

# INITIAL APPLICATION (Recent Prosecutor Experience)

CERTIFICATION TYPE: Non-Capital Court Appointment

The qualifications for certification are set forth in Virginia Code §19.2-163.03. The following information is required of all attorneys who wish to appear on the list of qualified court appointed counsel. Under Virginia Code §19.2-163.03B, the certification expires two years from the date of the most recent certification. To maintain eligibility, attorneys must formally recertify every two (2) years by completing specialized training in criminal defense approved by the VIDC.

NAME & MAILING ADDRESS			
<input type="checkbox"/> Mr.	FIRST	MIDDLE	LAST
<input type="checkbox"/> Mrs.			
<input type="checkbox"/> Ms.			
FIRM NAME			
MAILING ADDRESS (NOTE: THE ADDRESS PROVIDED WILL BE PUBLISHED ON THE <u>PUBLIC</u> CERTIFIED COUNSEL LIST)			
CITY		STATE	ZIP CODE
EMAIL ADDRESS		PHONE #	FAX #

ATTORNEY LICENSE INFORMATION		
VA STATE BAR NUMBER	YEAR LICENSED TO PRACTICE IN VA	ARE YOU IN GOOD STANDING WITH THE VA STATE BAR? <input type="checkbox"/> YES <input type="checkbox"/> NO

CERTIFICATION TYPE
APPLICATION FOR (CHECK ALL THAT APPLY) <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> FELONY <input type="checkbox"/> JUVENILE
CIRCUIT(S) IN WHICH YOU ARE WILLING TO ACCEPT APPOINTMENT (CHECK ALL THAT APPLY) <i>Note: Map of Virginia's Judicial Circuits available on last page of this document</i>
<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 2A <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31

RECENT EXPERIENCE	
ARE YOU CURRENTLY EMPLOYED AS A PROSECUTOR? <input type="checkbox"/> YES <input type="checkbox"/> NO WHICH OFFICE?	
HOW LONG HAVE YOU BEEN A PROSECUTOR (YEARS/MONTHS)?	
WHEN IS YOUR LAST DAY AT THE COMMONWEALTH ATTORNEY'S OFFICE?	
HAVE YOU EVER BEEN A CRIMINAL DEFENSE ATTORNEY IN VIRGINIA OR ANY STATE?	
DATES AS A DEFENSE ATTORNEY	
WHEN WILL YOU BE ELIGIBLE TO ACCEPT COURT-APPOINTED CASES	

### MANDATORY INITIAL CERTIFICATION TRAINING

Attorneys seeking any type of Non-Capital Certification should complete all or part of the VIDC Initial Certification Training for all certification types. The training must have been completed within two (2) years of submitting this application.

- **Misdemeanor and/or Felony:** Must complete Day 1 (6.0 hours) of VIDC Initial Certification Training
- **Juvenile:** Must complete Day 1 and 2 (10.0 hours) of VIDC Initial Certification Training

**WAIVER NOTICE:** *Qualified and experienced attorneys may be considered for a waiver of the mandatory Initial Certification Training if certain conditions are true. Specific waiver requirements for each case type are provided within their respective section.*

VIDC INITIAL CERTIFICATION TRAINING	DATE(S) OF COMPLETION	# OF HOURS ATTENDED
DAY 1 of 2 – Misdemeanor/Felony (6.0 Hours)		
Day 2 of 2 – Juvenile (4.0 Hours)		

### MISDEMEANOR CERTIFICATION

To initially qualify to serve as counsel appointed for an indigent defendant charged with a misdemeanor, an attorney shall:

- Be an active member of the Virginia State Bar
- Complete the VIDC Initial Certification Training - Day 1 (6.0 hours) Misdemeanor/Felony

### INITIAL CERTIFICATION TRAINING

I hereby certify that I have completed 6.0 hours of VIDC Initial Certification Training (Day 1 of 2 – Misdemeanor/Felony) on the date provided on page 1 of this application.

### INITIAL CERTIFICATION TRAINING - WAIVER

Qualified and experienced attorneys may be considered for a waiver of the mandatory Initial Certification Training (Day 1 Misd/Felony) for **Misdemeanor Certification** if BOTH of the following conditions are true:

**Please check the applicable boxes below to confirm eligibility:**

- I have been licensed to practice law in Virginia for at least one (1) full calendar year.
- In the past one (1) year, I have been lead counsel on four (4) or more criminal misdemeanor cases in General District Court.

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**STOP:** *This completes the **Misdemeanor Certification** section of the application. Go to the next desired case type OR go to the Statement of Truth and submit the application.*

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## FELONY CERTIFICATION

To initially qualify to serve as counsel appointed for an indigent defendant charged with a felony, an attorney shall:

- Be an active member of the Virginia State Bar
- Complete the VIDC Initial Certification Training – Day 1 (6.0 hours) Misdemeanor/Felony
- Demonstrate participation as either lead counsel or co-counsel in four (4) felony cases from their beginning through to their final resolution, including appeals if any

### INITIAL CERTIFICATION TRAINING

I hereby certify that I have completed 6.0 hours of VIDC Initial Certification Training (Day 1 of 2 – Misdemeanor/Felony) on the date provided on page 1 of this application.

### INITIAL CERTIFICATION TRAINING - WAIVER

Qualified and experienced attorneys may be considered for a waiver of the mandatory Initial Certification Training (Day 1 Misd/Felony) for **Felony Certification** if BOTH of the following conditions are true:

- I have been licensed to practice law in Virginia for at least two (2) full calendar years.
- I have participated as **lead counsel** in the following cases through to their final resolution, including Appeals.
  - Five (5) felony cases within the past five (5) years

**NOTE:** You MUST describe your five (5) felony cases you wish to submit for review using the *Mandatory Demonstration of Experience* instructions below.

### MANDATORY DEMONSTRATION OF FELONY EXPERIENCE

Attorneys seeking Non-Capital Felony Certification shall certify that they have participated as either lead counsel or co-counsel in four (4) felony cases from their beginning through to their final resolution, including appeals, if any.

**INSTRUCTIONS:** On a separate sheet, please provide the following information for cases you wish to submit for review. Each summary should be a paragraph or more. Note: An attorney must be licensed to practice prior to beginning work on the cases. Cases that have been deferred will NOT be accepted until the final disposition date. If your case information does not include the following items, your application will be returned for correction. *See sample on last page*

- Style of Case
- Court(s)
- Date of Arraignment/appointment
- Date Began as Lead-Counsel
- Date Concluded
- Case Details: Nature of Case, Description of Involvement, Final Outcome

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**STOP:** This completes the **Felony Certification** section of the application. Go to the next desired case type OR go to the Statement of Truth and submit the application.

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## JUVENILE CERTIFICATION

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To initially qualify to serve as appointed counsel in a juvenile and domestic relations district court, an attorney shall;

- Be an active member of the Virginia State Bar
- Complete the VIDC Initial Certification Training – Day 1 (6.0 hours) Misdemeanor/Felony **AND** Day 2 (4.0 hours) Juvenile
- Be previously Felony Certified or simultaneously seeking Felony Certification
- Demonstrate participation as either lead counsel or co-counsel in four (4) Juvenile cases in JDR from their beginning through to their final resolution, including appeals, if any.

### CONFIRMATION OF REQUIRED FELONY CERTIFICATION

Attorneys seeking Non-Capital Juvenile Certification shall be previously Felony Certified or simultaneously seeking Felony Certification.

- I have been previously Felony Certified with the VIDC
- I am simultaneously seeking Felony Certification on this application

### INITIAL CERTIFICATION TRAINING

I hereby certify that I have completed 10.0 hours of VIDC Initial Certification Training (Day 1 of 2 – Misdemeanor/Felony **AND** Day 2 of 2 - Juvenile) on the dates provided on page 1 of this application.

### INITIAL CERTIFICATION TRAINING - WAIVER

Qualified and experienced attorneys may be considered for a waiver of the mandatory Initial Certification Training for **Juvenile Certification** if BOTH of the following conditions are true:

- I have been licensed to practice law in Virginia for at least two (2) full calendar years.
- I have participated as **lead counsel** in the following cases through to their final resolution, including Appeals.
  - Five (5) juvenile cases within the past five (5) years

**NOTE:** You **MUST** describe the five (5) juvenile cases you wish to submit for review using the *Mandatory Demonstration of Experience* instructions below.

### MANDATORY DEMONSTRATION OF JUVENILE EXPERIENCE

Attorneys seeking Non-Capital Juvenile Certification shall certify that they have participated as either lead counsel or co-counsel in four (4) juvenile cases from JDR to their final resolution, including any appeals.

**INSTRUCTIONS:** On a separate sheet, please provide the following information for the cases you wish to submit for review. Each summary should be a paragraph or more. Note: An attorney must be licensed to practice prior to beginning work on the cases. Cases must involve juvenile defendants. Cases that have been deferred may be accepted. If your case information does not include the following items, your application will be returned for correction. *See sample on last page*

- Style of Case
- Court(s)
- Date of Arraignment/appointment
- Date Began as Lead-Counsel
- Date Concluded
- Case Details: Nature of Case, Description of Involvement, Final Outcome

## **STATEMENT OF TRUTH:**

### **STANDARDS OF PRACTICE**

All court appointed attorneys and public defenders shall comply with the Standards of Practice for Indigent Defense Counsel pursuant to §19.2-163.01(A)(4). Failure to abide by these performance standards may result in removal from the list of eligible court appointed counsel. The Standards are available on the VIDC's website at <http://www.vadefenders.org/standardspractice>

I have read and understood the Standards of Practice statement above.

I hereby certify that all the information provided in this application is true and complete.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Return completed application and mandatory personal narrative by e-mail to:**

[Certification@vadefenders.org](mailto:Certification@vadefenders.org)

## SAMPLE DEMONSTRATION OF EXPERIENCE

### REQUIRED DETAILS:

- Style of Case
- Court(s)
- Date of Arraignment/appointment of counsel
- Date Began as Lead-Counsel
- Date Concluded
- Case Details: Nature of Case, Description of Involvement, Final Outcome

### SAMPLE:

**Style of the Case:** Commonwealth v. John Doe

**Courts:** Richmond GDC, Richmond Circuit Court

**Date of Arraignment:** July 1, 2019

**Date Began as Lead Counsel:** July 5, 2019

**Date Concluded:** October 14, 2019

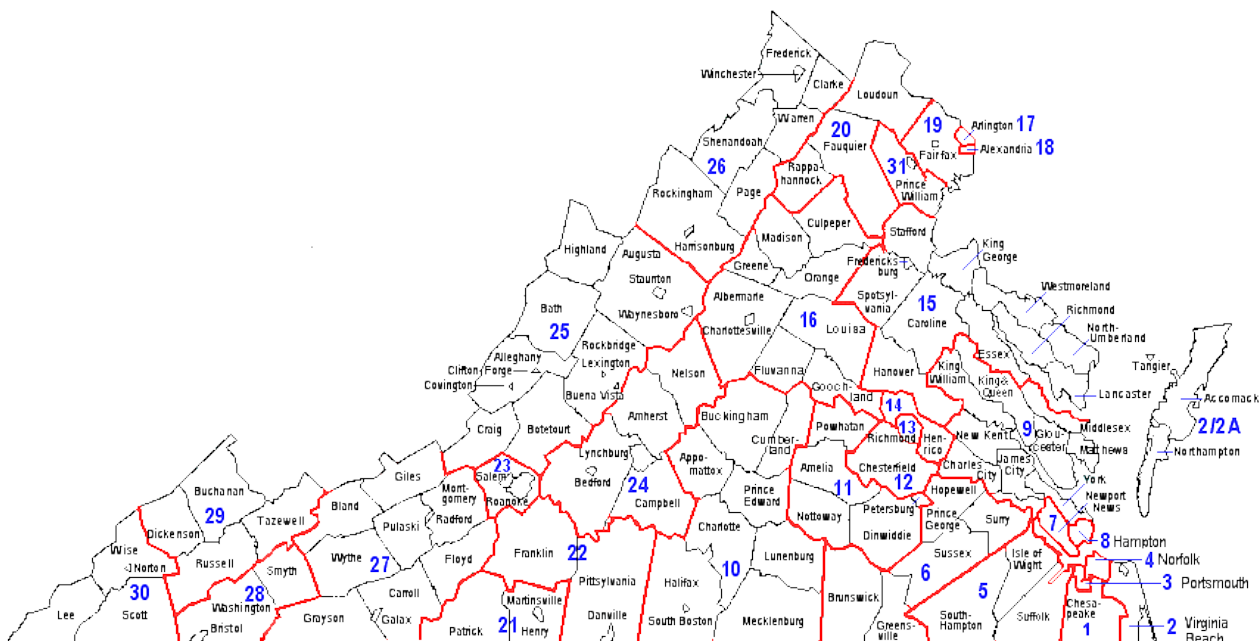
**Nature of Case:** Client charged with Grand Larceny.

**Description of Involvement:** Prepared and filed discovery motion. Met with client at the jail on July 11.

Interviewed client – Reviewed discovery, guidelines, discussed facts, max sentence, trial, ideal outcome. Client released on bond. On July 15, interviewed witnesses and conducted research. At office meeting on August 4, reviewed results of investigation and evidence with client. Case certified at preliminary hearing on August 20. Filed pretrial motions. Motion to suppress denied on Sept 10. Negotiated plea with Commonwealth. Discussed plea with client and other consequences if convicted. October 1 tried case before the bench. Defendant found guilty. Advised client of right to appeal.

**Final Outcome:** October 14, defendant sentenced to 3 years with all 3 years suspended, 3 year supervised probation.

## Map of Virginia's Judicial Circuits



<http://www.courts.state.va.us/courts/maps/home.html>