

**STANDARDS FOR THE QUALIFICATION OF ATTORNEYS TO BE  
APPOINTED TO REPRESENT INDIGENT DEFENDANTS IN CAPITAL CASES  
IN WHICH THE DEATH PENALTY IS SOUGHT IN THE FOURTH  
ADMINISTRATIVE JUDICIAL REGION**

The following standards have been adopted by the Local Selection Committee of the Fourth Administrative Judicial Region. This version was adopted on December 1, 2011:

1. To be assigned as lead trial 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; and
  - B. Meet the following qualifications outlined in Article 26.052 of the Code of Criminal Procedure, as approved by the local selection committee:
    - be a member of the State Bar of Texas;
    - exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
    - 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 by a majority vote that the conduct underlying the finding of ineffective assistance no longer accurately reflects the attorney's ability to provide effective representation;
    - have at least five years of criminal law experience;
    - have tried to a verdict as lead defense counsel at least eight felony cases, including homicide trials and other trials for offenses punishable as second or first degree felonies or capital felonies;
    - have trial experience in the use of and challenges to mental health or forensic expert witnesses;
    - have trial experience in investigating and presenting mitigating evidence at the penalty phase of a death penalty trial; and
    - have completed 5 hours each year of continuing legal education relating to criminal defense in death penalty cases, with possible carryover of 5 hours for one year. Two of the five hours are allowed to be self-study.
2. Other than the Bexar County Appellate Public Defender's Office, which may be appointed as provided by the guidelines established by the public defender's office pursuant to Code of Criminal Procedure Article 26.052 (b), to be assigned as lead appellate counsel in the direct appeal of a capital 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; and

B. Meet the following qualifications outlined in Article 26.052 of the Code of Criminal Procedure, as approved by the local selection committee:

- be a member of the State Bar of Texas;
- exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
- 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 by a majority vote that the conduct underlying the finding of ineffective assistance no longer accurately reflects the attorney's ability to provide effective representation.
- have at least five years of criminal law experience;
- have authored at least eight felony briefs, including one capital murder brief or five briefs which must either be a felony of the first degree or an offense described by Section 3g (a) (1), Article 42.12;
- have trial or appellate experience in the use of and challenges to mental health or forensic expert witnesses;
- have trial or appellate experience in the use of mitigating evidence at the penalty phase of a death penalty trial; and
- have completed 5 hours each year of continuing legal education relating to appealing death penalty cases, with possible carryover of 5 hours for one year. Two of the five hours are allowed to be self-study.

3. In addition to the CLE outlined above, each attorney must present proof to the committee that the attorney has successfully completed the minimum continuing legal education requirements of the State Bar of Texas. The committee will review the list for CLE compliance no later than May 15th of every year.
4. In addition to meeting the above listed qualifications and CLE requirements in order to be included on the list of attorneys qualified for appointment in death penalty cases in the Fourth Administrative Judicial Region, a majority of the members of the local selection committee must vote to approve the attorney's placement on that list.