

NEWS RELEASE

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Supreme Court Rule Announced **Capital case attorneys to require Pennsylvania certification**

HARRISBURG, June 4, 2004 — Minimum qualification standards will be required of all attorneys representing defendants in Pennsylvania who may be subject to the death penalty, based on a new rule promulgated by the Supreme Court of Pennsylvania. Chief Justice of Pennsylvania Ralph J. Cappy announced the rule today, noting that it will foster greater public confidence in the justice system by better ensuring that defendants in capital cases are fairly and effectively represented.

The thrust of the changes is contained in a newly created Criminal Procedural Rule 801, entitled “Qualifications for defense counsel in capital cases.” The rule outlines specific criteria for experience, education and training for defense lawyers in capital cases. The changes, contained in an order issued today by the Supreme Court, are effective as of November 1, 2004.

The changes were created under the auspices of the Pennsylvania Supreme Court’s Criminal Procedural Rules Committee by an *ad hoc* Capital Case Standards Committee. Supreme Court Justices Russell M. Nigro, as chair, and J. Michael Eakin facilitated the work of the 17-member *ad hoc* committee that the Court created last year to study legal representation issues of capital case defendants. Its members were a diverse group of trial and appellate judges, public defenders and prosecutors.

“Justices Nigro and Eakin, along with the committee members, are to be commended for the expeditious and thorough manner in which these qualification standards have been attained,” said Cappy. “Little is more fundamental to the American system of justice than the opportunity for defendants to be adequately represented, especially where they face the ultimate penalty. My colleagues and I believe that these standards will serve that goal by systematically defining minimum and uniform qualifications in this specialized area of legal practice.”

Educational qualifications prescribed by the rule will be administered by the Supreme Court’s Continuing Legal Education Board, which already oversees broad continuing legal education mandates of Pennsylvania lawyers. The Board will also maintain a list of attorneys who have satisfied the capital case educational requirements. The experiential requirement of the rule will be determined by the appointing or admitting court.

(MORE)

In recent years, the Supreme Court has launched several initiatives, including the *ad hoc* Capital Case Committee, to address solely or in tandem with other branches of government specific public policy issues. In doing so, the Court's aim is to reinforce the public's confidence in a judicial system that is fair, systematic in its application of the rule of law, and efficient in expediting resolution of matters of significant public importance.

This year, the Judiciary is seeking modest funding from the General Assembly for a permanent, intergovernmental commission to further explore and implement solutions in the areas of gender, ethnic and racial fairness. It is anticipated that commission representatives from all three branches of government will rely on the work and 2003 report of the Supreme Court Committee on Racial and Gender Fairness as a basis for its work. As a companion effort to certification of capital case counsel, Justice Russell Nigro is pursuing on the Court's behalf a process to certify qualifications of trial judges who hear capital cases. A separate effort in conjunction with expanded continuing judicial education programs is underway to certify qualifications for all jurists who hear medical malpractice trials.

(The new rules are available on the UJS Web site through the Supreme Court Opinions' current month's opinions and postings link.)

Members - *Ad hoc* Committee on Capital Case Standards

Hon. Russell M. Nigro, Chair, Supreme Court of Pennsylvania
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