



# VIRGINIA CRIMINAL SENTENCING COMMISSION



## **Fee Waivers for Training Seminars and Guidelines Manuals - Status Update -**

November 4, 2015

# Fee Waiver Pilot Program

- In June 2015, the Commission approved the allocation of \$3,000 for one year to provide fee waivers for court-appointed attorneys who meet specified criteria.
  - Applications for fee waivers were to be evaluated based the percentage of the applicant's practice focusing on indigent defense cases and the financial need of applicant (especially for new or solo practitioners).





# Virginia Criminal Sentencing Commission

100 North Ninth Street • Richmond, Virginia 23219 • Tel. 804.225.4398 • FAX 804.786.3934

## Application for Fee Waiver

This form does not apply to Commonwealth's attorneys, public defenders, probation staff, or judicial/state employees, as fees are automatically waived for those groups.

### Applicant Information

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Office Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_

E-mail \_\_\_\_\_

Date admitted to the Virginia State Bar \_\_\_\_\_ Bar # \_\_\_\_\_

Have you ever attended a training seminar sponsored by the Sentencing Commission?

Yes  No If yes, in what year did you last attend? \_\_\_\_\_

### Practice

What percentage of your practice involves indigent defense work? \_\_\_\_\_

What percentage of your practice involves criminal defense (all areas)? \_\_\_\_\_

How many attorneys in your firm are primarily engaged in criminal defense work? \_\_\_\_\_

(Full-time attorney = 1 attorney Part-time attorney = 1/2 attorney)

During the previous calendar year, did you gross \$80,000 or more from criminal defense practice?

Yes  No

### Type of Assistance Requested

Sentencing Guidelines Manual

Training →  Introduction to Sentencing Guidelines (6 CLE)  Sentencing Guidelines Refresher (3 CLE)  
 Sentencing Guidelines Knowledge & Skills Evaluation incl. Ethics Issues (5 CLE w/1 Ethics)

### Other Information

Is there anything else relevant to the application that you would like the Commission to know?

### Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

### Please submit completed application

**Mail** Virginia Criminal Sentencing Commission  
100 North Ninth Street  
Richmond, VA 23219

**E-mail** [vguidelines@vsc.virginia.gov](mailto:vguidelines@vsc.virginia.gov)  
**Fax** (804) 786-3934

### Evaluation Criteria

- Percentage of practice focusing on indigent defense cases
- Financial need of applicant (especially for new or solo practitioners)

# Revised Application for Fee Waiver

# Approved by Commission (September 2015)





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## Evaluation of Application for Fee Waiver (Completed by staff)

Applicant Name \_\_\_\_\_

Date Application Received \_\_\_\_\_

Percentage of practice involving indigent defense work \_\_\_\_\_

Percentage	Points
Less than 25%	0
25% – 34%	1
35% – 49%	2
50% or more	3

Years since admitted to the Virginia State Bar \_\_\_\_\_

Years	Points
10 years or more	0
5 – 9 years	1
3 – 4 years	2
Less than 3 years	3

Amount grossed from criminal practice during previous calendar year \_\_\_\_\_

Amount	Points
\$80,000 or more	0
Less than \$80,000	3

Number of attorneys in firm primarily engaged in criminal defense work \_\_\_\_\_

Attorneys	Points
4 or more	0
3.0 – 3.5	1
2.0 – 2.5	2
1.0 – 1.5	3

Full-time attorney = 1 attorney  
Part-time attorney = 1/2 attorney

Ever attended a Sentencing Guidelines training seminar \_\_\_\_\_

	Points
No	2
Yes	0

**Total Score** \_\_\_\_\_

Minimum score of 7 points needed for waiver approval  
unless exception approved by Sentencing Commission member

### Notes

Approved  Yes  No Date \_\_\_\_\_

If approved by Sentencing Commission member, member's name \_\_\_\_\_

## Application Scoring Sheet

### Approved by Commission (September 2015)

The points assigned to each factor were selected such that no single factor would result in automatic approval or denial of the request. A combination of factors is needed for approval of the request.



# Approved Procedure

- **If an applicant scores at or above the threshold set by the Commission, staff will approve the waiver.**
- **If the application scores below the threshold, staff will forward the application to a Commission member for review.**
  - **Commission member may consider approving the waiver due to a special circumstance (such as when the applicant included other information that may warrant an exception).**



# Fee Waiver Applications Received as of October 30, 2015

<b>Total Applications Received</b>	<b>Applications approved</b>
<hr/>	<hr/>
8	7

<b>For those applications approved:</b>	<b>Fee waived for guidelines manual (\$80)</b>	<b>Fee waived for Introduction to Guidelines seminar (\$125)</b>	<b>Fee waived for Guidelines Refresher seminar (\$60)</b>	<b>Fee waived for Knowledge &amp; Ethics seminar (\$100)</b>
	<hr/>	<hr/>	<hr/>	<hr/>
	6	3	2	1



# Notice of Fee Waiver Opportunity



The screenshot shows the Virginia State Bar website. At the top left is the Virginia State Bar logo with the text "Virginia State Bar" and "An agency of the Supreme Court of Virginia". To the right are links for "About the Bar", "Contact Us", "Directions", and "Job Postings", along with a search bar. A navigation menu on the left lists various sections like "Criminal Law News", "Board of Governors", "Annual Reports", "Annual Seminar", "Contact Us", "Indigent Defense", "Newsletters", "Member Resources", "Membership", "Publications", "Professionalism Award", and "Links". The main content area is titled "Criminal Law" and "A Section of the Virginia State Bar." It features a "Section News and Information" section dated "October 26, 2015" with the headline "Virginia Criminal Sentencing Commission announces fee waiver program". The text below the headline describes a fee waiver program for attorneys performing court-appointed work. At the bottom of the page, there is a copyright notice for 1996-2015, a privacy policy link, contact information (1111 East Main Street, Suite 700 | Richmond, Virginia 23219-0026; 804-775-0500), office hours (Mon.-Fri. 8:15 a.m. to 4:45 p.m.), and a note that the Clerk's Office does not accept filings after 4:45 p.m.

Virginia State Bar  
An agency of the Supreme Court of Virginia

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## Criminal Law

A Section of the Virginia State Bar.

### Section News and Information

October 26, 2015

### Virginia Criminal Sentencing Commission announces fee waiver program

In June 2015, the Virginia Criminal Sentencing Commission approved a fee waiver program for attorneys who perform court-appointed work in the Commonwealth. Through this one-year pilot program, attorneys providing court-appointed representation may qualify for a waiver of the fees the Commission charges private attorneys to attend a sentencing guidelines training seminar or to purchase a guidelines manual. Attorneys who would like to request a fee waiver must submit an application. Applications for fee waivers will be evaluated based on the percentage of the attorney's practice focusing on indigent defense cases and the financial need of the applicant (especially for new or solo practitioners). Attorneys approved for a fee waiver will be able to attend guidelines training and/or receive a manual free of charge. Applications will be accepted while funds designated for the pilot project remain.

[Application for Fee Waiver \(.pdf\)](#)

[Virginia Criminal Sentencing Commission Training website](#)

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1111 East Main Street, Suite 700 | Richmond, Virginia 23219-0026  
804-775-0500 | TDD/Voice Line (Hearing-Impaired): 804-775-0502  
Office Hours: Mon.-Fri. 8:15 a.m. to 4:45 p.m. (excluding holidays)  
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# Upcoming Guidelines Training

<b>INTRODUCTION TO SENTENCING GUIDELINES \$125 6 CLE APPROVED</b>			
<b>Area</b>	<b>Date</b>	<b>Location</b>	<b>Time</b>
Roanoke	December 8, 2015	Roanoke Higher Education Center	9:30 AM to 5:00PM
Fairfax	December 10, 2015	Fairfax County Government Center	9:30 AM to 5:00PM
Chesapeake	December 15, 2015	Chesapeake Sheriff's Office	9:30 AM to 5:00PM
Henrico	December 17, 2015	Henrico Police & Fire Training Academy	9:30 AM to 5:00PM

<http://www.vcsc.virginia.gov/training.html>





