

**Office of Assigned Counsel
County of San Diego
Application for Indigent Defense Attorney Panel**

Instructions: Please type or print clearly in **black ink**. You may attach documents to this application but **do not** disassemble or rearrange this application.

1. **Background**

Name: _____ SS#: _____ Bar No.: _____

Office Address: _____

Phone: _____ Fax: _____ E-mail: _____

Are you a SDCBA Member? Yes No

2. **Education and Admissions**

Law School: _____ Graduated: _____

Years Practiced Law: _____ Date Admitted in California: _____

Admitted to practice law in other state(s): Yes / No If Yes, list states and year admitted:

Language Proficiency (in addition to English): _____

3. **Jurisdiction and Case Classification**

I wish to apply for cases in the following Judicial District:

San Diego North County South Bay East County

I wish to apply for cases in the following panel(s):

Class 1 Class II Class III Class IV Class V Contempt

Appeals Mental Health

I am currently a member of the following OAC Panels or former PCC Panels in the following judicial district:

Number of years doing criminal defense work: _____

Number of years doing felony work: _____

Are you a criminal law specialist? Yes/No Date Certified (or recertified): _____

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4. **Employment History** - please check off areas of previous employment:

- | | |
|---|---|
| <input type="checkbox"/> Deputy Public Defender | <input type="checkbox"/> State Defender |
| <input type="checkbox"/> Deputy City Attorney | <input type="checkbox"/> Federal Defender |
| <input type="checkbox"/> Deputy District Attorney | <input type="checkbox"/> Appellate Defender |
| <input type="checkbox"/> Assist U.S. Attorney | <input type="checkbox"/> Military Attorney |
| <input type="checkbox"/> Private Law Firm | <input type="checkbox"/> Solo Practitioner |

Please list last five years of employment, starting with most recent position:

Date of Employment	Employer	Supervisor

5. **Continuing Legal Education** – please indicate below how many Criminal Law Continuing Legal Education programs you have attended and/or taught during the last 12 months. (Yearly proof of 12 hours is due to OAC by June 30th.) Please attach addendum if necessary.

Date	Sponsoring Agency	Topic	Location	Hours

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6. **Criminal Law Experience** – before filling out the history of cases handled, please refer to the minimum requirements listed below for each classification:

Office of Assigned Counsel – A Quick Chart (See OAC Rules and Regulations for Complete Requirements)
Applicants for Classes II through V must demonstrate they have met all of the requirements, including continuing education, for the lower classifications.

Class	California Practice	OAC-Approved CLE (minimum)	Criminal Experience & Case Information	References
I	6 months	12 hours in last 6 months, including: evidence (2), jury selection (2), DV (2), DUI (2), Prop. 36 (2), Pitchess, Discovery and Other Motions (2)	Handled 6 cases as a solo attorney (with case information), <u>OR</u> 1. Served one (1) year as DPD or DDA	1. List of attorneys with whom applicant has practiced; 2. List of References (may include judges)
II	1 year	12 hours in the past year required for Class I classification (see above), <u>AND</u> an additional 2 hours each for: 1) all registerable offenses and 2) collateral consequences (including immigration)	1. Has handled 20 cases of which 2 were submitted to the jury for verdict, <u>OR</u> 2. Served 1 year as a DPD or DDA	(Same as Class I, above)
III	2 years	12 hours criminal law CLE in the past year, including: Prop. 36, strikes, collateral consequences (including immigration), sentencing, and registerable offenses.	Has handled 10 misdemeanors <u>and</u> 10 felony matters, <u>AND</u> 1. Must have had 4 misdemeanor jury trials, <u>AND</u> 2. 2 felony jury trials as principal counsel or 1 felony jury trial as principal counsel plus 2 felony jury trials as second chair, <u>AND</u> 3. 3 preliminary examination hearings	1. List of attorneys with whom the applicant has practiced law; 2. List of 5 references (may include judges), including addresses and phone numbers 3. Letters of recommendation from at least 2 judges who have presided over the applicant's jury trials.
IV	4 years	12 hours in the past year, including adult and child sexual abuse and child abuse cases, and strikes (PC667(b)-(i) and 667.1); <u>AND</u> 6 hours on felony sentencing	1. Has handled 20 felony cases of which 5 were submitted to the jury for deliberation 2. Has demonstrated proficiency in litigating evidentiary and nonevidentiary motions, including, but not limited to: a. Motions to dismiss pursuant to PC 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 per PC 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) 3. Has demonstrated proficiency in sentencing matters including but not limited to litigation of prior convictions and custody credit issues.	1. List of attorneys with whom the applicant has practiced law; 2. List of 5 references (may include judges), including addresses and phone numbers; 3. Letters of recommendation from at least 2 judges who have presided over the applicant's felony jury trials.
V	6 years	12 hours of CLE in the past year, adult and child sexual abuse and child abuse cases, "strike" cases, and sentencing; <u>AND</u> At least 1 course/seminar in forensics and pathology in the past year; (Participation at a day-long homicide seminar in the past year will satisfy this requirement); <u>AND</u> Attendance of one CACJ/CPDA Death Penalty Seminar (held each February) in the past 3 years or its OAC-approved equivalent.	1. Has handled 15 Class IV matters or their equivalent as principal defense counsel of which 5 were submitted to the jury for deliberation 2. (See Item #2, above, for Class IV) 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. 4. In the case of an attorney who has never before tried a homicide case, it is required that such attorney either second-chair a homicide trial, assist an attorney in a homicide trial which is submitted to the jury for deliberation.	1. List of attorneys with whom the applicant has practiced law; 2. List of 5 references (may include judges), including addresses and phone numbers; 3. Letters of recommendation from at least 2 judges who have presided over the applicant's Class IV jury trials.

*Case information is required on all felony cases used to qualify an applicant for a particular class: 1) Case number, 2) Name of defendant, 3) Charge(s), 4) Disposition, 5) Name of opposing counsel, 6) Name of judge, 7) Year case handled, 8) On Class IV and V qualification cases only: Indicate whether the case went to trial and the outcome of the case.

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7. **Case History** - please complete the appropriate information for the highest class for which you are applying and refer to the legend below to identify the case result:

- PG = Pled Guilty (i.e., PG 6YRS means pled guilty and received 6 years prison sentence)
- JTG = Jury Trial Guilty
- JNG = Jury Trial Not Guilty
- 36 = PROP 36; DIV = Diversion; DCT = Drug Court
- D= Dismissed
- 1118 = PC 1118 Granted

7.1 **Class I and II – Misdemeanor** - please indicated below the misdemeanor cases you handled as principal counsel in the past 5 years:

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
19									
20									

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7.2 **Class II and III – Trials** – please indicate below the following misdemeanor jury trials you handled to verdict in the past five years, place an asterisk by the case number where you served as second chair and indicate name of first chair in the box designated “co-counsel.”

	Case#	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									

7.3 **Class III and Higher – Felony**

a.) **Class III and Higher – Felony** - please indicate below the following felony cases you handled as primary counsel in the past 5 years.

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									

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Class III and Higher – Felony continued

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
17									
18									
19									
20									

b.) **Preliminary Hearings** - please indicate below the preliminary hearings you handled as principal counsel in the past 5 years.

	Case#	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									

c.) **Felony Jury Trials to Verdict** – please indicate below the following felony jury trials to verdict as principal counsel in the past five years.

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									

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Felony Jury Trials to Verdict continued

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
12									
13									
14									
15									

7.4 **Continuing Legal Education** – for those applying for Class V, VI, of VII only. (Please note that all applicants for Class VI will be reviewed and decided upon by the OAC Capital Case Committee (CCC) and will undergo a peer review process.) Please indicate below the following death penalty colleges/workshops or CACJ/capital case seminars in the past 5 years and a day-long homicide seminar you attended in the past year.

Date	Sponsoring Agency	Topic	Location	Hours

7.5 **Motions** – please indicate below the following 10 evidentiary and non-evidentiary motions you have handled:

Examples:

- a. to dismiss pursuant to PC 995;
- b. non-statutory motions to dismiss (speedy trial, prosecutorial misconduct, delay in prosecution);
- c. to sever counts and/or defendants;
- d. to suppress statements (Miranda and voluntariness grounds);
- e. to suppress evidence per PC 1538.5;
- f. discovery motions;
- g. to strike prior “strike” convictions (Romero Motions);
- h. attacking prior convictions; and
- i. motions to exclude prior acts (Evidence Code 1101, 1108, 1109 issues)

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Motions continued

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

7.6 **Sentencing – Class III and Higher** – please indicate below the following 10 felony sentencing matters as principal counsel in the last 5 years including but not limited to litigation of prior convictions (including strikes), sentencing in sex cases and custody credits.

	Case #	Defendant	Year	Charge(s)	OAC Case Class	Result	Co-Counsel	Opposing Counsel	Judge
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

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8. Agreement

The Office of Assigned Counsel Program (hereinafter, "OAC") makes available to indigent persons accused of crimes the services of attorneys who have met the criteria for participation in the OAC Program. The applicant is applying for panel membership in the OAC Program. In exchange for OAC case assignments, applicant agrees to the following conditions and covenants:

I DECLARE UNDER PENALTY OF PERJURY THAT:

- 1) I have read, understand, and agree to be bound by the Rules and Regulations of the OAC Program and by those that may be later adopted. The Rules and Regulations are incorporated by reference. In addition, I have read, understand and am familiar with the State Bar Rules of Professional Conduct, especially Rule 3-110 relating to professional competence.
- 2) I understand that my appointment to represent indigent defendants as an OAC Program panel attorney is a matter of privilege and not a matter of right and can be revoked.
- 3) I am an active member in good standing of the State Bar of California.
- 4) I understand that I must meet and maintain the minimum requirements for the class for which I have applied. I also understand that the criteria for participation in OAC panels are the minimum requirements.
- 5) I maintain my principal legal office in the judicial district for which I have applied.
- 6) I agree to indemnify and hold harmless the County of San Diego, its Officers and Employees, members of the Screening Committees and other OAC committees, and other related officials for any liability or loss arising from my participation in the OAC Program or from the referrals, assignments or appointments.
- 7) I waive any and all claims against the County of San Diego, its Officers and Employees, members of the Screening Committees and other OAC committees, and other related officials for any liability arising from the operation of the OAC Program or from the referrals, assignments and appointments.
- 8) *All disputes shall be resolved in accordance with the Rules and Regulations of the OAC Program.*

In the event of any unresolved dispute against the OAC program or its employees, the County of San Diego, members of the OAC Screening Committees and other OAC committees, or other related officials regarding my participation in or removal from the OAC Program, or any other dispute, I agree that such dispute shall be resolved by means of binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court of competent jurisdiction. The arbitrator shall be limited to awarding compensatory damages and shall have no authority to award punitive, exemplary or any other type damages. The prevailing party in the arbitration proceeding shall be entitled to recover its expenses, including costs of the arbitration proceeding and arbitrator fees, and reasonable attorneys' fees.

Notice: By signing this application I understand that I am agreeing to have any dispute arising out of my participation in the OAC Program decided by neutral arbitration as provided by California law and I am giving up any right I might possess to have the dispute litigated in a court or jury trial. By signing this application I am giving up my judicial right to appeal.

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I understand that if I refuse to submit to arbitration after agreeing to this provision, I may be compelled to arbitrate under the authority of the California Code of Civil Procedure.

Please date and sign here acknowledging that you have read, understand and agree to the contents of paragraph eight (8), above.

Date: _____

Signature _____

- 9) I understand that my application will allow inquiry of the Judges before whom I have appeared and attorneys who have worked with me or opposed me. I agree to those inquiries being made and understand that the information received as a result of those inquiries will be kept confidential. I also understand that if I am denied admission to a particular panel classification as a result of such confidential information, I will be notified that the denial was based on this factor. At my request, I will be given the opportunity to appear before the screening committee to address this factor and will receive reconsideration of my application, according to the procedures set forth in Section J of the OAC Rules and Regulations.
- 10) I understand that a policy of professional liability insurance must be in force before I can be accepted onto the panel. I agree to maintain errors and omissions insurance in the amount of not less than \$250,000.00 for each occurrence and \$500,000.00 aggregate per year showing the County of San Diego as an additional named insured.
- 11) I agree to notify the OAC program within 10 days of actual notice that a complaint has been filed against me by the State Bar of California ("State Bar"), or like organization in any state, or that any complaint of a criminal nature has been filed anywhere against me.
- 12) I agree to complete and submit to the OAC Program all non-privileged reports/documents requested by the OAC Program regarding my performance on a OAC-assigned case, including billing and documentation of tasks completed by me.
- 13) I agree to notify the OAC program within 10 days of a hearing on a Marsden motion filed against me (excluding any privileged information), regardless of the outcome of the hearing. I understand that failure to report said Marsden motion within 10 days may result in interim suspension from the OAC panel.
- 14) I agree to notify the OAC program within 10 days of any sanctions imposed on me by any Court. I understand that failure to report said sanctions within 10 days may result in interim suspension from the OAC panel.
- 15) I understand that I must engage in at least 12 hours of criminal law continuing legal education and criminal law training each year, including the specific requisite seminars/courses for the highest class applied for, as set forth in the Rules and Regulations of the OAC program.

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YOU MUST STRIKE THE INAPPLICABLE SENTENCE:

I have not, at any time, had any disciplinary actions taken against me by the State Bar of California, or any other bar association.

Or

I have been disciplined by a bar association and describe the incident on a separate document attached hereto.

I submit the foregoing information in support of my application and I agree to cooperate with the County of San Diego's Office of Assigned Counsel in facilitating reasonable verification thereof and otherwise reviewing my qualifications.

I have read, understand, and agree to the terms of this agreement. I declare **under penalty of perjury** that the information I have provided in this application is complete and accurate to the best of my knowledge.

Executed at _____, California

PLEASE SIGN IN **BLUE INK**

DATED

SIGNATURE OF APPLICANT

Return, **along with a small photograph** (no larger than 2" by 3") and required reference letters (see OAC Rules and Regulations). The required photograph may be submitted to OAC in electronic form in the alternative.

TO: **Office of Assigned Counsel**
County of San Diego
450 B Street, Suite 840
San Diego, California 92101