

Judicial Council Eligibility Standards for Contract Counsel

The Indigent Defense Subcommittee will make its determinations of eligibility for a lawyer to obtain an indigent-defense contract with the Judicial Council based on the following standards:

1. The attorney's application must demonstrate that he or she has the experience and the legal skills necessary to independently and reliably provide high-quality representation in criminal cases.
2. The attorney's references must indicate their confidence in the lawyer's ability to handle serious felonies independently and reliably and must affirm the attorney's reputation for professionalism.
3. The attorney must possess professional liability insurance in the amount of \$100,000/\$300,000.
4. The attorney must be a member of the New Hampshire Bar.
5. The attorney must have actively practiced criminal law for a minimum of three years and possess a substantial record of jury trial experience.

Judicial Council Eligibility Standards for Assigned Counsel

The Indigent Defense Subcommittee will make its determinations of eligibility for inclusion of a lawyer on any individual list based on the following standards:

1. The attorney's application must demonstrate that he or she has the experience and the legal skills necessary to independently and reliably provide high-quality representation in the case type.
2. The attorney's references must indicate their confidence in the lawyer's ability to handle the case type independently and reliably and must affirm the attorney's reputation for professionalism.
3. The attorney must possess professional liability insurance in the amount of \$100,000/\$300,000.
4. The attorney must be a member of the New Hampshire Bar.

In addition to the baseline requirements above, eligibility for the Juvenile Delinquency list, the Major Crimes list and the Capital Case list will depend on the lawyer satisfying these criteria:

For the **Juvenile Delinquency Cases list**, the lawyer must have criminal trial experience, must possess a thorough understanding of the juvenile justice system and must demonstrate a comprehensive knowledge of the array of social service resources available to minors locally and regionally.

For the **Major Crimes list**, the lawyer must have practiced law actively for at least three years, (at least a third of the law practice must have involved criminal matters), and the lawyer must have tried at least 5 jury trials as lead counsel as either a prosecutor or defense attorney, with at least one of those trials involving a major crime, (felony sexual assault, first degree assault, or homicide).

For the **Capital Case list**, the lawyer must demonstrate a commitment to providing zealous advocacy and high quality legal representation in the defense of capital cases and must show that he or she is eligible for inclusion on the Major Crimes list and possesses:

- substantial knowledge and understanding of the relevant state, federal and international law, (both procedural and substantive), governing capital cases;
- skill in the management and conduct of complex negotiations and litigation;
- skill in legal research, analysis, and the drafting of litigation documents;
- skill in oral advocacy;
- skill in the use of expert witnesses and familiarity with common areas of forensic investigation;
- skill in the investigation, preparation, and presentation of evidence bearing upon mental status;
- skill in the investigation, preparation, and presentation of mitigating evidence; and,
- skill in the elements of trial advocacy.