

**Independent Defense Counsel Office
County of Los Angeles
Application for Assigned Attorney Panel Program**

Instructions: Please type or print clearly in black ink. **DO NOT PROVIDE PRIVILEGED OR CONFIDENTIAL CLIENT/CASE INFORMATION.** You may attach documents to this application.

1. Background

Name: _____ Bar No.: _____

Office Address: _____

Phone: _____ FAX: _____ E-Mail: _____

2. Education and Admissions

Law School: _____ Graduated: _____

Years Practiced Law: _____ Date Admitted in California: _____

Admitted to practice law in other state(s): Yes / No If Yes, list states and year admitted:

Language Proficiency (in addition to English): _____

3. Jurisdiction and Case Classification

I wish to apply for cases in the following Judicial District(s):

_____ Central (CCB, East LA, Bauchet, Metro, Hollywood (Mental Health))

_____ East (Pomona, West Cov, El Monte, Pasadena, Alhambra, Burbank, Glendale, Norwalk, Dow, BLF)

_____ South (Airport, Compton, Inglewood, Long Beach)

_____ North (San Fernando, Santa Clarita, Van Nuys, Lancaster, Sylmar)

I wish to apply for cases in the following panel(s):

_____ Misdemeanors _____ Mental Health _____ Post-Conviction _____ Juvenile

_____ Grade I _____ Grade II _____ Grade III _____ Grade IV

_____ Grade V _____ Civil Contempt _____ Writs & Appeals

I am currently a member of the following IDCO Panels in the following judicial district(s):

Number of years doing criminal defense work as an attorney: _____

Number of years doing felony work as an attorney: _____

Are you a criminal law specialist: Yes No Date certified (or recertified): _____

6. Jury Trials to Verdict – Please indicate below the jury trials to verdict you completed as principal counsel in the past 10 years.

	Case #	Defendant	Year	Charge(s)	Result
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

7. Delinquency Juvenile Adjudications & Transfer Hearings – Please indicate below the Delinquency Adjudications and Transfer Hearings you completed in the past 10 years.

	Type of Hearing	Year	Charge(s)	Result
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				

8. **Grade IV and V Continuing Legal Education** – For those applying for Grade IV and V only, please indicate any homicide seminars, death penalty colleges/workshops or CACJ/capital case seminars attended in the past 5 years.

Date	Sponsoring Agency	Topic	Location	Hours

9. **Post-Conviction** – Please indicate below the post-conviction matters you completed as principal counsel in the last 5 years including, PC 1172.1, PC 1172.6, PC 1437.7, Franklin, Habeas Corpus and SB 483 Petitions.

	Case #	Defendant	Year	Charge(s)	Result
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					

10. **Disciplinary History**

Have you been the subject of discipline by the State Bar of California, or the Bar of any other state or been the subject of a judicial finding of ineffective assistance of counsel?

_____ Yes _____ No

If yes, please attach a detailed description of the nature, date, and result of the disciplinary proceeding.

I agree to waive confidentiality for the sole purpose of enabling the State Bar of California to notify Independent Defense Counsel's Office (IDCO) of the status of any disciplinary proceeding pending against me.

11. Judicial Findings of IAC - Have you ever been found to provide ineffective assistance of counsel by any trial or appellate court?

_____ Yes _____ No If yes, please provide the Superior and/or Appellate court case number(s):

12. Professional Affiliations – Please list organizations with which you maintain active membership and/or leadership.

13. Legal research resources – Please list the resources you consult for legal research and to stay current on the law.

14. Resume

On a separate piece of paper, please attach a resume including your education and prior work experience. Please include dates.

15. References

Please list 5 professional references and their contact information:

	Reference Name	Contact Information
1.		
2.		
3.		
4.		
5.		

16. Agreement

The Independent Defense Counsel's Office (hereinafter, "IDCO") makes available to indigent persons accused of crimes the services of attorneys who have met the criteria for participation in IDCO. The applicant is applying for panel membership in IDCO. In exchange for IDCO case assignments, applicant agrees to the following conditions and covenants:

I DECLARE UNDER PENALTY OF PERJURY THAT:

- 1) I have read, understand, and agree to be bound by the Rules and Regulations of the IDCO Program and by those that may be later adopted. The Rules and Regulations are incorporated by reference. In addition, I have read, understand and am familiar with the State Bar Rules of Professional Conduct, especially Rule 3-110 relating to professional competence.
- 2) I understand that my appointment to represent indigent defendants as an IDCO panel attorney is a matter of privilege and not a matter of right and can be revoked.

- 3) I am an active member in good standing of the State Bar of California.
- 4) I understand that I must meet and maintain the minimum requirements for the grade for which I have applied. I also understand that the criteria for participation in IDCO panels are the minimum requirements.
- 5) I maintain my principal legal office in the judicial district for which I have applied.
- 6) I agree to indemnify and hold harmless the County of Los Angeles, its Officers and Employees, members of the Screening Committees and other IDCO committees, and other related officials for any liability or loss arising from my participation in IDCO or from the referrals, assignments or appointments.
- 7) I waive any and all claims against the County of Los Angeles, its Officers and Employees, members of the Screening Committees and other IDCO committees, and other related officials for any liability arising from the operation of IDCO or from the referrals, assignments and appointments.
- 8) *All disputes shall be resolved in accordance with the Rules and Regulations of IDCO.*

In the event of any unresolved dispute against IDCO or its employees, the County of Los Angeles, members of the IDCO Screening Committees and other IDCO committees, or other related officials regarding my participation in or removal from IDCO, or any other dispute, I agree that such dispute shall be resolved by means of binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court of competent jurisdiction. The arbitrator shall be limited to awarding compensatory damages and shall have no other authority to award punitive, exemplary or any other type damages. The prevailing party in the arbitration proceeding shall be entitled to recover its expenses, including costs of the arbitration proceeding and arbitrator fees, and reasonable attorneys' fees.

Notice: By signing this application I understand that I am agreeing to have any dispute arising out of my participation in IDCO decided by neutral arbitration as provided by California law and I am giving up any right I might possess to have the dispute litigated in a court or jury trial. By signing this application, I am giving up my judicial right to appeal.

I understand that if I refuse to submit to arbitration after agreeing to this provision, I may be compelled to arbitrate under the authority of the California Code of Civil Procedure.

- 9) I understand that my application will allow inquiry of the Judges before whom I have appeared and attorneys who have worked with me or opposed me. I agree to those inquiries being made and understand that the information received as a result of those inquiries will be kept confidential. I also understand that if I am denied admission to a particular panel classification as a result of such confidential information, I will be notified that the denial was based on this factor. At my request, I will be given the opportunity to appear before the IDCO Director to address this factor and will receive reconsideration of my application.
- 10) I understand that a policy of professional liability insurance must be in force before I can be accepted onto the panel. I agree to maintain errors and omissions insurance in the amount of not less than \$100,000.00 for each occurrence.
- 11) I understand and agree to provide IDCO with the name and contact information of successor counsel who will be responsible for my files and practice wind-down of my practice in the event I can no longer practice law, as required by the State Bar.
- 12) I agree to notify IDCO within 10 days of actual notice that a complaint has been filed against me by the State Bar of California ("State Bar"), or like organization in any state, or that any complaint of a criminal nature has been filed anywhere against me.
- 13) I agree to complete and submit to IDCO all non-privileged reports/documents requested by IDCO regarding my performance on an IDCO-assigned case, including billing and documentation of tasks completed by me.
- 14) I agree to notify IDCO within 10 days of a hearing on a *Marsden* motion filed against me (excluding any privileged information), regardless of the outcome of the hearing. I understand that failure to report said Marsden motion within 10 days may result in interim suspension from IDCO.

15) I agree to notify IDCO within 10 days of any sanctions imposed on me by any Court. I understand that failure to report said sanctions within 10 days may result in interim suspension from IDCO.

16) I understand that I must engage in at least 12 hours of criminal law continuing legal education and criminal law training each year, including the specific requisite seminars/courses for the highest class applied for.

Please date and sign here acknowledging that you have read, understand, and agree to the contents of this agreement and that you have provided complete and accurate information in this application to the best of your knowledge.

Date: _____

Signature: _____

TO: **Independent Defense Counsel Office**
County of Los Angeles
Metropolitan Courthouse
1945 South Hill St., Suite 208
Los Angeles, CA. 90007

Or email at info@idco.lacounty.gov

DEFINITION OF TERMS

As used in the following listing of qualifications for membership on the five Graded Panels, the following definitions apply:

1. **Criminal Case** – is representation of a defendant in a preliminary hearing, trial or felony hearing, including all necessary motions and appearances, to completion of all proceedings in the Los Angeles Superior Court. Two or more consolidated cases involving the same defendant are considered as one case. An appointment to represent a previously sentenced defendant on a subsequent matter, such as an alleged violation of probation or failure in a diversionary program, constitutes a new and separate case. Infractions are not “cases” under this definition.
2. **Criminal Trial** – is a case charging a public offense or offenses in adult court where the determination of guilt or innocence has been submitted to a trier of fact (judge or jury) for decision or if resolved before submission to the trier of fact, a case in which jeopardy attached before resolution based on the swearing in of the jury of the calling of the first witness.
3. **Completed Jury Trials** – are trials in which the issue of guilt or innocence has been submitted to a jury for decision. Hung juries qualify as completed jury trials. Guilty pleas before submission to the jury do not. You must have been lead counsel on your cases. If you are applying for a waiver of any trial requirements, and you were not lead counsel, you must state in detail what services you provided in representing the defendant, e.g., motions prepared, number and types of witnesses examined, opening statements or final arguments delivered, etc.
4. **Juvenile Felony Adjudication** – is an adjudication (i.e. court trial) in juvenile court for conduct that would constitute a felony charge against an adult defendant. Juvenile felony adjudications do not count as criminal cases or criminal trials except as specified for Grade 1 qualification.
5. **Classification of Cases** – refers to the grouping of cases.

CLASSIFICATION OF CASES (ADULT)

Successful applicants will enter the program as a misdemeanor level attorney and must remain so for one year. At the conclusion of one year, all panel members may request an upgrade to a higher level in accordance with rules and regulations applying to the upgrade procedure. Upgraded attorneys will then be eligible to receive appointments according to their classification as follows:

Misdemeanor Attorneys shall be eligible to receive appointments to all misdemeanor cases that are not Penal Code (P.C.) 270.

P.C. 270 Attorneys shall be eligible to receive appointments to all P.C. 270 cases.

Grade I Attorneys shall be eligible to receive appointments to **Grade I cases only**. Grade I cases shall be:

- *All felonies not designated as Grade II, III, IV or V
- *All Vehicle Code offenses except homicides
- *All Business and Professions Code felony filings

Up to 7 years maximum sentence

Grade II Attorneys shall be eligible to receive appointments to **Grade II and Grade I**. up to 14 years max sentencing time

Grade III Attorneys shall be eligible to receive appointments to **Grade III cases and Grade II cases**. Grade III cases include the following: except when they have been designated as Grade IV cases:

- *Any complaint filed with more than seven counts on our defendant regardless of the actual charge (except for Grade V cases).
- *Any complaint for which more than two sentence enhancements are alleged.
- *All conspiracies (P.C. 182) except where the underlying charge is a Grade I charge.
- *All cases where forfeiture of money or property is involved.
- *All P.C. 211 cases with more than three counts of 211 filed against our defendant.
- *All cases where the time estimate for the duration of the Preliminary Hearing is in excess of 6 weeks.

Up to 24 years maximum sentence -- 2 strike cases

Grade IV Attorneys shall be eligible to receive appointments to **Grade IV cases, Grade III cases and Grade II cases**. Grade IV cases shall include:

- *All cases in which a third strike is alleged (P.C. 667).
- *All non-special circumstance (Grade V) murder cases.
- *All complex crimes involving protracted litigation with approval of the Court.
- *Treason under Penal Code section 37
- *Kidnapping causing GBI or death or under circumstances likely to cause **GBI** or death under Penal Code section 209(a)
- *Attempted murder of a police officer under Penal Code section 217.1
- *Train-wrecking under Penal Code section 218

- *Train de-railing under Penal Code section 219
- *Assault of a child under 8 years of age resulting in death under Penal Code section 273(a, b)
- *Explosion causing death under Penal Code section 12310(a)
- *All cases alleging an enhancement under Penal Code section 12022.53(d) (personally discharging a firearm causing great bodily injury or death)
- *All sex offenses alleging an enhancement under Penal Code section 667.61 (sex offense special circumstances)
- *All sex offenses alleging an enhancement under Penal Code section 667.7 (habitual sex offender causing GBI or using force likely to produce GBI)
- *All sex offenses alleging an enhancement under Penal Code section 667.71 (habitual sex offender)
- *Attempted First Degree Murder under Penal Code section 664/187
- *Gross Vehicular Manslaughter with prior DUI conviction under Penal Code section 191.5(d)
- *Aggravated Mayhem under Penal Code section 205
- *Torture under Penal Code section 206.1
- *Kidnapping under Penal Code section 209(a) not causing GBI or death
- *Kidnapping under Penal Code section 209(b)
- *Kidnapping during commission of carjacking under Penal Code section 209.5
- *Aggravated sexual assault of a child under Penal Code section 269
- *All sex offenses alleging enhancement under Penal Code section 667.51(d) for prior sex offense convictions (P.C. 667.71 and P.C. 667.72)
- *All drug offenses alleging an enhancement under Penal Code section 667.75 (drug offenses involving minors with prior convictions)
- *Explosion causing mayhem or GBI under Penal Code section 12310(b)
- *All second strike cases alleging any of the above offenses or enhancements
- *Any of the above substantive offenses in combination with an enhancement allegation under Penal Code sections 12022.53(b) or (c)

25 years and life cases-- 3 strike cases automatically grade 4

Grade V Attorneys shall be eligible to receive appointments to **Grade V cases and Grade IV cases**. Grade V cases shall include:

- *P.C. 187 with special circumstances

GENERAL CLASSIFICATION REQUIREMENTS FOR ATTORNEYS

Misdemeanor Attorney Qualifications

1. Membership in the State Bar of California for a minimum of one year.
2. Attorney of record in at least 10 criminal cases.
3. Attorney of record in 3 trials or juvenile adjudications (must show proof).
4. 1 of the trials must have been a completed jury trial (civil/criminal).
5. IDP, Rule 4.7, CLE Requirements, indicates that registrants must have completed 12 hours of State Bar approved Continuing Legal Education (CLE) annually, and must continue to do so while registered on a Program panel. A minimum of 12 hours annually must be in the field of criminal law. At least 9 hours must be classroom participation (no tapes or other self-study accepted).

Grade I Attorney Qualifications

1. Membership in the State Bar of California for a minimum of 18 months.
2. Attorney of record in at least 20 criminal cases, which may include up to 15 juvenile felony adjudications.
3. Attorney of record in at least 10 criminal trials with proof of same.
4. 5 of the criminal trials must have been completed jury trials.
6. IDP, Rule 4.7, CLE Requirements, indicates that registrants must have completed twelve (12) hours of State Bar approved Continuing Legal Education (CLE) annually, and must continue to do so while registered on a Program panel. A minimum of twelve (12) hours annually must be in the field of criminal law. At least nine (9) hours must be classroom participation (no tapes or other self-study accepted). However, up to three (3) participatory hours will be acceptable (tapes or other self-study).

Grade II Attorney Qualifications

1. Membership in the State Bar of California for a minimum of three (3) years.
2. Attorney of record in at least forty (40) criminal cases.
3. Twenty (20) of the criminal cases must have been criminal trials.
4. Five (5) of the 20 criminal trials must have been felonies, (must show proof).
5. Ten (10) of the 20 criminal trials must have been completed jury trials of which five (5) must have been completed felony jury trials.
6. IDP, Rule 4.7, CLE Requirements, indicates that registrants must have completed twelve (12) hours of State Bar approved Continuing Legal Education (CLE) annually, and must continue to do so while registered on a Program panel. A minimum of twelve (12) hours annually must be in the field of criminal law. At least nine (9) hours must be classroom-participation (no tapes or other self-study accepted). However, up to three (3) participatory hours will be acceptable (tapes or other self-study).

Grade III Attorney Qualifications

1. Membership in the State Bar of California for a minimum of five (5) years.
2. Attorney of record in at least forty (40) criminal trials.
3. Fifteen (15) of the 40 criminal trials must have been felonies.
4. Ten (10) of the fifteen (15) felony trials must have been completed jury trials (show proof of same).
5. IDP, Rule 4.7, CLE Requirements, indicates that registrants must have completed twelve (12) hours of State Bar approved Continuing Legal Education (CLE) annually, and must continue to do so while registered on a Program panel. A minimum of twelve (12) hours annually must be in the field of criminal law. At least nine (9) hours must be classroom-participation (no tapes or other self-study accepted). However, up to three (3) participatory hours will be acceptable (tapes or other self-study).

Grade IV Attorney Qualifications

1. Membership in the State Bar of California for a minimum of seven (7) years.
2. Attorney of record in at least forty-five (45) criminal trials.
3. Twenty (20) of the 45 criminal trials must have been felony trials.
4. Fifteen (15) of the 20 felony trials must have been completed jury trials, (must show proof).
5. Five (5) of the fifteen (15) completed jury trials must have been tried within the previous 5 years (must show proof).
6. Attorney of record as defense counsel in five (5) of the 15 completed felony jury trials (must show proof).
7. Attorney of record as defense counsel in at least three (3) cases where the charge at the Superior Court arraignment was murder (Penal Code Section 187) (must show proof).
8. At least one (1) of these 3 murder cases must have been a jury trial completed within the previous 5 years, (must show proof).
9. IDP, Rule 4.7, CLE Requirements, indicates that registrants must have completed twelve (12) hours of State Bar approved Continuing Legal Education (CLE) annually, and must continue to do so while registered on a Program panel. A minimum of twelve (12) hours annually must be in the field of criminal law. At least nine (9) hours must be classroom-participation (no tapes or other self-study accepted). However, up to three (3) participatory hours will be acceptable (tapes or other self-study).

Juvenile Attorney Qualifications

1. Membership in the State Bar of California for a minimum of three (3) years.
2. Attorney of record in at least twenty (20) criminal cases.
3. Completed at least fifteen (15) juvenile felony adjudications.
4. Attorney of record in at least ten (10) criminal jury trials with proof of same.
5. Complete CLE training consistent with Welfare and Institutions code section 634.3(b)(2) which mandates that "required training areas" include, at a minimum, "an overview of juvenile delinquency law and procedure, child and adolescent development, special education, competence and mental health issues, counsel's ethical duties, advocacy in the post-dispositional phase, appellate issues, direct and collateral consequences of court involvement for a minor, and securing effective rehabilitative resources." This must all be classroom-participation training with proof of same.