



www.vidcoalition.org

700 E. Main Street, Suite 1510
Richmond, Virginia 23219
804 343-1712

The Virginia Indigent Defense Coalition (VIDC) seeks to improve the quality of defense services for the poor by enhancing standards of representation and increasing resources and funding available to counsel for poor defendants in the juvenile and criminal justice systems in Virginia. The coalition's goal is to develop and implement a comprehensive public-awareness and education campaign that will highlight the problems in Virginia's indigent defense system and bring about reform to that system.

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STANDARDS OF JUSTICE

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Virginia's Public Defense System

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To ensure for all Virginians the reliability and fairness of our criminal justice system, Virginia should adopt the following Standards of Justice as the minimum criteria for the provision of indigent defense. These standards were developed based on the American Bar Association's Ten Principles of a Public Defense Delivery System.

1 Independence

Standards: *The public defense function, like the prosecution and the judiciary, should be independent. To safeguard independence and to promote efficiency, accountability, and quality of services, Virginia should constitute a single nonpartisan board to oversee public defender and assigned counsel systems. The oversight board should not include judges, prosecutors, or law enforcement, and appointments to the board should be divided among all branches of government.*

2 Statewide Funding and Accountability

Standards: *The responsibility to provide defense services for those who cannot afford an attorney rests with the Commonwealth, which should provide adequate state funding and a statewide administrative structure responsible for ensuring uniform quality and accountability. The Commonwealth should eliminate inflexible compensation limits that discourage court appointed counsel from rendering quality legal services. Courts should appoint counsel, according to a coordinated plan directed by the Commonwealth's oversight board, and the appointment process should not be 'ad hoc'.*

3 Prompt Appointment of Counsel

Standards: *The Commonwealth should furnish counsel to the indigent accused upon request, after determining the accused is eligible. Except in extraordinary circumstances, counsel should be appointed within 24 hours after arrest or detention, or 48 hours, should the arrest or detention occur on a weekend or state holiday.*

4 Communication with Clients

Standards: *The Commonwealth's coordinated plan for oversight of the public defense function should require counsel to interview clients as soon as possible following appointment and to maintain regular client contact through every stage of the case to ensure the full exchange of legal, procedural and factual information. To ensure confidential communications, jails, prisons, and courthouses should provide adequate private meeting spaces for counsel to confer with clients in a timely manner.*

5 Manageable Caseloads

Standards: *The Commonwealth, through its oversight board, should set maximum caseload limits for public defenders and assigned counsel. Neither public defenders nor court appointed lawyers should be expected or required to accept caseloads that interfere with the rendering of quality representation or lead to the breach of professional standards.*

6 Minimum Qualifications

Standards: *The Commonwealth should adopt minimum training and experience requirements that counsel must satisfy before initially qualifying for appointment and before being appointed to cases of increasing complexity and seriousness. The Commonwealth's oversight board should determine whether individual counsel has satisfied these requirements and should be responsible for ensuring uniformly high quality of counsel throughout the Commonwealth.*

7 Continuous Representation

Standards: *The Commonwealth's public defender and court appointed systems are currently structured to allow for continuous representation of clients from initial assignment through direct appeal. Courts should refuse to substitute counsel except in extraordinary circumstances for good cause shown.*

8 Parity

Standards: *The Commonwealth should ensure that the prosecution and public defense functions have parity of workload, salaries and benefits, and other resources such as technology, facilities, legal research, administrative staff, paralegals, investigators, and access to forensic services and experts. Court appointed counsel should be paid a reasonable fee in addition to actual overhead and expenses. State law should require every locality that provides resources or financial support to its Commonwealth's Attorney's office to provide comparable local funding for any public defender office in the same jurisdiction.*

9 Continuing Legal Education and Training

Standards: *The Commonwealth's oversight board should establish standards requiring continuing legal education for all public defender attorneys and assigned counsel and should encourage attorneys to attend national training programs that have relevance to the development of trial advocacy skills. This training should include criminal law, criminal procedure, evidence, appellate practice, ethics, and the forensic sciences. The oversight board should provide intensive entry-level training for all new attorneys, and local public defender offices should orient new attorneys to local practice. Staff who assist attorneys in providing defense services should have systematic and comprehensive training appropriate to their specialties.*

10 Performance Standards and Evaluation

Standards: *The Commonwealth's oversight board should establish quality and efficiency standards and regularly evaluate public defender offices and the assigned counsel system according to those standards as well as national standards. The oversight board should also undertake periodic quality and efficiency review of its program by outside, independent evaluators.*