

ENTERED

April 23, 2021

Nathan Ochsner, Clerk of Court

By Deputy Clerk



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

IN THE MATTER OF THE APPROVAL §  
OF THE CRIMINAL JUSTICE ACT PLAN §  
FOR THE CORPUS CHRISTI DIVISION OF §  
THE SOUTHERN DISTRICT OF TEXAS §

GENERAL ORDER NO. 2021-8

**ORDER**

The District Judges of the Southern District of Texas approved for adoption the amended Criminal Justice Act Plan for the Corpus Christi Division, which added the following language to section I.A.3.

Applicants must have a primary, satellite, or shared office in the Corpus Christi or Victoria Division of the Southern District of Texas. Applicants who only handle appeals may be excused from this requirement provided the applicant has demonstrated experience handling federal criminal appeals and is a member of the CJA Panel in the jurisdiction where his or her primary office is located. Applicants whose primary office is located in Texas must be licensed to practice law in the State of Texas and be in good standing with the State Bar of Texas.

The Judicial Council of the Fifth Circuit approved the amendment on April 22, 2021.

It is now ORDERED that the amended Criminal Justice Act Plan for the Corpus Christi Division of the Southern District of Texas, is adopted effective April 23, 2021.

ORDERED this the 23rd day of April 2021.



LEE H. ROSENTHAL  
CHIEF JUDGE

**THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT**

REVIEWING PANEL --- CRIMINAL JUSTICE ACT PLAN

The amended Criminal Justice Act Plan for the Corpus Christi Division of the Southern District of Texas is approved.

Entered for the Reviewing Panel at New Orleans, Louisiana, this 22nd day of April, 2021.



Theodore P. Cominos  
Secretary to the Judicial Council  
of the Fifth Circuit

The following judges comprised and acted as the Reviewing Panel:

(a) The Judicial Council of the Fifth Circuit:

Priscilla R. Owen  
Jennifer Walker Elrod  
James L. Dennis  
Gregg J. Costa  
Don R. Willett  
James C. Ho  
Stuart Kyle Duncan  
Kurt D. Engelhardt  
Andrew S. Oldham  
Cory T. Wilson  
Jay C. Zainey  
John W. deGravelles  
Elizabeth E. Foote  
Michael P. Mills  
Carlton W. Reeves  
Ed Kinkeade  
Lee H. Rosenthal  
Rodney Gilstrap  
Alia Moses

(b) Chief United States District Judge:



Lee H. Rosenthal  
Chief United States District Judge  
Southern District of Texas

**CORPUS CHRISTI PLAN**  
**THE COMPOSITION, ADMINISTRATION, AND MANAGEMENT OF**  
**THE PANEL OF PRIVATE ATTORNEYS UNDER THE CRIMINAL JUSTICE ACT**  
*(Amended April 23, 2021)*

**I. COMPOSITION OF PANEL OF PRIVATE ATTORNEYS**

**A. CJA PANEL**

1. Approval. The Court hereby establishes a panel of private attorneys, the CJA Panel, who are eligible and willing to be appointed to provide representation under the Criminal Justice Act. The Court shall approve attorneys for membership on the panel after receiving recommendations from the Panel Selection Committee, established pursuant to paragraph B of this Plan. Members of the CJA Panel shall serve at the pleasure of the Court.
2. Size. The CJA Panel shall consist of approximately 100 attorneys. The Court shall review annually and if necessary, adjust the size of the Panel. The Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the Criminal Justice Act caseload, yet small enough so that Panel members will have the opportunity to receive an adequate number of appointments to maintain their proficiency in federal criminal defense work, and thereby provide a high quality of representation.
3. Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district, and have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence and the United States Sentencing Guidelines.

Applicants must have a primary, satellite, or shared office in the Corpus Christi or Victoria Division of the Southern District of Texas. Applicants who only handle appeals may be excused from this requirement provided the applicant has demonstrated experience handling federal criminal appeals and is a member of the CJA Panel in the jurisdiction where his or her primary office is located. Applicants whose primary office is located in Texas must be licensed to practice law in the State of Texas and be in good standing with the State Bar of Texas.

4. Terms. Attorneys admitted as members of the Panel shall normally serve for a term of three years. Thereafter, attorneys must resubmit a new application. Members of the CJA Panel shall serve at the pleasure of the Court.

5. Reappointment. A member of the CJA Panel shall be eligible for reappointment to the panel for successive terms following expiration of his or her term, unless otherwise restricted by the Court.
6. Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the Clerk of the Court. Completed applications shall be submitted to the Clerk of the Court who will transmit the applications to the chairperson of the Panel Selection Committee.

B. PANEL SELECTION COMMITTEE

1. Membership. An appropriate Panel Selection Committee shall be established for each division or combination of Divisions by the Court. The Committee shall consist of one district judge, one or more magistrate judges, one or more attorneys who are members of the CJA Panel, and the Federal Public Defender. The Committee shall select its own chairperson.

2. Duties.

- a. The Panel Selection Committee shall meet quarterly or as needed to consider applications for the vacancies created by the terms expiring each year. The Committee shall review the qualifications of applicants and recommend, for approval by the Court, those applicants best qualified to fill the vacancies.

The Committee shall recruit a broad-based representative panel of competent attorneys with criminal trial experience. The primary objective of the Committee shall be to recruit the most qualified attorneys, but the Committee shall actively recruit women and minority members and shall provide a substantial number of attorneys fluent in languages other than English. The Committee may classify Panel members according to level of experience and area of expertise.

At its scheduled meeting, the Committee shall also review the operation and administration of the Panel over the preceding period and recommend to the Court any changes deemed necessary or appropriate by the Committee regarding the appointment process and Panel management.

- b. If, at any time during the course of a year, the number of vacancies due to resignation, removal, or death significantly decreases the size of the Panel, the Committee shall solicit applications for the vacancies, convene a special meeting to review the qualifications of the applicants, and select prospective members for recommendation to the Court for approval. Members approved by the Court to fill

mid-term vacancies shall serve until the expiration of the term that was vacated and shall be immediately eligible for reappointment.

### C. CJA TRAINING PANEL

The Panel Selection Committee shall establish a CJA Training Panel, consisting of attorneys who have the experience required for membership on the CJA Panel. Training Panel members may be assigned, by the Court, to assist members of the CJA Panel in a "second chair" capacity. Training Panel members are not eligible to receive appointments independently and shall not be eligible to receive compensation for their services in assisting CJA Panel members. Prior service on the CJA Training Panel is not a requirement for membership on the CJA Panel, nor will service on the Training Panel guarantee admission of an attorney to the CJA Panel.

## II. THE APPOINTMENT PROCESS

### A. MAINTENANCE OF LIST AND DISTRIBUTION OF APPOINTMENTS

The Clerk shall maintain the current CJA Panel list and shall furnish a copy to each judge and the Federal Public Defender upon request. The Clerk shall also maintain a public record of appointments of private counsel, and, [when appropriate], statistical data reflecting the proration of appointments between the Federal Public Defender and private attorneys, according to the formula heretofore described.

### B. METHOD OF APPOINTMENT

Appointments from the list of private attorneys should be made on an impartial basis, subject to the Court's discretion to consider the nature and complexity of the case, and an attorney's experience. This procedure will assist in producing a balanced distribution of appointments among the members of the CJA Panel and providing quality representation for each CJA defendant.

## III. COMPENSATION - FILING OF VOUCHERS

Claims for compensation shall be submitted, on the appropriate CJA form, to the office of the Clerk of the Court. The Clerk of the Court shall review the claim form for mathematical and technical accuracy, and for conformity with the [Guidelines for Administering the CJA and Related Statutes](#) (Volume VII, Part A, Guide to Judiciary Policies and Procedures) and, if correct, shall forward the claim form for the consideration and action of the presiding judge or magistrate. (See Appendix A).

## APPENDIX A

### GENERAL INFORMATION FOR VOUCHER SUBMISSION

#### A. GENERAL

All vouchers must be submitted through eVoucher.

All vouchers must itemize the dates services were rendered, a description of the legal services rendered in representation of the client, and the time expended in rendering the legal services.

Expenses must be itemized and documented.

In an extended or complex case, vouchers must be submitted monthly.

#### B. ALLOWABLE EXPENSES - COURT APPOINTED COUNSEL (CJA 20 & 30)

Out of pocket expenses reasonably incurred may be claimed on the CJA 20 and 30 vouchers, and must be itemized and reasonably documented. Expenses for investigations or other services under subsection (e) of the Act are not out of pocket expenses. Thus, such expenses should not be claimed on the CJA 20 or 30 vouchers. A CJA 21 or 31 electronic voucher, Authorization and Voucher for Expert or Other Services, should be filed by the attorney on behalf by the investigator or other expert. Out of pocket expenses may include:

##### 1. Travel Expenses

- (a) Travel by a privately owned automobile should be claimed at the rate prescribed for federal judiciary employees who use a private automobile for conducting official business, plus parking fees, ferry fees, and bridge, road and tunnel tolls. Other means of transportation should be claimed on an actual expense basis. (Local toll fees are not recoverable.)
- (b) Costs for traveling from an attorney's office/duty station and the courthouse will not be reimbursed.
- (c) Travel time shall not be charged as an expense except where travel is away from the duty station where the courthouse is located.
- (d) Counsel's expenses for meals and lodgings incurred in the representation of the defendant constitute reimbursable out of pocket expenses.

- (e) In determining whether actual expenses incurred are "reasonable," counsel should be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

2. Hourly Rates for Appointed Trial Attorneys

- (a) The current hourly rate for in Court appearances and out-of-Court labor, as approved by the Judicial Conference of the United States, is published at [www.txs.uscourts.gov/page/payment-rates](http://www.txs.uscourts.gov/page/payment-rates). Where the hourly rate changes in the midst of an appointment, appropriate adjustments will be recognized. With the exception of capital cases, case compensation maximums are also established by statute and will be recognized in all cases unless a case becomes extended or complex. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (b) All claims for compensation in excess of statutory case limitation requires both, the voucher and a detailed memorandum supporting and justifying counsel's claim. The memorandum should state that representation was provided in a complex or extended case and that the excess payment is necessary to provide fair compensation. Ultimate approval in such cases is made by the Chief Judge of the Fifth Circuit or her/his designee.
- (c) Fees and Expenses In Capital Cases. Compensation shall be paid to attorneys appointed under this subsection, to exceed the in-court and out-of-court time published rates. Fees and expenses paid for investigative, expert, and other reasonably necessary services that are authorized, in any case, shall not exceed, the published rate, unless payment in excess of that limit is certified by the court. Amounts in excess shall first be approved by chief judge of the circuit or circuit designee. The Fifth Circuit's Special Procedures for Reviewing Attorney Compensation Requests in Death Penalty Cases and the limits on fees and expenses are on court's website.

3. Compensation Limits for Investigative, Expert and "Other" Services (CJA 21)

- (a) With Prior Authorization [www.txs.uscourts.gov/page/payment-rates](http://www.txs.uscourts.gov/page/payment-rates)  
(per organization or individual, exclusive of reimbursement for expenses reasonably incurred, per individual authorization to perform said service.)
- (b) Without Prior Authorization [www.txs.uscourts.gov/page/payment-rates](http://www.txs.uscourts.gov/page/payment-rates)

(Subsection (e)(2)(A) of the Act authorizes the obtaining of investigative, expert and other services without prior authorization but subject to

subsequent review, providing the cost of services obtained does not exceed the published rate plus expenses reasonably incurred.

4. Photocopying

Actual costs not to exceed the published rate will be paid if a copy of the bill is submitted. For in-house copying, actual costs not to exceed the published rate will be paid. The costs of other forms reproduction will not be reimbursable.

5. Courier Service and Other Special Arrangements

For delivery of items that could be mailed or e-filed, expenses will be reimbursed only if normal mail service or e-filing is unavailable or inadvisable. In non-emergency cases, routine documents such as briefs and motions should be prepared early enough to permit use of the mail.

6. Law Students

Use of qualified law students to assist assigned counsel in trial preparation and in drafting briefs and arguments on appeal may be appropriate. Payment under the CJA in such instances may be made to assigned counsel only for compensable time spent by counsel plus allowable expenses. Allowable expenses for the attorney may include compensation paid to law students for legal research, but does not include reimbursement for expenses otherwise incurred by a law student. Submit an electronic CJA-21 or CJA-31 and treat as a paralegal expense.

7. Legal Research

- (a) Hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research;
- (b) In extended or complex cases, the hours claimed for legal research and writing must identify the issue or issues that were the subject matter of the research and the docket number of the relevant pleadings; and
- (c) A copy of the bill for the use of equipment for computer assisted legal research must be attached to the compensation voucher.

8. Other Expenses

Other expenses include items such as telephone calls, express delivery, copying (except printing), postage and photographs. "Other" expenses in excess of the published rate must be substantiated by proof of payment, i.e., receipts, canceled checks, and invoices.



Any invoice or bill for an expert or the services of any third party for which a party/attorney seeks reimbursement must be uploaded to the appropriate electronic CJA- 21 or CJA 31. The Court expects any such expense to be approved in advance.

## IN COURT HOURLY INSTRUCTIONS

The “in-court” designation was devised to standardize the itemization and documentation of hourly totals and “in-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date the service was performed
- b) a brief description of the service performed
- c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours\*. In addition, the time reported should be entered under the appropriate in-court service category, i.e., arraignment and/or plea, motions and requests, bail hearings, etc.

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*	6 Minutes	=	.1	Hour	36 Minutes	=	.6	Hour
	12 Minutes	=	.2	Hour	42 Minutes	=	.7	Hour
	18 Minutes	=	.3	Hour	48 Minutes	=	.8	Hour
	24 Minutes	=	.4	Hour	54 Minutes	=	.9	Hour
	30 Minutes	=	.5	Hour	60 Minutes	=	1.0	Hour

## OUT-OF-COURT HOURLY INSTRUCTIONS

The “out-of-court” designation was devised to standardize the itemization and documentation of hourly totals and “out-of-court” services performed by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date the service was performed
- b) a brief description of the service performed; and
- c) the time spent performing the service

The time spent performing the service shall be reported in tenths of hours\*. In addition, the time reported should be entered under the appropriate “out-of-court” service category, i.e., Interviews and conferences, obtaining and review records, legal research and brief writing, etc.

Note: Travel time should not be charged as an expense except where travel is away from the duty station where the courthouse is located.

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*	6 Minutes	=	.1	Hour	36 Minutes	=	.6	Hour
	12 Minutes	=	.2	Hour	42 Minutes	=	.7	Hour
	18 Minutes	=	.3	Hour	48 Minutes	=	.8	Hour
	24 Minutes	=	.4	Hour	54 Minutes	=	.9	Hour
	30 Minutes	=	.5	Hour	60 Minutes	=	1.0	Hour

## **OTHER EXPENSE INSTRUCTIONS**

The “other” expense designation was devised to standardize the itemization and reimbursable expense incurred by court appointed counsel in the defense of a client under the Criminal Justice Act. Each submission shall include the following:

- a) the date incurred,
- b) a brief explanation of the expense; and
- c) the amount of expense incurred.

Expense items such as mileage and copying should reflect the total miles and pages, respectively, multiplied by the applicable rate. The expenses incurred should then be entered under the appropriate “other” expense category, i.e., mileage, parking, meals, etc. Upload all supporting documentation, i.e., receipts, canceled checks and invoices for all expenses in excess of the published rate to the electronic voucher

APPENDIX B

APPLICATION FOR ADMISSION TO CORPUS  
CHRISTI DIVISION 2021 CJA PANEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

I. GENERAL INFORMATION

A. Name: \_\_\_\_\_

B. Name of Firm, Partnership, or Professional Corporation:  
\_\_\_\_\_  
\_\_\_\_\_

C. Office Street Address:  
\_\_\_\_\_  
\_\_\_\_\_

D. Mailing Address (*if different from above street address*):  
\_\_\_\_\_  
\_\_\_\_\_

E. Office Telephone Number (*include area code*): \_\_\_\_\_

F. Cellular Number (*include area code*): \_\_\_\_\_

G. E-Mail Address: \_\_\_\_\_

H. Date of Birth: \_\_\_\_\_

I. Professional Organizations, Awards, Honors, etc.:  
\_\_\_\_\_  
\_\_\_\_\_

- J. Fluency (office capacity) in the following languages (do you or any member of your office staff speak, read, and write any language other than English?):

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**II. BAR ADMISSION AND CERTIFICATIONS**

- A. State Bar Membership Number: \_\_\_\_\_

- B. Date Admitted to State Bar of Texas: \_\_\_\_\_

- C. Date first Admitted to Practice in the United States District Court for the Southern District of Texas: \_\_\_\_\_

Membership Number, Southern District of Texas: \_\_\_\_\_

- D. Date first Admitted to Practice in the United States Court of Appeals for the Fifth Circuit: *(if not admitted, please so state)*:

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- E. Please List All Other Courts In Which You Are Admitted to Practice and Give Dates of Admission and Membership Numbers:

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- F. Field of Special Interest (appeals, habeas corpus, material witness, trial, felony and capital cases—you may also indicate whether you prefer to handle only one or two types of cases):

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G. Date and Field of Certification by Texas Board of Legal Specialization:

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**III. TRIAL EXPERIENCE**

A. Nature of Legal Experience:

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B. Number of Criminal Jury Trials [estimate]:

State \_\_\_\_\_ Federal \_\_\_\_\_

C. Number of Criminal Trials to the Court [estimate]:

State \_\_\_\_\_ Federal \_\_\_\_\_

D. Number of Hearings or Other Contested Matters [estimate]:

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**IV. APPELLATE EXPERIENCE**

Number of Criminal Appeals Handled:

	Briefs Submitted	Oral Arguments
State	_____	_____
Federal	_____	_____

**V. TRAINING PANEL**

If you have little or no experience handling federal criminal trials and Sentencing Guidelines issues, are you willing to accept a minimum of two second chair appointments, without compensation, alongside a more experienced Assistant Federal Public Defender or CJA attorney to gain experience prior to being appointed solo for compensation?

Yes                       No                       N/A

**Note: Serving as a trainee does not necessarily guarantee acceptance as a CJA panel member.**

**VI. PEER AND COURT REVIEW**

A. List the names of two lawyers, not your partners, associates, or relatives, with whom or against whom you have tried a case in the last three years who may be contacted and who can attest to your competence in criminal law:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Firm or Employer*

\_\_\_\_\_  
*Number & Street-Room No.  
or Bldg. Name-Suite*

\_\_\_\_\_  
*City Zip*

\_\_\_\_\_  
*Office Phone Number (include area code)*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Firm or Employer*

\_\_\_\_\_  
*Number & Street-Room No.  
or Bldg. Name-Suite*

\_\_\_\_\_  
*City Zip*

\_\_\_\_\_  
*Office Phone Number (include area code)*

B. List the names of two judges before whom you have appeared in a contested matter in the last three years:

\_\_\_\_\_  
*Name of Judge*

\_\_\_\_\_  
*Name of Court*

\_\_\_\_\_  
*City County*

\_\_\_\_\_  
*Court Phone Number (include area code)*

\_\_\_\_\_  
*Name of Judge*

\_\_\_\_\_  
*Name of Court*

\_\_\_\_\_  
*City County*

\_\_\_\_\_  
*Court Phone Number (include area code)*



**VII. CONTINUING LEGAL EDUCATION**

List CLE in which you have participated as: (a) attendee or (b) teacher/lecturer in the last three years (*Give course title, sponsor, and date*):

Attendee: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Teacher/Lecture: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VIII. GRIEVANCE MATTERS**

A. Have you ever been the subject of any form of lawyer discipline, whether private or public, whether oral or written, in any jurisdiction or court in which you have been admitted to the practice of law? If yes, give full details, including the name of the jurisdiction or court imposing the discipline, the date of the discipline, the nature of the discipline, the nature of the offense for which the discipline was imposed, and any other information you deem appropriate:

- Yes
- No

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Have you ever been removed from a case for neglect, missing deadlines, dereliction of duty, incompetence, contempt or any other reason which

could indicate unsatisfactory performance as an attorney? This question includes instances of being removed from the Corpus Christi CJA Panel, the 5<sup>th</sup> Circuit CJA Panel, or any other federal or state panel or list of lawyers who receive appointments to represent persons in legal proceedings. If yes, give full details, including the name of the jurisdiction or court, case number, the date of the removal, the nature of the discipline, the reason the discipline was imposed, and any other information you deem appropriate. This question does not seek information about instances where the Court appointed replacement counsel for reasons unrelated to attorney performance (i.e. difficult client resulting in a deterioration of the attorney-client relationship at no fault of the lawyer).

Yes  No

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C. Do you now have any charges pending against you, either in court or grievance committee, that could result in the filing of a malpractice suit, a grievance committee proceeding, or a suit for disciplinary action? If yes, give full details:

Yes  No

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D. Have you ever had a judgment rendered against you for legal malpractice?  
If yes, give full details:

Yes

No

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E. Have you ever pleaded guilty to, pleaded nolo contendere to, or been adjudicated guilty of a violation of any law, other than a violation for which the maximum punishment is a fine only? If yes give full details, including the nature of the offense, the name of the court, the disposition (including punishment, if any), the dates on which the charges were brought and adjudicated, and any subsequent history relating to the charges:

Yes

No

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F. Have you ever been adjudicated guilty of a serious crime as defined below, whether the adjudication resulted from a plea of guilty or nolo contendere or from a verdict after trial. If yes give full details, including the nature of the offense, the name of the court, the disposition (including punishment, if any), the dates on which the charges were brought and adjudicated, and any subsequent history relating to the charges. You do not need to repeat information provided in Section D above.

For purposes of this application, the term “serious crime” shall include any felony. It shall also include any lesser crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involved improper conduct of an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, willful

failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, illegal drug possession or an attempt or a conspiracy or solicitation of another to commit a serious crime since being admitted to practice law:

Yes

No

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**IX. PETITION AND AUTHORIZATION**

I hereby apply to the Panel Selection Committee for admission to the Criminal Justice Act Panel of the Corpus Christi Division of the United States District Court for the Southern District of Texas for a term of three years and if selected for the panel, agree to accept appointments under the Criminal Justice Act.

In making and filing this application, I authorize the Panel Selection Committee to make inquiry of lawyers and judges named herein as to my competence in criminal law. I acknowledge that information received by the Panel Selection Committee will be held in confidence and I waive any right to review statements made to that Committee.

I also acknowledge that I have a duty to update and supplement the answers to this application up to and including the time when my application is either accepted or rejected by the Committee. I further acknowledge by my electronic signature and my formal electronic submission of this application to the Committee that I am certifying under penalty of perjury that my answers are true, correct, and complete.

\_\_\_\_\_  
*/s/ name of applicant or electronic signature*  
*Typed name of Applicant*

\_\_\_\_\_  
Date

Submit Additional/Supplemental Information Here. Include additional pages if necessary.