

Memorandum

To: Mentors, Dependency Mentorship Training Program
From: Greg Bonfilio
Dependency Representation Program, Bar Association of San Francisco
Date: February 18, 2009
Re: Formal notification of the Mentee Billing Program protocols

In the fall of 2008 the Juvenile Dependency Court established the Mentor/Mentee Billing Program with protocols to govern compensation for the work of a mentee and supervising attorney in the manner outlined below. Mentors may bill for the supervision of a mentee, so long as the following critical parameters are observed:

- A. That the combined mentor/mentee billing compensation not cost the Court any more than compensation for a single experienced panel attorney for all work reasonably required in the case in which appointment has been made; AND
- B. That all mentor billing and all mentee billing be made transparent and easy to understand from the face of the bill, such that BASF's Dependency Representation Program can reasonably account for any and all expenditures should any audit of such billing by the Court, Administrative Office of the Courts or BASF's Fee Audit Committee, occur. To achieve this end, the use of the Mentee Fee Worksheet is required.

To assure both the transparency and the cost-effectiveness of the mentorship program, as well as the accountability of submitted bills, the BASF/DRP and the Dependency attorney mentors propose the following guidelines for the Mentor/Mentee Billing Program:

- 1) The appointed mentor counsel will be paid \$98/hour for the number of hours approved on the bill and thereafter, the appointed mentor counsel shall distribute a minimum of \$40.00 per hour to the mentee for the hours of work performed at the mentor's direction and billed in a manner consistent with these guidelines. The mentor retains the remainder of the fee approved. In the event that a mentee enters the program with a high level of experience as a lawyer, and does not therefore require as much supervision as a mentee new to the practice of law or dependency work and is able to produce high quality work efficiently at the outset, the mentor may exercise his or her discretion and compensate the mentee at a higher rate of pay, so long as the total amount does not exceed the reasonableness guideline as more fully set forth below;
- 2) To insure that the Mentee/Mentor Billing Program does not cost the Court any more than representation would cost the Court if an experienced panel attorney alone were to bill for the work reasonably required by the demands of the case, the operable guideline for evaluating the reasonableness of the request for compensation for a mentee's work and

the mentor's supervision thereof, is that the work of the mentee/mentor, in combination, should cost no more than that of an experienced practitioner;

- 3) It is therefore the responsibility of the mentor to adjust or reduce the hours a mentee may bill in accordance with the above stated guideline;
- 4) It is therefore also the responsibility of the mentor to inform the mentee of the number of adjusted hours, if any, that will be included in the request for compensation;
- 5) The mentor will retain a record of the actual hours a mentee performs on a task for which compensation is requested, and the amount by which it is reduced, in the event that the compensation request by the appointed counsel requires further justification or support.
- 6) The mentor shall submit a bill at \$98/hour and attach the Mentee Fee Worksheet* for the mentee's work to the bill;
- 7) The rate of payment for the mentee should be clearly indicated on the Mentee Fee Worksheet, so that amounts other than \$40/hr are transparent;
- 8) Prior to performing any legal services on ancillary matters, such as IEP meetings and immigration matters, the mentor must secure Court authorization for such work. Neither the mentor nor the mentee will be compensated for any work performed on ancillary matters in the absence of a court order permitting the work. The Court authorization, *including the supporting declaration*, must be attached to each bill in which a billing entry for such work is made;
- 9) The mentee is NOT permitted to bill for mileage or travel time, EXCEPT when performing tasks directed by the mentor attorney for which the mentor is permitted to bill mileage and travel time and for which the mentor is not also billing for travel time and/or mileage.

*The Mentee Fee Worksheet is available at www.sfbar.org under the tab for "Lawyer Referral". Select "For Attorneys" and then select "Dependency Representation Program".