



Last Name _____

First Name _____

LOUISIANA PUBLIC DEFENDER BOARD CAPITAL PROGRAM APPLICATION FOR CERTIFICATION

**ALL APPLICATIONS MUST BE TYPED – HANDWRITTEN
APPLICATIONS WILL NOT BE ACCEPTED**

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LPDB CAPITAL PROGRAM APPLICATION FOR CERTIFICATION

I. CERTIFICATION SOUGHT

Trial Level: lead counsel associate counsel
Appellate level: lead counsel associate counsel
Post-conviction: lead counsel associate counsel

II. APPLICANT INFORMATION

- 1. Name of Applicant:
- 2. Business Address:
- 3. City/State/ZIP:
- 4. Home Address:
- 5. City/State/ZIP:
- 6. Telephone No:
- 7. Fax:
- 8. E-mail Address:
- 9. Bar Roll Number:
- 10. Date of Admission:
- 11. DOB:
- 12. Previous capital certification including levels and dates, if any:

I certify that the information contained in this application is true and correct and contains no material omissions:

Signature of Applicant

Date

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DEMONSTRATION OF RELEVANT EXPERIENCE AND SKILLS

a) List of capital cases in which you have served as defense counsel

<i>Defendant:</i>		<i>Dates of Representation:</i>	
<i>JDC:</i>	<i>Judge(s):</i>	<i>Prosecutor(s):</i>	<i>Co-Counsel:</i>
<i>Any appellate decisions:</i>			
<i>Role in case, Posture of case and Result of representation:</i>			

<i>Defendant:</i>		<i>Dates of Representation:</i>	
<i>JDC:</i>	<i>Judge(s):</i>	<i>Prosecutor(s):</i>	<i>Co-Counsel:</i>
<i>Any appellate decisions:</i>			
<i>Role in case, Posture of case and Result of representation:</i>			

<i>Defendant:</i>		<i>Dates of Representation:</i>	
<i>JDC:</i>	<i>Judge(s):</i>	<i>Prosecutor(s):</i>	<i>Co-Counsel:</i>
<i>Any appellate decisions:</i>			
<i>Role in case, Posture of case and Result of representation:</i>			

<i>Defendant:</i>		<i>Dates of Representation:</i>	
<i>JDC:</i>	<i>Judge(s):</i>	<i>Prosecutor(s):</i>	<i>Co-Counsel:</i>
<i>Any appellate decisions:</i>			
<i>Role in case, Posture of case and Result of representation:</i>			

<i>Defendant:</i>		<i>Dates of Representation:</i>	
<i>JDC:</i>	<i>Judge(s):</i>	<i>Prosecutor(s):</i>	<i>Co-Counsel:</i>
<i>Any appellate decisions:</i>			
<i>Role in case, Posture of case and Result of representation:</i>			

If you have worked on more than five capital cases, please copy this page and attach additional sheets as required.

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b) List of other experiences establishing qualifications:

i. non-capital trial or appellate experience;

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ii. experience as a public defender or prosecutor, or as an attorney in a capital defense organization;

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iii. observation of complete capital trials;

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iv. extensive research and/or training in the field of capital defense;

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v. other relevant experience.

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c) List of judge or capital defense attorney references

<i>Name:</i>	<i>Phone number:</i>
<i>Description of reference:</i>	
<i>Name:</i>	<i>Phone number:</i>
<i>Description of reference:</i>	

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d) Description of current caseload

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
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<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

<i>Kind of case:</i>	<i>Number of cases:</i>
<i>Description of complexity:</i>	

If you need additional space, please photocopy this page and attach additional sheets as required.

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e) List of other relevant background or specializations

f) Information relating to professional, physical and mental fitness

- i. any findings of professional misconduct in this or any other jurisdiction, including any findings of contempt of court

- ii. any matter affecting your physical health that would substantially impair your capacity to meet the requirements of certified capital counsel in these Guidelines and associated Performance Standards; and/or

- iii. any matter affecting your mental health that would substantially impair your capacity to meet the requirements of certified capital counsel in these Guidelines and associated Performance Standards.

- iv. any other relevant information, including any pending complaints or proceedings relating to your professional conduct (ethics complaints, contempt actions, civil suits etc.).

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III. STATEMENT OF RELEVANT PROFICIENCIES

Provide a written statement (attaching additional pages as required) describing the extent and source of your proficiencies in the following categories:

- i. knowledge and understanding of the relevant state, federal and international law, both procedural and substantive, governing capital cases;
- ii. management and conduct of complex negotiations and litigation;
- iii. legal research, analysis, and the drafting of litigation documents;
- iv. oral advocacy;
- v. the use of expert witnesses and your familiarity with common areas of forensic investigation, including fingerprints, ballistics, forensic pathology, and DNA evidence;
- vi. the investigation, preparation, and presentation of evidence bearing upon mental status, including mental retardation;
- vii. the investigation, preparation, and presentation of mitigating evidence;
- viii. the elements of trial advocacy, such as jury selection, cross-examination of witnesses, and opening and closing statements; and
- ix. maintaining a strong working relationship with a capital defendant.

IV. MINIMUM EXPERIENCE REQUIREMENTS FOR CERTIFICATION

a) Eligibility criteria for Trial Lead Counsel

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal trial litigation experience

(ii) Number of jury trials tried to completion in which applicant served as lead counsel, detailing how many were felonies and how many were murders:

(iii) Number of death penalty trial level cases in which applicant served as lead or associate counsel that were tried through penalty phase;

(iv) Number of death penalty trial level cases in which applicant served as lead or associate counsel that resolved prior to penalty phase where a thorough investigation was performed for a potential penalty phase:

(iv) List here or provide as an attachment any equivalent alternative experience.

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b) Eligibility criteria for Trial Associate Counsel

(You must have 3 years of criminal experience for trial associate counsel, which can be waived in the presence of extensive alternative experience.)

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal trial litigation experience

(ii) Number of felony jury trials tried to completion in which applicant served as lead counsel:

(iii) Number of murder trials tried to completion where applicant was lead or associate counsel:

(iv) List here or provide as an attachment any equivalent alternative experience.

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c) Eligibility criteria for Appellate Lead Counsel

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal appellate litigation experience

(ii) Number of cases within the last three years where applicant has served as lead counsel in the direct appeal of felony convictions in federal or state court:

(iii) Number of cases within the last three years where applicant has served as lead counsel or associate counsel in the appeal or post-conviction application, in federal or state court, of a case(s) where a sentence of death was imposed;

(iv) Applicant’s level of familiarity with the practice and procedure of the Louisiana Supreme Court in the appeal of capital cases; the practice and procedure of the United States Supreme Court in the application for writs of certiorari in capital cases; and the law controlling the scope of and entitlement to state post conviction and federal habeas corpus review:

(iv) List here or provide as an attachment any equivalent alternative experience.

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d) Eligibility criteria for Appellate Associate Counsel

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal trial or appellate litigation experience

(ii) Applicant’s level of proficiency in appellate advocacy in the field of felony defense:

(iii) List here or provide as an attachment any equivalent alternative experience.

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e) Eligibility criteria for Post-Conviction Lead Counsel

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal post-conviction litigation experience

(ii) Number of felony post-conviction/habeas proceedings where applicant has served as counsel of record (including the number of murders) and how applicant has demonstrated competence and diligence in the proceedings:

(iii) Number of death penalty related post-conviction/habeas proceedings in which applicant has served as lead or associate counsel where a petition has been filed and how applicant has demonstrated competence and diligence in the proceedings:

(iv) Applicant’s level of familiarity with the substantive law and the practice and procedure of the courts of Louisiana in the review of capital post-conviction applications; and federal habeas corpus statutory law, practice and procedure, particularly including federal review of state convictions in capital cases:

(iv) Number of cases where applicant has served as lead counsel and where: an evidentiary hearing was held in a capital or felony post-conviction proceeding; or a trial was held in a felony proceeding:

(iv) List here or provide as an attachment any equivalent alternative experience.

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f) Eligibility criteria for Post-Conviction Associate Counsel

Please provide detailed information in support of each criterion – where the number of cases is greater than 10, counsel may write “10+”:

(i) Years of criminal trial, appellate or post-conviction litigation experience

(ii) Applicant’s level of proficiency in post-conviction/habeas advocacy in the field of felony defense:

(iii) List here or provide as an attachment any equivalent alternative experience.

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V. AUTHORIZATION FOR ACCESS TO CLE & DISCIPLINARY RECORDS

Name:

Bar Number :

DOB:

By signing the line below I provide authorization to permit the state public defender, his designee, and the Capital Certification Advisory Group to obtain my CLE records both prior to and during any period of certification, including by accessing my CLE transcript records online:

Signature of Applicant

Date

By signing the line below I provide authorization to permit the state public defender to obtain my disciplinary records, both prior to and during any period of certification, including dismissed or pending complaints. I understand that this information will be shared only with LPDB staff participating in the certification process and members of the LPDB's Capital Certification Advisory Group.

Signature of Applicant

Date

LPDB CAPITAL PROGRAM APPLICATION FOR CERTIFICATION

(a) List all capital training obtained in the last 2 years as described in the Capital Defense Guidelines at Louisiana Administrative Code, 22:XV(Chapter 9), §923 or any specialized training program previously approved by the state public defender which focuses on the defense of death penalty cases, §923(c).

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VI. CONTINUING OBLIGATIONS OF CERTIFIED COUNSEL

By signing the line below I certify I will comply with the continuing obligations of certified counsel detailed in §915.I.1 of the Capital Guidelines (Louisiana Administrative Code, 22:XV(Chapter 9)) and meet the requirements for continuing legal education:

§915.I.1

1. It will be a continuing obligation of certified counsel to:
 - a. comply with these Guidelines and associated Performance Standards;
 - b. comply with the Louisiana Rules of Professional Conduct;
 - c. maintain caseloads and workloads within the limits established by the Guidelines established by the Louisiana Public Defender Board, except as specifically authorized by the state public defender;
 - d. cooperate with case monitoring and case reviews by the Case Supervisor, district public defender and state public defender;
 - e. attend and successfully complete continuing capital legal education as described in §923.C;
 - f. notify the state public defender of any change of address or contact information;
 - g. immediately notify the state public defender of any change in his or her licensure or permission to practice in the state of Louisiana;
 - h. immediately notify the state public defender of any change in the information contained in his or her application for certification relating to professional, physical, mental fitness to be certified as capital counsel;
 - i. promptly respond to any request for information from the state public defender, regional director or district public defender, as appropriate, relevant to the attorney's performance as capitally certified counsel or satisfaction of the obligations of capitally certified counsel; and
 - j. notify every court in which he or she is counsel in a capital case of any reduction in the level or extent of his certification.

§923.C

C. Continuing Capital Legal Education

1. Attorneys seeking to remain on the certification roster must continue to attend and successfully complete specialized training program approved by the state public defender that focuses on the defense of death penalty cases. Attorneys must complete at least eighteen hours of training at an approved course or courses every two years.

Signature of Applicant

Date

VII. ATTACHMENTS

Checklist of MANDATORY Attachments

Legal writing sample 1

Legal writing sample 2

(include statement of authorship if not Applicant's sole work product)

Certificate of Good Standing from the Louisiana Supreme Court

Pro hac vice order (*where applicable*)

Checklist of answers which required additional space or attachments

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VIII. STATEMENT OF INTEREST

Please explain why you want to do capital defense work

[Empty box for statement of interest]

Sign pages 2, 14, and 16 and mail the entire application to Amber Harriman, Capital Division, LPDB, 301 Main St., Ste. 700, Baton Rouge, LA 70825.