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COURT OF APPEALS OF VIRGINIA

Press Release – June 15, 2023

THE COURT OF APPEALS OF VIRGINIA RAISES ITS FEES FOR COURT-APPOINTED COUNSEL

RICHMOND –The Court of Appeals has revised the fee structure used for compensating court-appointed counsel in criminal appeals. Effective July 1, 2023, the Court of Appeals has approved the following enhanced fee structure for court-appointed counsel under Virginia Code § 19.2-326:

- \$1500 for misdemeanor appeals briefed and argued before the Court and \$1300 for those cases that are not argued
- \$2000 for felony appeals briefed and argued before the Court and \$1800 for those cases that are not argued
- An additional \$500 for those cases that are granted *en banc* review and argued

On January 1, 2022, all criminal appeals became appeals of right. Before this legislative change, the Court of Appeals exercised appellate jurisdiction in criminal cases through a petition-based process. Since its establishment in 1985, the Court has paid court-appointed counsel \$300 for petitions for appeal in misdemeanor cases and \$400 for petitions for appeal in felony cases. If the Court granted the petition, the Court paid counsel \$625 for briefs in misdemeanor cases and \$725 for briefs in felony cases, regardless of whether the Court heard oral argument in the case. If a case was argued *en banc*, then the Court paid court-appointed counsel an additional \$200 for services rendered.

Under the current structure, counsel must prepare all cases for full merit review. This includes filing briefs with citations to the record and law, followed by oral argument in most cases. The updated fee structure recognizes these significant substantive changes for court-appointed counsel who represent indigent clients in criminal appeals in Virginia.

“Court-appointed counsel perform a vital function on behalf of indigent criminal defendants who come before the Court of Appeals. Raising court-appointed counsel fees on appeal is a necessary and positive step forward for the criminal justice system. It supports continued access to justice for all who come before the Court. The revised fees demonstrate considerable progress and enhance the new structure of merit review as a matter of right,” said Chief Judge Marla Graff Decker.

In regard to the approval of the new fee schedule by the Supreme Court of Virginia, Chief Justice S. Bernard Goodwyn said, “We appreciate the vital services provided by court-appointed attorneys. Enhancing the compensation they receive for the contributions they make to our criminal justice system is an important goal.”

If you are a Virginia-licensed attorney interested in representing indigent appellants, please complete the application to serve as appellate court-appointed counsel, available at: <https://www.vacourts.gov/courts/cav/forms/home.html>. Completed applications for appellate court appointments may be sent to cavcourtappointed@vacourts.gov.

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