



# OFFICE OF THE STATE PUBLIC DEFENDER

TERRY E. BRANSTAD, GOVERNOR  
KIM REYNOLDS, LT. GOVERNOR  
SAMUEL P. LANGHOLZ, STATE PUBLIC DEFENDER

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## **Summary of New Indigent Defense Attorney Minimum Qualification Requirements**

*Note:* All requirements are merely minimum requirements. The State Public Defender retains discretion to deny or terminate a contract to attorneys who meet these requirements.

### **Requirements for A and B Felonies**

- 4 years of criminal law litigation experience.
- Tried at least 5 criminal jury trials to completion to jury as lead counsel.
- 5 hours of criminal law CLE in previous year and each year of contract.
- Provide names of at least 3 judges or magistrates who can discuss the qualifications and effectiveness of the attorney to represent defendants in these cases.
- An attorney who has not met all requirements but who has tried a Class A or B felony to completion as lead counsel may provide the state public defender additional detail regarding the attorney's experience and qualifications and the circumstances preventing the attorney from meeting the requirements and may be approved for contracting at the state public defender's discretion.
- In cases eligible for appointment of two attorneys, the second attorney may be appointed if they meet requirements for other felony cases (below).

### **Requirements for Other Felony Cases (C and D Felonies)**

- 2 years of criminal law litigation experience.
- Tried at least 1 criminal jury trial to completion to jury as lead counsel.
- 5 hours of criminal law CLE in previous year and each year of contract.
- Attorney will provide names of at least 3 judges or magistrates who can discuss the qualifications and effectiveness of the attorney to represent defendants in these cases.
- An attorney who has met all requirements except the jury trial requirement may provide the state public defender additional detail regarding the attorney's experience and qualifications and the circumstances preventing the attorney from obtaining jury trial experience and may be approved for contracting at the state public defender's discretion.

### **Requirements for Misdemeanor and Other Adult Cases**

(Includes Probation Violations, Parole Violations, Contempt)

- If new contract with less than two years of criminal law litigation experience, must attend one-day Basic Criminal Law Training sponsored by SPD.
- 3 hours of Criminal Law CLE each year of contract

### **Requirements for Postconviction Relief (“PCR”) Cases**

- 2 years of experience in criminal law litigation or as a judicial law clerk.
- 5 hours of criminal law CLE in previous year and each year of contract.
- Postconviction Relief Basic Training, unless attorney has previously handled at least three postconviction relief proceedings to completion.
- Provide names of at least 3 judges or magistrates who can discuss the qualifications and effectiveness of the attorney to represent defendants in these cases.

### **Requirement for all Juvenile Cases** (Rule of Juvenile Procedure 8.36)

- 3 hours of juvenile law CLE in previous year and each year of contract.

### **Requirements for Appellate Cases**

- Basic Criminal Appeals Training within one year of entry into contract, unless attorney has previously handled a criminal appeal in Iowa state court.
- 3 hours of criminal law CLE each calendar year.

## **Other Related Contract Rules Changes**

1. Clarifies the scope of contract types and requires that an attorney seek to withdraw if appointed to a case that is amended to more serious charges outside the scope of the contract unless no contract attorney is available or the state public defender consents.
2. Permits termination of the contract on less than 30 days’ notice with the mutual consent of the attorney and state public defender.
3. Establishes new basis of termination for cause based on improper billing practices of the attorney and a method for agency and court review of such terminations.
4. Provides for revised standard contract terms, and updates other language for clarity and consistency