

INSTRUCTION SHEET TO THE
ATTORNEY'S CERTIFICATION FORM FOR APPOINTMENT
IN CAPITAL CASES

As you are aware the Judges of Jefferson County Criminal Division have approved *The Considerations and Recommendations For Appointment of Counsel in Capital Cases* which reflects the Court and defense counsels' efforts to ensure that quality and effective legal representation in death penalty cases is afforded to all indigent defendants charged in such cases who cannot afford to hire counsel in their defense. The drafters note that these considerations and recommendations have been promulgated *solely* to assist and aid courts in appointment of counsel in capital cases. These considerations and recommendations *are not mandatory upon any Court, nor do they supplement or create any new legal right or rights*. Rather the *sole* statutory criteria governing appointments in capital cases are set forth in Section 13A-5-54 Code of Alabama (1975). *It is the desire of the drafters that these considerations and recommendations are to be used solely in the sound discretion of the Court to ensure the objective as set out herein.*

The following information is a guide to counsel who wish to be included in the list of counsel pursuant to these recommendations and considerations.

- 1.) Counsel *must* obtain and complete the Attorney's Certification for Appointment in Capital Cases. The certification forms can be found in the District and Circuit courts of the criminal division of Jefferson County and should be submitted to Judge Watkins's judicial assistant Miranda Gathof, at Courtroom 205 of the Criminal Justice Center *on or before August 1, 2008*.
- 2.) As part of the completed certification form counsel must attach a copy of their 2007 Transcript and Notice of Compliance from the Alabama State Bar to verify the 12 hours of continuing legal education focused on the death penalty if such were completed in 2007. If counsel has not completed 12 hours of such training in 2007 the counsel must file a supplement to the form by attaching a copy of their 2008 Transcript and Notice of Compliance from the Alabama State Bar for verification of the required hours of death penalty training.
- 3.) Upon receipt of all completed certification forms, the Court's Review Committee will review and prepare a list that will include all counsels who meet the requirements for lead

and co-counsel as specified in the *Considerations and Recommendations For Appointment of Counsel in Capital Cases* and the list will be disseminated to all Circuit and District Judges for each judges individual consideration and to assist them in exercising their judicial discretion in appointing counsel in capital cases.

4.) Any questions concerning the certification process should be directed members of the Court's Review Committee, Circuit Judge C. Tommy Nail, District Judge Sheldon Watkins and/or John A. Lentine.