



Capital Counsel CLE Requirements – Criminal Procedure Rule 801

The PA Continuing Legal Education Board and Providers of CLE will play a role in helping lawyers meet new minimum qualification standards in order to represent defendants in death penalty cases. In addition to establishing standards for experience, new Criminal Procedure Rule 801 calls for counsel to complete training relevant to representation in capital cases. Providers seeking to qualify their programs for capital counsel credits should select CAP as the type of law when filing a course notification/application. During the 3-year period immediately preceding the appointment or entry of appearance, counsel shall have completed a minimum of 18 hours of qualifying CLE accredited by the PACLE Board.

Training in capital cases shall include, but not limited to, training in the following areas:

1. Relevant state, federal and international law
2. Pleading and motion practice
3. Pretrial investigation, preparation, strategy, and theory regarding guilt and penalty phases
4. Jury selection
5. Trial preparation and presentation
6. Presentation/ rebuttal of relevant scientific, forensic, biological, & mental health evidence/ experts
7. Ethical considerations particular to capital defense representation
8. Preservation of the record and issues for post-conviction review
9. Post-conviction litigation in state and federal courts
10. Unique issues relating to those charged with capital offenses when under the age of 18
11. Counsel's relationship with the client and family

The Court Order establishes a phased approach for completion of educational requirements as follows:

1. By November 1, 2004, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of six (6) hours of training relevant to representation in capital cases as approved by PACLE.
2. By November 1, 2005, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of twelve (12) hours of training relevant to representation in capital cases as approved by PACLE.
3. By May 1, 2006, to be eligible for appointment or to enter an appearance pursuant to new Rule 801, an attorney shall have completed a minimum of eighteen (18) hours of training relevant to representation in capital cases as approved by PACLE.

In addition to providing a record keeping service for lawyers taking capital counsel CLE, the PACLE Board has also made a list of qualifying programs easily identifiable and searchable on the Courses page.

The Supreme Court of Pennsylvania Continuing Legal Education Board

Pennsylvania Judicial Center • 601 Commonwealth Ave • Suite 3400
PO Box 62495 • Harrisburg, PA 17106-2495 • (800) 497-2253 • www.pacle.org