

**LEVELS 2 AND 3 - SUMMARY OF PROCEDURES FOR APPLICATION FOR
RECLASSIFICATION/UPGRADE
FOR IDP ATTORNEYS**

**Note: Only Attorneys in good standing on the IDP Regular List (Not on the
Provisional List) may apply for Reclassification/Upgrade**

Please submit a scanned copy and mail or drop off the original.

First, go to the CCD Office and pick up your “case list.” Using the case list will cut down on how long it will take you to prepare your application. It will also help us evaluate your application. The list includes the case numbers of CCD cases you have been assigned, as well as the client name and charges.

The list does not distinguish as to which cases went to trial. So, for example, if you wished to be classified as a Level Three under the current standards, you must prepare a separate list (giving name and case number) at least 15 felony cases that were tried to jury, including at least 5 of the jury trials being cases statutorily defined as serious or violent felonies (you may, of course use the case list to refresh your recollection).

Select the Level for which you seek reclassification/upgrade and fill out the appropriate form. Attach the case list to the application form. For cases on the CCD case list, we do not need minute orders, just your listing of which of these cases were tried to jury. List the case name, case number, department in which the case was tried, the name of the judge and the name(s) of the prosecutor and any co-counsel. We will verify that listing using CJIS. For Sacramento cases, you may separately list retained cases you wish to have considered. Include the case name, case number, charges, the name of the Judge and whether the case was tried. (If the case was not tried, list the Judge who dismissed the case or took the plea; if the case was tried, list the same information required above). These Sacramento cases will also be verified through the CJIS system. Please be accurate with your lists as incorrect information can result in denial of reclassification/upgrade and may also result in a Peer Review referral. We only need minute orders if you wish us to consider out of county cases.

If you are seeking a waiver of any requirement based on other experience, please note that on the application and include the facts that you believe support the waiver. The list of trials (and any request for waiver) should accompany the application. The application is “user friendly.” You can open it; fill it out by typing the information directly on to the document, and save a copy for your records. However, the application itself must be printed, signed by you and submitted with the required lists to the IDP Executive Assistant- Cheyenne Azevedo at the Sacramento County Bar Offices at 1329 Howe Avenue #100, Sacramento, CA 95825.

Members requesting reclassification/upgrade are welcome to cause information to be submitted on their behalf. However, any such information solicited by the member attorney must be submitted directly by the person giving the information to the Executive Assistant of the IDP at the above address and shall not be delivered by the applicant. Exceptions to this are the application itself, case lists, writing samples, pre-existing documents such as awards or certificates and supporting court documents such as Minute Orders.

All requests for reclassification/upgrade must be accompanied by at least one original writing sample. This writing sample or these writing samples must have been filed in court in the course of one or more cases the attorney has handled. The sample or samples should not exceed 25 pages.

All applications for reclassification/upgrade must be accompanied by the Authorization and Release below.

APPLICATION FOR RECLASSIFICATION/UPGRADE TO LEVELS 2 AND 3

Attorney Name:

State Bar Number:

Current Level:

Level Being Requested:

Date Admitted to the IDP:

Years Experience:

- Required for 3: 7
- Required for 2: 3

Years of State Bar Membership:

- Required for Level 3: 5
- Required for Level 2: 2

Panel training or video record of training completed:

- Must be 100% current, including attendance at one trial skills program in the past 12 months for Levels 2 and 3

Felony Cases where attorney is attorney of record:

Total serious and violent felony cases, if any:

- Attach a list of all cases CCD cases where you were attorney of record. This may be obtained from CCD.
- If you are seeking consideration of retained cases in Sacramento County, list the case name and case number of each case.
- Minute orders are required for out of county cases

Total felony cases to jury (designate which cases, if any, were serious or violent felonies):

- Required for Level 2: 30 criminal cases, 7 tried to jury, 5 tried to jury as lead counsel
- Required for Level 3: 45 felony cases (as defined above), 15 tried to jury of which 5 must be serious or violent felonies

List three members of the IDP who have observed you in court and could describe your litigation skills.

- **Please list any Marsden Motions made in the past five years by any client of yours. Please list all such motions, whether granted or denied. Indicate the client's name, the case number and the department where the motion was heard, as well as the disposition of the motion.**

IDP WAIVER FORM

Place an “X” below if you feel entitled to a waiver of the specific Qualifications for the grade level to which you are applying.

I do not possess the specific qualifications listed for the grade level to which I am applying but believe myself to otherwise be qualified at that Grade Level ____.

(If you are relying on this section, please indicate below (or on attached sheets of paper) the specific qualification(s) you lack and describe the special experience or qualifications you possess that you would like the Panel to consider in support of your application.

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THAT I HAVE READ AND AGREED TO THE FOLLOWING:

I have read and understood the Policies and Procedures of The Sacramento County Bar Association’s Indigent Defense Panel Committee and the Indigent Appellate Committee, as well as the Sacramento County/ Sacramento County Bar Association MOU.

1. IDP attorneys are NOT employees of the County of Sacramento, the SCBA or the IDP. Being placed on the IDP allows attorneys to be independent contractors, who, pursuant to the MOU, agree to accept cases from CCD where the Office of the Public Defender of Sacramento County is unable to provide representation. I understand that case assignments are within the sole discretion of Conflict Criminal Defenders and not the IDP or the SCBA.
2. I understand and agree that if I am placed on the list of attorneys eligible to receive cases from Sacramento County Conflict Criminal Defenders (CCD), CCD has no obligation to assign me a specific number of cases, or any case(s). The level at which an attorney is classified defines the highest level at which an attorney may be assigned cases by the CCD. An attorney may also be assigned cases at a lower level or no cases.
3. I have read and understand the following:
 - a. It is critical to the evaluation process that judges, attorneys and other individuals feel they may speak freely about the attorney’s qualifications for the upgrade. Therefore, it is strictly prohibited for an attorney to contact any individual whom the attorney believes has given information about the attorney to the Qualifications Subcommittee of the IDP or the IDP Committee for the purpose of attempting to change the input of the person believed to have given the information. Harassment of any person

- providing information or who is believed by the applicant to have provided information is also strictly prohibited.
- b. Any activity such as is described in the preceding subsection is grounds for denial of reclassification/upgrade as well as for disciplinary action.
 - c. IDP attorneys requesting reclassification/upgrade are welcome to cause information to be submitted by third parties on their behalf. However, any such information solicited by said IDP attorney must be submitted directly by the person giving the information to the Executive Assistant of the IDP and shall not be delivered by the applicant.
4. I understand that the most important single factor in evaluating an applicant is his or her reputation for honesty and integrity in all segments of the criminal justice community. A lawyer's word is his or her most precious asset. Without impeccable credibility, a lawyer cannot hope to successfully serve the clients entrusted by the court to the Conflict Criminal Defenders and the Indigent Defense Panel. Any false statement or material omission on this application or to the Qualifications Subcommittee is grounds for denial of reclassification/upgrade as well as for disciplinary action.
 5. Any IDP attorney applying for reclassification/upgrade in level shall have the right to request classification based upon other qualifications or experience equivalent to those required for the level requested.
 6. Classification level in the IDP is contingent upon review and approval by the IDP COMMITTEE and is within the sole discretion of the IDP COMMITTEE.
 7. An attorney may ask to address to the IDP Committee for reconsideration of its decision pursuant to the Rules for the IDP.
 8. Classification decisions may be appealed to the IDAC. By submission of this document, attorney applicants agree that decisions of the IDAC are binding.

Date:

Signature:

Print Name:

AUTHORIZATION AND RELEASE

(Please attach as a separate page)

I hereby acknowledge and agree that my application for participation on the Sacramento County Bar Association Indigent Defense Panel may be given to or shared with individuals or entities that assist the panel in evaluating the qualifications of potential Panel participants. I further acknowledge and agree that for the purpose of aiding the Panel in evaluating my background and qualifications, the Panel's designee(s) will be entitled to seek and obtain information and documents concerning me from prior employers, firms, law schools and other educational institutions, attorneys, judges and other third parties, including but not limited to those individuals set forth in my application.

I hereby authorize any person or entity to release to the Panel or its designee(s) any and all information which such person or entity may have about me (whether public, personal or confidential) for the purpose of aiding the Panel in evaluating my background and qualifications for participation on the Panel. I understand that I am not entitled to copies of any information received by these agencies, and under no circumstances will I be permitted to know the contents of any information which is deemed confidential by the submitting agencies or such person(s) or entities. In addition, I hereby authorize a photocopy, fax, or other non-original transmission of this release to be as valid as the original.

I understand and agree that the information received by the Sacramento County Bar Association, and the Indigent Defense Panel is confidential. I further understand and agree that, excepting the final decision of the panel, I am not entitled to any information, written or otherwise, regarding any decisions made by the Sacramento County Bar Association or the Indigent Defense Panel.

I hereby release and discharge the County of Sacramento, the Sacramento County Bar Association, the Indigent Defense Panel, together with all their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing of such information, the investigation of my background and qualifications, and this release shall be binding on my legal representatives, heirs and assignees.

Date:

Signature:

Print Name: