



VIRGINIA CRIMINAL SENTENCING COMMISSION



Fee Waivers for Training Seminars and Guidelines Manuals

September 21, 2015

Background

- **During the November 5, 2014, meeting, Commission members began discussing the desirability and feasibility of providing manuals and training to court-appointed attorneys free of charge.**

- **The Commission directed staff to explore various options and report back.**
 - **Options included: grants, support from non-profit foundations, scholarships provided by other organizations, and partnerships with other agencies or organizations for training purposes.**



Background

- **Reviewing these options, staff concluded that grant opportunities did not appear to be a good fit for this type of initiative, outside scholarships would be very limited, and support from other agencies was unlikely.**
- **In June 2015, the Commission approved the allocation of \$3,000 for one year to provide fee waivers for court-appointed attorneys.**
 - **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).**



Background

Commission also directed staff to explore:

- **The feasibility of collaborating with other agencies, such as the Indigent Defense Commission, for training of court-appointed attorneys; and**
- **Potential sources of matching funds.**



Certified Court-Appointed Attorneys

- According to the IDC, there were 1,853 attorneys certified to perform felony court-appointed work as of February 27, 2015.
- According to the Office of the Executive Secretary, 1,539 attorneys/firms were reimbursed for felony cases in FY2014.
 - For multiple attorneys working for one firm, the reimbursement is sent to the firm and not the individual attorneys.
- In FY2014, 336 defense attorneys purchased a guidelines manual (or update pages) and 126 paid to attend a guidelines seminar.





Virginia Criminal Sentencing Commission

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

Application for Fee Waiver

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 are in your office? _____

During the previous calendar year, did you gross \$80,000 or more? 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 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
Fax (804) 786-3934

Evaluation Criteria

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

Application for Fee Waiver

Approved by Commission (June 2015)





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Evaluation of Application for Fee Waiver

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 becoming an attorney _____

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

Amount grossed during previous calendar year _____

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

Number of attorneys in office _____

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 an Introduction to Sentencing Guidelines class _____

	Points
No	2
Yes	0

Total Score _____

Minimum score of ____ points needed for waiver approval unless exception approved by Sentencing Commission member 0

Notes

Approved Yes No Date _____

If approved by Sentencing Commission member, member's name _____

Application Scoring Sheet

Proposed by Staff



Proposed 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).



- Commission needs to determine the score threshold for approving applications.



Fee Waiver Applications

- **One attorney has submitted an application for a fee waiver.**
- **The individual scored 4 points on the proposed scoring sheet.**
- **The application was then forwarded to Judge Hogshire, Judge Kemler, and Ms. Windmueller.**
 - **The application was not approved.**





VIRGINIA CRIMINAL SENTENCING COMMISSION

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Training

Fees waived for Commonwealth's Attorneys, Public Defenders, Probation and Parole Staff

On a limited basis and subject to the availability of funds, the Sentencing Commission may waive fees for private attorneys. If you would like to request a fee waiver, you must complete and submit the application below. 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).

[Download Fee Waiver Application](#)

The 2014-15 Sentencing Guidelines Manual is required for all seminars.

Options for Posting Notice of Fee Waiver Opportunity

Virginia Lawyer's Weekly - Advertisement Prices



VIRGINIA LAWYERS WEEKLY

2015 Rate Card

DISPLAY (ROP) ADVERTISEMENTS

	1x	6x	13x	26x	52x
Full	\$3,100	\$2,900	\$2,440	\$2,100	\$1,825
Junior	\$2,510	\$2,223	\$1,957	\$1,700	\$1,400
Half	\$2,390	\$2,040	\$1,806	\$1,570	\$1,301
Quarter	\$1,375	\$1,079	\$ 950	\$ 820	\$ 667
Eighth	\$ 970	\$ 881	\$ 774	\$ 700	\$ 490

Cost shown is the cost per insertion.

PROFESSIONAL ANNOUNCEMENTS

	1 wk	2 wks	3 wks	4 wks
Full	\$1,730	\$1,990	\$2,420	\$2,680
Junior	\$1,551	\$1,788	\$2,150	\$2,433
Half	\$1,380	\$1,690	\$1,965	\$2,455
Quarter	\$ 696	\$ 855	\$ 938	\$1,030
Eighth	\$ 574	\$ 704	\$ 777	\$ 846

Cost shown is the total cost. Ads must run in consecutive issues to receive the multiple-insertion price. Ad content may not change. Full page display and full page professional announcement rates include free color. Color charge \$350 per insertion for all other ads. 20% premium for guaranteed placement, where applicable. 20% additional charge for ads running less than minimum agreement period.

Sizes

Full Page		10" x 16"
Junior Page		7.463" x 11.916"
Half Page	(horizontal)	10" x 7.916"
	(vertical)	4.917" x 16"
Quarter Page		4.917" x 7.916"
	(horizontal)	10" x 3.916"
	(vertical)	2.375" x 16"
Eighth Page	(horizontal)	10" x 1.916"
	(square)	4.917" x 3.916"

All sizes shown are width x height.

Tel: 800-456-5297 | Fax: 804-343-7365

email: sherma.mather@valawyersmedia.com
valawyersweekly.com

LAWYER-TO-LAWYER REFERRAL and ADR DIRECTORY

	(width x height)	6 Mo.	1 Yr.
Double Block H/V	3.899 x 7.916"	n/a	\$5,390
Double Block H	3.899 x 3.875"	\$1,604	\$2,440
Single Block	1.866 x 3.875"	\$1,150	\$1,522

LEGAL SUPPORT DIRECTORY

	(width x height)	6 Mo.	1 Yr.
Double Block H/V	3.899 x 7.916"	n/a	\$5,390
Double Block H	3.899 x 3.875"	\$1,604	\$2,440
Single Block	1.866 x 3.875"	\$1,150	\$1,522

CLASSIFIED DISPLAY

(includes listing on lawyersweekly.com)

Classified Display ads are 2 columns x 1 inch minimum. Ads less than 2 x 1" are Line-by-Line ads.

Rates are per column inch per week

1x	4x	6x	13x	26x	52x
\$102.69	\$79.59	\$72.58	\$66.75	\$58.43	\$52.69

CLASSIFIED LINE-BY-LINE

(includes listing on lawyersweekly.com)

Classified Line-by-Lines require a minimum 2-week run

2x	\$47.46 per line
4x	\$29.82 per line, \$40.00 headline/Bold fee
Blind box charge	\$60.00 week

Classified costs shown are the weekly costs. Ads must run in consecutive issues to receive the multiple-insertion price. Any personal ads (i.e. Employment Wanted, Legal Research, Legal Services, etc.), For Sale ads, out-of-state ads or any ads less than \$200 must be paid in advance. No exceptions. Fee to run classified ads online only is equivalent to 1-week print price.

Options for Posting Notice of Fee Waiver Opportunity

- **Virginia State Bar Criminal Section newsletter**
 - **Deputy Director of Indigent Defense Commission serves on Board of Governors.**

- **Virginia Association of Criminal Defense Lawyers**
 - **Listserv: application that distributes messages to subscribers on an electronic mailing list.**

- **Indigent Defense Commission**
 - **Notify court-appointed attorneys seeking re-certification of guidelines training opportunities, including application for fee waiver.**



Indigent Defense Commission (IDC)

- In addition to overseeing Public Defender's Offices, the IDC is responsible for certifying court-appointed attorneys.
- An attorney maintains certification biennially by notifying the IDC of completion of at least six hours of IDC and/or Continuing Legal Education (CLE) seminars.
- IDC offers some free one-hour afternoon seminars for public defenders and court-appointed attorneys.
- Once a year, the IDC convenes a one-day Public Defender Conference that provides six hours of training, including one hour of legal ethics.



Indigent Defense Commission (IDC)

- **IDC is open to collaborating with the Commission, but is unable to assist with funding (matching dollars or other financial assistance).**
 - **Promote guidelines training as an option for court-appointed attorneys wanting to re-certify for felony work.**
 - **Free use of training room at IDC office (accommodates up to 35).**
 - **Possible use of Roanoke satellite training facility free of charge.**
 - **Assist in contacting Virginia Association of Criminal Defense Lawyers (annual conference in October).**



Indigent Defense Commission (IDC)

- **IDC recommends shortening guidelines training for court-appointed attorneys from a full day to ½ day to better accommodate attorney needs.**



