



PROMOTING JUSTICE SINCE 1877

## ALAMEDA COUNTY BAR ASSOCIATION | CAAP

**To:** Applicants to the Criminal Court Appointed Attorneys Program (CAAP)  
**From:** Sarah Brooks, CAAP Administrator  
**Subject:** Application Procedure

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Thank you for your interest in our program. Enclosed is the application for the Alameda County Bar Association's Criminal Court Appointed Attorneys Program (CAAP).

We generally only review applications once a year and this usually happens in the Fall (please check the website for the date when applications are due, which is typically the first Friday of October). If you are invited to join the panel, your membership would begin January 1 of the following year (e.g. application received Sept. 2020, applicant is eligible to start receiving referrals after Jan. 1, 2021 assuming all fees and requirements are satisfied).

From time to time our needs change and we will consider applications at other times of the year. Should this happen and an applicant is invited to join the panel, they would be eligible to receive referrals immediately. Currently, we are accepting applications for attorneys wishing to be on our Death Penalty and LWOP panels.

If an applicant is seeking to handle any level of felony cases and/or misdemeanor appeals, their application must be reviewed and decided upon by the CAAP Advisory Committee. Applications to join the misdemeanor and contempt panels may be decided on by either the Director or the Advisory Committee.

All applicants will undergo a peer review process. The applicant will be required to furnish a detailed history of their background and experience in criminal law. Failure to complete the application or provide the required documents will delay the processing of your application or rejection.

Please email or mail the following items for consideration of your application in the order listed:

1. Completed CAAP application form
2. Resume
3. A list of individuals we may contact in order to evaluate your qualifications. This list should include attorneys with whom you have worked as co-counsel or opposing counsel, and referees or other judicial officers that you have appeared before within the last 24 months. **Please provide contact information for all of your references, including their email addresses.**
4. A table listing the trainings and education you have received in the last 5 years specific to handling criminal cases. The chart must include the following information: **date course was taken, organization that sponsored/hosted event, topic, location and total number of hours.**



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5. A table listing the cases that satisfy our requirements for the panel(s) you are applying to. This chart must include the following information: **case #, defendant’s name, year, charges, county, result, co-counsel, DA and judge.**
6. Writing sample. The sample should include a factual statement and an analysis of legal principles and must have been prepared entirely by the applicant. Please adhere to the following page limits:
  - Death Penalty/LWOP – 25 pgs.
  - Classes 1, 2, 3, misdemeanor appeals and felony juveniles delinquency cases (i.e. 602 cases) – 15 pgs.
  - Classes 4, 5, Contempt and misdemeanor juveniles delinquency cases (i.e. 602 cases) – 10 pgs.
7. If you are applying to be on any of our juvenile delinquency panels, you must provide a completed JV-700 form showing you have satisfied the requisite hours required to accept juvenile delinquency appointments.
8. A signed *Declaration of Eligibility* form.

If you are invited to join CAAP, you will be required to pay annual dues at a rate set by the number of years you have been in practice. (See chart below. Please note these fees may increase for 2021. You will be informed of the amount due upon acceptance to the 2021 panel). These dues are separate and apart from membership in the ACBA. Membership in the ACBA is not a precondition to service for CAAP, though you are encouraged to join the ACBA. ACBA Members receive a \$100 discount on their annual CAAP dues. Please contact our membership department for more information about joining the ACBA at (510) 302-2200.

CAAP Annual Membership Fees:

In practice less than 5 years & ACBA member.....	<b>\$508.00</b>
Non-Members of the ACBA .....	<b>\$636.00</b>
In practice 5 years or more & ACBA member.....	<b>\$636.00</b>
Non-Members of the ACBA .....	<b>\$762.00</b>

On behalf of the CAAP and the Alameda County Bar Association, I would like to thank you for your interest in the program. If you have any questions or need further information, please feel free to contact me at (510) 302-2204 or by email at [sarah@acbanet.org](mailto:sarah@acbanet.org). Our mailing address is 1000 Broadway Ave., Suite 290, Oakland, CA 94607.



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This table provides a brief description of our Panels and the requirements to join each. Please note we require that you have been attorney of record and first chair to satisfy the listed requirements unless otherwise noted. CAAP may consider alternative, similar experience.

Panel	Description	Requirements
<b>Death Penalty (Special Circumstance)</b>	Defendants charged with special circumstances and where the District Attorney is seeking the death penalty	<ol style="list-style-type: none"> <li>1. Ten (10) serious felony jury trials, including at least (2) murder cases, <b>or</b> <ul style="list-style-type: none"> <li>o Five (5) violent felony jury trials where life was the potential sentence, including at least (2) murder cases tried to argument, verdict or final judgment in California;</li> </ul> </li> <li>2. Two (2) trials of any kind where you presented psychiatric testimony or other expert testimony; <b>and</b></li> <li>3. All of the requirements for LWOP.</li> </ol>
<b>LWOP</b>	Defendants charged with offenses where the maximum possible punishment is life without the possibility of parole.	<ol style="list-style-type: none"> <li>1. Eight (8) serious felony jury trials, including at least one (1) murder cases, <b>or</b> <ul style="list-style-type: none"> <li>o Two (2) violent felony jury trials where life was the potential sentence, including at least (1) murder cases tried to argument, verdict or final judgment in California;</li> </ul> </li> <li>2. Two (2) trials of any kind where you presented psychiatric testimony or other expert testimony; <b>and</b></li> <li>3. All of the requirements for Class 1.</li> </ol>
<b>Class 1</b> (including juvenile delinquency cases, probation and parole violations)	Defendants charged with offenses where the maximum possible punishment is either life or more than 25 years	<ol style="list-style-type: none"> <li>1. Five (5) felony jury trials in California, including at least (2) where the potential sentence was more than 25 years;</li> <li>2. Five (5) additional criminal jury trials;</li> <li>3. Thirty (30) additional criminal matters which may include juvenile court proceedings relating to allegations of criminal misconduct to disposition;</li> <li>4. Any of the following <b>two</b>: <ul style="list-style-type: none"> <li>o (15) Preliminary Hearings within 3 years</li> <li>o (5) 1538.5 or other suppression motions where you examined witnesses within 3 years;</li> <li>o (3) petitions or answers filed in extraordinary writ proceedings;</li> <li>o (3) appeals where briefs were filed; or</li> </ul> </li> </ol>



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		<ul style="list-style-type: none"> <li>○ five (5) additional jury trials, <b>and</b></li> </ul> <p>5. All of the requirements of Class 2-3.</p>
<p><b>Class 2</b> (including juvenile delinquency cases, probation and parole violations)</p>	<p>Defendants charged with offenses where the maximum possible punishment is more than 10 years but less than 25 years.</p>	<ol style="list-style-type: none"> <li>1. Twenty-five (25) criminal matters which may include juvenile court proceedings relating to allegations of criminal misconduct to disposition;</li> <li>2. Ten (10) preliminary examinations within 3 years;</li> <li>3. Three (3) felony jury trials;</li> <li>4. Three (3) contested PC 1538.5 hearings within 3 years; <b>and</b></li> <li>5. All of the requirements of Class 3 and 4</li> </ol>
<p><b>Class 3</b> (including juvenile delinquency cases, probation and parole violations)</p>	<p>All other felonies and any misdemeanor that requires registration as a sex offender</p>	<ol style="list-style-type: none"> <li>1. Fifteen (15) criminal matters which may include juvenile court proceedings relating to allegations of criminal misconduct to disposition;</li> <li>2. Five (5) jury trials;</li> <li>3. Five (5) contested factual hearings within 3 years;</li> <li>4. Ten (10) preliminary examinations within 3 years; <b>and</b></li> <li>5. All of the requirements of Class 4</li> </ol>
<p><b>Class 4</b> (including juvenile delinquency cases, probation and parole violations)</p>	<p>Any theft offense charged as a misdemeanor and/or all other misdemeanors in which the possible sentence is one year in the county jail.</p>	<ol style="list-style-type: none"> <li>1. Three (3) criminal matters which may include juvenile court proceedings relating to allegations of criminal misconduct to disposition, including having represented at least 1 charged defendant/minor from plea up through sentencing;</li> <li>2. Have filed and argued a motion accompanied by points and authorities or conducted a hearing where testimony was taken; <b>and</b></li> <li>3. All of the requirements of Class 5.</li> </ol>
<p><b>Class 5</b> (including juvenile delinquency cases, probation and [Class 5 <i>continued</i>]) parole violations)</p>	<p>All other misdemeanors</p>	<ol style="list-style-type: none"> <li>1. Have filed a motion;</li> <li>2. Observed the entirety of at least (2) court session in an Alameda County misdemeanor calendar department in the preceding three (3) months; <b>and</b></li> <li>3. Observed at least (2) sessions of a criminal jury trial, at least one of which must have included <i>voir dire</i>, in the preceding three (3) months (please note the case name and</li> </ol>



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		briefly describe what you observed).
<b>Misdemeanor Appeals</b>	Handling the entirety of an appeal following conviction by jury trial.	1. Two (2) criminal appeals, from settling the record, research, writing and submission; <i>and</i> 2. One (1) brief or motion of at least 15 pages.
<b>Contempt</b>	Representing defendants being charged with criminal contempt in connection with alleging violating a court order.	Two (2) criminal contempt cases; <i>or</i> <ul style="list-style-type: none"><li>○ Requirements for Class 4 (see above).</li></ul>



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CAAP APPLICATION FORM

Name: | SSN# | Tax ID#

Office Address: (must be located in Alameda County; no PO boxes or mail box locations [e.g. UPS, Mail Boxes Etc.]

City: zip code:

Other Office Address:

City: zip code:

Office phone #: | Cell# | Email: (required)

Are you an ACBA member: Yes No

Are you now, or have ever been, a member of ACBA's LRS or VLSC? Yes No

ADMISSIONS TO BAR

CA Bar #: Date Admitted to CA Bar: Years in Practice:

Are you a Criminal Law Specialist? Yes No If yes, date certified/recertified:

Admitted in other states? Yes No If yes, list state(s) & yr. admitted:

Member of other conflict/court appointed programs: Yes No If yes, list county & yrs.:

EMPLOYMENT HISTORY: Please check off areas of previous employment: (details of this work much be reflected in your resume)

- Deputy Public Defender, State Defender, Federal Defender, Appellate Defender, Private Law Firm, Other (describe): Deputy District Attorney, Deputy City Attorney, Assistant U.S. Attorney, Military Attorney, Solo Practitioner

PANELS: Please indicate all the panels you are applying to.

Adult Criminal

- Death Penalty, Class 4, LWOP, Class 5, Class 1, Contempt, Class 2, Misdo Appeals, Class 3, PV/parole

Juvenile/602 cases (this includes handling probation violations)

- Class 1J, Class 2J, Class 3J, Class 4J, Class 5J

JURISDICTION: Please indicate the judicial district(s) you are applying for

- Alameda, Fremont, Hayward, Oakland, Pleasanton



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## DECLARATION OF ELIGIBILITY

I, \_\_\_\_\_, hereby declare:

1. I am an active member in good standing with the State Bar of California and am not now nor have been subject to any State Bar discipline.
2. I maintain my principal office in Alameda County, the majority of my practice is in Alameda County, and this is my address of record with the State Bar of California; or, I am seeking a waiver of this rule (please provide information justifying the waiver on a separate sheet).
3. I do not belong to any other criminal or juvenile defense court appointment panel, excluding post-conviction or federal. I have listed below the name(s) of the post-conviction and/or federal court appointment panels to which I belong:
4. The term “Program” as used in this document refers to the Alameda County Bar Association Court Appointed Attorney Program, which may also be referred to ACBA and/or CAAP. All names relate to the same entity.
5. I hereby certify that I have completed at least six (6) hours of criminal law education or training in the immediately preceding year.
6. I acknowledge that I have received and read the most current versions of Rules and Regulations of the Court Appointed Attorneys Program (CAAP) and the CAAP Fee Schedule (both available on the ACBA website at [www.acbanet.org](http://www.acbanet.org)) and agree to abide by and be bound by them and such other and further rules and regulations as may be adopted on behalf of CAAP.
7. I agree to adhere to the State Bar Act, the California Rules of Professional Conduct, and all rules of professional conduct promulgated by the California State Bar.
8. I hereby consent to verification by CAAP of my eligibility for membership in CAAP and to the Quality Assurance protocols described in the Rules and Regulations of CAAP.
9. I hereby provide a general waiver and release of any and all claims in favor of the ACBA and its officers, directors, managing agents, members, and employees; the CAAP Committee, its officers, and members; and, the County, its Board of Supervisors, employees, and agents as to any and all claims, causes of action, demands, actions, liabilities, damages, judgments, awards, settlements, insurance deductibles, losses, costs, or expenses (including attorneys’ fees) relating to and/or arising from that panel member’s participation in the Program, or lack thereof.
10. The ACBA has and reserves the right to remove any attorney from the CAAP panel. If removed, the Attorney shall be entitled to payment for services provided hereunder prior to the effective date of said removal.
11. I hereby agree to hold harmless and indemnify the ACBA, its officers, directors, members and employees; the CAAP Advisory Committee members; and the County of Alameda, its Board of Supervisors, employees and agents from any and all claims, demands, actions, liability, or loss which may arise or be



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incurred because of or resulting from my participation or lack of participation in CAAP.

12. I agree that this Declaration of Eligibility is renewable each calendar year and that the terms and conditions which apply to the member shall be subject to changes as CAAP deems necessary.
13. I understand that as a Program panel member, I am receiving reimbursement for legal services rendered; I am an independent contractor. I am not an employee of either the ACBA or the Program. Program panel members are not covered by any employee benefit plans provided to or by the ACBA or the Program. Program panel members are liable for the acts and omissions of themselves and their own employees, subcontractors, and agents. Nothing in these Rules and Regulations, or in any other documents, communications, contracts, agreements, or otherwise between panel members, the ACBA, and/or the Program shall be construed as creating an employment or agency relationship between Program panel members, on the one hand, and either the ACBA or the Program on the other hand. Each Program panel member shall determine the methods, details, and means of performing his or her Program-related services, including, without limitation, exercising full control over the employment, direction, compensation, and discharge of all of his or her subcontractors, agents, employees, or other persons assisting in the performance of that Program panel member's services. Each Program panel member shall control the details of, and is solely responsible for, his or her acts, omissions, decisions, and undertakings incident to and/or in furtherance of the representation of any client whose representation arises under the Program. Each Program panel member shall be solely responsible for all matters relating to the payment of his or her own employees, including but not limited to compliance with Medicare, social security, income tax withholding, unemployment, and workers' compensation laws and regulations governing such matters. Neither the Program panel members, on the one hand, nor the ACBA or the Program on the other, have any authority to enter into any contract or otherwise incur any liability in the name of, or on behalf of, one another.
14. I hereby acknowledge that no attorney has the right to be a Program panel member; there is no guarantee that application for Program panel membership will be granted; if admitted to the Program panel, a Program panel member has no guarantee that the Program panel member will be assigned any cases at all through the Program or otherwise; a Program panel member may be assigned greater or fewer cases than any other Program panel member; case assignment is at the sole discretion of the Director, taking into consideration the needs of Program clients, the rotation of Program panel members, the availability and experience of the Program panel member, quality assurance review, the needs of the Program, and each Program panel member's history with the State Bar, the bench, members of the bar, clients, and the Program; and, if admitted to the Program, admission is in no way a promise, guarantee, or commitment to be admitted, readmitted, or renewed for Program panel membership in any other year.
15. I agree to perform my work in strict accordance with currently approved methods and practices in the field. I further agree that the sole interest of the ACBA is to insure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the State Bar of California and the ACBA Court Appointed Attorneys Program. I agree to provide quality representation to all of my clients, including those assigned to the Program panel members by or through the Program; provide services in a competent, effective, and diligent manner; and, participate regularly in continuing legal education activities specific to criminal law and the representation of indigent clients, and demonstrate adequate skills, knowledge, and comprehension of the California criminal justice system, the specific statutes, rules of court, and case law relevant to criminal proceedings.



16. I agree to participate in and attend any trainings the ACBA designates as mandatory for panel members, including (but not limited to) the annual Misdemeanor Trial Skills trainings for panel members who are on the Class 4 and/or Class 5 panels. I agree that any failure to complete any training designated as “mandatory” by the ACBA can result in my being removed from the panel unless I have sought and obtained the Director’s approval prior to the training to miss a mandatory training.
17. I acknowledge that the ACBA has and reserves the right to remove any attorney from the CAAP panel. If removed, the Attorney shall be entitled to payment for services provided hereunder prior to the effective date of said removal.
18. I agree that any and all disputes, claims or controversies arising out of or relating to the ACBA CAAP Declaration of Eligibility shall be submitted to JAMS, or its successor, for mediation, and if the matter is not resolved through mediation, then it shall be submitted to JAMS, or its successor, for final and binding arbitration pursuant to the clause set forth in Paragraph 21 below.
19. I agree that either party may commence mediation by providing to JAMS and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested.
20. I agree that the parties will cooperate with JAMS and with one another in selecting a mediator from the JAMS panel of neutrals and in scheduling the mediation proceedings. The parties agree that they will participate in the mediation in good faith and that they will share equally in its costs.
21. I agree that all offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator or any JAMS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any arbitration or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.
22. I agree that either party may initiate arbitration with JAMS with respect to the matters submitted to mediation by filing a written demand for arbitration at any time following the initial mediation session or at any time following 45 days from the date of filing the written request for mediation, whichever occurs first (“Earliest Initiation Date”). The mediation may continue after the commencement of arbitration if the parties so desire.
23. I agree that at no time prior to the Earliest Initiation Date shall either side initiate an arbitration or litigation related to CAAP except to pursue a provisional remedy that is authorized by law or by JAMS Rules or by agreement of the parties. However, this limitation is inapplicable to a party if the other party refuses to comply with the requirements of Paragraph 19 above.
24. All applicable statutes of limitation and defenses based upon the passage of time shall be tolled until 15 days after the Earliest Initiation Date. The parties will take such action, if any, required to effectuate such tolling.
25. All applicable statutes of limitation and defenses based upon the passage of time shall be tolled until 15 days after the Earliest Initiation Date. The parties will take such action, if any, required to effectuate such



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I declare, under penalty of perjury, the foregoing to be true and correct of my own information, knowledge and belief and that I have knowingly, intelligently and voluntarily consented to the foregoing provisions.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ at \_\_\_\_\_, CA

Signature: \_\_\_\_\_