

FAMILY LAW COURT APPOINTMENT PANELS – OVERVIEW MEMBERSHIP AND BILLING

ELIGIBILITY FOR COURT APPOINTMENT

Commencing July 1, 2015, appointments of counsel for (1) Minor's Counsel, (2) Adoptions and (3) Family Law Contempt are part of the Court Programs of the LRIS.

Attorneys eligible for appointment and compensation on these three Family Law Court Appointment Panels must meet the qualifications as set out in the 2015 Family Law Application or the Criminal Law Application (Family Law Contempt only). All applications, billing forms and instructions regarding protocol for appointment are now part of BASF's website, under LRIS, Family Law Court Appointment Program. <http://www.sfbar.org/lawyerreferrals/att-join.aspx>

The Superior Court has established a protocol for appointment and compensation of counsel in all three of these areas as described further below.

Any questions should be directed to Julie Traun, Director of Court Programs at jtraun@sfbar.org, or 415-782-8942.

1. MINOR'S COUNSEL (Qualifications - **Family Law Application, Part F**, Court Appointment Panel, Minors' Counsel for Family Law)

When the court determines that appointment of counsel is needed pursuant to Family Law Code Section 3150 the Court will contact the LRIS Family Law Court Programs which will in turn supply the court with the names of three (3) qualified members of the Family Law counsel next in rotation (and known to be available) meeting subpanel requirements, if any, as requested by the Superior Court. The Court will select one of the names, notify LRIS of the attorney identified for appointment and the LRIS will in turn notify the attorney of the appointment. The Court will prepare an Order of Appointment which will (a) document the scope/need for appointment, and (b) authorize an amount of compensation which may not be exceeded in the absence of further order of the court. The Court will further supply appointed counsel with all contact information for the parties and determine the parties' ability to reimburse the Court for compensation.

Should counsel find the scope of work cannot be accomplished within the initially authorized amount, counsel must prepare and submit a detailed declaration in support of a Supplemental Order Authorizing additional compensation prior to proceeding further. The LRIS Court Programs is not permitted to compensate for unauthorized work by counsel.

2. **ADOPTIONS (Qualifications - Family Law Application, Part B. 2. Court Appointment Panel, Adoptions.)**

When the Superior Court determines a party is eligible for appointment of counsel in an Adoption Proceeding, the Court will contact the LRIS Family Law Court Programs which will in turn notify a duly qualified member (next in rotation) of the Adoptions Subpanel of the Appointment with all attendant information supplied by the court.

3. **FAMILY LAW CONTEMPT (Qualifications - Family Law Application, Part E, Court Appointment Panel, Family Law Contempt, OR Criminal Law Application, Part E, Court Appointment Family Law Contempt).**

When the Superior Court determines a party is eligible for appointment of counsel in an Family Law Contempt proceeding, the Court will contact the LRIS Family Law Court Programs which will in turn notify a duly qualified member (next in rotation) of the Family Law Contempt Subpanels of the Family Law or Criminal Law Panels of the Appointment with all attendant information supplied by the court.

BILLING – OVERVIEW

The compensation rate for all attorneys appointed in Family Law Matters is \$98.00/hour. Commencing July 1, 2015 the Bar Association of San Francisco, through the Lawyer Referral and Information Service is not only responsible for qualifying Court Panels (Minor’s Counsel, Family Law Contempt and Adoptions) but for review of all compensation requests. New billing forms are available on this website and the original bill should be submitted as directed on the billing form. Do not submit your bills to the Superior Court.

Attorneys appointed by the Superior Court are directed to the Billing and Procedures Manuals for the Indigent Defense Administration and Dependency Representation Program (hereafter, “Billing Manuals”) for most of the procedures set out therein are applicable to all court appointed counsel. This is especially true when seeking the appointment of an ancillary service provider (social worker, investigator, expert etc.) Any questions should be directed to the Director of Court Programs, Julie Traun at 415-782-8942 or jtraun@sfbar.org.

Generally however, attorneys must keep track of both in-court time and out-of-court time and are expected to use reasonable judgment in deciding what to include on a bill. Attorneys are appointed by the Superior Court but billing is reviewed by attorneys on staff with the Lawyer Referral and Information Service (Indigent Defense Administration and Dependency Representation Program). Counsel should expect inquiry from the attorney administrators reviewing these bills and

may be asked to provide additional detail, documentation etc. Fee Audit Procedures are fully applicable to all Court panels, including Family Law.

Billing – Minor’s Counsel (Quarterly); Contempt & Adoptions (Non-Quarterly)

Attorneys appointed to represent **Minors in Family Law** proceedings are to submit quarterly billing statements for all time and costs in excess of \$350.00 for the prior quarter. Bills are to be submitted by the 15th of the month following the end of the quarter to be billed.

Attorneys appointed to represent parties in **Family Law Contempt** and/or **Adoption** proceedings are to bill at the conclusion of the case and at the end of the fiscal year.

BILLING TIPS

While details on billing guidelines are fully set out in the Billing Manuals referenced above, some helpful tips are set out below:

1. Billing forms are self-explanatory. You must fill in the amount of previous total billings on the case. In addition, a 5% administrative fee is deducted and paid to the Bar Association of San Francisco for its administration of the Court Panels in Family Law Panel and bill review.
2. Declaration of Counsel RE Attorney’s Fees: The information requested is self-explanatory. The section entitled “Please provide a brief narrative statement describing billing activity” is helpful and will expedite bill review.

YOU MAY ONLY BILL YOUR OWN ATTORNEY TIME. NO OTHER TIME, INCLUDING BUT NOT LIMITED TO ADMINISTRATIVE, PARALEGAL OR INVESTIGATOR TIME, MAY BE BILLED. Should the case require the appointment of an ancillary service provider, such as an investigator, expert, social worker or paralegal, attorneys must follow the procedures set out in the Billing Manuals when seeking Court Authorization. Forms are available on this website for your use.

3. Attorney Fee Worksheet:
 - ✓ Attorney time should be summarized to the nearest .05, .10, or quarter (.25 or .75), or half (.50) hour.
 - ✓ Not every task takes .1 and attorneys are expected to group small tasks together when billing.

- ✓ **BLOCK BILLING IS NOT PERMITTED:** Discrete individual tasks must be delineated. Sufficient information must be provided to allow for meaningful review.
 - ✓ **BILLS MUST BE SUBMITTED IN CHRONOLOGICAL ORDER.** Forgotten entries from one billing period are not compensable on a bill for a different time period without a court order. An attorney must submit a declaration and order to the Court to be compensated for work performed in an earlier time period. The attorney may not bill for the preparation of the declaration and order.
 - ✓ In-court times should be itemized and the start and end time of the hearing noted. If an attorney appears on more than one case during the course of a particular court calendar the time should be allocated between/among the cases.
 - ✓ The start and end time is only required for court time, not for other tasks.
4. Attorney Expense Worksheet: All requests for reimbursement with the exception of mileage and in-house copying require the attachment of a receipt. Parking expenses will not be reimbursed. Any request for reimbursement of an extraordinary expense will likely require court approval.
- ✓ In-house copying will be reimbursed at same rate as that set by the Superior Court in the Billing Manuals. Attorneys should use the least expensive form of duplication. If delivery of documents can be accomplished by scan and email or CD, attorneys are encouraged to do so as these methods are more cost effective and environmentally sound. Any volume copying should be done commercially to reduce costs to the Court. Reimbursement for non-in-house bulk copying requires submission of a receipt.
 - ✓ Messenger service, when reasonably necessary, will be reimbursed.
 - ✓ Attorneys may not bill for any work not contemplated by the Order of Appointment by the Court.