

**APPLICATION FOR MEMBERSHIP IN THE CRIMINAL JUSTICE
ACT DEFENSE PANEL FOR THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Send completed application for processing to:
Office of the Federal Public Defender
Middle District of Tennessee
810 Broadway, Suite 200
Nashville, Tennessee 37203

APPLICATION OF: _____

1. I hereby apply for membership in the Criminal Justice Act Panel for the Middle District of Tennessee.

A. Please explain why you seek membership on the CJA Panel for the Middle District of Tennessee:

B. How will or does the CJA practice integrate with your current practice?

C. Please identify your strengths and weaknesses as a criminal defense

attorney:

2. Education:

A. Legal Education:

School	Degrees	Year of Graduation
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B. Undergraduate and Other Degrees

School	Degree/Field of Study	Year of Graduation
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3. I was admitted to practice law in the State of Tennessee on _____ and was admitted to practice in the United States District Court for the Middle District of Tennessee on _____.

4. I have also been admitted to practice in the following courts:

Name of Court	Location	Date Admitted
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5. I have been engaged in the active practice of criminal law since _____, and am an active member of the Tennessee State Bar in good

standing.

6. Have you ever been disciplined by the bar of any state or by any court or terminated from employment as a lawyer, for cause? _____. If so, explain.

7. Client Communications:

- A. Describe what you do to establish rapport with your client?

- B. If your client is on release, where do you meet with your client?

- C. If your client is on release, do you visit them in their home and/or involve their families in the case?

D. If your client is in custody, how frequently do you see your client on average?

8. Detention Hearings:

A. How many detention hearings have you conducted? (check appropriate box)

1-5 _____ 6-10 _____ Over 10 _____

B. Do you have a working familiarity of the Bail Reform Act?

C. Do you regularly participate in pretrial services interviews? (if “no,” please explain)

i. Under what circumstances would you allow your client to be interviewed without being present?

D. How frequently do you request and conduct detention hearings in your cases?

E. Under what circumstances have you waived a detention hearing?

F. What types of proof or evidence or proffer of information have you offered at detention hearings?

G. What do you do to prepare yourself and your client for a detention hearing?

H. Do you typically propose a release plan wherein you suggest conditions to address areas of potential concerns to the Court?

I. Please describe your experience with pretrial release revocation?

9. Pretrial Motion Practice:

A. Please list the types of pretrial motions you have filed in cases over the last five years.

B. Please attach to this application a writing sample of something you personally drafted and filed in the last two years.

10. Trial & Substantive Hearing Experience:

A. Please describe your overall trial experience, indicating the types of cases you have tried as a defense attorney (felony or misdemeanor; state or federal, capital or non-capital):

B. Most recent trial:
Style of case _____

Civil or Criminal _____
Felony or misdemeanor _____
Jurisdiction/Court _____

C. Do you submit special jury instruction requests on behalf of the defendant?

i. If so, please attach a recent sample that you drafted and requested.

D. Do you typically draft and request a “theory of defense” instruction?

i. If so, please attach a recent theory of defense instruction that you drafted and requested.

E. What types of defense proof have you offered?

F. How do you evaluate whether your client should testify or not?

i. If the client is going to testify, what do you do to prepare them?

G. Please provide one or more examples of substantive hearings you have conducted over the last 5 years in federal court or state court that involved the use of experts and/or calling multiple witnesses? (Please describe)

11. Plea Hearings:

A. How many plea hearings have you handled in federal court? (check appropriate box)

1-5 _____ 6-10 _____ Over 10 _____

B. Do you communicate a client's trial exposure and plea options in writing? (please explain)

C. Do you make plea recommendations to the client? _____

i. If so, do you make those recommendations in writing? (explain)

D. Do you prepare a written guideline calculation for the client? (if so, please explain)

E. How do you prepare a client for a plea hearing?

12. Proffers:

A. Have you participated in proffers in federal court? _____

B. Do you review discovery prior to advising a client about the value or hazards of proffering?

C. Prior entering a proffer agreement, what steps do you take to make sure the client does not have viable defenses, meritorious pretrial motions or other considerations weighing in favor of not cooperating?

D. What do you advise clients about the impact that proffering has on their ability to proceed to trial later? (explain)

E. Do you memorialize and document what your client says in a proffer?
(If so, please explain)

F. Do you advise clients of the dangers associated with cooperation,
especially if they are facing significant BOP sentences?

13. Sentencing:

A. How many sentencing hearings have you conducted in federal court?
(check appropriate box)

1-5 _____ 6-10 _____ Over 10 _____

B. What do you do to stay current with changes to the guidelines and evolving case and statutory developments impacting the guidelines?

C. Do you prepare a client for a Presentence Report interview, and if so, how do you do that?

D. Under what circumstances would you allow your client to be interviewed for a PSR without you being present? (please explain)

E. How do you familiarize your client with the PSR? (please explain)

F. How do you deal with problems in the draft PSR, such as misleading, irrelevant or erroneous factual statements or guideline calculation disagreements?

G. Describe a particularly challenging issue you found in a PSR and describe how you dealt with it.

H. How do you prepare a client for sentencing?

I. What types of proof have you advanced at sentencing in federal court?

- a. Lay witnesses? _____
- b. Character witness letters? _____
- c. Expert witnesses? _____
- d. Mitigation videos? _____
- e. Allocution of client? _____
- f. Other? (please describe)

14. Calendaring & Resources:

A. Do you personally calendar your future Court appearances and deadlines (or personally check the calendaring of your staff)? (please describe)

B. Have you ever missed a Court appearance? (please explain)

a. If so, what steps did you take to remedy that oversight with the Court and make sure the client was not prejudiced by the mistake?

C. What legal research resources do you maintain? (please explain)

D. Do you use litigation software? (please explain)

E. Do you use case management software? (please explain)

F. Are you a member of FD.org? _____

G. What other legal resources do you use? (please explain)

15. How many times have you handled matters in the following in federal court arenas: (check appropriate box)

Grand Jury:

1-5 _____ 6-10 _____ Over 10 _____

Initial Appearances:

1-5 _____ 6-10 _____ Over 10 _____

Detention Hearings:

1-5 _____ 6-10 _____ Over 10 _____

Arraignments:

1-5 _____ 6-10 _____ Over 10 _____

Motion hearings:

1-5 _____ 6-10 _____ Over 10 _____

Material Witness representation:

1-5 _____ 6-10 _____ Over 10 _____

Supervised Release Revocation:

1-5 _____ 6-10 _____ Over 10 _____

Motions to Early Terminate Supervised Release:

1-5 _____ 6-10 _____ Over 10 _____

Appeals (briefs/arguments):

1-5 _____ 6-10 _____ Over 10 _____

Post-Conviction and *Habeas Corpus* Proceedings:

1-5 _____ 6-10 _____ Over 10 _____

16. Death Penalty Cases:

Any capital case experience (state or federal)?

17. Appeals:

A. During the past five years, I have handled approximately _____ criminal appeals (federal and state) and approximately _____ civil appeals (federal and state).

B. Over the course of my career, I have handled approximately _____ criminal appeals (federal and state) and approximately _____ civil appeals (federal and state).

18. Use of Experts/Investigators:

A. Do you routinely employ the services of experts and investigators in your federal criminal cases? () YES () NO

B. Please list the types of expert services you have used:

19. I read _____, write _____, speak _____, and/or understand _____, (check as applicable) the following foreign language(s): _____.

20. Have you ever been employed as a full-time prosecutor, public defender, or law clerk to a judge or justice? _____ If so, name of office or judge and dates of employment:

A. Are you currently seeking or considering seeking employment as a State or Federal prosecutor? If so, please explain.

21. Have you had any other professional or personal experiences not otherwise addressed that relate to your ability to provide quality representation to indigent defendants?

22. CLE:

A. What percentage of your annual CLE specifically targets federal criminal defense issues? _____

B. Please attach a printout of your CLE attendance maintained by the Tennessee Commission on Continuing Legal Educations (www.tncle.com).

C. Describe any trainings not reflected in your CLE report that reflect your qualifications to serve on the CJA Panel.

23. Please give us a summary of your previous law practice employment (i.e. name of firm or organization, dates of employment and nature of practice; any other non law practice employment of interest or relevance to application's qualifications. (e.g. worked as newspaper reporter, FBI agent, registered nurse, chemist, etc.)

24. As an adult, have you been arrested, summoned, charged or convicted with any felony offense or misdemeanor involving fraud or dishonesty)? _____
If so, explain: _____

A. To the best of your knowledge, are you the subject of any ongoing investigation by any federal law enforcement agency which might compromise you or your ability to advocate for a client? (If so, please explain)

25. Should the panel selection committee designate you as a "second chair" member until you have developed more experience, are you willing to accept CJA cases without compensation and assist a panel member in representation? Yes () No ()

26. Mentoring:

A. Have you been mentored by an attorney who is on the CJA Panel or another private federal criminal defense attorney? (If so, please list the attorney who mentored you and the cases upon which you worked)

- B. If you have previously served on the CJA Panel, have you mentored any lawyers seeking guidance and experience with federal practice (If so, please list)

27. Professional references. (Please list and provide contact information for all of the following references familiar with applicant's professional competence.)

- A. Three people (former clients, non-lawyers or lawyers) who are familiar with your skills as a criminal defense practitioner:

- i. _____
- ii. _____
- iii. _____

- B. Three attorneys who served either as co-counsel or as co-defendant's counsel to you in a case:

- i. _____
- ii. _____
- iii. _____

- C. Three adversaries from the US Attorney's Office or State DA's Office who will attest to your skills and professionalism:

- i. _____
- ii. _____
- iii. _____

- D. Two Judges (federal or state) who are familiar with your skills, competence and professionalism as a criminal defense practitioner:

- i. _____
- ii. _____

28. Name at least three current member of the Middle Tennessee CJA Panel who know you and are familiar with your professionalism, competence and skill.

- i. _____
- ii. _____
- iii. _____

29. Do you have an interest in volunteering your time to better the Panel (for example, giving CLE presentations, serving on committees, mentoring, etc):

30. In order to be eligible for membership on the CJA Panel, you must familiarize yourself with each of the following publications. Please initial below to confirm your familiarity with each of the following:

_____ The ABA Standards for Criminal Justice, The Defense Function, 4th Edition (2015)

_____ The NLADA “Performance Guidelines for Criminal Defense Representation” (current version)

_____ Local Criminal Rules of Practice for the Middle District of Tennessee (effective 8/14/18)

_____ The CJA Plan (effective 12/20/18)

_____ The Tennessee Rules of Professional Conduct (current version)

I hereby authorize all educational institutions, government agencies and instrumentalities (including bar associates and bar examiners of other jurisdictions), employers and business and professional associates (past and present), to release to the Panel Selection Committee of the United States District Court for the Middle District of Tennessee, any non-privileged information, files or records requested by them for the purpose of processing this application.

I further state that I have carefully read the foregoing application and certify that the information therein is true, or true to the best of my knowledge and belief. I fully understand that failure to make a truthful disclosure of any fact or item of information required may result in the denial of my application, and such other action as the court deems appropriate.

Executed on _____, 20__ at _____, Tennessee.
(Month, Day, Year) (City)

(Signature of Applicant)

NAME:

FIRM:

BUSINESS ADDRESS:

CITY AND STATE: _____ ZIP: _____

BUSINESS PHONE: _____

CELL PHONE: _____ FAX: _____

E-mail Address: _____

HOME ADDRESS: _____

CITY AND STATE: _____ ZIP: _____