

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

APPLICATION FOR CERTIFICATION
OF
PRIVATE COURT APPOINTED COUNSEL

Name: _____

Firm Name: _____

Business Address: _____ Zip: _____

Business Telephone: _____ Fax Number: _____

Social Security No.: _____ Employer ID No.: _____

The Florida Bar No.: _____ Year Admitted to Bar: _____

Email Address : _____

Are you currently a member in good standing of The Florida Bar? _____

Voucher (fee) to be paid to the order of: _____ Attorney _____ Firm

1. Is there presently a grievance pending against you with The Florida Bar?
If yes, please attach a description of the matter, including the name of the complainant.
2. Have you received any public discipline by The Florida Bar? _____
If yes, provide a brief description on a separate sheet.
3. Have you been the subject of any discipline imposed by the standing committee or have you been denied certification? _____YES _____NO
If yes, explain.
4. Do you believe you are qualified to become a member of the panel but do not satisfy all the criteria set forth in the standards, or you are qualified to handle a higher category case than the standards specify or wish the committee to consider experience outside the state of Florida, or prior to your admission to The Florida Bar in reaching its classification decision?
_____YES _____NO

If yes, attach an additional sheet identifying your request and specifying all pertinent information you feel will aid the committee in reaching its decision. (If further information is required, incomplete answers will only delay your application.)

[There will be three (3) separate "Wheels" for assignment of PCAC cases: one for Juvenile cases, one for Appellate cases and one for Misdemeanor and Felony cases in the Criminal Division. An attorney can be on one, two or all three Wheels. Assignment of a case from one Wheel will have no effect on assignments from the other two Wheels.]

11. Do you wish to be considered for Category "IV" Cases? YES NO
 If Yes, please complete the following:

a. LEAD COUNSEL

i. Case handled as defense attorney through death phase.

<u>Case#</u>	<u>Style</u>	<u>Jurisdiction</u>	<u>Judge</u>	<u>Opposing Counsel</u>
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OR

ii. Three homicide trial units as lead defense counsel.

<u>Case#</u>	<u>Style</u>	<u>Jurisdiction</u>	<u>Judge</u>	<u>Opposing Counsel</u>
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- 1.
- 2.
- 3.

AND

iii. Death Penalty Seminar.

<u>Title</u>	<u>Date</u>	<u>Sponsor</u>
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b. SECOND CHAIR

i. Death Penalty Seminar

<u>Title</u>	<u>Date</u>	<u>Sponsor</u>
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ii. Two homicide trial units.

<u>Style</u>	<u>Jurisdiction</u>	<u>Judge</u>	<u>Opposing Counsel</u>	<u>Lead Counsel or Second Chair</u>
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- 1.
- 2.

12. Do you wish to be considered for appellate assignments? YES NO
 If Yes, Please complete the following:

1. Criminal or Appellate CLE Hours, Last 12 Months.....<5 5 >9
2. Criminal or Appellate CLE Hours, Last 3 Years.....<20 >19
3. Number of Criminal Trial And/or Appellate Units.....<3 3 6 15 30

I, _____, hereby affirm that I have read and understand the Attorneys Standards and Case Designation for Appointment of Private Court Appointed Counsels in Criminal Conflict Cases and that all information contained in my application and any attachments submitted by me are true and correct. I agree that a violation by me of the requirements set forth in the Standards or in subsequent published revisions or addendums shall constitute good cause for removal of my name from the list of Panel attorneys. I further agree to serve as a reviewer in the peer review process for attorneys fees.

Signature

Date

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing Application for Certification was acknowledged before this _____ day of _____, 200____, by _____ who is personally known to me and who has taken an oath.

NOTARY PUBLIC, State of Florida
Notary Public's Name:

My Commission expires:

Return the completed application along with all attachments to:

Administrative Office of the Courts
1351 N.W. 12 Street, Room 7100
Miami, FL 33125

An Equal Opportunity
Affirmative Action Employer

EEO SURVEY

The following information is requested to aid the State of Florida in its commitment to Equal Opportunity and Affirmative Action. It is unlawful for an employer to fail or refuse to hire any individuals or deprive any individual of employment opportunities because of race, color religion, sex, national origin, age, marital status, handicap, sexual preference, veteran status or political affiliation.

Sex: Male _____ Female _____ Date of Birth: _____

Do you have a disabling or handicapping condition? _____YES _____NO

Race (check one only):

_____ White (not Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

_____ Black (not Hispanic origin): Persons having origins in any of the black racial groups of Africa.

_____ Hispanic: Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

_____ Asian or Pacific Islander: Persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands which includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

_____ American Indian or Alaskan Native: Persons having origins in any of the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

_____ Other:

ATTACHMENT "A"

CASE CLASSIFICATIONS

A TRIAL CASES

1. Category "I" Cases
Misdemeanors and third degree felonies in the criminal division of the county and circuit courts and misdemeanors and third and second degree felonies in the juvenile division of the circuit court.
2. Category "II" Cases
Second degree felonies in the criminal division of the county and circuit courts and first degree, life and capital felonies in the juvenile division.
3. Category "III" Cases
First degree felonies, life felonies, capital sexual batteries and first degree murder cases in which the State has waived the death penalty prior to or at the time the conflict is announced.
4. Category "IV" Cases
All first degree murder cases in which the State has not waived the death penalty.

The case classification system for trial cases is modeled after that utilized by the Dade County State Attorney and Public Defender. At the time a conflict is announced, the Public Defender's Office will attach a certificate designating the cases in one of the four categories mentioned herein. The State Attorney will also inform the Court in writing of its designation assessment. In the event of disagreement, the case shall be categorized at the higher level.

B. APPELLATE CASES

1. Category "A" Cases
All misdemeanor and felony appeals, other than those cases in which the death penalty has been imposed or those which the assistant public defender, PCAC or assistant state attorney have certified as requiring complex appellate experience.
2. Category "B" Cases
All appeals certified as "complex."
3. Category "C" Cases
All cases in which the death penalty has been imposed.

C. ATTORNEY STANDARDS FOR CASE CATEGORIES

1. Category "I" Cases

Length of Bar Membership	CLE Requirement	% Practice Criminal	Trial Experience
Two Years	5 hours of criminal CLE in the 12 months preceding the date of application	25%	2 criminal trial units, at least 1 as lead counsel and at least 1 criminal jury trial.

OR

One Year	5 hours of criminal CLE in the 12 months preceding the date of application	25%	4 criminal trial units, at least 1 as lead counsel and at least 2 criminal jury trials.
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2. Category "I" Cases

Length of Bar Membership	CLE Requirement	% Practice Criminal	Trial Experience
Three Years	15 hours of criminal CLE hours in the last 3 years preceding the date of application and 5 hours in the 12 months preceding the date of application.	33%	6 criminal trial units, 2 of which shall be at least category "I" cases, 2 of the 6 cases as lead counsel and 3 of the 6 must be jury trials.

3. Juvenile Case Requirement

Admission to the juvenile panel requires, in addition to "I" or "II" criteria, three juvenile delinquency cases handled through adjudication or attendance at a seminar within the preceding 12 months which includes at least three hours on juvenile substantive and procedural law or viewing of an approved video on juvenile law and procedure in the preceding 12 months.

4. Category "III" Cases

Length of Bar Membership	CLE Requirement	% Practice Criminal	Trial Experience
Three Years	20 criminal CLE hours in the last 3 calendar years preceding the date of application and 10 hours in the 12 months preceding the date of application.	50%	20 criminal trial units, at least 5 of which shall be at least category "III" cases, 10 of the 20 cases as lead counsel and 10 of the 20 must be jury trials.

5. Category "IV" Cases

a. LEAD COUNSEL

Category III Qualifications and, in addition,

- (1) attendance at an approved death penalty seminar within the past 12 months and, either
- (2) trying 2 homicide cases as lead defense counsel, at least one of which shall be a capital murder case tried through the death phase as a defense attorney, or
- (3) trying 3 homicide cases, 2 as lead defense counsel.

b. SECOND SEAT

Category III Qualifications and, in addition,

- (1) attendance at an approved death penalty seminar within the past 24 months, and
- (2) two of the twenty trial units shall be homicides, one in which applicant is lead counsel and one in which applicant is a defense attorney.

6. Category "A" Appeals

Length of Bar Membership	CLE Requirement	% Practice Criminal	Trial Experience
Two Years	5 hours of criminal or appellate CLE in the 12 months preceding the date of application.	25%	3 criminal trial and/or appellate units.

OR

One Year	5 hours of criminal or appellate CLE in the 12 months preceding the date of application..	25%	6 criminal trial and/or appellate units.
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7. Category "B" Appeals

Three Years	20 criminal or appellate CLE hours in the last 3 calendar years preceding the date of application and 10 hours in the 12 months preceding the date of application.	50%	15 criminal trial and/or appellate units
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8. Category "C" Appeals

Five Years	20 criminal or appellate CLE hours in the last 3 calendar years preceding the date of application and 10 hours in the 12 months preceding the date of application.	50%	30 criminal trial and/or appellate units
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TRIAL/APPELLATE UNITS

Case Style	Jurisdiction	Judge	Opposing Counsel	Charge	Lead Counsel or Second Seat
01					
02					
03					
04					
05					
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07					
08					
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29					
30					

- IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA.
- IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA.

DIVISION: <input type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC <input type="checkbox"/> OTHER	MOTION AND AFFIDAVIT FOR ATTORNEY'S FEES FOR PRIVATE COURT APPOINTED COUNSEL AND COSTS (LONG FORM)	CASE NUMBER
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THE STATE OF FLORIDA PLAINTIFF	VS DEFENDANT	CLOCK IN
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SECTION B.

The nature of the most serious offense for which representation was provided by the undersigned was:

- | | |
|---|--|
| <p>A. Misdemeanor Offense
<input type="checkbox"/> (Maximum fee: \$1,000.00)</p> <p>B. Juvenile
<input type="checkbox"/> (Maximum fee: \$1,000.00)</p> <p>C. 3rd Degree Felony
<input type="checkbox"/> (Maximum fee: \$2,500.00)</p> <p>D. 2nd Degree Felony
<input type="checkbox"/> (Maximum fee: \$2,500.00)</p> <p>E. 1st Degree Felony
<input type="checkbox"/> (Maximum fee: \$2,500.00)</p> <p>F. Life Felony
<input type="checkbox"/> (Maximum fee: \$3,000.00)</p> <p>PCAC G. Capital Case
<input type="checkbox"/> (Maximum Fee: \$10,000.00
for Pre-Trial representation plus
\$800.00 per diem for trial
representation.)</p> | <p>H. Non-capital Appeal
<input type="checkbox"/> (Maximum Fee: \$2,000.00)</p> <p>I. Capital Appeal
<input type="checkbox"/> Exceptional circumstances require a reasonable
fee in excess of the statutory limit.</p> <p>J. Defendant represented on
<input type="checkbox"/> Multiple cases: Case numbers
<input type="checkbox"/> Single case</p> <p>K. Status of case(s)
<input type="checkbox"/> Case(s) closed on
<input type="checkbox"/> Case(s) remain open</p> <p>L. Attorneys Involved
<input type="checkbox"/> Multiple PCAC
<input type="checkbox"/> Single</p> |
|---|--|

Accordingly the undersigned hereby moves this Court to certify attorney's fees in the amount of \$_____, (total at hourly rate (Section A) or a maximum permitted fee of (Section B), whichever is less) and costs in the amount of \$_____.

STATE OF FLORIDA
COUNTY OF DADE

BY _____
ATTY'S TAX/FEDERAL I.D. # _____

Before me the undersigned authority personally appeared _____, who after being duly sworn, deposes and says that he/she has personal knowledge of and represents that the information contained within the foregoing Motion for Attorney's Fees is true and correct, that he/she maintains his/her principal office in Miami-Dade County and is otherwise in full compliance with the policies and procedures of the Assigned Counsel Plan for the Eleventh Judicial Circuit of Florida.

Notary Public, State of Florida
My Commission Expires: _____

CERTIFICATE OF SERVICE AND MAINTENANCE OF RECORDS

I HEREBY CERTIFY that I will maintain for three years from this date the records in support of the time indicated in this affidavit; and that a true and correct copy of the foregoing Motion and Affidavit for Attorney's Fees for the Private Court Appointed Counsel was served by hand/mail upon the State Attorney, 1350 N.W. 12 Avenue, Miami, FL. 33136, on this ____ day of _____ 20 ____.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA.
IN THE COUNTY COURT IN AND FOR DADE COUNTY, FLORIDA.

DIVISION:
CRIMINAL
TRAFFIC
OTHER

MOTION AND AFFIDAVIT FOR ATTORNEY'S FEES
FOR PRIVATE COURT APPOINTED COUNSEL AND
COSTS

CASE NUMBER

Defendant's counsel, _____ having been duly appointed in this cause as a Private Court Appointed Counsel pursuant to a Certification of Conflict by the Public Defender and being a member of this Florida Bar, moves this Court pursuant to Section 27.53 and 925.035, Florida Statutes, to certify attorney's fees and costs as follows:

SECTION A.

<u>Date</u>	<u>Nature of Services</u>	<u>Time Spent</u>
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(ATTACH ADDITIONAL SHEET IF NECESSARY)

TOTAL TIME SPENT

Out-of-Court _____ hrs. @ \$40.00 = \$ _____

In-Court _____ hrs. @ \$50.00 = \$ _____

Total: \$ _____