

## **INSTRUCTIONS 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 the original and two copies to:

KCBA  
Indigent Defense Program, Admissions  
1400 Chester Avenue, Suite P  
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 an 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 according to certain guidelines. These guidelines and the corresponding case Classifications can be found in the Program Handbook and the General Policies and Procedures, which are available at the KCBA office.

### **3. Fees.**

A. KCBA Membership / Waiver Fees. Although membership in the KCBA is not a prerequisite for 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 the Membership Fee or the Membership Waiver Fee at the time of submitting their application, which shall be returned if the applicant is not admitted. The respective fees are as follows:

Membership Fee: attorney \$125

Membership Waiver Fee: \$250

B. Processing Fee. A non-refundable \$30 processing fee will be charged all applicants after August 1, 1996.

**4. Copies.** The original and two complete copies of the Application, the applicable Attorney Grade Qualifications form, and attached documentation must be submitted.

**APPLICATIONS WILL NOT BE PROCESSED WITHOUT ALL OF THE  
REQUESTED DOCUMENTATION, COPIES, 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 \_\_\_\_\_

Fees Included: KCBA Membership Fee (\$125) \_\_\_\_\_ KCBA Membership Waiver Fee (\$250) \_\_\_\_\_ Processing Fee (\$30) \_\_\_\_\_ Total \_\_\_\_\_.

Documents Included: Clas. Form \_\_\_\_\_ Insurance \_\_\_\_\_ Resume \_\_\_\_\_ References \_\_\_\_\_ Other \_\_\_\_\_

\_\_\_\_\_

Grade (appointment eligibility classification) Requested: 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_ 6 \_\_\_\_\_ subGrade \_\_\_\_\_

Legal Name	Social Security Number	Date of Birth
Office Address	Telephone Number	Facsimile Number
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 Kern County Bar Association __ Yes __ No
Percent of practice in criminal law:	Percent of practice in criminal appeals:	
On 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 type __ 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 on your staff bilingual ___ Yes ___ No. Languages:		
Legal malpractice insurance ___ Yes ___ No. Individuals listed on policy _____ _____ Policy No. _____ Attach copy 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.		

List legal experience and indicate corresponding dates. A separate list or resume may be attached.

Empty table with 10 rows for listing legal experience.

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

Table with 4 columns: Attorney Name/Firm, Telephone Number, Judge Name/Court, Telephone Number. Contains 6 empty rows.

Have you been the subject of any disciplinary proceedings by any bar association \_\_\_ Yes \_\_\_ No. If yes, attach a detailed description of each proceeding, including the nature, date, and result of each such proceeding.

Have you been convicted of any crime or are you the subject of any pending criminal investigation \_\_\_ Yes \_\_\_ No. If yes, please attach a detailed description of the nature, date, and result or status of the same.

I am enclosing the following fees:
KCBA Membership Fee (\$50 / \$125) \_\_\_\_\_
Processing Fee (\$30) \_\_\_\_\_
KCBA Membership Waiver Fee (\$250) \_\_\_\_\_
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 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 document was executed at \_\_\_\_\_, California, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed \_\_\_\_\_.

[12.TLK.AP-ATT.KCB.5/29/96]

# ATTORNEY CLASSIFICATIONS

## INSTRUCTIONS

**Step One:** Review the following a) Minimum Qualifications for Admission and Continued Admission, and b) the six separate Attorney Grade Qualifications 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 subGrades 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 admission 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. Execution of the Program agreement for the provision of services.
4. A principal business office located in Kern County which shall be: i) accessible to clients for purposes of client consultations; ii) available for service of subpoenas, official court documents, legal papers, and any materials connected 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.
5. 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.
6. Compliance with all applicable codes, statutes, and unemployment insurance, workers compensation insurance, and taxation.
7. 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 area; iii) completion of the requirements of the Mentor Program for the area; or iv) equivalent education or experience in the area.
8. Applicants shall devote a substantial portion of their respective legal practices to the 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 the Administrator 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 Admission and Continued Admission 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 Admission 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 empaneled jury and submitting the matter for jury decision or prevailing on a Penal Code section 1118.1 motion.)
5. If you have not actively practiced criminal law in the 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 3, and the five additional criminal cases that satisfy the requirements of item 4.

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 Admission and Continued Admission to the Program.

2. Attorney of record in at least 30 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 empaneled jury and submitting the matter for jury decision 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 Admission and Continued Admission to the Program.
2. Program eligibility and significant 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 of this requirement.
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 empaneled jury and submitting the matter for jury decision 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**

**Pleading**

Cases Involving Required Pleading

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

If cases were not conducted in Kern County courts, attach copy of 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 Admission 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.
4. Attorney of record in at least 40 criminal cases.
5. Completion of 20 felony jury trials, including at least two non-capital homicides. (Completion is considered presenting the case to an empaneled jury and submitting the matter for jury decision 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 motions, speedy trial motions, writs, or appeals.
7. Served as 1st or 2nd counsel in at least one death penalty case through trial or satisfaction of relevant mentor requirements.

List 10 of the completed felony jury trials, including the two non-capital homicides, that satisfy the requirements of item 5; five of the cases that satisfy the requirements of item 6; and the two cases that satisfy the requirements of item 7.

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.	_____	_____	_____

**Name and Case No.**

**Court**

**Year of Filing**

**Charges / Pleading**

Cases Involving Required Pleading

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

Death Penalty Cases

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

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 appointments 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 6B. 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 Admission 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 requirements, 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 Admission 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 requirements, 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 Grade 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 Admission 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 requirements, 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 Grade 6B 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 Admission and Continued Admission to the Program.
2. A reasonable understanding of juvenile dependency law and procedure, reunification programs, and Welfare and Institutions 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 District 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 Admission and Continued Admission to the Program.
2. A reasonable understanding of juvenile dependency law and procedure, reunification programs, and Welfare and Institutions 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 District 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. (This requirement may be waived initially upon implementation of the program.)

**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: \_\_\_\_\_

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**6B and 6C. Item 4.** State the basis for your compliance with this item: \_\_\_\_\_

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**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 matters which have gone through contested hearings 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:

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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.