

Lawyers Should Support Court Data Collection

Criminal defense attorneys who represent indigent defendants in Virginia now have a new system where they can actually be compensated for the time required to represent clients properly.

It is imperative that all attorneys accurately and completely fill out the Revised Form

DC-40(A) and Waiver of Fee Cap forms, whether they request a waiver or not. The new forms are more cumbersome to fill out, because they require attorneys to provide greater specificity as to services rendered, time spent in and out of court, and why they are requesting a waiver of the fee cap. But the data is essential.

The Supreme Court will be collecting all of the information submitted, and that infor-

mation will form the basis for future budget requests. Even if the \$8.2 million allocated for this upcoming year runs out before the year is up, it is critical that lawyers continue to submit the forms to provide the Supreme Court with accurate statistical information so that future budgets will adequately cover the cost of fulfilling Virginia's Sixth Amendment obligation.

Our trial court judges will serve as the gatekeepers for fee-cap waivers and, just as importantly, will ensure that attorneys account for all their time when completing their list of allowances. Those of us who have worked hard for many years to win an increase in court-appointed pay urge every judge who signs a request for payment to instruct their local attorneys to bill for every necessary hour spent on a case. This should be done irrespective of whether a fee-cap waiver is requested.

The new system serves the greater good of ensuring that people who will need competent counsel in the future will be protected, because we were able to document how much money is needed to fund indigent defense. If we fail to take the time to do it right, indigent defense will never be properly funded, and the momentous legislative decision to allow fee-cap waivers will be squandered.

Let us all work together to finish a job well-done by leaders across the political spectrum who realize that justice and fairness requires competent counsel for our less fortunate.

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Editor's Note: See the Supreme Court of Virginia's related article on the new waiver system on page 32 of this issue, as well as an article on the Virginia Fair Trial Project on page 30.