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First Administrative Judicial Region

MARY MURPHY
Presiding Judge

133 N. Riverfront Blvd. LB 50
Dallas, TX 75207

214-653-2943
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April 9, 2015

TO THE DISTRICT CLERKS FOR ALL COUNTIES
IN THE FIRST ADMINISTRATIVE JUDICIAL REGION

Re: Standards and Rules for the Qualification of Attorneys for Appointment to Represent Indigent Defendants in Death Penalty Cases
and
List of Attorneys Approved by the Local Selection Committee for Appointment To Death Penalty Cases in the First Administrative Judicial Region

Dear District Clerks:

The attached documents are being delivered to you for posting in your office pursuant to Article 26.052(d)(4) of the Texas Code of Criminal Procedure. Please let us know if you have any questions or need additional information.

Thank you so much for your assistance

Sincerely,

Mary Murphy

cc: Local Selection Committee

FIRST ADMINISTRATIVE JUDICIAL REGION OF TEXAS

STANDARDS AND RULES FOR THE QUALIFICATION OF ATTORNEYS FOR APPOINTMENT TO REPRESENT INDIGENT DEFENDANTS IN DEATH PENALTY CASES

Effective April 8, 2015

Pursuant to Article 26.052(d) of the Texas Code of Criminal Procedure, the following rules and minimum standards for the qualification of attorneys to be appointed to represent indigent defendants in death penalty cases have been adopted by the Local Selection Committee for the First Administrative Judicial Region:

A. General Rules Regarding the Appointment Of Counsel To Represent Indigent Defendants In Death Penalty Cases

1. The presiding judge of the court in which a capital felony case is filed shall appoint at least two death-penalty qualified attorneys to represent an indigent defendant, unless the State gives notice in writing that the State will not seek the death penalty. The appointment shall occur as soon as practicable after charges against the defendant have been filed.

2. One attorney shall be designated as first chair or lead trial counsel; the second attorney shall be designated as second chair trial counsel. The trial judge determines which attorney shall be designated as first chair or lead trial counsel.

3. Except for good cause, only one attorney may be appointed as lead counsel on the direct appeal of a death penalty case. The trial judge shall appoint counsel to represent an indigent defendant on appeal as soon as practicable after a death sentence is imposed in the case. The judge may not appoint an attorney as counsel on appeal if the attorney represented the defendant at trial, unless (a) the defendant and the attorney request the appointment on the record, and (b) the court finds good cause to make the appointment.

4. Any attorney appointed to represent indigent defendants in death penalty cases at trial or on appeal must be on the list of attorneys approved by the Local Selection Committee for appointment to death penalty cases in the First Administrative Judicial Region. The list of attorneys qualified for appointment to death penalty cases in the Region and this document setting the standards for inclusion on the list shall be prominently posted in each district clerk's office in the Region. The list of attorneys and these standards also will be available on the Region website at www.txcourts.gov/1ajr.aspx.

5. The trial judge shall approve compensation for appointed counsel in accordance with the fee schedule adopted in that jurisdiction.

B. Qualifications For First Chair Or Lead Trial Counsel

In accordance with Article 26.052(d)(2), an attorney appointed as first chair or lead trial counsel in the trial of a death penalty case must:

1. Be a member in good standing 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, unless the Local Selection Committee determines under Article 26.052, subsection (n) that the conduct underlying the finding no longer accurately reflects the attorney's ability to provide effective representation;

4. Have at least five (5) years of criminal law experience;

5. Have tried a significant number of felony cases to a verdict as lead defense counsel, including homicide trials and other trials for offenses punishable as first or second degree felonies or capital felonies;

6. Have previous trial experience as a member of the defense counsel trial team 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 related to criminal defense in death penalty cases in each reporting period. Attorneys qualified as first chair or lead trial counsel must have completed a minimum of twelve (12) hours of death penalty related continuing legal education or training over the previous two-year period.

C. Qualifications For Second Chair Trial Counsel

An attorney appointed as second chair in the trial of a death penalty case must:

1. Be a member in good standing of the State Bar of Texas;

2. Exhibit proficiency in criminal law and commitment to providing quality representation to defendants in felony 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, unless the Local Selection Committee determines under Article 26.052, subsection (n) that the conduct underlying the finding no longer accurately reflects the attorney's ability to provide effective representation;

4. Have at least two (2) years of experience in representing individuals charged with felonies; and

5. Have participated in continuing legal education courses or other training related to criminal defense in death penalty cases in each reporting period. Attorneys qualified as second chair trial counsel must have completed a minimum of eight (8) hours of death penalty related continuing legal education or training over the previous two-year period.

D. Qualifications For Lead Appellate Counsel

In accordance with Article 26.052(d)(3), an attorney appointed as lead appellate counsel in the direct appeal of a capital case must:

1. Be a member in good standing 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, unless the Local Selection Committee determines under Article 26.052, subsection (n) that the conduct underlying the finding no longer accurately reflects the attorney's ability to provide effective representation;

4. Have at least five (5) years of criminal law experience;

5. 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 Article 42.12, section 3g(a)(1) of the Texas Code of Criminal Procedure;

6. 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; and

7. Have participated in continuing legal education courses or other training related to criminal defense in appealing death penalty cases. Attorneys qualified as lead appellate counsel must have completed a minimum of twelve (12) hours of death penalty related training over the previous two-year period.

E. Additional Counsel

To promote quality representation and expand and maintain a pool of qualified attorneys, nothing in these standards shall be construed to preclude the appointment of additional counsel to sit as third chair or as prohibiting *pro bono* counsel to sit as third chair with the approval of lead trial counsel and the trial judge. Attorneys sitting as third chair trial counsel shall serve under the supervision of the first and second chair trial counsel and are exempt from compliance with these standards. Appointment of additional counsel pursuant to this provision is within the discretion of the trial judge.

F. Procedures For Application

An attorney who desires to serve as court-appointed counsel in a death penalty case may apply for placement on the list by submitting a sworn application to:

Hon. Mary Murphy, Presiding Judge
First Administrative Judicial Region
133 N. Riverfront Boulevard, LB 50
Dallas, Texas 75207

Applications shall be on the form promulgated by the Local Selection Committee, which is available on the Region website at www.txcourts.gov/1ajr.aspx. The attorney may attach any supporting documentation deemed necessary, including, but not limited to, the attorney's resume or professional vita and MCLE Compliance Report from the State Bar of Texas. Incomplete applications will not be considered.

In addition to the sworn application and other documentation, attorneys applying for first chair or lead trial counsel must identify a district court judge who has knowledge of the attorney's proficiency and commitment to providing quality representation to defendants in death penalty cases.

The Local Selection Committee shall meet twice a year, at a time and place determined by the Presiding Judge, to review any submitted applications and approve an attorney's placement on the list. An applicant shall be included on the appropriate list by a vote of a majority of the members of the committee. The committee may meet on an emergency basis to review an application as deemed necessary by the Presiding Judge.

G. Attorney Obligation to Update Continuing Legal Education Documentation

In accordance with Article 26.052(d)(5), not later than the second anniversary of the date an attorney is placed on the list of attorneys qualified for appointment in death penalty cases and each year following the second anniversary, the attorney must present proof to the Local Selection Committee that the attorney has successfully completed the minimum continuing legal education requirements for the State Bar of Texas, including completing the required hours of legal education

or other training related to the defense or appeal of death penalty cases. Such proof shall include the form entitled "Annual Attorney Certification of CLE Hours" available on the Region website at www.txcourts.gov/1ajr.aspx and a copy of the attorney's MCLE Compliance Report from the State Bar of Texas. The documentation also must detail the course name and number, the dates the attorney attended the course, and how many hours were related to the defense or appeal of death penalty cases.

The committee will accept up to two (2) hours of self-study credit. If the attorney is claiming any self-study credit, the attorney must submit documentation stating what type of self study was involved and how many hours were related to the defense of death penalty cases.

The CLE reporting period shall run from July 1 through June 30 of each year. An attorney shall submit proof of compliance with the annual certification requirement to the Presiding Judge on or before July 1 of each year. The committee shall remove the attorney's name from the list of qualified attorneys if the attorney fails to provide the committee with such proof.

H. Periodic Review By The Local Selection Committee

Pursuant to Article 26.052(m), the Local Selection Committee shall annually review the list of attorneys to ensure that each listed attorney continues to satisfy the requirements set forth in these standards. Based on that review, the list of attorneys qualified for appointment to death penalty cases may be amended by the committee.

An attorney may be removed from the list by majority vote of the committee if the committee determines that the attorney (a) no longer meets the objective qualifications for that list, (b) is not fully competent to adequately handle the category of cases associated with that list, (c) no longer exhibits proficiency and commitment to providing quality representation to defendants, or (d) has not complied with the minimum continuing legal education requirements.

If for any reason an attorney wants to be removed from the list, the attorney shall notify the Presiding Judge of the Region in writing that the attorney no longer wishes to be available for appointment to death penalty cases.

I. Other Requirements For Qualification of Appointed Counsel

The district courts trying capital cases in the First Administrative Judicial Region may, by separate plan or order adopted by the judges of that jurisdiction, require additional qualifications for an attorney to be appointed to a capital case in their jurisdiction. Any such plan or order establishing additional requirements must be forwarded to the Presiding Judge of the Region. An attorney appointed as first chair or lead trial counsel in a capital case in which the death penalty is sought, must meet the minimum qualifications as set forth in these standards.

J. Adoption By The Local Selection Committee

The standards contained herein for the appointment of counsel to represent indigent defendants in death penalty cases were adopted by the Local Selection Committee on this 8th day of April, 2015. These standards are effective as of that date and supersede the previous standards promulgated by the committee in October 2012.

MARY MURPHY, Presiding Judge,
First Administrative Judicial Region

LOCAL SELECTION COMMITTEE MEMBERS

Pursuant to Article 26.052(c), the Presiding Judge of the First Administrative Judicial Region, as Chair, has appointed the following members of the committee:

Judge Alfonso Charles
124th Judicial District Court
Gregg County, Texas

Judge Gracie Lewis
Criminal District Court #3
Dallas County, Texas

Mr. Buck Files, Attorney
109 W. Ferguson Street
Tyler, Texas 75702

Mr. Douglas Parks, Attorney
321 Calm Water Lane
Holly Lake Ranch, Texas 75765-7145

Mr. Kerry Young, Attorney
133 N. Riverfront Boulevard, 2nd Floor
Dallas, Texas 75207

FIRST ADMINISTRATIVE JUDICIAL REGION OF TEXAS

List of Attorneys Qualified to Represent Indigent Defendants in Death Penalty Cases
As of April 8, 2015

Pursuant to Article 26.052 of the Texas Code of Criminal Procedure, the following attorneys have been approved by the Local Selection Committee for appointment to death penalty cases in the First Administrative Judicial Region:

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Cariann V. Abramson	100 West Broad Street, Suite D Forney, Texas 75126	(972) 552-2240	Second	All Counties in the Region
Catherine Bernhard	P.O. Box 2817 Red Oak, Texas 75154	(972) 617-5548	First, Second, Appellate	Dallas, Ellis
Paul Brauchle	4131 N. Central Expressway, Suite 680 Dallas, Texas 75204	(214) 742-2332	First, Second	Collin, Dallas, Rockwall
Brook Busbee	703 McKinney, Suite 312 Dallas, Texas 75202	(214) 754-9090	First, Second	Dallas
Richard E. Carrizales	100 N. Central Expressway, Suite 800 Richardson, Texas 75080	(214) 821-6055	Second	Dallas
Jason D. Cassel	111 West Tyler Street Longview, Texas 75601	(903) 757-8449	Second	All Counties in the Region
Charles "Mac" Cobb	P.O. Box 1134 Mount Pleasant, Texas 75456-1134	(903) 717-8606	First, Second	All Counties in the Region

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Scott A. Cornuaud	2611 Lee Street Greenville, Texas 75403	(903) 454-7900 (903) 356-2696	Second	All Counties in the Region
Thomas A. D'Amore	4144 N. Central Expressway, Suite 512 Dallas, Texas 75204	(972) 347-4411	Second	Collin, Dallas, Denton, Kaufman, Rockwall
Dennis D. Davis	2900 Lee Street, Suite 102 Greenville, Texas 75403	(903) 454-6050	First, Second	Hunt
Zachary Davis	P.O. Box 2042 Tyler, Texas 75710	(903) 539-5576	Second	Gregg, Henderson, Smith
Leigh DeMasi	4858 Hazelhurst Dallas, Texas 75227	(214) 443-3843	Second	All Counties in the Region
Brock H. Duke	110 E. Davis Street McKinney, Texas 75069	(214) 478-1399	Second	Collin, Dallas
Stephen Evans	1000 N. Church Palestine, Texas 75801	(903) 723-3334	First, Second	All Counties in the Region
William J. Fay	2515 McKinney Avenue, Suite 1400 Dallas, Texas 75201	(214) 237-0837	Second	All Counties in the Region
Roland Fergurson	521 Main Street, Suite 106 Sulphur Springs, Texas 75482	(903) 885-4308	First, Second	Delta, Franklin, Hopkins, Hunt, Lamar, Rains, Titus, Wood
Richard Franklin	100 Highland Park Village, Suite 200 Dallas, Texas 75205	(214) 695-3507	First, Second	All Counties in the Region
B. Keith Gore, Jr.	2301 Virginia Parkway McKinney, Texas 75071	(972) 529-2220	First, Second	All Counties in the Region

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Steven R. Green	209 E. Corsicana Street Athens, Texas 75751	(903) 675-1802	First, Second	All Counties in the Region
Jeffrey Haas	908 First Place Tyler, Texas 75702	(903) 593-8338	First, Second, Appellate	All Counties in the Region, except Dallas (as trial counsel); All Counties in the Region (as appellate counsel)
James R. Hagan	222 North Fredonia Street Longview, Texas 75606	(903) 757-9877	First, Second	Gregg, Marion, Panola, Rusk
Heath Glen Harris	1910 Pacific Avenue, Suite 15100 Dallas, Texas 75201	(214) 742-0708	Second	Dallas
Michael Ray Harris	6051 Clearwater Ranch Road Wills Point, Texas 75169	(972) 563-3205	Second	All Counties in the Region
Rick Harrison	6116 N. Central Expressway, Suite 500 Dallas, Texas 75206	(972) 533-1603	First, Second	Collin, Dallas, Ellis, Henderson, Hunt, Kaufman, Rockwall, Van Zandt
Phillip Hayes	3300 Oak Lawn Avenue, Suite 600 Dallas, Texas 75219	(214) 774-0488	First, Second	All Counties in the Region
David K. Haynes	2600 West Eldorado Parkway, Suite 220 McKinney, Texas 75070-7518	(972) 542-1793	First, Second	Collin
Craig L. Henry	723 Main Street Texarkana, Texas 75501	(903) 792-4645	First, Second, Appellate	All Counties in the Region
Jeff Herrington	509 N. Church Palestine, Texas 75802	(903) 723-1212	Second	All Counties in the Region

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Michael Howard	4925 Greenville Avenue, Suite 200 Dallas, Texas 75206	(214) 296-2221	Second	Collin, Dallas
Wayne Huff	P.O. Box 2334 Boerne, Texas 78006	(214) 803-4127	First, Second	All Counties in the Region
Paul Johnson	900 Jackson Street, Suite 650 Dallas, Texas 75202	(214) 761-0707	First, Second	All Counties in the Region
William "Karo" Johnson	3300 Oak Lawn Avenue, Suite 600 Dallas, Texas 75219	(214) 824-9955	First, Second	Dallas
Edwin V. King	400 S. Zang Boulevard, Suite 105 Dallas, Texas 75208	(214) 871-8800	First, Second	Collin, Dallas, Rockwall
Karen Lambert	6060 N. Central Expressway, Suite 560 Dallas, Texas 75206	(214) 908-5200	Second	All Counties in the Region
Sten Langsjoen	216 W. Erwin Street, Suite 302 Tyler, Texas 75702	(903) 531-0171	First, Second, Appellate	Anderson, Cherokee, Rusk, Van Zandt, Wood
Lance Ray Larison	P.O. Box 232 Longview, Texas 75606	(903) 238-8184	Second	All Counties in the Region
B. Ward Maedgen	5005 Greenville Avenue, Suite 200 Dallas, Texas 75206	(214) 651-4288	Second	All Counties in the Region
Paul Mansur	P.O. Box 1300 Denver City, Texas 79323	(806) 215-1025	Appellate	All Counties in the Region
Robbie S. McClung	100 Highland Park Village, Suite 200 Dallas, Texas 75205	(214) 566-6967	First, Second	All Counties in the Region

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Steven R. Miears	211 North Main P.O. Box 736 Bonham, Texas 75418	(903) 640-4963	First, Second, Appellate	All Counties in the Region
Bobby D. Mims	216 W. Erwin Street, Suite 300A Tyler, Texas 75702	(903) 595-2169	First, Second	Anderson, Cherokee, Collin, Dallas, Gregg, Harrison, Henderson, Nacogdoches, Rusk, Smith, Van Zandt, Wood
John W. Moore	439 North Fredonia Longview, Texas 75606	(903) 236-3500	First, Second	All Counties in the Region
Michael Mowla	6500 Greenville Avenue, Suite 444 Dallas, Texas 75206	(972) 795-2401	Appellate	All Counties in the Region
Bernard C. Nwaiwu	11615 Forest Central Drive, Suite 212 Dallas, Texas 75243	(214) 348-8444	Second	All Counties in the Region
Jack L. Paris, Jr.	3101 Joe Ramsey Boulevard, Suite 101 Greenville, Texas 75404	(903) 455-5797	First, Second	Fannin, Hopkins, Hunt, Rains, Rockwall
Douglas H. Parks	321 Calm Water Lane Holly Lake Ranch, Texas 75765	(903) 769-3120	First, Second, Appellate	All Counties in the Region
Lalon C. Peale	901 Main Street, Suite 6300 Dallas, Texas 75202	(214) 969-1937	First, Second	All Counties in the Region
Matthew Brent Ratekin	422 S. Spring Tyler, Texas 75702	(903) 595-1516	Second	Smith
Juan Carlos Sanchez	1825 Market Center Boulevard, Suite 360 Dallas, Texas 75207	(214) 365-0700	First, Second	Collin, Dallas

Attorney Name	Primary Office Address	Contact Number	Qualified Chair(s)	Counties
Doug Schopmeyer	5646 Milton Street Dallas, Texas 75206	(214) 535-4196	Second	Dallas
William Lee Schultz	2101 Brugge Court Plano, Texas 75025	(972) 517-1020	First, Second	Collin, Dallas
John A. Scott	107 E. Tyler Street Athens, Texas 75751	(903) 675-8005	Second	All Counties in the Region
Matthew D. Seymour	6060 N. Central Expressway, Suite 500 Dallas, Texas 75206-5209	(972) 533-9280	Second	All Counties in the Region
Hilary Sheard	7301 Burnet Road, Suite 102-328 Austin, Texas 78757	(512) 524-1371	Appellate	All Counties in the Region
John Tatum	990 South Sherman Street Richardson, Texas 75087	(972) 705-9200	First, Second, Appellate	All Counties in the Region
David Waddill	17300 Preston Road, Suite 220 Dallas, Texas 75252	(972) 713-1300	Second	Collin, Dallas, Fannin, Grayson, Rockwall
Kobby T. Warren	1910 Pacific Avenue, Suite 5010 Dallas, Texas 75201	(972) 755-3279	Second	Dallas
Mark Watson	5646 Milton Street, Suite 330 Dallas, Texas 75206	(214) 912-8181	Second	All Counties in the Region
Toby C. Wilkinson	2815 Wesley Greenville, Texas 75403	(903) 454-6096	First, Second, Appellate	Hunt
Brady T. Wyatt, III	3300 Oak Lawn Avenue, Suite 600 Dallas, Texas 75219	(214) 559-9115	Second	Collin, Dallas, Ellis, Grayson, Kaufman, Rockwall