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HOUSE BILL NO. 1056

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 13, 2004)

(Patron Prior to Substitute—Delegate Moran)

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 10 of Title 19.2 a section numbered 19.2-163.01, relating to standards of conduct for court-appointed counsel.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 10 of Title 19.2 a section numbered 19.2-163.01 as follows:

§ 19.2-163.01. Standards of conduct for court-appointed counsel.

A. The Supreme Court of Virginia shall adopt standards of practice for attorneys admitted to practice law in Virginia who will be qualified to represent indigent criminal defendants. These standards of practice shall take into consideration all relevant factors necessary for eligibility to receive court appointments, including, but not limited to: (i) license or permission to practice law in Virginia, (ii) general background in criminal litigation, (iii) familiarity with the requisite court system, and (iv) demonstrated proficiency and commitment to quality representation.

B. The standards of practice adopted by the Supreme Court of Virginia may include, but not be limited to: (i) the development of a list of legal education courses to be completed by attorneys qualified to represent indigent criminal defendants in order to maintain their eligibility to receive court appointments, (ii) the development of a list of legal education courses to be completed by attorneys who have been active in the Virginia State Bar for less than one year prior to becoming eligible to serve as court-appointed counsel for indigent criminal defendants, and (iii) a process for certifying the completion of required legal education courses.

The Office of the Executive Secretary of the Supreme Court shall publicize the standards of practice for attorneys to be qualified to represent indigent criminal defendants.

C. The Office of the Executive Secretary of the Supreme Court shall maintain an official list of the attorneys admitted to practice law in Virginia who will be qualified to serve as court-appointed counsel for indigent criminal defendants and distribute this list to the courts by July 1 each year. This list shall be updated as needed throughout the year.