



VIRGINIA INDIGENT DEFENSE COMMISSION

AGENCY OVERVIEW

STATUTORY AUTHORITY & ORGANIZATION STRUCTURE



INDEPENDENT
STATE AGENCY OF VIRGINIA

Updated Sep 2024

VIRGINIA INDIGENT DEFENSE COMMISSION

The Virginia Indigent Defense Commission was established in 2004 replacing the original Public Defender Commission. This change was made after a number of studies on indigent defense in Virginia. Of the many changes that were made, the two most significant were the creation of the standard of practice for court-appointed counsel and the requirement that anyone representing someone in a court-appointed case undergo training and be certified.

MISSION STATEMENT

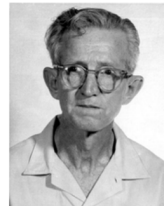
Dedicated to protecting and defending the rights and dignity of our clients through zealous, compassionate, high quality legal advocacy

YOUR RIGHT TO AN ATTORNEY

THE SIXTH AMENDMENT

Constitution of the United States of America

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.



GIDEON V. WAINWRIGHT

Gideon v. Wainwright, 372 U.S. 335, was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own.

STATUTORY AUTHORITY

§ 19.2-163.01. Virginia Indigent Defense Commission established; powers and duties.

- A. The Virginia Indigent Defense Commission (hereinafter Indigent Defense Commission or Commission) is established. The Commission shall be supervisory and shall have sole responsibility for the powers, duties, operations, and responsibilities set forth in this section. *(Continued on next page)*
- B. The Commission shall adopt rules and procedures for the conduct of its business. The Commission may delegate to the executive director or, in the absence of the executive director, the deputy executive director, such powers and duties conferred upon the Commission as it deems appropriate, including powers and duties involving the exercise of discretion. The Commission shall ensure that the executive director complies with all Commission and statutory directives. Such rules and procedures may include the establishment of committees and the delegation of authority to the committees. The Commission shall review and confirm by a vote of the Commission its rules and procedures and any delegation of authority to the executive director at least every three years.
- C. The executive director shall, with the approval of the Commission, fix the compensation of each public defender and all other personnel in each public defender office. The executive director shall also exercise and perform such other powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon him by law.

§ 19.2-163.01(A) The Commission shall have the following powers and duties:

1. To publicize and enforce the qualification standards for attorneys seeking eligibility to serve as court-appointed counsel for indigent defendants pursuant to § 19.2-159.
2. To develop initial training courses for attorneys who wish to begin serving as court-appointed counsel, and to review and certify legal education courses that satisfy the continuing requirements for attorneys to maintain their eligibility for receiving court appointments.
3. To maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as court-appointed counsel for indigent defendants based upon the official standards and to disseminate the list by July 1 of each year and updates throughout the year to the Office of the Executive Secretary of the Supreme Court for distribution to the courts. In establishing and updating the list, the Commission shall consider all relevant factors, including but not limited to, the attorney's background, experience, and training and the Commission's assessment of whether the attorney is competent to provide quality legal representation.
4. To establish official standards of practice for court-appointed counsel and public defenders to follow in representing their clients, and guidelines for the removal of an attorney from the official list of those qualified to receive court appointments and to notify the Office of the Executive Secretary of the Supreme Court of any attorney whose name has been removed from the list.
5. To develop initial training courses for public defenders and to review and certify legal education courses that satisfy the continuing requirements for public defenders to maintain their eligibility.
6. To periodically review and report to the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations on the caseload handled by each public defender office.

§ 19.2-163.01(A) The Commission shall have the following powers and duties:
(CONTINUED)

7. To maintain all public defender offices established by the General Assembly.
8. To hire and employ and, at its pleasure, remove an executive director, counsel, and such other persons as it deems necessary, and to authorize the executive director to appoint, after prior notice to the Commission, a deputy director, and for each of the above offices a public defender who shall devote his full time to his duties and not engage in the private practice of law.
9. To authorize the public defender to employ such assistants as authorized by the Commission.
10. To authorize the public defender to employ such staff, including secretarial and investigative personnel, as may be necessary to carry out the duties imposed upon the public defender office.
11. To authorize the executive director of the Commission, in consultation with the public defender to secure such office space as needed, to purchase or rent office equipment, to purchase supplies and to incur such expenses as are necessary to carry out the duties imposed upon him.
12. To approve requests for appropriations and receive and expend moneys appropriated by the General Assembly of Virginia, to receive other moneys as they become available to it and expend the same in order to carry out the duties imposed upon it.
13. To require and ensure that each public defender office collects and maintains caseload data and fields in a case management database on an annual basis.
14. To report annually on or before October 1 to the Virginia State Crime Commission, the House Committee for Courts of Justice, the Senate Committee on the Judiciary, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations on the state of indigent criminal defense in the Commonwealth, including Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel appointed pursuant to § 19.2-159 or subdivision C 2 of § 16.1-266.

§ 19.2-163.01(B) The Commission shall adopt rules and procedures for the conduct of its business

The Virginia Indigent Defense Commission (VIDC) is an **independent state agency** that supports the Judicial Branch of the Commonwealth of Virginia.



INDEPENDENT

STATE AGENCY OF VIRGINIA

EMPLOYMENT IS AT WILL

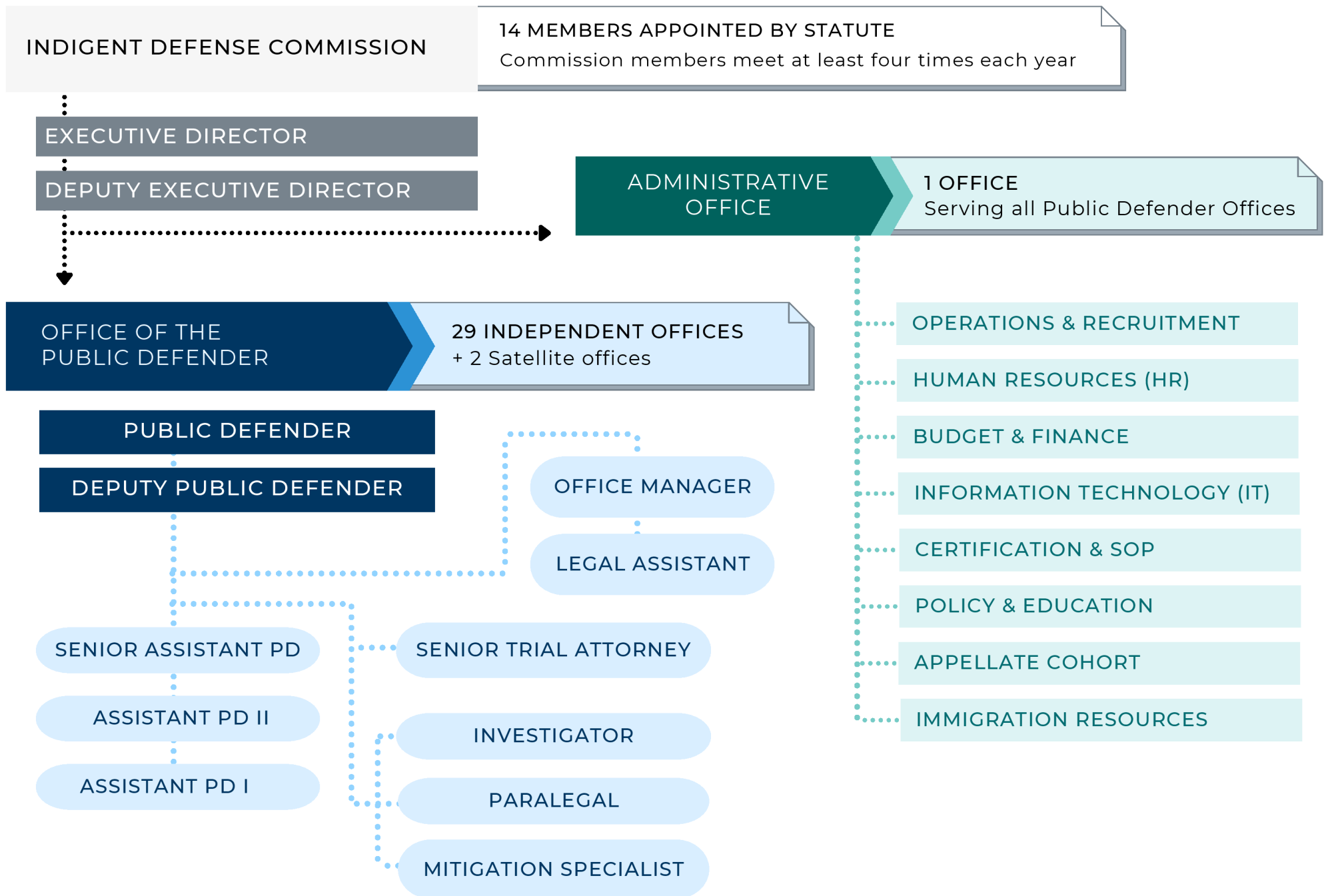
- Employment is at will; employment may be ended at any time for any reason not in violation of law.

UNIQUE POLICY RULES & PROCEDURES

- Per statute, VIDC has adopted unique Policy Rules and Procedures for agency employees.
- VIDC is NOT bound by DHRM Policy & Procedures that apply to other state agencies.
- Human Resource needs of all agency employees are managed by the internal VIDC Human Resource Department.

**DHRM: The Virginia Department of Human Resource Management (DHRM) is the central human resource agency for the Commonwealth of Virginia.*

ORGANIZATION STRUCTURE



§ 19.2-163.02. Membership of Indigent Defense Commission

THE COMMISSION

14 MEMBERS AS FOLLOWS:

- the Chairman of the House Committee for Courts of Justice or his designee and the Chairman of the Senate Committee on the Judiciary or his designee who shall be members of the Courts of Justice committees;
- the chairman of the Virginia State Crime Commission or his designee;
- the Executive Secretary of the Supreme Court or his designee;
- two attorneys officially designated by the Virginia State Bar;
- two persons appointed by the Governor;
- three persons appointed by the Speaker of the House of Delegates;
- and three persons appointed by the Senate Committee on Rules.

The Commission shall elect a chairman and a vice-chairman from among its membership annually. The chairman or his designee shall preside at all regular and called meetings of the Commission and shall have no additional duties or authority unless set by statute or by resolution of the Commission and annually confirmed by the Commission. A majority of the members shall constitute a quorum.

The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever three of the members so request. A list of current members can be found on the agency website at www.vadefenders.org.

EXECUTIVE DIRECTOR

- Executive Director
- Deputy Executive Director
 - Office Administrator
 - Re-Entry and Recovery Supervisor

DEPUTY EXECUTIVE DIRECTOR

OPERATIONS & RECRUITMENT

- Operations & Lease Management
- Recruitment & Affinity Group Management

Department Structure

- Director of Equity & Operations
 - Recruiting Coordinator

HUMAN RESOURCES

- Onboarding
- Compensation & Benefits Administration
- Policy Development & Interpretation
- Performance Management
- Employee Relations
- Records Retention
- Time, Attendance & Leave
- Background Checks
- Separation & Offboarding

Department Structure

- Human Resources Director
 - HR Benefits Analyst
 - HR Assistant (3)

INFORMATION
TECHNOLOGY

- IT Help Desk Services
- Infrastructure Architecture & Support
- Application Support
- Information Security
- Telecommunications
- Website & Intranet
- Technology Procurement & Maintenance
- Technology Vendor Relations

Department Structure

- Chief Information Officer
 - IT Operations Lead
 - Infrastructure Engineer
 - System Admin (2)
 - IT Support Specialist (2)

BUDGET & FINANCE

- Management of Budget & Finance Transactions
- Payroll Management
- Accounts Payable
- Employee Reimbursements
- Asset & Fleet Management
- Procurement of goods and services
- Financial Reporting

Department Structure

- Budget & Finance Director
 - Procurement Officer
 - Financial Services Specialist (2)
 - Financial Technician

POLICY & EDUCATION

- Legal Training for Public Defender Offices and Private Certified Court-Appointed Counsel
- Legal Resource Website & Employee Training Portal Management
- General Assembly Policy Advocacy
- Legislative Updates

Department Structure

- Director of Policy & Education
 - Training & Communications Coordinator

CERTIFICATION & SOP

- Court-Appointed Counsel Certification Management & Training
- Standards of Practice (SOP) Complaints
- Supreme Court of Virginia and Court of Appeals of Virginia Case Summaries

Department Structure

- Certification & Compliance Attorney
 - Certification Admin Assistant

APPELLATE COHORT

- Client Appeals for Public Defender Offices
- Appellate Training Support

Department Structure

- Chief Appellate Counsel
 - Appellate Cohort Attorneys (7)
 - Paralegal

IMMIGRATION

- Immigration Consultations for Public Defender Offices
- Immigration Training Support

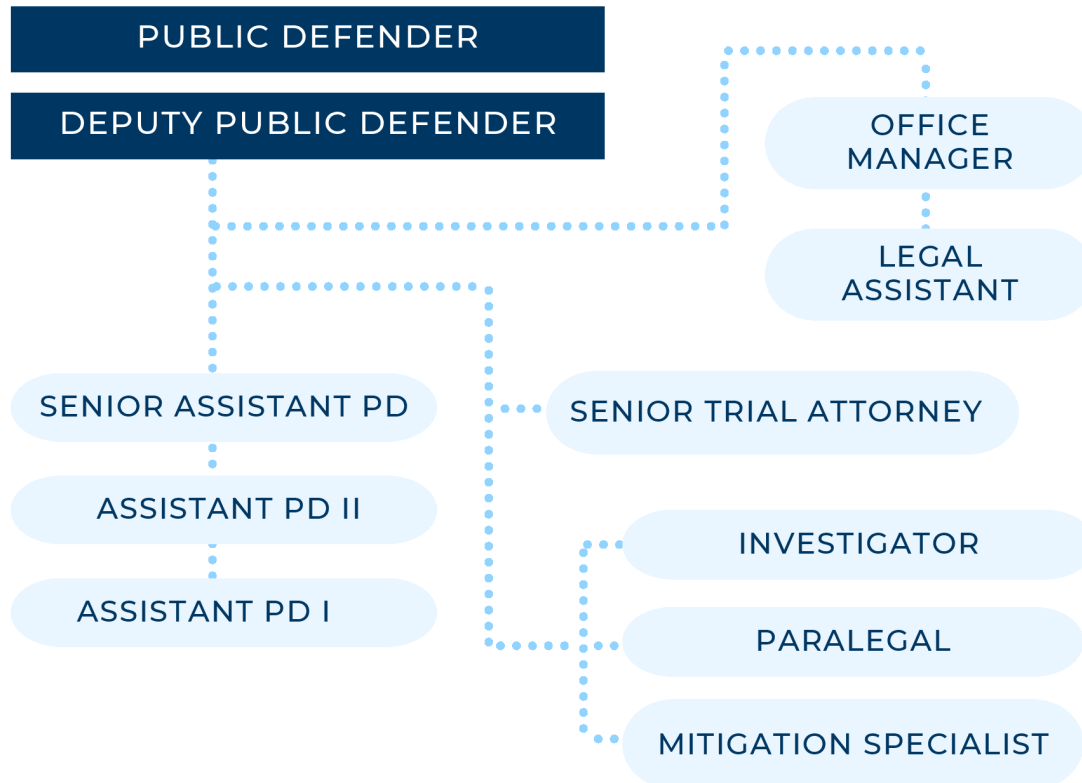
Department Structure

- Immigration Resource Attorney

We have over 400 Public Defenders throughout Virginia.

Our highly-skilled attorneys are required to complete the VIDC Initial Certification process to accept court-appointments, and must maintain their status thereafter by completing the required amount of legal education courses to renew their certification every two years.

Within each office, Public Defenders receive support from their in-house defense team, which is composed of Paralegals, Investigators, and Mitigation Specialists as well as their dedicated Office Managers and Legal Assistants.

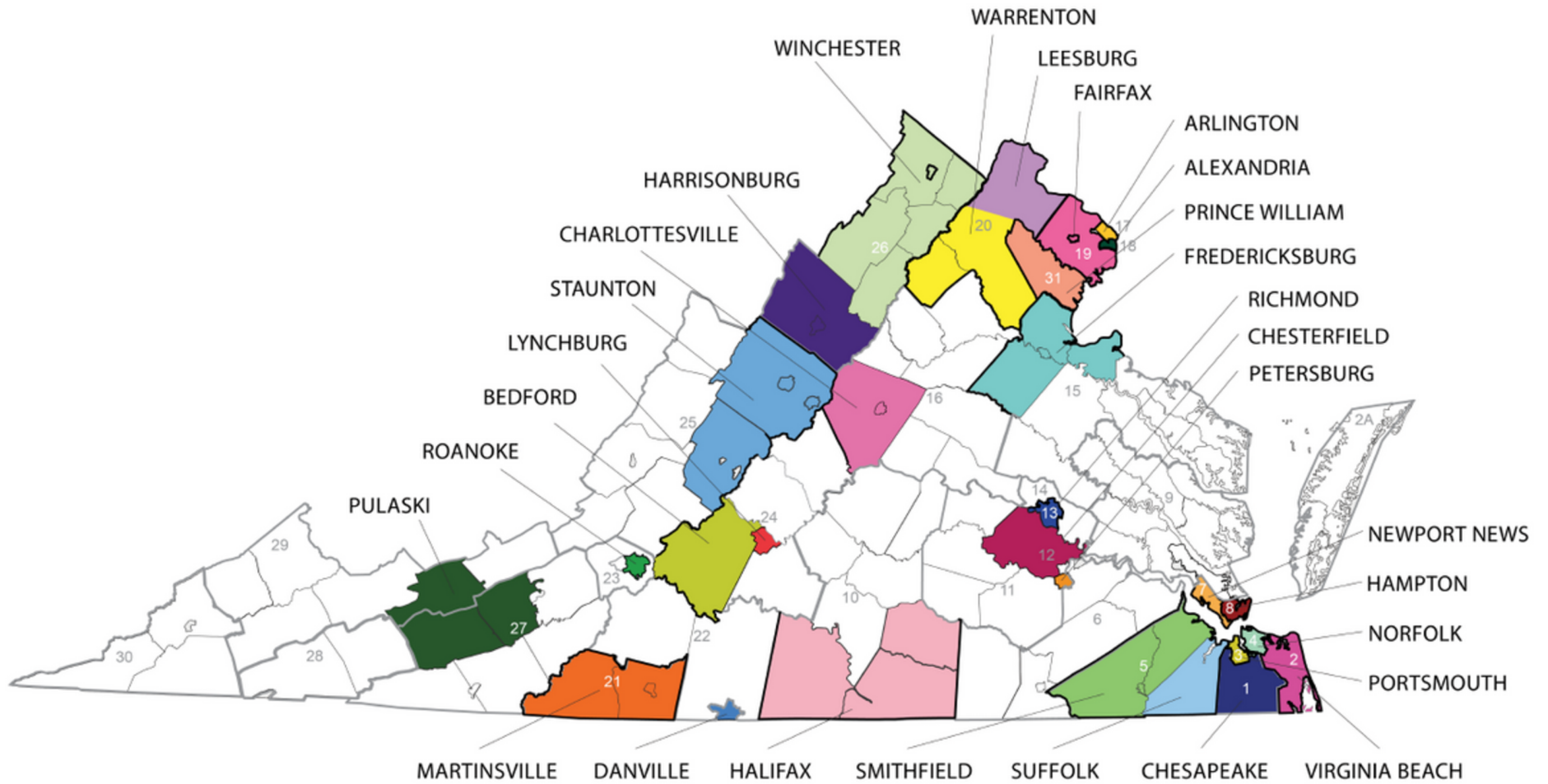


§ 19.2-163.04. Public defender offices

Public defender offices are established in:

- Alexandria
- Arlington
- Bedford
- Charlottesville
- Chesapeake
- Chesterfield
- Danville
- Fairfax
- Fauquier
- Fredericksburg
- Halifax
- Hampton
- Harrisonburg
- Leesburg
- Lynchburg
- Martinsville
- Newport News
- Norfolk
- Petersburg
- Portsmouth
- Prince William
- Pulaski
- Richmond
- Roanoke
- Smithfield
- Staunton
 - (Lexington Satellite)
- Suffolk
- Virginia Beach
- Winchester
 - (Front Royal Satellite)

PUBLIC DEFENDER OFFICES IN VIRGINIA



§ 19.2-163.3 Duties of public defenders

Public defenders shall carry out the following duties in accordance with the guidance, policies, and authorizations of the Indigent Defense Commission:

(a) To assist the executive director of the Commission in securing office space, to employ a staff, to fix salaries and to do such other things necessary to carry out the duties imposed upon them with the approval of the Commission.

(b) To represent or supervise assistants in representing within their respective jurisdictions as set out in § 19.2-163.04 indigent persons charged with a crime or offense when such persons are entitled to be represented by law by court-appointed counsel in a court of record or a court not of record.

(c) To represent or supervise assistants in representing indigent persons who are entitled to be represented by court-appointed counsel in an appeal of their conviction to the Court of Appeals or the Supreme Court of Virginia.

(d) To submit such reports as required by the Commission.

PUBLIC DEFENDER

Client Representation

Represent or supervise assistants in representing indigent persons charged with a crime within their respective jurisdiction.

Appellate Supervision

Effective oversight of all cases being handled in the Court of Appeals or Supreme Court of Virginia.

Management & Supervision

- Staffing and salary decision making
- Performance supervision and reviews
- Oversight of all administrative functions

Training & Certification

Ensures that all attorneys are fully and currently certified to handle any case to which they are assigned.

Ensures each new employee is effectively trained and continuously assess and addresses the specific training needs of the office by developing a comprehensive, formal, in-house training program to enhance the skills of the attorneys and support staff.