

066589308

**HOUSE BILL NO. 414**

Offered January 11, 2006

Prefiled January 6, 2006

*A BILL to amend and reenact § 19.2-163.03 of the Code of Virginia, relating to qualifications for court-appointed counsel.*

---

Patron—Griffith

---



---

Referred to Committee for Courts of Justice

---

**Be it enacted by the General Assembly of Virginia:****1. That § 19.2-163.03 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-163.03. Qualifications for court-appointed counsel.

A. In accordance with § 19.2-163.01, to initially qualify to serve as counsel appointed pursuant to § 19.2-159 for an indigent defendant charged with a misdemeanor, the attorney shall be a member in good standing of the Virginia State Bar, and (i) if an active member of the Virginia State Bar for less than one year, have completed six hours of MCLE-approved continuing legal education developed by the Indigent Defense Commission, or (ii) if an active member of the Virginia State Bar for one year or more, either complete the six hours of approved continuing legal education developed by the Commission, or certify to the Commission that he has represented, in a district court within the past year, four or more defendants charged with misdemeanors.

B. To initially qualify to serve as counsel appointed pursuant to § 19.2-159 for an indigent defendant charged with a felony, the attorney shall (i) be a member in good standing of the Virginia State Bar, (ii) have completed the six hours of MCLE-approved continuing legal education developed by the Commission, and (iii) certify that he has participated as either lead counsel or cocounsel in four felony cases, originating in district court, from their beginning through to their final resolution, including appeals, if any. If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has participated, within the past year, as lead counsel in four felony cases, originating in district court, through to their final resolution, including appeals, if any, the requirement to complete six hours of continuing legal education and the requirement to participate as cocounsel shall be waived. If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has participated, within the past five years, as lead counsel in five felony cases, originating in district court, through to their final resolution, including appeals, if any, the requirement to participate as either lead counsel or cocounsel in four felony cases within the past year shall be waived.

C. To initially qualify to serve as appointed counsel in a juvenile and domestic relations district court pursuant to subdivision B 2 of § 16.1-266, the attorney shall (i) be a member in good standing of the Virginia State Bar, (ii) have completed the six hours of MCLE-approved continuing legal education developed by the Commission, (iii) have completed four additional hours of MCLE-approved continuing legal education on representing juveniles developed by the Commission, and (iv) certify that he has participated as either lead counsel or cocounsel in four cases involving juveniles in a juvenile and domestic relations district court. If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has, within the past year, been lead counsel in four cases involving juveniles in juvenile and domestic relations district court, the requirement to complete the 10 hours of continuing legal education shall be waived. If the attorney has been an active member of the Virginia State Bar for more than one year and certifies that he has participated, within the past five years in five cases involving juveniles in a juvenile and domestic relations district court, the requirement to participate as either lead counsel or cocounsel in four juvenile cases shall be waived.

D. After initially qualifying, an attorney shall maintain his eligibility for certification by completing biennially thereafter six hours of MCLE-approved continuing legal education, certified by the Commission. In addition, to maintain eligibility to accept court appointments under subdivision B 2 of § 16.1-266, an attorney shall complete biennially thereafter four additional hours of MCLE-approved continuing legal education on representing juveniles, certified by the Commission.

E. The Commission *or the court before which a matter is pending*, may, in its discretion, waive the requirements set out in this section for individuals who otherwise demonstrate their level of training and experience.

INTRODUCED

HB414