



THE BAR ASSOCIATION OF
SAN FRANCISCO

MEMORANDUM

TO: Members, Dependency Panel

FROM: Carol Woods, Director
Lawyer Referral and Information Service
Bar Association of San Francisco

DATE: June 28, 2007

RE: Attorneys' fees in Court-appointed cases and changes in billing procedures

As you are likely aware, a proposal presented by the Bar Association of San Francisco earlier this year to increase attorneys' fees in Court-appointed dependency cases was unanimously approved by the Court. I am very pleased to announce that a rate increase of 15% will take effect on July 1, 2007. At the same time, BASF will expand our role in the administration of the Dependency Representation Program in order to expedite payment and consolidate the review of bills.

Increase in Hourly Rates

The Court has announced a significant increase in the hourly rate paid to attorneys in dependency proceedings. The new rate is \$98 per hour. This rate will apply to all work done on or after July 1, 2007 even if you were appointed prior to that date. We are very pleased that the important work of the members of the Dependency Panel is being recognized with this increase in the rate of compensation, and want to thank the volunteer attorneys working with BASF's Lawyer Referral and Information Service and Conflicts Committees, as well as the BASF Board of Directors for their efforts in developing and supporting the proposal. We are also particularly grateful to the Court for its enthusiastic adoption and implementation of the proposed increase.

New Billing Procedures

BASF has entered into an agreement with the San Francisco Superior Court to expand our role in the administration of the Dependency Representation Program (DRP). We are pleased to announce that Greg Bonfilio's responsibilities will expand from his current position with the Indigent Defense Administration, where he reviews bills from attorneys, private investigators and



expert witnesses in criminal and juvenile delinquency cases, to an equivalent position with respect to bills from attorneys, social workers and expert witnesses in dependency matters. Tim Chant will continue to process dependency bills on a full time basis, and Marvin Jordan, currently working part-time with the Indigent Defense Administration, will devote two days per week to dependency bill processing. We believe this increase in staff, as well as the expedited review process described below, will speed up payment to attorneys, social workers and expert witnesses.

To help offset the costs associated with our expanded responsibilities, the percentage deducted from attorneys' bills will increase from 2% to 5%. In addition, there will be a 2% deduction from social workers' and expert witnesses' bills. These new deductions will be retained by the Court to help defray the cost of BASF-DRP's expanded workload. The 2% which has historically been deducted from attorneys' bills in dependency cases will continue to be withheld and remitted to BASF to help offset costs of ongoing activities, including, for example, screening applicants to the panel, scheduling monthly calendars and monitoring compliance with annual educational requirements.

Effective July 1, 2007, the billing process for all appointed dependency cases will change. New forms will be provided to you in a separate mailing. BASF staff will review and process all bills from attorneys, social workers and experts in court-appointed dependency cases. Previously, as you are aware, only bills from attorneys have been handled by BASF-DRP. Under the new procedures, bills from social workers and expert witnesses will also be reviewed and processed by BASF-DRP. Furthermore, it will no longer be necessary for individual Requests for Payment to be signed by a judge or commissioner.

Once the Request for Payment is submitted to BASF-DRP, the information contained in all fields is entered onto a database. Our database is linked to the Court's database. BASF-DRP staff will conduct an initial review of the bill for compliance with general billing guidelines, and then forward the bill to the DRP Attorney Administrator for further review. If the Request for Payment does not meet with approval by the Administrators, contact with the attorney will be made in an effort to resolve any billing disputes/discrepancies. Unresolved disputes/discrepancies will result in referral of the bill to the Fee Audit Committee. Following that review, a recommendation will be made to the Court, which may range from approval as submitted, to a recommendation to reduce the bill.

Only the Court has the authority to approve or disapprove a request for payment. BASF-DRP's new role is to supervise and review the billing process. Court action may or may not be taken as recommended by BASF-DRP. The Court retains the power to remove panel attorneys at any time, as all attorneys serve at the pleasure of the Court.



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We recognize the new responsibilities accompanying the expansion of our role in the administration of the Dependency Representation Program. It is modeled on our Indigent Defense Administration and we believe our experience with that program over the past several years will be of significant value. Still, as with any new process, there may be a few bumps in the road. We welcome your input and ask for your forbearance as we fine-tune the process. We are very proud of the work performed on behalf of indigent people in dependency proceedings in San Francisco, and that in San Francisco there is a strong, experienced, ethical and independent dependency bar. The changes being implemented and any that might be implemented in the future are made with several goals in mind: continued reliance on a group of experienced private practitioners in dependency proceedings; cooperation with the Court to effect cost savings wherever possible; systematic and thorough review of all bills submitted by attorneys and social workers to effect consistency and cost savings; expedited and efficient review of bills to result in prompt payment to attorneys and social workers. We hope to have your full support in order to realize these goals.

If you have any questions or comments about the new billing process, or other aspects of the Dependency Representation Program, please call me at 782-9000, extension 8741, or Greg Bonfilio, at 782-9000, extension 8784.