



Esther J. Windmueller Fee Waivers

FY 2022 Status Report



Virginia Criminal Sentencing Commission

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

Application for Fee Waiver

This form does not apply to Commonwealth's attorneys, public defenders, probation staff, or judicial/state employees, as fees are automatically waived for those groups.

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 in your firm are primarily engaged in criminal defense work? _____

(Full-time attorney = 1 attorney Part-time attorney = 1/2 attorney)

During the previous calendar year, did you gross \$80,000 or more from criminal defense practice?

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 relevant to the application 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)

In June 2021, the Commission approved the allocation of \$3,000 for one year to provide fee waivers for court-appointed attorneys who meet specified criteria.

- Applications for fee waivers were to be evaluated based on:
 - Percentage of the applicant's practice focusing on indigent defense cases, and
 - Financial need of applicant (especially for new or solo practitioners).

Few Waiver Application

- The points assigned to each factor were selected such that no single factor would result in automatic approval or denial of the request. A combination of factors is needed for approval of the request.
 - 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).



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Evaluation of Application for Fee Waiver
(Completed by staff)

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 admitted to the Virginia State Bar →

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

Amount grossed from criminal practice during previous calendar year →

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

Number of attorneys in firm primarily engaged in criminal defense work →

| 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 = ½ attorney

Ever attended a Sentencing Guidelines training seminar →

| | Points |
|-----|--------|
| No | 2 |
| Yes | 0 |

Total Score _____

Minimum score of 7 points needed for waiver approval
unless exception approved by Sentencing Commission member

Notes

Approved Yes No Date _____

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

\$500 Awarded

- **Fee Waived for Intro to Guidelines Seminar (\$125)**

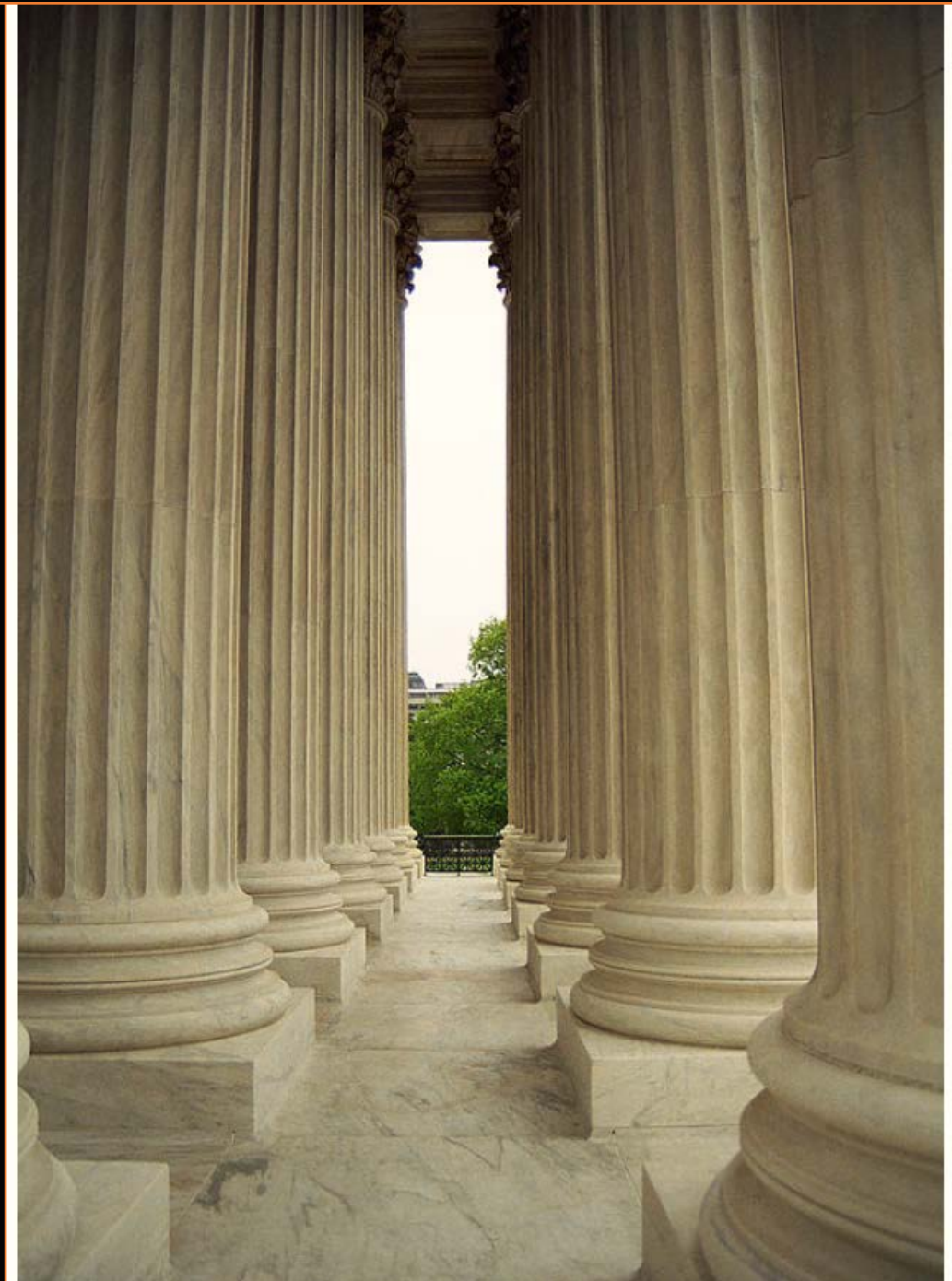
- **Fee Waived for Focus on Probation Violation Guidelines seminar (\$60)**



Characteristics of Attorneys Approved for Fee Waivers

| | <u>Low</u> | <u>High</u> | <u>Average</u> |
|--|------------|-------------|----------------|
| Percentage of practice - indigent defense work | 25% | 99% | 75% |
| Years since admitted to Virginia State Bar | 2 yr. | 32 yrs. | 13.5 yrs. |
| Number of attorneys in firm primarily engaged in criminal defense work | 1 | 1 | 1 |

Note: None grossed \$80,000 or more and two attended a seminar before





TRAINING SCHEDULE (CLEs)

2022 CLE Seminars >

Windmueller Fee Waiver >

Abingdon - Directions >

Blacksburg - Directions >

Charlottesville - Directions >

Chesapeake Library - Directions >

Chesterfield/Chester -
Directions >

Culpeper - Directions >

Dublin - Directions >

ESTHER J. WINDMUELLER FEE WAIVER

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).

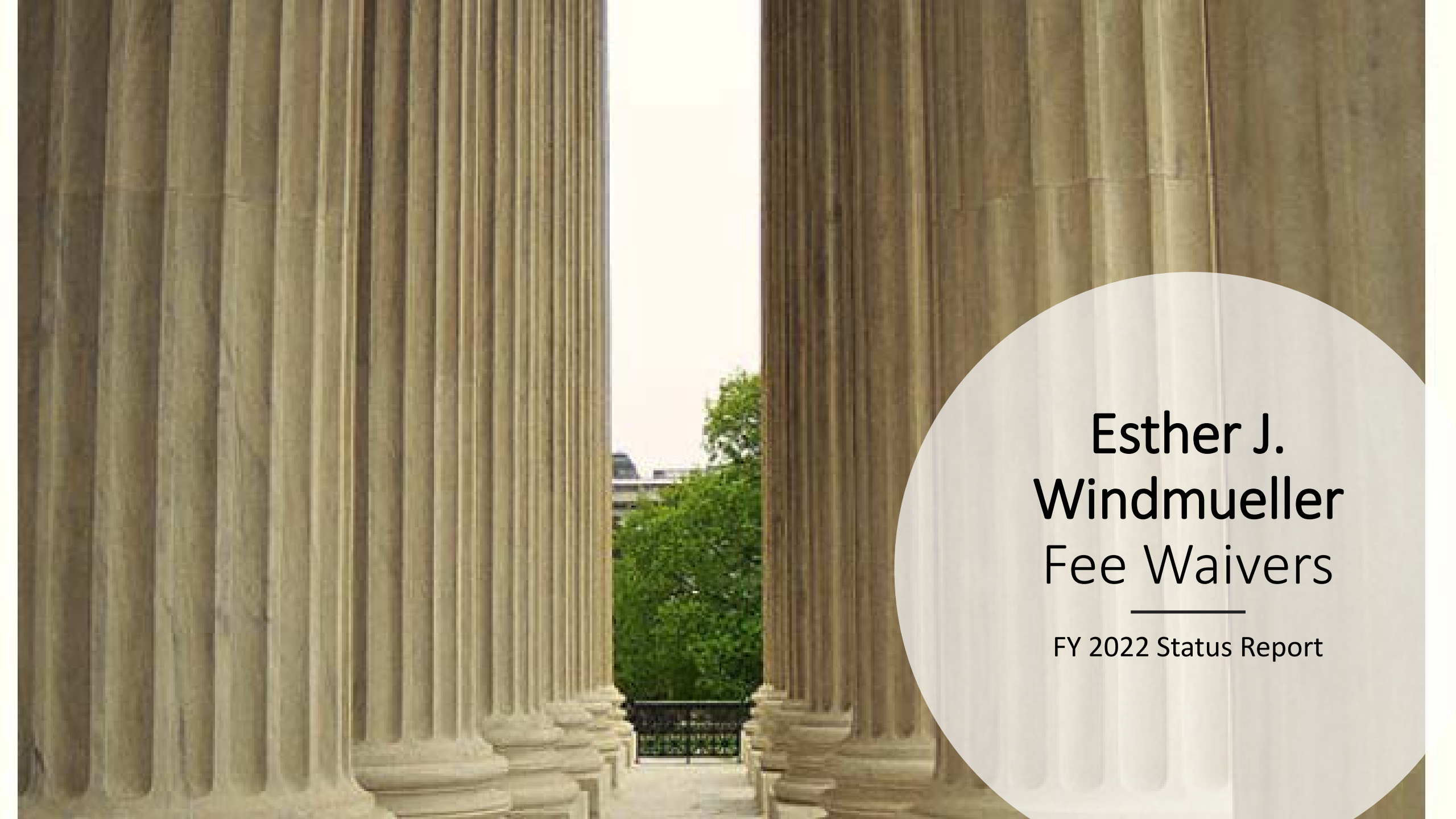




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Does the Commission wish to approve
funds for waivers in FY2023?

Any changes needed?



**Esther J.
Windmueller
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