases of which two (2) were submitted to the jury for verdict, OR
 - 2. Served one (1) year as a public defender or prosecutor

- C. HAS COMPLETED OAC-APPROVED CRIMINAL LAW CLE
12 hours in the past year required for Class I classification (see above), AND an additional 2 hours each for: (1) all registerable offenses and (2) collateral consequences (including immigration)

D. HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see B.1. above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of References (may include judges)
4. Two letters of recommendation from attorneys or judges

3. **CLASS III ATTORNEYS**

A. MEMBER OF CALIFORNIA BAR

1. Has practiced law for at least two (2) years

B. HAS CRIMINAL LAW EXPERIENCE

Has handled at least ten (10) misdemeanor and ten (10) felony matters, AND

1. Has tried at least five (5) criminal jury trials as principal counsel.
 - a. At least two (2) of the (5) qualifying jury trials referred to above must have been felony jury trials as principal counsel.
 - b. As an alternative the applicant may have tried one (1) felony jury trial as principal counsel as part of the five qualifying trials referred to above plus two (2) additional felony jury trials as second chair, AND
2. Handled at least four (4) preliminary examinations.

C. HAS COMPLETED OAC-APPROVED CRIMINAL LAW CLE

12 hours criminal law CLE in the past year, including: Prop. 36, strikes, collateral consequences (including immigration), sentencing, and registerable offenses.

D. HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:

1. A list of attorneys with whom the applicant has practiced law
2. A list of cases handled (see 3.B. above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of 5 references (may include judges), including addresses and phone numbers.
4. Has submitted three recommendations, at least two of which should be from judges.

4. CLASS IV ATTORNEYS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced criminal law for at least four (4) years

B. HAS CRIMINAL LAW EXPERIENCE

1. Has met all the requirements for lower panel attorney classifications listed above.
2. Has handled at least twenty (20) felony cases of which at least five (5) were tried to argument, verdict, or final judgment
3. Has demonstrated proficiency in litigating evidentiary and non-evidentiary motions, including, but not limited to:
 - a. Motions to dismiss pursuant to P.C. 995
 - b. Non-statutory motions to dismiss (speedy trial, prosecutorial misconduct, delay of prosecution)
 - c. Motions to sever counts and/or defendants
 - d. Motions to suppress statements (Miranda and voluntariness grounds)
 - e. Motions to suppress evidence pursuant to P.C. 1538.5
 - f. Discovery motions
 - g. Motions to strike prior "strike" convictions (*Romero* motions)
 - h. Motions attacking prior convictions
 - i. Motions to exclude prior acts (Evidence C. 1101, 1108, 1109 issues)
4. Has demonstrated proficiency in sentencing matters including but not limited to litigation of prior convictions and custody credit issues.

C. HAS COMPLETED OAC-APPROVED CRIMINAL LAW CLE

At least 12 hours in the past year

D. HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:

1. A list of attorneys with whom the applicant has practiced law
2. A list of 5 references (may include judges), including addresses and phone numbers;
3. Has submitted three letters of recommendation, at least two (2) of which are from judges who have presided over the applicant's felony jury trials.

5. CLASS V ATTORNEYS

A. MEMBER OF CALIFORNIA BAR

1. Has practiced criminal law for at least six (6) years

B. HAS CRIMINAL LAW EXPERIENCE:

1. Has met all the requirements for lower panel attorney classifications listed above
2. Has handled at least 8 Class IV or higher Class matters or their equivalent as

principal defense counsel of which at least five (5) were tried to argument, verdict, or final judgment.

3. Has demonstrated proficiency in sentencing matters including but not limited to litigation of prior convictions (including “strikes”), sentencing in sex cases and custody credit issues

C. **HAS COMPLETED OAC-APPROVED CRIMINAL LAW CLE:**

12 hours of CLE in the past year including at least one course or seminar in forensics and pathology in the past year; (Participation at a day-long homicide seminar in the past year will satisfy this requirement); AND Attendance of one CACJ/CPDA Death Penalty Seminar (held each February) in the past 3 years or its OAC-approved equivalent.

D. **HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:**

1. A list of attorneys with whom the applicant has practiced law
2. A list of the qualifying cases handled (see 5.B.1. above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
3. List of 5 references (may include judges), including addresses and phone numbers;
4. Has submitted three letters of recommendation, at least two (2) of which are from judges who have presided over the applicant’s Class IV jury trials.

6. CLASS VI ATTORNEYS (Associate Counsel on Capital Case)

A. **MEMBER OF CALIFORNIA BAR**

1. Has practiced criminal law for at least six (6) years

B. **HAS CRIMINAL LAW EXPERIENCE**

1. Has met all the requirements for lower panel attorney classifications listed above.
2. Has fully met the requirements of California Rule of Court 4.117 for Associate Counsel on a capital case.
3. Has tried at least two (2) Class V or higher classification matters or their equivalent as principal defense counsel which were tried to argument, verdict, or final judgment. Serving as second chair counsel or the equivalent experience on prior Class VI cases will be considered in lieu of one or more Class V trials.

C. **CONTINUING LEGAL EDUCATION REQUIREMENTS**

1. Twelve (12) hours of OAC approved MCLE in the past year, AND, has attended a death penalty college/workshop or CACJ/CPDA capital case seminar or its OAC-approved equivalent within the 3 years preceding the application AND a day-long homicide seminar within the 12 months preceding the application.
- D. HAS SUBMITTED REFERENCES
1. A list of attorneys with whom the applicant has practiced law.
 2. A list of cases handled (see 6B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel
 - f. name of judge
 - g. year case handled
 3. Has submitted at least four (4) recommendations, at least two of which must be from judges who presided over the applicant's Class V jury trials

7. CLASS VII ATTORNEY REQUIREMENTS (Lead Counsel on Capital Case)

- A. MEMBER OF CALIFORNIA BAR
1. Has practiced criminal law for at least ten (10) years
- B. HAS CRIMINAL LAW EXPERIENCE
1. Has met all the requirements for the lower panel attorney classifications listed above.
 2. Has fully met the requirements of California Rule of Court 4.117.
 3. Has prior experience as lead counsel in either:
 - a. At least 10 serious or violent felony jury trials, including at least 2 murder cases, tried to argument, verdict, or final judgment; or
 - b. At least 5 serious or violent felony jury trials, including at least 3 murder cases, tried to argument, verdict, or final judgment.
- C. CONTINUING LEGAL EDUCATION REQUIREMENTS
3. Twelve (12) hours of OAC approved MCLE in the past year, AND, has attended a death penalty college/workshop or CACJ/CPDA capital case seminar or its OAC-approved equivalent within the 2 years preceding the application.
- D. HAS SUBMITTED REFERENCES
1. A list of attorneys with whom the applicant has practiced law.
 4. A list of cases handled (see 6B1 above) including:
 - a. case number
 - b. name of defendant
 - c. charge
 - d. disposition
 - e. name of opposing counsel

- f. name of judge
- g. year case handled
- 5. At least four (4) letters of recommendation at least two (2) of which are from judges who have presided over the applicant's murder jury trials)

8. JUVENILE DELINQUENCY ATTORNEY REQUIREMENTS

A. MEMBER OF CALIFORNIA BAR

- 1. Has practiced law for at least three (3) years;
 - a. Is qualified as Class III, IV or higher under OAC requirements
 - b. Has handled Juvenile Court Matters (list cases by charges and approximate dates)

OR:

- c. Served 2 years on the Juvenile Delinquency Panel **OR:**
- d. Served one (1) year as a Public Defender in Juvenile Court.

B. CONTINUING LEGAL EDUCATION

- 1. Twelve (12) hours in the past year in relevant area.
- 2. Watch 5 hour CPDA Juvenile Delinquency Seminar video tape (available at OAC)

OR

- 3. Have completed six (6) hours Juvenile Delinquency CLE in past 12 months.

C. HAS SUBMITTED REFERENCES & RECOMMENDATIONS AS FOLLOWS:

- 1. A list of attorneys with whom the applicant has practiced law in Juvenile Court.
- 2. Letters from two (2) attorneys and two (2) judges in front of whom the applicant has handled Juvenile cases.

9. ATTORNEY REQUIREMENTS IN OTHER CIVIL MATTERS

A. MEMBER OF CALIFORNIA BAR

- 1. Has practiced law for at least three years;
 - a. may be waived, if the applicant has handled ten (10) trials, **OR**
 - b. served one (1) year as a Public Defender or Prosecutor

B. CONTINUING LEGAL EDUCATION

- 1. Twelve (12) hours in the past year in relevant area.

THE OAC DIRECTOR MAY EXERCISE HIS OR HER DISCRETION AND IN UNUSUAL CIRCUMSTANCES MAY WAIVE OR MODIFY CERTAIN REQUIREMENTS IF IT APPEARS THE APPLICANT IS OTHERWISE QUALIFIED

**OR NOT QUALIFIED TO ACCEPT APPOINTMENTS IN THE SPECIFIC CASE
CLASS UNDER CONSIDERATION.**