

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
APPLICATION FOR COURT APPOINTMENT CERTIFICATION**

***PLEASE READ AND FOLLOW ALL DIRECTIONS
INCOMPLETE OR IMPROPERLY PREPARED
APPLICATIONS WILL BE
SUMMARILY REJECTED***

Please read the Rule applicable to each category
before answering the questions.
A copy of Rule 406 is attached hereto for your convenience.

Where a brief or writing sample is required,
submit only one copy. Briefs will not be returned.

Where a training or education program is listed, please provide the exact title,
sponsor, date, location, and subject matter of the program.
You must attach a copy of the certificate of attendance for the program.

**COUNSEL SEEKING APPOINTMENTS TO
REPRESENT INDIGENT DEFENDANTS,
MUST CERTIFY THAT THEIR PRINCIPAL OFFICE
AND PHONE NUMBER ARE IN PHILADELPHIA
(PO BOX ALONE IS UNACCEPTABLE)**

**NO APPLICATION WILL BE ACCEPTED
WITHOUT AN ACCOMPANYING
CERTIFICATION OF PRINCIPAL OFFICE**

Applications must be filed with the Court Appointments Clerks
Criminal Listings, 206 Criminal Justice Center
You may remove application pages which do not relate to the categories
in which you seek certification. However, ***no application
will be considered without pages 1, 2 and 18.***

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
APPLICATION FOR COURT APPOINTMENT CERTIFICATION

(PLEASE TYPE)

NAME _____

ATTORNEY ID _____

PRINCIPAL OFFICE (PHILADELPHIA)

HOME ADDRESS

(optional) _____

OFFICE PHONE _____

HOME PHONE _____

(optional)

Date of Admission to:

SOCIAL SECURITY NO. _____

PA Bar _____

Other Courts _____

Please list foreign languages in which you are fluent (if any).

In which category(ies) of cases do you wish to accept appointment?

1. Homicide trial
 - a. lead counsel _____
 - b. associate counsel _____
2. Capital homicide appellate
 - a. lead counsel _____
 - b. associate counsel _____
3. Non-capital homicide appellate counsel _____
4. Capital PCRA
 - a. lead counsel _____
 - b. associate counsel _____
5. Post-Conviction counsel in non-capital homicide cases _____
6. Felony _____
7. Misdemeanor _____
8. Non-homicide appellate _____
9. Non-homicide PCRA _____
10. Major felony juvenile _____
11. Non-major felony juvenile _____

Please answer the following questions:

1. Are you familiar with the following (Your affirmative answer to this question is a verification that you have read the applicable rules):

Pennsylvania Rules of Criminal Procedure	_____
Pennsylvania rules of Appellate Procedure	_____
Philadelphia Court Rules -- Common Pleas (Criminal Division)	_____
Philadelphia Court Rules -- Municipal Court (Criminal Division)	_____

Please indicate the basis of that familiarity.

2. Are you readily available to accept appointments in the category(ies) in which you are seeking certification?

3. (a) Have you ever been suspended, disbarred, or placed on inactive status in any jurisdiction?
- (b) Are you an inactive Pennsylvania Practitioner, or not in compliance with the Pennsylvania Supreme Court's Continuing Legal Education requirements?
- (c) Do you have any disciplinary complaints pending against you in any jurisdiction?

If you answered "Yes" to any of the above, please provide a detailed explanation.

I. HOMICIDE TRIAL (Rule 406-1)

A. Lead Counsel

4(a) If you are seeking appointment as lead counsel, are you an active practitioner with at least five years criminal litigation experience?

4(b) If you are seeking appointment as lead counsel in homicide cases, please list ten (10) criminal jury trials of a serious and complex nature in which you were sole or lead counsel and which were tried to completion.

	Defendant	Case Number	Photo #	Charge	Trial Judge	Trial Date	Result
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

4(c) If you are seeking appointment as lead counsel in homicide cases, please list one (1) homicide case which you tried to completion as lead counsel, or in the alternative, list two (2) homicide trials, tried to completion, in which you participated as associate counsel, specifying your role and duties.

	Defendant	Case Number	Photo #	Trial Judge	Trial Date	Result
1						
2						

Duties and Role as Associate Counsel	
1	
2	

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

4(d) Are you familiar with and experienced in the use of expert witnesses and scientific and medical evidence, including, but not limited to, psychiatric and pathological evidence? Please briefly describe the basis of that knowledge and experience (which may include trial work listed above).

4(e) Indicate when and where within the past two years you have taken a training or educational program in criminal advocacy which focused on the trial of cases in which the death penalty is sought. (Attach proof of attendance)

4(f) As an alternative to 4(e), have you been lead counsel in two (2) or more death penalty trials (cases in which the jury was “death qualified”) within the past two years? If so, please list:

	Defendant	Case Number	Photo #	Trial Judge	Trial Date	Result
1						

2						
---	--	--	--	--	--	--

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

B. HOMICIDE ASSOCIATE COUNSEL

5(a) If you are seeking appointment as associate counsel in homicide cases, are you an active practitioner with at least three years criminal litigation experience?

5(b) If you are seeking appointment as associate counsel in homicide cases, please list five (5) criminal jury trials of a serious and complex nature, in which you were sole or lead counsel and which were tried to completion.

	Defendant	Case Number	Photo #	Charge	Trial Judge	Trial Date	Result
1							
2							
3							
4							
5							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

5(c) If you are seeking appointment as associate counsel in homicide cases, please list one (1) homicide case which resulted in a verdict, in which you were sole counsel, lead counsel, or co-counsel (if co-counsel, describe your role):

	Defendant	Case Number	Photo #	Trial Judge	Trial Date	Result
1						

Duties and Role as Associate Counsel	
1	

If the foregoing case was not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

5(d) As an alternative to 5(c), indicate when and where, within the last two years, you have taken a training or educational program in criminal advocacy which focused on the trial of cases in which the death penalty is sought. (Attach proof of attendance)

II. CAPITAL HOMICIDE APPELLATE (Rule 406-2)

A. LEAD COUNSEL

6. If you are seeking appointment as lead appellate counsel in cases where the death penalty has been imposed, please list five (5) criminal cases in which you filed briefs with any appellate court.

	Defendant	Docket Number	Court	Charge	Decision Citation	Issues
1						
2						
3						
4						
5						

For any of the foregoing cases which were not heard in state or federal courts in Pennsylvania, provide a brief discussion of the nature of the case and the issues presented.

7. Additionally, list the caption, court term and number of three (3) criminal cases in which you presented oral argument to an appellate court:

	Defendant	Docket Number	Court	Charge	Decision Citation	Argument Date	Issues
1							
2							
3							

For any of the foregoing cases which were not heard in state or federal courts in Pennsylvania, provide a brief discussion of the nature of the case and the issues presented.

8. Submit with this application at least one (1) recent criminal case appellate brief written primarily by yourself which best demonstrates your excellence in written legal advocacy. (List caption).

9. Do you have knowledge of the principles of criminal and constitutional law as they apply to death penalty cases? What is the basis of that knowledge?

B. ASSOCIATE CAPITAL HOMICIDE APPELLATE COUNSEL

Associate Counsel in capital appellate cases are qualified if they meet the standards for non-capital PCRA cases (Please check here _____ and answer questions 16-17 if you wish to so qualify).

III. NON-CAPITAL HOMICIDE APPELLATE (Rule 406-3)

10. Submit with this questionnaire at least one (1) recent criminal case brief or writing sample written primarily by yourself which best demonstrates your excellence in written legal advocacy. (List caption)

11. If you are seeking appointment as appellate counsel in homicide cases where the death penalty has not been imposed, please list three (3) criminal cases in which you filed briefs with the Pennsylvania Superior or Supreme Courts.

	Defendant	Docket Number	Court	Charge	Decision Citation	Issues
1						
2						
3						

For any of the foregoing cases which were not heard in state or federal courts in Pennsylvania, provide a brief discussion of the nature of the case and the issues presented.

Alternatively, indicate when and where you attended a Continuing Education Program in Pennsylvania appellate practice within the past year. Alternatively, please indicate what is the basis of your appellate experience and knowledge of Pennsylvania appellate practice qualifying you to represent appellants in criminal cases. (Attach additional sheets if necessary).

Alternative 1:
(Course -- attach proof of attendance)

Alternative 2:
(Experience)

IV. CAPITAL POST-CONVICTION (Rule 406-4)

A. LEAD COUNSEL

12. If you are seeking appointment as lead counsel in Capital PCRA cases, are you an active practitioner with at least five (5) years criminal litigation experience?

13. If you are seeking appointment as lead counsel to represent prisoners under sentence of death in post-conviction petitions, please list ten (10) cases in which you were sole or lead counsel, for which there were criminal trials or other criminal case hearings before a judge or other judicial officer where contested factual issues were actually decided.

	Defendant	Case Number	Photo #	Charge	Trial Judge	Trial Date	Result
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

14. Submit with this application at least one (1) recent criminal case appellate brief

written primarily by yourself which best demonstrates your excellence in written legal advocacy. (List caption).

15(a) Indicate when and where within the past two years you have taken a training or educational program which focused on post-conviction litigation in death penalty cases. (Attach proof of attendance)

15(b) As an alternative to 15(a), please summarize the basis of your knowledge of the principles of Pennsylvania and federal death penalty post-conviction litigation. (Attach additional sheets if necessary).

B. ASSOCIATE COUNSEL

Associate counsel in capital appellate cases are qualified if they meet the standards for non-capital PCRA cases. Check here _____ and answer questions 16-17 if you wish to qualify.

V. POST-CONVICTION COUNSEL IN NON-CAPITAL AND NON-HOMICIDE CASES (Rule 406-5 and -9)

16(a) If you are seeking appointment as PCRA counsel or counsel in other post-conviction evidentiary hearings in cases where the death penalty has not been imposed, please list two (2) cases in which you were counsel where a PCHA/PCRA hearing has been held.

	Defendant	Case Number	Photo #	Hearing Judge	Hearing Date	Result
1						
2						

For any of the foregoing cases which were not heard in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

16(b) As an alternative to 16(a), indicate when and where you attended a Continuing Legal Education program on Pennsylvania post-conviction practice within the past year. (Attach proof of attendance)

17. Additionally, list three (3) cases in which you participated in the preparation and litigation of three (3) adversary criminal hearings where factual issues were contested. (They may include the two PCHA/PCRA hearings listed in 14(a) above).

	Defendant	Case Number	Photo #	Hearing Judge	Hearing Date	Result
1						
2						
3						

For any of the foregoing cases which were not heard in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

VI. FELONY (Rule 406-6)

Note: Attorneys who qualify for felony appointments are automatically qualified for and are obligated to take post-trial felony appointments..

18. If you are seeking appointment in felony cases, are you an active practitioner with at least two years criminal litigation experience?

19. If you are seeking appointment to felony cases, please list five (5) criminal trials tried to completion in which you were counsel (No motions or juvenile hearings).

	Defendant	Case Number	Photo #	Charge	Trial Judge	Trial Date	Result
1							
2							
3							
4							
5							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

20(a) List at least two (2) adult felony trials within the past two years, where you were sole or lead counsel).

	Defendant	Case Number	Photo #	Charge	Trial Judge	Trial Date	Result
1							
2							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

20(b) As an alternative to 20(a), indicate when and where you attended a Continuing Legal Education program in the field of criminal law within the past year. (Attach proof of attendance)

VII. MISDEMEANOR (Rule 406-7)

21. If you are seeking appointments in misdemeanor trial cases, please list when and where you attended or viewed a videotape program on Municipal Court criminal justice in the past year. In the alternative, please indicate the basis of your experience in Municipal Court cases. (Attach additional sheets if necessary).

Course (Attach proof of attendance):

Experience:

22. Are you familiar with Pennsylvania Rules of Criminal Procedure 6000-6013? (Your affirmative answer to this question is a verification that you have read the applicable rules). Please indicate the basis of that familiarity.

VIII. NON-HOMICIDE APPELLATE (Rule 406-8)

Note: If you have applied and qualified for felony cases, you are automatically certified in this category (see Rule 406-6).

Alternatively, if you have not so qualified, please answer questions 10-11 above.

IX. NON-HOMICIDE POST-CONVICTION (Rule 406-9)

Note: If you have applied and qualified for felony cases, you are automatically certified in this category (see Rule 406-6).

Alternatively, if you have not so qualified, please answer questions 16-17 above.

X. MAJOR FELONY JUVENILE (Rule 406-10)

23. If you are seeking appointments in major felony juvenile cases, please answer questions 18 to 20, and then list five (5) juvenile cases which you tried to completion in juvenile court.

	Defendant	Petition #	J.Number	Charge	A.H. Judge	A.H. Date	Result
1							
2							
3							
4							
5							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

24(a) Additionally, list two (2) major felony juvenile cases you have tried within the past two years.

	Defendant	Petition #	J.Number	Charge	A.H. Judge	A.H. Date	Result
1							
2							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

24(b) Alternatively, indicate when and where you have attended one Continuing Legal Education program in the field of juvenile law within the past year. (Attach proof of attendance)

25. If you are seeking appointment in any juvenile case, indicate if you are familiar with the Pennsylvania Juvenile Act and the Philadelphia Court of Common Pleas Juvenile Court Rules. (Your affirmative answer to this question is a verification that you have read the applicable rules). Please indicate the basis of that familiarity.

XI. NON-MAJOR FELONY JUVENILE (Rule 406-11)

Note: To qualify in this category, complete questions 21 and 22 above.

26(a) Indicate when and where you have attended one CLE program in the field of juvenile law within the past year. (Attach proof of attendance)

26(b) Alternatively, list two (2) Juvenile cases which you have tried to completion within the past two years, listing judge, date of trial, and result.

	Defendant	Petition #	J.Number	Charge	A.H. Judge	A.H. Date	Result
1							
2							

For any of the foregoing cases which were not tried in Philadelphia County, provide a brief discussion of the nature of the case and the issues presented.

27. If you are seeking appointments in any juvenile case, indicate if you are familiar with the Pennsylvania Juvenile Act and the Philadelphia Court of Common Pleas Juvenile Court Rules. (Your affirmative answer to this question is a verification that you have read the applicable

rules). Please indicate the basis of that familiarity.

I hereby certify that the facts set forth in the foregoing are true and correct to the best of the undersigned's knowledge, information and belief and are verified subject to the penalties for unsworn falsification to authorities under Pennsylvania Crimes Code §4904 (18 Pa. C.S. §4904).

Signature

Date: _____

**COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT
CRIMINAL TRIAL DIVISION**

CERTIFICATION OF PRINCIPLE OFFICE

I, _____, hereby certify that my principal office for the practice of law is located in Philadelphia County. My principal office address and telephone number is **:

Address: _____

Telephone: _____

I also maintain an office (not my principal office) at the following address:

Address: _____

THIS CERTIFICATION IS MADE SUBJECT TO THE PENALTIES CONTAINED IN SECTION 4904 OF THE CRIMES CODE RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES, 18 Pa. C. S. Section 4904.

I understand further my obligation to promptly notify the Director of Criminal Listings, Criminal Trial Division, of any change in the information certified in this document. In addition, I agree that, upon request of the Court, I will provide a true and correct copy of my Lawyer Assessment certification form submitted by me annually to the Disciplinary Board of the Pennsylvania Supreme Court.

Date: _____ **Signature:** _____

**** The address must be an actual street address. A post office box number alone will be refused.**

Upon completion of this form, please return to:

Honorable James J. Fitzgerald, III
Administrative Judge - Trial Division
Room 516 - City Hall
Philadelphia, PA 19107