

QUALIFICATIONS FOR SOLANO COUNTY INDIGENT DEFENSE PANEL ATTORNEYS

- A. General Membership Eligibility
 - i. Each member of the panel must be an active member in good standing of the State Bar of California. For the purposes of these rules, “good standing” shall mean no record of any discipline, including but not limited to probation, suspension, and disbarment; or failure to pay State Bar dues, within the preceding twelve (12) months. A panel member must notify *the Presiding Judge of the Superior Court of Solano County* (hereinafter referred to as “the Court”), in writing, within ten (10) days of any discipline imposed by the California State Bar.
 - ii. Each member must agree in writing to abide by the Rules of the Court, including the appointed counsel billing guidelines established by the Court and the County of Solano; and all other rules of professional conduct as required by the California State Bar.
 - iii. Each member must sign a declaration under penalty of perjury that he or she maintains his or her principal office in Solano County and that the majority of his or her practice is in Solano County, and that office address must also be the address of record with the State Bar of California.
 - iv. Each member is required to have an operative office telephone number where he or she can be reached during normal business hours and is available for clients to call, and both a working email address and a fax machine that is not the type that requires a person to be present to accept a fax.
 - v. An application for membership on the panel shall be in writing which shall include:
 - a. Detailed information supporting the applicant’s eligibility for membership in the requested classes of appointments and designation of one principal office; and
 - b. A declaration of familiarity with and agreement to abide by, these guidelines and such other and further rules and regulations as may be adopted on behalf of the Court.
 - vi. The Court will verify and evaluate:
 - a. Applicant’s eligibility for appointment; and
 - b. Applicant’s qualification for class certification including confidential peer and judicial review.

- vii. Panel members may, at any time, submit a new application demonstrating eligibility for a higher class.
- viii. Any applicant or member of the panel who has been *suspended, removed, denied certification or objects to his or her certification* in any class shall, upon written request to the Court, have the right to appear *before the Presiding Judge of the Superior Court or his or her designee* and be heard and to present evidence of having met the standard of skill and experience for the representation of criminal defendants in the class for which certification was denied *or to contest the decision to suspend or remove the member from the panel.*

B. Suspension, Reclassification and Removal

- i. A member may be subject to administrative suspension from rotation, downward reclassification or removal from the panel for any of the following reasons:
 - a. Failure to abide by the Local Rules of the Court;
 - b. Signing a certificate, statement or payment declaration under penalty of perjury which shall be found to be untrue in any material aspect;
 - c. Repeatedly submitting Fee Declarations which do not comply with billing guidelines;
 - d. Failure to handle any court appointed cases with professional competence and diligence;
 - e. Inability to function as an effective criminal defense attorney;
 - f. Persistently or repeatedly incurring sanctions in any court in Solano County;
 - g. Persistently or repeatedly failing to appear in any matters pending before the courts in Solano County for which the member is counsel of record;
 - h. Lack of professional conduct and demeanor towards other counsel, the Court, the Court staff or clients;
 - i. Any discipline by the State Bar in the immediately preceding twelve (12) months, including, but not limited to, probation, suspension and disbarment; or failure to pay State Bar dues; or
 - j. Rendered unable to practice with professional competence due to physical or mental disability, infirmity or substance abuse.

C. Grounds for Suspension, Removal and Other Disciplinary Action.

- i. A panel member may be removed or suspended from the panel, or otherwise disciplined to any lesser extent, upon a determination that:
 - a. The member has violated any Rule of Professional Conduct of the State Bar of California; or
 - b. The member has been convicted of a crime.

D. Attorney Classifications

1. Grade Three — Death Penalty Attorneys

- i. At least ten (10) years criminal experience and membership in the California State Bar for a minimum of ten (10) years;
- ii. Attorney of record in at least fifty (50) felony cases, five (5) of which were homicide cases, twenty-five (25) of which were statutorily defined serious and violent felony cases and ten (10) of those so defined were tried to a jury, to completion;
- iii. Have completed at least one (1) death penalty defense seminar and one homicide seminar within the previous twenty-four (24) months;
- iv. Counsel wishing to serve as lead attorney in a death penalty case should have served as Keenan counsel in at least one (1) death penalty case that was tried to completion, to a jury; and
- v. Attend all required training and meetings after admission to the panel.

2. Grade Two — Felony Attorneys

- vi. At least three (3) years criminal experience and membership in the California State Bar for a minimum of two (2) years;
- vii. Attorney of record in at least thirty (30) criminal cases, five (5) of which were tried to completion, to a jury;
- viii. Attended at least one (1) trial skills training program approved by the Superior Court of Solano County within the previous twelve (12) months; and
- ix. Attend all required training and meetings after admission to the panel.

3. Grade One — Misdemeanor Attorneys

- x. Membership in the California State Bar for a minimum of six (6) months;
- xi. Attorney of record, associate counsel, second counsel or assistant counsel in at least three (3) criminal cases, one (1) of which was tried to completion, to a jury;
- xii. Attended at least one (1) trial skills training program approved by the Superior Court of Solano County within the previous twelve (12) months; and
- xiii. Attend all required training and meetings after admission to the panel.

E. Educational Waiver

- i. The Presiding Judge shall have the discretion to waive the education requirements based upon prior training, education and other appropriate circumstances.

GENERAL CRIMINAL LAW STANDARDS

National Advisory Commission on Criminal Justice Standards and Goals, **Task Force on Courts**, Standard 13.15

National Legal Aid and Defender Association, **Guidelines for Negotiating and Awarding Public Defense Contracts**, 1984, Standard III -7

National Legal Aid and Defender Association, **Standards for the Appointment and Performance of Counsel in Death Penalty Cases**, 1987, Standard 5.1