

NAME:	STATE BAR NO.:
STREET ADDRESS:	
CITY:	STATE: ZIP CODE:
TELEPHONE NO.:	MOBILE NO.:
E-MAIL ADDRESS:	

**DECLARATION OF COUNSEL RE MINIMUM QUALIFICATIONS FOR APPOINTMENT IN
DEATH PENALTY-RELATED HABEAS CORPUS PROCEEDINGS**

1. I request that (*check one*)

- a. ☐ the Court of Appeal, Appellate District regional habeas corpus panel committee determine that I meet the minimum qualifications for appointment for death penalty-related habeas corpus proceedings in a superior court and that I be included on the statewide panel of qualified attorneys.
- b. ☐ the Superior Court of County determine that I meet the minimum qualifications for appointment for death penalty-related habeas corpus proceedings in that court and that I be included on the panel of qualified attorneys for that court. (Applicable only in superior courts that have adopted a local rule of court authorizing a local panel.)

2. I meet the experience and training requirements in rule 8.652, as follows (*please check a or b*):

- a. ☐ I meet the minimum qualifications stated in rule 8.652(c)(1)–(2).
- (1) I have engaged in the active practice of law in California for at least five years.
- (2) I have served as (*please check one of the following and attach a list of the case(s)—including a case name, case number, and court—that satisfy the checked criterion*)
- (a) ☐ counsel of record for a person in a death penalty-related habeas corpus proceeding in which the petition has been filed in the California Supreme Court, a Court of Appeal, or a superior court.
- (b) ☐ supervised counsel in two death penalty-related habeas corpus proceedings in which the petition has been filed *and* counsel of record in a combination of at least five completed appeals, habeas corpus proceedings, or jury trials in felony cases, including as counsel of record for a petitioner in at least two habeas corpus proceedings, each involving a serious felony in which the petition has been filed. Attached are the attestations and recommendations of lead or associate counsel in the two cases in which I was supervised counsel.
- (c) ☐ counsel of record for either party in a combination of at least eight completed appeals, habeas corpus proceedings, or jury trials in felony cases, including as counsel of record for a petitioner in at least two habeas corpus proceedings, each involving a serious felony in which the petition has been filed.
- (3) I have satisfied the training requirement in rule 8.652(c)(4), as follows (*please check one or more*):
- (a) ☐ In the last three years, I have completed hours of appellate criminal defense or habeas corpus defense training approved for Minimum Continuing Legal Education credit by the State Bar of California, hours of which address death penalty habeas corpus proceedings. Attached are the dates and descriptions of the trainings.
- (b) ☐ In the last three years, I have served as an instructor in an appellate criminal defense or habeas corpus defense training. The training is approved for hours of Minimum Continuing Legal Education credit by the State Bar of California. I request that my instruction constitute compliance with hours of the training requirement. The training materials are attached.
- (c) ☐ I have represented a petitioner in a death penalty-related habeas corpus proceeding and request that this representation constitute compliance with hours of the training requirement. The petition, docket, and decision on the case are attached.

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2. b. ☐ I have at least five years of experience substantially equivalent to that of an attorney qualified under rule 8.652(c)(1)–(2). Attached is a description of my experience. In the last two years, I have completed at least 18 hours of appellate criminal defense or habeas corpus defense training approved for Minimum Continuing Legal Education credit by the State Bar of California, at least 10 hours of which involved death penalty habeas corpus proceedings. Attached are the dates and descriptions of my trainings. I understand that this experience does not qualify me for appointment under rule 4.562(g) by a superior court under local rule.

3. I am familiar with the practices and procedures of the California courts and the federal courts in death penalty–related habeas corpus proceedings.

4. Attached are three writing samples, including *(please check one or more)*
 - a. ☐ one or more filed petitions where I served as lead counsel of record for petitioner in a death penalty–related habeas corpus proceeding.
 - b. ☐ portion(s) of habeas corpus petition(s) prepared by me in my capacity as associate or supervised counsel for petitioner in a death penalty–related habeas corpus proceeding.
 - c. ☐ two or more filed habeas corpus petitions involving a serious felony in cases where I served as counsel of record for petitioner.

5. The following two attorneys are familiar with my qualifications and performance and recommend me for appointment as counsel for a person in a death penalty–related habeas corpus proceeding:

<u>Name of Attorney</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>
a.			
b.			

6. Trial experience *(please check one)*
 - a. ☐ I have experience in conducting trials or evidentiary hearings.
 - b. ☐ I do not have experience in conducting trials or evidentiary hearings, and agree to associate with an attorney who has such experience if an evidentiary hearing is ordered in a death penalty–related habeas corpus proceeding in which I have been appointed to represent the petitioner.

7. Membership on a panel eligible for appointments to represent indigent appellants in the Court of Appeal *(please check one)*
 - a. ☐ I am not a member of an appellate district panel.
 - b. ☐ I am a member of the following appellate district panels:

8. Previous application, if applicable
 - a. ☐ I am a member of the statewide panel of attorneys provided for in rule 4.562. I am renewing my application for inclusion on the panel for another six-year term.
 - b. ☐ I previously applied for inclusion on the statewide panel of attorneys provided for in rule 4.562 but was not accepted. The date of the previous application was: _____.
 - c. ☐ I previously applied for appointment under rule 4.562(g), by a superior court under a local rule (please state date of the application, the name of the court, and whether the application was accepted or denied): _____.

9. Attached is a copy of my current resume.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)		_____ (SIGNATURE)
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