

Superior Court of California, County of San Bernardino



Indigent Defense Program
247 West Third Street, 11th Floor
San Bernardino, CA 92415-0302
909-780-8762

Capital/LWOP Case Panel Application for Capital/LWOP Case Appointments

The Superior Court of California, County of San Bernardino has established a panel of qualified attorneys to represent indigent defendants in Capital and Life Without Parole (LWOP) cases, where the Public Defender has conflicted off the case.

Criminal Law Attorneys who are interested in being appointed to represent Capital and LWOP cases in the San Bernardino County Courts may apply for placement on the Capital/LWOP Case Panel.

Attorneys must meet the following minimum qualifications:

- Membership in California State Bar for a minimum of ten (10) years or practice as an attorney for ten (10) years, or at least ten (10) years criminal law litigation experience;
- Attorney of record in at least twenty-five (25) completed felony jury trials;
- Attorney of record in at least five (5) completed jury trials where the charge at Superior Court arraignment was a violation of Penal Code section 187;
- Attendance at six (6) or more hours of continuing legal education lectures or seminars in the area of capital case or death penalty defense within twelve months or twelve (12) hours during the last two years, or an agreement to attend the next available capital case conference. Education requirements must be fulfilled prior to first appointment under the Panel. Attorneys applying for inclusion on the Panel list must have completed within two years prior to application at least fifteen (15) hours cumulative of capital case defense training approved for Minimum Continuing Legal Education (MCLE) credit by the State Bar of California.
- Complete and submit a Judicial Council Form CR-191 upon filing of a sentence of capital for a case on which the attorney has been appointed as appointed defense counsel.

No attorney will be appointed to represent a defendant in a capital or LWOP case unless at time of appointment the attorney is on the approved Capital/LWOP Case Panel.

Attorneys must be willing to abide by the terms and conditions and requirements set forth in the Capital/LWOP Attorney Fee Schedule Agreement. They must also be willing to accept appointments on a countywide basis in all divisions of the San Bernardino County Courts.

Failure to comply with any of the terms and conditions including continuing legal education requirements may constitute grounds for removal from the Capital/LWOP Case Panel.

Applications and the Fee Schedule Agreement for Capital/LWOP case appointments may be obtained from Indigent Defense Program Administrator or designee by calling 909-708-8762.

Submit completed applications to Superior Court of California, County of San Bernardino, Capital/LWOP Case Panel Administrator, 247 West Third Street, 11th Floor, San Bernardino CA 92415-0302.

[4] **Minimum Qualifications**

1. Membership in the State Bar of California for a minimum of ten (10) years or practice as an attorney for ten (10) years, or ten (10) years practice in criminal law litigation;
2. Attorney of record in at least twenty-five (25) felony trials which must have been completed jury trials;
3. Attorney of Record in at least five (5) completed Penal Code 187 jury trials;
4. Attendance at six (6) or more hours of continuing legal education lectures or seminars in the area of capital case or death penalty defense within twelve months; or, twelve (12) hours within two years; or, an agreement to attend the next available Capital Case conference within 12 months from placement on the Capital/LWOP Panel of attorneys. Attorneys applying for inclusion on the Panel list must have completed within two years prior to application at least fifteen (15) hours cumulative of capital case defense training approved for Minimum Continuing Legal Education (MCLE) credit by the State Bar of California.

I certify that I meet the above listed minimum qualifications, and I declare under penalty of perjury that the information provided by me in this Application is true and correct.

Executed this ____ day of _____, _____ at _____, California.
(month) (year) (city)

Printed Name

Signature

[5] Please list twenty-five (25) of your felony trials below, indicating the five (5) Penal Code section 187 completed jury trials. If cases listed are from other than the San Bernardino Superior Court, or if a San Bernardino Court case preceding the year 2000 (pre-OTS), attach five (5) copies of the docket sheets or minute orders for the day of verdict to this application.
 (Your application will be returned if complete information is not provided)

	<i>Case Number and Name</i>	<i>Court</i>	<i>Filing Year</i>
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[6] Please list your qualifying continuing legal education in the area of capital case or death penalty defense, including dates and hours of attendance.

[8] **Terms and Conditions**

The undersigned hereby agrees to:

- a) Allow the information contained in the application to be furnished to the Courts;
- b) Indemnify, defend and hold harmless the Superior Court of California, County of San Bernardino, the County of San Bernardino, and their agents, officers and employees against any and all liability and damages of any nature whatsoever, including but not limited to, all tortious conduct including professional negligence, slander, defamation, unfair competition, interference with contractual advantage, bodily injury, death, personal injury, or property damage arising from or in any way connected with the operation of this Capital/LWOP Case Panel Program or any services hereunder.

- c) Accept proffered Capital/LWOP Panel appointments, for both capital and life-without-parole (LWOP) cases, in all districts and divisions of the San Bernardino County Courts (countywide), and to appear personally as scheduled by the Court's designated Capital/LWOP Case Panel Administrator for acceptance of appointments and thereafter as directed by the courts. Attorneys will be notified when they are the next and second-to-next attorney to be appointed, and when advised that they are the next attorney on the list they must be available to appear personally in the court on one day notice.
- d) Accept appointments for as long as I remain on the Panel in accordance with the Panel Fee Schedule Agreement regarding Capital/LWOP case appointments, or the version thereof that is in existence at the time of my appointment.
- e) Waive all privileges and confidentiality rights I have with respect to the status of any pending disciplinary proceeding against me by the State Bar of California and to allow the Court (*or its authorized representative*) to contact the State Bar of California concerning any such proceedings.
- f) Comply with the terms and conditions of the Capital/LWOP Case Panel Fee Schedule Agreement, including MCLE requirements, and acknowledge that my failure to do so may constitute grounds for removal from the Capital/LWOP Case Panel.
- g) Complete and submit a Judicial Council Form CR-191 upon filing of a sentence of capital for a case on which I have been appointed as appointed defense counsel under the Capital/LWOP Panel Program.

I have read the Capital/LWOP Case Panel Fee Schedule Agreement and agree to abide by the terms and conditions of the Agreement.

Executed this _____ day of _____, _____ at _____, California.
(month) (year) (city)

 Printed Name

 Signature