

**INSTRUCTION FOR ATTORNEY
APPLICATION AND AGREEMENT**

- 1. Application.** Complete the Application in legible print or type. Attach the appropriate Classification form, requested documentation, and the applicable fee to the Application and return to:

KCBA
Indigent Defense Program, Admissions
1675 Chester Avenue, Suite 220
Bakersfield, CA 93301

If requested by the Kern County Bar Association (the “KCBA”) Indigent Defense Program (the “Program”), an applicant must furnish a detailed history and backup documentation of their background and experience.

2. Classification Form. After reviewing the attached Attorney Classifications, complete, date, and sign the appropriate Attorney Grade Qualifications form for your level of experience and qualification. **Attach only the appropriate form to the Application.** (A “Grade” is eligibility for appointment classification that corresponds to a respective case Classification.)

Applicants admitted to the Program shall be assigned a Grade by the Administrator and the Qualifications Committee.

3. Fees.

A. **KCBA Membership / Waiver Fees.** Although membership in the KCBA is not a prerequisite for the admission into the Program, all Program attorneys choosing not to be members of the KCBA must pay a Membership Waiver Fee. All non-member applicants must either submit proof of payment of the Membership Fee or submit the Membership Waiver Fee with the application, which shall be returned if the applicant is not admitted. Join KCBA online at: www.kernbar.org and submit proof of membership with this application. The respective fees are as follows:

1. Membership Waiver Fee: \$250.00

B. **Processing Fee.** A non-refundable \$30 processing fee will be charged to all applicants. This fee must accompany the application, check or money order payable to KCBA- IDP.

4. Malpractice insurance. Proof of current malpractice insurance coverage must be submitted prior to being placed on the panel.

**APPLICATIONS WILL NOT BE PROCESSED WITHOUT ALL OF THE
REQUESTED DOCUMENTATION, AND APPLICABLE FEES
DO NOT ATTACH INSTRUCTION SHEETS OR UNUSED FORMS**

**ATTORNEY APPLICATION & AGREEMENT
KCBA Indigent Defense Program**

| | | |
|---|--------------------------|-----------------------------|
| FOR USE BY PROGRAM | | |
| Date Received _____ | Time _____ | By _____ |
| Proof of ___ KCBA Membership. | Waiver Fee (\$250) _____ | Processing Fee (\$30) _____ |
| Documents included: Clas. Form ___ Insurance ___ Resume ___ References ___ Other ___ | | |
| Grade (appointment eligibility classification, check one) Requested: 1__2__3__4__5__6__ | | |

| | | | | | |
|--|----------------|---|------------------|---------------|--|
| Legal Name | | Social Security Number | | Date of Birth | |
| Office Address | | Telephone Number | Facsimile Number | Email Address | |
| Law School | Date Graduated | California Drivers License No. | | | |
| California State Bar No. | Date Admitted | Date Began Practice in Kern County | | | |
| Date Admitted to Other State Bar | State | Member of the Kern County Bar Association ___ Yes ___ No | | | |
| Percent of practice in criminal law: | | Percent of practice in criminal appeals: | | | |
| On a Kern Co. appointment list ___ Yes ___ No. Length of time on list: | | Current Classifications (types of cases): | | | |
| Previous service on an appointment list outside of Kern County ___ Yes ___ No. Ad hoc Panel ___ Yes ___ No. IDP ___ Yes ___ No. County _____, no. years _____. Good standing with previous program ___ Yes ___ No Currently on any other County's criminal appointment list ___ Yes ___ No. County: | | | | | |
| Are you bilingual ___ Yes ___ No. Is anyone in your staff bilingual ___ Yes ___ No. Languages: | | | | | |
| Legal malpractice insurance ___ Yes ___ No. Individuals listed on policy _____, Policy No. _____ Attach copies of insurance certificate. | | | | | |
| Are you on any appellate appointment list ___ Yes ___ No. If yes, what project: | | | | | |
| Are you a Certified Criminal Law Specialist ___ Yes ___ No. Date obtained: | | | | | |
| List special areas of practice in criminal law. A separate list may be attached. | | | | | |
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List legal experience and indicate corresponding dates. A separate list or resume may be attached.

References: List three attorneys and three judges (and current telephone numbers) with or before whom you have practiced within the past four years. A separate list may be attached.

| Attorney Name/Firm | Telephone Number | Judge Name/Court | Telephone Number |
|--------------------|------------------|------------------|------------------|
| | | | |
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| | | | |
| | | | |
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Have you been convicted of any crime or are you the subject of any pending criminal investigation _____ Yes _____ No. If yes, attach a detailed description of the nature, date, and result or status of the same.

I am enclosing the following fees in separate checks:
KCBA Membership Waiver Fee (\$250 payable to KCBA) _____ ,
Processing Fee (\$30 KCBA-IDP) _____ , Total Enclosed _____.

I have read this Application and Agreement, the Attorney Classifications that is attached, and have had an opportunity to review the General Policies and Procedures of the Kern County Bar Association (“KCBA”) Indigent Defense Program (the “Program”) and agree to abide by and be bound by the same. I understand and agree that I stand as an independent contractor under the Program in my relationship with the KCBA and the County of Kern.

I grant the Program full access to any information under the control of the State bar of California and any other state or national bar association concerning my status as an attorney and any disciplinary proceedings now or previously pending against me, and waive any right to privacy or confidentiality I may have to do the same. (Matters revealed in this application and any investigation of the applicant shall be kept confidential by the Program.)

I declare under penalty of perjury that the information contained in this Application and Agreement and the attached Classification form and other documents is true and correct and this is document was executed at _____, California, on this ____day of _____, 20__ .

Signed _____.

ATTORNEY CLASSIFICATIONS INSTRUCTIONS

Step One: Review the following a) Minimum Qualifications for Admissions and Continued Admissions, and b) the six separate Attorney Grade Qualification forms.

Step Two: Complete, date, and sign the appropriate form for your level of experience and qualification. An attorney qualifying for a given Grade will automatically qualify for all lower Grades (except with respect to Grade 6) and subGrades (except with respect to subGrade 6D and 6E). Additional instructions providing more detail are included with the Grade 6 form.

Step Three: Attach to the Application only one form. Do not attach instruction sheet or unused forms.

MINIMUM QUALIFICATIONS FOR ADMISSION

The following are minimum qualifications for attorney admissions into the Program. The Administrator or Program Staff may at any time request proof of the satisfaction of these qualifications, and the attorney shall immediately provide the same to the Administrator.

1. Membership in good standing with the State Bar of California.
2. Membership in good standing with the KCBA or payment of an annual membership waiver fee.
3. A principle business office located in Kern County which should be: i) accessible to clients for the purposes of client consultations; ii) available for service subpoenas, official court documents, legal papers, and any materials with providing services under the Program; and iii) staffed by personnel available for answering telephone calls or an answering service (answering machines alone are not acceptable). The principal business office shall not be a residence.
4. Legal malpractice insurance coverage for the applicant for the applicant's services provided through the Program with policy limits in the minimum amount of \$300,000.
5. Compliance with all applicable codes, statutes, and unemployment insurance, workers compensation insurance, and taxation.
6. Experience with the area of law administered by the Program in which the applicant intends to practice as represented by one or more of the following; i) certification by the State Bar of California as a specialist in such area; ii) significant prior experience practicing in such areas; iii) completion of the requirements of the Mentor Program for the area; or iv) equivalent education or experience in the area.
7. Applicants shall devote a substantial portion of their respective legal practices to areas of law administered by the program in which the respective applicants intend to practice.

MINIMUM QUALIFICATIONS FOR CONTINUED ADMISSION

Program attorneys shall at all times maintain the qualifications set out above. In addition Program attorneys shall do the following:

1. Immediately inform Administration of any disciplinary action involving the subject attorney by the

State Bar of California or any Court.

2. Immediately inform the Administrator of any criminal investigation or prosecution involving the subject attorney.

3. Provide the Administrator with proof of continuing legal malpractice insurance coverage with proper limits prior to the lapse or cancellation of the subject attorney's last policy submitted to the Administrator.

4. Immediately inform the Administrator of any changes in the subject attorney's address and telephone number.

GRADE 1 ATTORNEY QUALIFICATIONS
Misdemeanor Cases

I meet the following qualifications for a Grade 1 attorney.

1. Compliance with the minimum Qualifications for Admissions and Continued Admissions to the program, or, when applicable, with the limited Admissions requirement.

Dated: _____

Signature of Applicant

GRADE 2 ATTORNEY QUALIFICATIONS
General Felony Cases

I meet the following qualifications for a Grade 2 attorney.

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. 60 days participation as Grade 1 Attorney. (If not currently on the court appointment list.)
3. Attorney of record in at least 20 criminal cases.
4. Completion of two criminal jury trials. (Completion is considered presenting the case to an empanelled jury and submitting the matter to jury verdict or prevailing on a Penal Code section 1118.1 motion.)
5. If you have not actively practiced criminal law in two years immediately preceding the date of this application, attach proof of completion of 12 hours of approved MCLE or like programs in relevant criminal practice and procedure.

List the two completed jury trials that satisfy the requirements of item 4, and the five additional criminal cases that satisfy the requirements of item 3.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
|--------------------------|--------------|-----------------------|----------------|

Cases Taken Through Trial

1. _____
2. _____

Cases Not Taken Through Trial

1. _____
2. _____
3. _____
4. _____
5. _____

Dated: _____

Signature of Applicant

If cases were not conducted in Kern County courts, attach copies of the minute order and docket indicating that you were the attorney of record and that the case was a jury trial. Your application will not be considered if complete information is not provided.

GRADE 3 ATTORNEY QUALIFICATIONS
Major Felony Cases

I meet the following qualifications for a Grade 3 attorney.

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. Attorney of record in at least 20 criminal cases.
3. Completion of eight criminal jury trials, at least four of which were felony cases. (Completion is considered presenting the case to an empanelled jury and submitting the matter to jury verdict or prevailing on a Penal Code section 1118.1 motion.)

List the eight completed jury trials (including the four felony cases) that satisfy the requirements of item 3.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. _____ | _____ | _____ | _____ |
| 6. _____ | _____ | _____ | _____ |
| 7. _____ | _____ | _____ | _____ |
| 8. _____ | _____ | _____ | _____ |

Dated: _____

Signature of Applicant

If cases were not conducted in Kern County courts, attach copies of the minute order and docket indicating that you were the attorney of record and that the case was a jury trial. Your application will not be considered if complete information is not provided.

GRADE 4 ATTORNEY QUALIFICATIONS
Complicated Felony Cases

I meet the following qualifications for a Grade 4 attorney.

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. Program eligibility and signification participation at the Grade III level for the preceding year or an equivalent practice level.
3. Completion of 12 hours of approved MCLE or like programs in advanced criminal practice and procedure including coverage of “3 Strikes”, homicide, or death penalty issues within the last three years. Attach proof of completion.
4. Attorney of record in at least 40 criminal cases.
5. Completion of 10 felony jury trials. (Completion is considered presenting the case to an empanelled jury and submitting the matter for jury or prevailing on a Penal Code section 1118.1 motion.)
6. Attorney of record in at least 30 criminal cases that were finally adjudicated and in which one or more of the following were brought: Penal Code section 995 motion, suppression motion, motion to strike prior conviction, disclosure of informant, common law criminal motion, speedy trial motion, writ, or appeal.

List the 10 completed felony jury trials that satisfy the requirements of item 5, and five of the cases that satisfy the requirements of item 6.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
| Completed Jury Trials | | | |
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ |
| 7. | _____ | _____ | _____ |

- 8. _____
- 9. _____
- 10. _____

| | | | |
|--------------------------|--------------|-----------------------|----------------|
| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|

Cases Involving Required Pleading

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Dated: _____

Signature of Applicant

If cases were not conducted in Kern County courts, attach copies of the minute order and docket indicating that you were the attorney of record and that the case was a jury trial. Your application will not be considered if complete information is not provided.

GRADE 5 ATTORNEY QUALIFICATIONS

Special Felony Cases

I meet the following qualifications for a Grade 5 attorney.

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. Program eligibility and significant participation at the Grade 4 level for the preceding year or an equivalent practice level.
3. Completion of the California Public Defender's or California Attorneys for Criminal Justice Death Penalty programs or substantially similar program within the past three years. Attach proof of completion of this requirement. Signed certification (below) that attorney meets all requirements of California Rule of Court (CRC) 4.117 subd. (d) or (e).
4. Attorney of record in at least 40 criminal cases.
5. Completion of 20 felony jury trials. (Completion is considered presenting the case to an empanelled jury and submitting the matter to jury verdict or prevailing on a Penal Code section 1118.1 motion.)
6. Attorney of record in at least 30 criminal cases that were finally adjudicated and in which one or more of the following were brought: Penal Code section 995 motion, suppression motion, motion to strike prior conviction, disclosure of informant, common law criminal motion, speedy trial motion, writ, or appeal.

List the 10 completed felony jury trials, including the two non-capital homicides, that satisfy the requirements of item 5, and five of the cases that satisfy the requirements of item 6.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
|--------------------------|--------------|-----------------------|----------------|

Completed Jury Trials (two non-capital homicides)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____

10. _____

I declare that I meet the qualifications listed in CRC Rule 4.117 (d) or (e).

Dated: _____

Signature of Applicant

If cases were not conducted in Kern County courts, attach copies of the minute order and docket indicating that you were the attorney of record and that the case was a jury trial. Your application will not be considered if complete information is not provided.

GRADE 6 ATTORNEY QUALIFICATIONS

Juvenile Delinquency and Dependency Cases

Step one: Select the subGrade(s) for which you are applying.

I meet the following qualifications for a Grade 6 attorney within the subGrade(s) marked. [All attorneys applying for subGrades 6A through 6C must also qualify for subGrade 6D and accept appointment to subclass 6D cases. An attorney qualifying for subGrade 6B automatically qualifies for subGrade 6A. An attorney qualifying for subGrade 6C automatically qualifies for subGrade 6A and 6 B. An attorney qualifying for subGrade 6E automatically qualifies for subGrade 6D.]

_____ **6A. Juvenile Delinquency, Simple Cases** (Welf. & Inst. Code. § 602 Petitions):
(Check if applicable)

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. A reasonable understanding of criminal law and procedure, Welfare and Institutions Code section 602, et seq., and the juvenile sentencing process that can be satisfied by completion of MCLE type courses in such subjects, completion of the relevant Mentor Program requirement, or one year of experience handling criminal matters in California Courts.
3. Eligibility and availability to take appointments to Class 6D cases.

_____ **6B. Juvenile Delinquency, General Felony Cases** (Welf. & Inst. Code. § 602 Petitions):
(Check if applicable)

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. A reasonable understanding of criminal law and procedure, Welfare and Institutions Code section 602, et seq., and the juvenile sentencing process that can be satisfied by completion of MCLE type courses in such subjects, completion of the relevant Mentor Program requirement, or one year of experience handling criminal matters in California Courts.
3. Eligibility and availability to take appointments to Class 6D cases.
4. One year of practice at General 6A or equivalent experience in adult criminal matters.

_____ **6C. Juvenile Delinquency, Serious Felony Cases** (Welf. & Inst. Code. § 602 Petitions):
(Check if applicable)

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.
2. A reasonable understanding of criminal law and procedure, Welfare and Institutions Code section 602, et seq., and the juvenile sentencing process that can be satisfied by completion of MCLE type courses in such subjects, completion of the relevant Mentor Program requirement, or one year of experience handling criminal matters in California Courts.
3. Eligibility and availability to take appointments to Class 6D cases.

4. Three years of practice at General 6A or equivalent experience in adult criminal matters.

5. Completion of 10 bench trials in Class 6B cases or equivalent experience in adult criminal matters.

6. A reasonable understanding of fitness hearing procedures that can be satisfied by completion of MCLE type courses in the subject, completion of the relevant Mentor Program requirements, or like experience handling criminal matters in California Courts.

_____ **6D. Juvenile Dependency, Parent/Caretaker Cases** (Welf. & Inst. Code. § 300):
(Check if applicable)

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.

2. A reasonable understanding of juvenile dependency law and procedure, reunification programs, and Welfare and Institution Code section 300, et seq., which can be satisfied by completion of MCLE type courses in the subject, completion of the relevant Mentor Program requirements, or like experience in California courts.

3. With respect to eligibility to handle writs to the Court of Appeal, a thorough understanding of writ procedure enabling the subject attorney to prepare an adequate writ as required under the circumstances of the particular case.

_____ **6E. Juvenile Dependency, Minor Cases** (Welf. & Inst. Code. § 300):
(Check if applicable)

1. Compliance with the Minimum Qualifications for Admissions and Continued Admission to the Program.

2. A reasonable understanding of juvenile dependency law and procedure, reunification programs, and Welfare and Institution Code section 300, et seq., which can be satisfied by completion of MCLE type courses in the subject, completion of the relevant Mentor Program requirements, or like experience in California courts.

3. With respect to eligibility to handle writs to the Court of Appeal, a thorough understanding of writ procedure enabling the subject attorney to prepare an adequate writ as required under the circumstances of the particular case.

4. Attorney of record in 50 6D cases, at least 20 of which have gone to contested hearing.

5. Completion of MCLE like courses concerning ethical issues involving minor's attorneys and establishing attorney client relationships with minors.

Step Two: Provide the information requested for the items that apply to the subGrade(s) for which you are applying.

All applicants for Grade 6: Provide the requested information. Additional documentation may be attached. All attorneys applying for subGrades 6A through 6C must provide the requested information for subGrade 6D.

6A-6C. Item 2. State the basis for your compliance with this item: _____

6A-6C. Item 4. State the basis for your compliance with this item: _____

6C Item 5. List five of the bench trials that satisfy the requirements of this item.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
|--------------------------|--------------|-----------------------|----------------|

1. _____

2. _____

3. _____

4. _____

5. _____

6C. Item 6. State the basis for your compliance with this item: _____

6D and -6E. Item 2. State the basis for your compliance with this item: _____

6D and 6E. Item 3. State the basis for your compliance with this item: _____

6E. Item 4. List five of the bench trials that satisfy the requirements of this item.

| Name and Case No. | Court | Year of Filing | Charges |
|--------------------------|--------------|-----------------------|----------------|
|--------------------------|--------------|-----------------------|----------------|

1. _____

2. _____

3. _____

4. _____

5. _____

6E. Item 5. State the basis for your compliance the MCLE requirements listed in this item:

Dated: _____

Signature of Applicant

If cases were not conducted in Kern County courts, attach copies of the minute order and docket indicating that you were the attorney of record and that the case was a jury trial. Your application will not be considered if complete information is not provided.