

Virginia Fair Trial Project Continues Indigent Defense Reform Efforts

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A name can tell us a lot about a person or group. It should say who you are and what you do. Our new name, the Virginia Fair Trial Project, does just that. For three years, as the Virginia Indigent Defense Coalition, we worked to help reform Virginia's indigent defense system.

The Virginia Fair Trial Project and its partner organizations—the Virginia Trial Lawyers Association (VTLA), Virginia Association of Criminal Defense Lawyers (VACDL), National Association of Criminal Defense Lawyers (NACDL), Virginia CURE and the Virginia Interfaith Center for Public Policy (VICPP)—will continue to improve the indigent defense system by collaborating with The Virginia Bar Association, the Virginia State Bar and the Virginia League of Women Voters.

Our mission hasn't changed. We communicate with the public, the media and policymakers about the need for a fair trial for everyone—no matter what the financial resources. The Virginia Fair Trial Project will conduct research and grassroots training, issue reports, and work with our partner organizations and others.

Our reform fight was carried this year to the General Assembly. During the 2007 legislative session, the Virginia Fair Trial Project worked with the governor, attorney general, VTLA, VBA, and VSB and a number of other groups on increasing indigent defense funding. At an April veto session, Virginia took an important step toward improving the indigent defense system in the commonwealth by approving waivers for court-appointed fee caps. For the first time, court-appointed lawyers in Virginia may request additional compensation for complicated or lengthy cases.

The final legislation included:

- 1) \$8.2 million in the final budget specifically allocated for waivers.
- 2) A first-round waiver up to an additional cap on all charges approved by the trial judge, subject to guidelines issued by the executive secretary of the Supreme Court.
 - An additional \$120 for misdemeanors and juvenile delinquency cases (fee cap was \$120), for a total of \$240.
 - An additional \$155 for lower- and mid-level felonies (fee cap was \$445), for a total of \$600.
 - An additional \$850 for high-level felonies (fee cap was \$1,235), for a total of \$2,085.
- 3) An unlimited waiver beyond the additional caps that can be granted by the chief judge in the circuit or district court, subject to guidelines issued by the executive secretary of the Supreme Court.
- 4) A requirement that all court-appointed attorneys submit a detailed accounting of the time expended for that representation.
- 5) Supreme Court tracking of hours worked, waivers requested and amounts paid.

Additional funding of \$3.7 million was provided for state public defender offices, where low pay has led to high turnover in recent years. The additional funding will allow the agency to fill 26 additional positions and provide a 9 percent raise, which will be added to a 4 percent raise for all state employees, yielding a total 13 per-

cent increase in November 2007 for public defender office attorneys administrative and support personnel. Starting salaries for public defenders will increase from \$42,600 to \$48,183. Capital public defenders will receive a 24 percent raise in base salary along with the 4 percent increase for all state employees, for a total of 28 percent.

There are 25 public defenders offices in Virginia. They handle about 60 percent of the indigent defense cases in the state. All other indigent defendants are represented by court-appointed attorneys—lawyers in private practice who take court-appointed criminal cases.

During the past three years, the General Assembly has appropriated nearly \$17 million to increase court-appointed fees (\$2.4 million in 2005, \$6.3 million in 2006 and \$8.2 million in 2007). These increases helped Virginia's underfunded indigent defense system, but much work remains to be done. The Virginia Fair Trial Project and its partners will continue to improve Virginia's indigent defense system so that fair trials are a reality for all Virginians.