

Appellate Panel

Juvenile Dependency Appeals

The Office of Public Defense Services (OPDS) is accepting applications for its Juvenile Appellate Panel. OPDS seeks practitioners who are interested and qualified to provide quality representation to parents or children on direct appeal in the state appellate courts in juvenile dependency cases and termination of parental rights (TPR) cases.

The following general principles govern the Appellate Panel.

I. Eligibility.

An Appellate Panel member must:

- a) Be an active member in good standing with the Oregon State Bar;
- b) Satisfy the appropriate Qualification Standards for Court-Appointed Counsel in appellate cases (see, Standard IV);
- c) Exhibit a high level of professionalism, including the observance of court deadlines;
- d) Work collaboratively with other juvenile practitioners, as appropriate, including the Appellate Division of the Department of Justice;
- e) Possess superior research, analytical and writing skills; and
- f) Have appeared as lead counsel on appeal in at least two cases.

NOTE: OPDS may select a limited number of applicants with limited or no appellate practice experience who agree to be mentored by experienced OPDS juvenile dependency attorneys in appeals that are not in conflict with OPDS Appellate Division clients.

II. Selection Process and Panel Oversight.

A. Selection. OPDS will select from qualified applicants for the panel on an ongoing basis and will conduct a reapplication process for continuing membership on the panel every two years. As a general rule, a panel attorney will represent either parents or children exclusively.

To identify and select panelists, OPDS will review applications, contact references, and contact various components of the juvenile justice system, including the Oregon State Bar, individual bar members, and the Oregon Appellate Courts.

B. Panel Oversight. Should OPDS develop a concern at any time about the quality of representation provided by a panelist, it will conduct an inquiry and provide the panel member with an opportunity to address its concern before OPDS takes appropriate action.

III. Compensation. Attorneys on the OPDS Juvenile Dependency Appellate Panel are not state employees and will be compensated pursuant to a schedule (see below) that is based on case type and transcript length.

The compensation schedule assumes appellate representation (including oral argument in the Court of Appeals) through the petition for review and closing the file if the Supreme Court denies review and enters an appellate judgment. An attorney who presents oral argument at a venue that is more than 100 miles from the attorney's office may seek reimbursement for mileage pursuant to OPDS procedures governing non-routine expenses.

A. Dependency Appeals (two categories)

1. Jurisdiction hearing
Adjudicated permanency hearing that changes plan *away from* reunification
Motion to terminate wardship

0 to 400 transcript pages: \$ 3,000
401 to 800 pages: \$ 3,500
801 to 1,200 pages: \$ 4,000
1,201 pages and above: \$ 4,500

2. All other dependency appeals (such as an appeal from a review hearing or a change in plan from adoption to guardianship):

0 to 400 transcript pages: \$ 2,000
401 pages and above: \$ 2,500

B. Termination of Parental Rights Appeals (two categories)

1. Contested TPR:
0 to 600 transcript pages: \$ 3,500
601 to 1,000 pages: \$ 4,000
1,001 pages and above: \$ 4,500
2. Motion to set aside *prima facie* TPR:
All cases: \$ 2,000

C. Cases resulting in attorney withdrawal, voluntary dismissal, dismissal due to mootness, and similar results. Compensation will be assessed on a case-by-case basis depending on the circumstances, including, *inter alia*, the stage of appeal, the attorney hours invested, and the circumstances underlying the case resolution.

D. Supreme Court Review Allowed. Should the Supreme Court allow review, the panel attorney shall promptly notify OPDS. The presumption is that the panel attorney will prepare and file the brief on the merits and argue the case, though OPDS retains the option to recall the case in exceptional circumstances.

If the Supreme Court allows review and the panel attorney prepares the brief on the merits and argues the case, the panel attorney will receive compensation at \$55 per hour, with a presumptive 100-hour limit.

NOTE: A panel member may petition OPDS for additional payment in exceptional cases before the Court of Appeals and the Supreme Court.

IV. Case Oversight. The panel attorney must provide OPDS with a redacted, electronic version of the filed brief or, where appropriate, the motion to dismiss and order dismissing.

Upon the client's request the panel attorney agrees to inform the client (1) why significant direct appeal issues on the face of the record were not raised in the brief and (2) why issues of express concern to the client were not included in the brief.

V. Payment. Payment will be made according to the Public Defense Payment Policies and Procedures.

VI. Application Process. To apply, please submit the following documents electronically in pdf to the email address below:

- (1) Cover letter
- (2) Completed application form (see below)
- (3) 10- to 30-page writing sample, and
- (4) Three letters of reference

Misty Fragua, Legal Secretary, at

Misty.D.Fragua@opds.state.or.us

OFFICE OF PUBLIC DEFENSE SERVICES

**APPLICATION FOR OREGON APPELLATE PANEL
Juvenile Dependency Appeals**

A. Name: _____
Address: _____
County: _____
Phone: _____ Email: _____

B. Oregon State Bar No. _____
Law School: _____
Year of Graduation: _____
Special honors and activities in law school: _____

C. Please indicate the approximate number of appellate briefs you have written and filed: _____.

List the four most recent appeals you have handled:

	<u>Case Title</u>	<u>Case No.</u>	<u>Appellant or Respondent</u>	<u>Result</u>	<u>Citation</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____

Please list the three most significant appellate cases you have handled:

	<u>Name</u>	<u>Case No.</u>	<u>Appellant or Respondent</u>	<u>Result</u>	<u>Citation</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____

D. List appellate or juvenile seminars or other relevant training programs you have attended in the past year:

<u>Date</u>	<u>Title or Subject Matter</u>	<u>Sponsor</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

E. Please identify your foreign language skills, if any:

F. Do you prefer to represent parents or children?

G. Are there any Bar complaints pending against you? _____.
If yes, please describe.

Have you ever been found in violation of a disciplinary rule or rule of professional conduct? ____.

If yes, please describe and cite to opinion.

I HEREBY CERTIFY that all of the above information is true. I understand that by submitting this application I agree to abide by the appropriate Public Defense Payment Policies and Procedures

SIGNED: _____ **DATE:** _____

To apply, please submit electronically (1) a cover letter, (2) your completed application, (3) a writing sample, and (4) three letters of reference to:

**Misty Fragua, Legal Secretary, at
Misty.D.Fragua@opds.state.or.us**