

PEER/REFERENCE REVIEW PROGRAM AND PROCEDURES
LAWYER REFERRAL AND INFORMATION SERVICE

PURPOSE

On behalf of the Superior Court, Criminal Division and the Unified Family Court, Juvenile Delinquency division, the Lawyer Referral and Information Service (LRIS) administers the Peer/Reference Review Program. Its purpose is to promote and encourage the highest quality legal representation possible to indigent persons charged with crime. In addition to the rigorous panel application experience requirements which new applicants to the panels need to meet, and which every few years current panel members need to reaffirm, a reference checking process under the Peer/Reference Review Program is also conducted to evaluate a new applicant's suitability or a current member's continued suitability, for membership.

CONFIDENTIALITY

All references, communications, information and completed evaluation forms, gathered during the Peer/Review Reference checking process shall be the property of the LRIS and are confidential. A reference's recommendation and evaluation form shall be confidential. The only entities privileged to this information are the LRIS and its Qualifications Subcommittee, and the Superior Court of San Francisco, Criminal Division and the Unified Family Court, Juvenile Delinquency division, which reviews such information when providing final approval of admission to the panel of all new and renewing attorneys.

No provision of this section shall be construed as permitting disclosure to the panel applicant or member of information from which the panel applicant or member may infer the source, and no information shall either be disclosed to the panel applicant or member or be obtained by any process which would jeopardize the confidentiality of communications for persons whose opinions have been sought in the Peer/Reference Review process.

REFERENCE CHECKING PROCEDURES

For each attorney for whom a peer/reference review is conducted, a minimum of four references are selected from the attorney's trial cases as provided on his/her application. The references might include a combination of the district attorney, co-counsel, and public defender, who worked with the attorney on a particular trial or trials. The individuals who are selected as references are asked to complete a detailed evaluation form, an example of which follows.

The LRIS may request from the attorney the names, addresses, and phone numbers of additional persons who are familiar with the attorney's casework.

In the event a negative reference is obtained, the following LRIS Rules may be invoked.

LRIS Rule section 2) D.:

The Bar Association and the Committee have the absolute discretion, right and power to grant or deny any applicant's or panel member's application for membership on any panel, to renew or not renew any panel member's application for renewal of membership on any panel, to limit the participation of any panel member on any panel, or to remove any panel member from any panel. No finding of professional misconduct or other wrongdoing is necessary for or is to be implied from any action by the Service which results in the suspension of referrals or removal from or non-renewal of panel membership.

LRIS Rules section 4) C.:

Any applicant may be refused membership on the Lawyer Referral and Information Service upon failure to meet any one or more of the requirements herein set forth. Any applicant may be refused membership on the Lawyer Referral and Information Service if, upon a recommendation from the Director, the Qualifications Subcommittee finds good cause for the refusal. Any applicant may be refused membership on an experience panel based on an order of, or following a request by, the Court.

If an applicant or panel member has been approved by the LRIS, the attorney's reference evaluations and experience panel application(s) are forwarded to the Court for final approval and admission to the Court-appointment panel.

PROCEDURE FOR DENIAL OF ADMISSION TO THE PANEL BY THE LRIS QUALIFICATIONS SUBCOMMITTEE

In the event that the Qualifications Subcommittee denies an application, the applicant or panel member may resubmit an application after acquiring additional experience from which new references may become available. Alternatively, the applicant or panel member may appeal a decision of the Qualifications Subcommittee within 20 days of notification by letter and ask for a re-review by the Qualifications Subcommittee as provided for under Rule 6. H. of the LRIS Rules:

Any applicant who has been found not to qualify for a particular panel or panels, and who has otherwise complied with these Rules and all requests made hereunder, shall have the right to appeal such finding in writing to the Qualifications Subcommittee by written notice given within twenty (20) days of her/his being notified of her/his failure to qualify.

PROCEDURE FOR DENIAL OF ADMISSION TO THE PANEL BY THE COURT

When the Court denies an applicant or panel member admission to the panel, the applicant or panel member may challenge the judges' decision by providing a written statement to the Director of the LRIS or to the LRIS Qualifications Subcommittee explaining why the applicant or panel member believes he/she is qualified. The

Qualifications Subcommittee will review the applicant or panel member's statement. If the Qualifications Subcommittee agrees that the applicant or panel member has grounds to request reconsideration, the Subcommittee may advocate on behalf of the applicant or panel members to the Superior Court judges. Any statement challenging the judges' decision should include additional information about an applicant or panel member's criminal or juvenile law training and experience and the results of his/her work. The applicant or panel member may add any additional information he/she believes would be helpful to the Qualifications Subcommittee in their reconsideration of his/her suitability for panel membership.

Peer/Reference Review Evaluation Forms for Criminal and Delinquency

CONFIDENTIAL

Lawyer Referral and Information Service
Bar Association of San Francisco
Attention: LRIS Membership Coordinator
301 Battery Street, 3rd Floor
San Francisco, CA 94111

**Please return by mail or facsimile.
Fax to LRIS Membership Coordinator,
(415) 477-2389**

BY: DATE

Evaluation Re: Attorney Application to Criminal Panel

Applicant Attorney named below has applied to the following Subpanels:

- | | |
|--|--|
| <input type="checkbox"/> Misdemeanor | <input type="checkbox"/> Serious Felonies |
| <input type="checkbox"/> Misdemeanor Appeals | <input type="checkbox"/> Homicide |
| <input type="checkbox"/> Regular Felonies | <input type="checkbox"/> Special Circumstances |

Confidential Independent Inquiry and Review

The applicant named above has applied to the Bar Association of San Francisco's Criminal Court Appointment Panel. To assist BASF/LRIS and the Superior Court in evaluating the applicant, please complete and return this confidential evaluation as soon as possible. As noted, you may complete the questionnaire and return by mail, or for your convenience, by facsimile. The Superior Court and BASF/LRIS ask that you complete the form with as much specificity as possible as specific information and/or observations are highly helpful to BASF and the Court in making informed decisions. Your identity and your comments will be disclosed only to the Superior Court and the Qualifications Subcommittee of BASF/LRIS for their consideration of this applicant, but no information will be disclosed to the applicant unless so ordered by a Court of law.

Instructions: Please circle the performance level most applicable for the factor being rated.

HQ – Highly Qualified; **Q** – Qualified; **NI** – Needs Improvement; **NQ** – Not Qualified; **U** – Unknown. You are asked to include as many comments as possible which may be of assistance to the Court and BASF in the evaluation of the applicant attorney.

6. Ability to try a case: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

7. (Criminal) Ability to Select a Jury: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

8. Ability to argue a case (court or jury): **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

B. Effectiveness:

1. Ability to communicate, handle and/or interact with clients:
 HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

2. Ability to communicate, work and/or interact with co-counsel/opposing counsel:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

3. Judgment, common sense: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

C. Professional Reputation

1. Integrity/honesty: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

2. Reliability/work ethic/promptness: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

3. Temperament: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

D. Professional Experience:

Litigation experience (includes complexity of matters handled) sufficient for level noted on application:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

Additional Comments:

Print Name of Evaluator:

Date: _____

Signature: _____

CONFIDENTIAL

Lawyer Referral and Information Service
Bar Association of San Francisco
Attention: Membership Coordinator
301 Battery Street, 3rd Floor
San Francisco, CA 94111

Please return by mail or facsimile.
Fax to LRIS Membership Coordinator,
(415) 477-2389

BY: DATE

Evaluation Re: Attorney Application to Delinquency Panel

Applicant Attorney named below has applied to the following Subpanels:

- Misdemeanor and Regular Felonies
- Serious Felonies
- Non-Murder/Non-Life Felonies under Section 707
- Murder under Section 707

Confidential Independent Inquiry and Review

The applicant named above has applied to the Bar Association of San Francisco's Delinquency Court Appointment Panel. To assist BASF/LRIS and the Superior Court in evaluating the applicant, please complete and return this confidential evaluation as soon as possible. As noted, you may complete the questionnaire and return by mail, or for your convenience, by facsimile. The Superior Court and BASF/LRIS ask that you complete the form with as much specificity as possible as specific information and/or observations are highly helpful to BASF and the Court in making informed decisions. Your identity and your comments will be disclosed only to the Superior Court and the Qualifications Subcommittee of BASF/LRIS for their consideration of this applicant, but no information will be disclosed to the applicant unless so ordered by a Court of law.

Instructions: Please circle the performance level most applicable for the factor being rated.

HQ – Highly Qualified; **Q** – Qualified; **NI** – Needs Improvement; **NQ** – Not Qualified; **U** – Unknown. You are asked to include as many comments as possible which may be of assistance to the Court and BASF in the evaluation of the applicant attorney.

A. Professional Ability:

1. Understanding of the Law: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

2. Research and writing skills: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

3. Ability to develop case theory, statement of issues and analysis:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

Ability to present evidence: **HQ** **Q** **NI** **NQ** **U**

4. My opinion is based on the following observations/information:

5. Ability to cross examine: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

6. Ability to try a case: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

7. Ability to argue a case (court or jury): **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

B. Effectiveness:

1. Ability to communicate, handle and/or interact with clients:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

2. Ability to communicate, work and/or interact with co-counsel/opposing counsel:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

3. Judgment, common sense: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

C. Professional Reputation

1. Integrity/honesty: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

2. Reliability/work ethic/promptness: **HQ Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

3. Temperament: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

D. Professional Experience:

Litigation experience (includes complexity of matters handled) sufficient for level noted on application:

HQ **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

Additional Comments: _____

Print Name of Evaluator: _____

Date: _____ Signature: _____