

THIRD REGION
STANDARDS FOR THE QUALIFICATIONS OF LEAD TRIAL COUNSEL FOR
APPOINTMENT IN DEATH PENALTY CASES

1. Be a member of the State Bar of Texas;
2. Exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
3. 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;
4. Have at least eight years of experience in criminal litigation;
5. Have tried to a verdict as lead defense counsel a significant number of felony cases, including homicide trials and other trials for offenses punishable as second or first degree felonies or capital felonies;
6. Have trial experience in:
 - a. The use of and challenges to mental health or forensic expert witnesses; and
 - b. Investigating and presenting mitigating evidence at the penalty phase of a death penalty trial; and
7. Have participated in continuing legal education courses or other training relating to criminal defense in death penalty cases.

STANDARDS FOR THE QUALIFICATIONS OF ASSISTANT TRIAL COUNSEL
FOR APPOINTMENT IN DEATH PENALTY CASES

1. Be licensed or have permission to practice in the jurisdiction;
2. Have at least three years litigation experience in criminal defense;
3. Have experience as lead or co-counsel in jury trials of serious and complex cases that were tried to completion;
4. Be familiar with requisite court systems;
5. Have significant and continuous training in death penalty litigation; and
6. Have demonstrated proficiency and commitment to quality representation.

STANDARDS FOR THE QUALIFICATIONS OF APPELLATE COUNSEL FOR
APPOINTMENT IN DEATH PENALTY CASES

1. Be a member of the State Bar of Texas;
2. Exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
3. 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;
4. Have at least five years appellate experience in criminal prosecution or defense with the last three years in criminal defense;
5. Have trial or appellate experience in:
 - a. The use of and challenges to mental health or forensic expert witnesses; and

- b. The use of mitigating evidence at the penalty phase of a death penalty trial;
- 6. Have participated in continuing legal education courses or other training relating to criminal defense in appealing death penalty cases;
- 7. Have authored a significant number of appellate briefs, including appellate briefs for homicide cases and other cases involving an offense punishable as a capital felony or a felony of the first degree or an offense described by Section 3g (a) (1), Article 42.12; and
- 8. Be experienced as lead counsel, or co-counsel, or appellate counsel in one case in which the death penalty was sought.

STANDARDS FOR THE QUALIFICATIONS FOR THIRD CHAIR

In order to promote quality representation, nothing in this plan shall be construed to preclude the appointment of additional pro bono counsel who shall, under the supervision of the First and Second Chair, serve as Third Chair trial counsel in any death penalty case. The only qualification to serve as Third Chair shall be that the attorney be licensed to practice law in State of Texas.

ATTORNEYS APPROVED BY ACTIVE DISTRICT JUDGES FOR INCLUSION ON THE LIST AS PROVIDED BY ARTICLE 26.052(d) CODE OF CRIMINAL PROCEDURE SHOULD BE SUBMITTED IN WRITING TO THE CHAIR OF THE COMMITTEE AND TO THE OFFICE OF THE THIRD ADMINISTRATIVE JUDICIAL REGION.

Judge Bob Perkins, Chair
331st Judicial District
P.O. Box 1748
Austin, Texas 78767

Judge B.B. Schraub, Presiding Judge
3rd Administrative Judicial Region
101 East Court Street, Room 302
Seguin, Texas 78155

Committee Members:

Judge George Allen
Retired District Judge
1532 Royal Oaks Drive
Waco, Texas 76701-2520

Judge Leon J. Grizzard
District Magistrate
P.O. Box 1748
Austin, Texas 78767

Judge Burt Carnes
368th Judicial District
405 South MLK Boulevard, Box 8
Georgetown, Texas 78626

Mr. Russell D. Hunt
Attorney at Law
P.O. Box 726
Waco, Texas 76703-0726

Mr. Bob D. Odom
Attorney at Law
P.O. Box 767
Belton, Texas 76513