

## **Requirements for Receiving District Court Appointments**

Applications for all Non-MHMC felony lists will be reviewed by the district judges and decided by majority vote. Applications for placement on the MHMC felony list will be reviewed and decided by the MHMC director. The MHMC list is comprised of a limited number of attorneys. Placement on the list will be determined by the MHMC director based on the needs of the MHMC program, attorney qualifications, and attorney performance. Applications must be submitted during one of two periods each calendar year: July 1 through July 14; and December 1 through December 31. The district judges and MHMC director reserve the authority to limit the number of attorneys on the appointment lists as necessary to ensure the effective representation of indigent defendants, to maintain the integrity of the lists and appointment process, and to comply with legal and ethical standards governing the provision of indigent defense services.

### **Minimum standards for placement on a felony appointment list include the following:**

An attorney must:

1. Provide accurate and complete information on his or her application;
2. Be a licensed practicing attorney and member in good standing of the State Bar of Texas;
3. Have at least two (2) years of experience practicing criminal law;
4. Be a resident of Collin County, maintain a principal office in Collin County, or have at least 80% of the attorney's practice in Collin County;
5. Be certified in criminal law by the Texas Board of Legal Specialization; OR complete a minimum of ten (10) hours of continuing legal education ("CLE") in the area of criminal law each year. New applicants must have completed at least ten (10) hours of CLE in the calendar year preceding the submission of their application. An attorney must file a certificate with the Indigent Defense Office each year attesting to completion of required CLE. CLE completed during any reporting period in excess of the minimum may be applied to the following period's requirement. The carryover provision applies to one year only;
6. Submit on or before October 15<sup>th</sup> of each year a statement describing the percentage of the attorney's practice time in connection with Collin County appointments for adult criminal and juvenile delinquency cases for the prior twelve (12) months (October 1 – September 30). The report must be submitted electronically using the Texas Indigent Defense Commission ("TIDC") website;
7. Not have been the recipient of a public disciplinary action by the State Bar of Texas or any other attorney licensing authority of any state or the United States within the last five (5) years;
8. Maintain an office capable of sending and receiving email, fax, and voice calls;
9. Have the means to produce typed motions and orders;
10. Notify the local administrative district judge promptly, in writing, of any matter that would disqualify the attorney by law, regulation, rule, or this Plan from receiving appointments to represent indigent defendants; and
11. Provide three (3) letters of reference from members of the Collin County Bar Association or Collin County Criminal Defense Lawyer's Association;

**Additional eligibility requirements for each graduated list are as described below. An attorney may apply for and be placed on more than one list:**

**1. State Jail and Third Degree Felonies**

An attorney must:

- a. Be certified in criminal law by the Texas Board of Legal Specialization; OR have experience as lead counsel in at least four (4) criminal cases tried to verdict before a jury. The styles and cause numbers of each case must be included in the application.

**2. Second and First Degree Felonies**

An attorney must:

- a. Have at least four (4) years of experience practicing criminal law; and
- b. Be certified in criminal law by the Texas Board of Legal Specialization; OR have experience as lead counsel in at least eight (8) cases tried to verdict before a jury, at least four (4) of which were felonies. The styles and cause numbers of each case must be included in the application.

**3. Crimes Against Children (“CAC”)**

An attorney must:

- a. Have at least five (5) years of experience practicing criminal law;
- b. Have at least three (3) years of experience handling CAC cases;
- c. Have at least eight (8) hours of CLE in sex crimes; and
- d. Be certified in criminal law by the Texas Board of Legal Specialization; OR have experience as lead counsel in at least six (6) felony cases tried to verdict before a jury, and experience as lead counsel in at least six (6) trials of CAC cases tried to verdict before a jury. The styles and cause numbers of each case must be included in the application.

**4. Appeals and Non-Capital Writs**

An attorney must:

- a. Be certified in criminal law or criminal appellate law by the Texas Board of Legal Specialization;
- b. Have personally authored and filed at least three (3) criminal appellate briefs or post-conviction writs of habeas corpus;
- c. Have submitted an appellate writing sample approved by a majority of the district judges; or
- d. Have worked as a briefing clerk of an appellate court of record for at least one (1) year.

**5. MHMC Cases:**

An attorney must:

- a. Be approved for the corresponding felony list;

- b. Have served as a prosecutor in a county or district attorney's office for at least two (2) years or have practiced criminal defense law on a regular basis for a minimum of two (2) years;
- c. An attorney must be certified in criminal law by the Texas Board of Legal Specialization OR have experience as lead counsel in at least eight (8) cases tried to verdict before a jury;
- d. Have been lead counsel in at least three (3) mental health cases, in all of which at least one of the following issues was presented: competency, sanity or court-ordered mental health treatment. The styles and cause numbers of each case must be included in the application;
- e. Complete at least six (6) hours of mental-health-related CLE each year. New applicants must have completed at least six (6) hours of the CLE in the calendar year preceding the submission of their application;
- f. Be familiar with the Texas Mental Health Code; and
- g. Comply with all MHMC program policies and procedures.

Should you have questions, please contact:

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