

**Office of the Appointed Counsel Commission
Affidavit of Capital Case Qualification**

State of _____
County of _____

I, _____, being first duly sworn, state as follows:

1. Attorney Information

- BPR Number: _____
- Firm/Employer: _____
- Business Address: _____
- Telephone: _____
- Email: _____

2. License Status

I affirm that I am currently a member in good standing with the Tennessee Board of Professional Responsibility, or I am eligible to be admitted *pro hac vice* for the purpose of appointment in Tennessee courts.

- Yes No
 (Check if admitted *pro hac vice*)

Section A – Lead Trial Counsel Qualifications (Tenn. Sup. Ct. R. 13, § 3(c); Tenn. Sup. Ct. R. 56, § 6(c)).

I affirm that I meet **all** of the following minimum requirements for appointment as **lead counsel** in a capital case:

Experience Requirements

- I have regularly participated in criminal jury trials for at least five (5) years.

AND

- I have completed at least six (6) hours of specialized training in the defense of defendants charged with a capital offense prior to appointment and will complete at least six (6) hours every two (2) years thereafter.

Date last specialized training completed: _____.

AND

Trial Experience (Check all that apply)

I also meet **at least one** of the following:

- I have served as lead counsel in the jury trial of at least one (1) capital case.
- I have served as co-counsel in the trial of at least two (2) capital cases.
- I have served as co-counsel in one (1) capital case and as lead or sole counsel in at least one (1) murder jury trial.
- I have served as lead or sole counsel in at least three (3) murder jury trials, **or** one (1) murder jury trial and three (3) felony jury trials.
- I have served as a judge in the jury trial of at least one (1) capital case.

I certify that I am qualified to serve as lead trial counsel in capital cases.

Section B – Co-Counsel Qualifications (Tenn. Sup. Ct. R. 13, § 3(d); Tenn. Sup. Ct. R. 56, § 6(d)).

I affirm that I meet the requirements for appointment as **co-counsel** in a capital case:

- I am in good standing with the Tennessee Bar or eligible for pro hac vice admission.

AND

- I have completed at least six (6) hours of specialized capital defense training prior to appointment and will complete at least six (6) hours every two (2) years thereafter.

Date last specialized training completed: _____.

AND

I also meet **one** of the following:

- I qualify as lead counsel under Section A above.
- I have experience as sole counsel, lead counsel, or co-counsel in a murder jury trial.

I certify that I am qualified to serve as co-counsel in capital cases.

Section C – Appellate Counsel Qualifications (Tenn. Sup. Ct. R. 13, § 3(g); Tenn. Sup. Ct. R. 56, § 6(e)).

I affirm that I meet the requirements to be appointed as counsel on direct appeal in a capital case:

- I have at least three (3) years of litigation experience in criminal trials and direct appeals.

AND

I also meet **one** of the following:

- I have served as counsel of record in the direct appeal of a capital case.
- I have served as counsel of record in the direct appeal of at least three (3) felony convictions within the past three (3) years and have completed at least six (6) hours of specialized training in the trial and direct appeal of capital cases.

Date last specialized training completed: _____.

I certify that I am qualified to serve as appellate counsel in capital cases.

Section D – Post-Conviction Counsel Qualifications (Tenn. Sup. Ct. R. 13, § 3(h); Tenn. Sup. Ct. R. 56, § 6(f)).

I affirm that I meet the requirements to be appointed as post-conviction counsel in a capital case:

- I meet the qualifications for appointed appellate counsel **OR** I have served as counsel of record in state post-conviction proceedings in:
 - Three (3) felony cases;

OR

 - Two (2) murder cases;

OR

 - One (1) capital case

AND

- I possess a working knowledge of federal habeas corpus practice, which has been satisfied by:
 - At least six (6) hours of specialized training in federal capital habeas representation
Date last specialized training completed: _____.
 - Other (describe): _____

AND

- I understand that I may not be appointed as post-conviction counsel in a case in which I previously represented the defendant at trial or on direct appeal, unless both the defendant and I expressly consent to continued representation.

I certify that I am qualified to serve as post-conviction counsel in capital cases.

Section E – Verification and Oath

I declare under penalty of perjury under the laws of the State of Tennessee that the foregoing statements are true and correct to the best of my knowledge and belief. I understand that this affidavit will be relied upon by the courts, the Office of the Appointed Counsel Commission and other administrative offices of the State of Tennessee for purposes of determining my eligibility for appointment in capital cases.

Signature: _____

Date: _____

Printed Name: _____

BPR: _____

Sworn to and subscribed before me on this _____ day of _____, 20_____.

Notary Public: _____

My Commission Expires: _____

List all districts in which you are willing to accept appointments for capital cases:
