

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 and Dependency divisions, 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 or facing proceedings in Dependency Court. 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 and Dependency divisions, which review 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. Applicants shall not contact any potential evaluators.

REFERENCE CHECKING PROCEDURES

For each attorney for whom a peer/reference review is conducted, a minimum of four cases are selected from the attorney's list of trials and other matters handled as provided on his/her application. In addition, the Director of the Court Programs may solicit evaluations from those familiar with cases not listed on the application to secure sufficient information. The references might include a combination of the bench officers, district attorney, co-counsel if any, public defender, city attorney or counsel for co-parties who worked with the attorney on a particular trial or other matters. The individuals who are selected as references are asked to complete a detailed and confidential 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. The applicant shall not contact any potential evaluator.

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

Pursuant to Rule 7. B. of the LRIS Rules,

In the event that the Qualifications Subcommittee denies an application based upon information received through the Peer/Reference Review process, the court appointment panel applicant or panel member may appeal the decision of the Qualifications Subcommittee under LRIS Rule 8 – Appealing Decisions of Eligibility.

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.

Revised January 2015

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: _____

Evaluation Re: Attorney Application to Dependency Panel

Applicant Attorney named below has applied to the following Subpanels:

- Parents
- Minors

Confidential Independent Inquiry and Review

The applicant named above has applied to the Bar Association of San Francisco's Dependency 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 through the SUBMIT button and it will be received only by Yvonne Ng, or return by mail, or for your convenience, by facsimile or by e-mail. **The Superior Court and BASF/LRIS ask that you complete the form with as much specificity and include as many examples as possible as specific information and/or observations are highly helpful to BASF and the Court in making informed decisions.** While performance level ranking is helpful, your observations and detailed information is of greater assistance to BASF and the Court. 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. If you have any other additional comments or concerns regarding the applicant and/or evaluation that you do not wish to include on this form, please contact Julie Traun at (415) 782-8942.

Applicant Attorney: _____

Evaluator: _____

Judge: City Attorney: Private Attorney: Other:

Evaluation is based on: Worked with: Opposed: Appeared before me: Other:

Number of years Applicant is known to evaluator: _____

Instructions: Please circle the performance level most applicable for the factor being rated. **HQ** – Highly Qualified; **Q** – Qualified; **IN** – Improvements Needed; **NQ** – Not Qualified; **U/NI** – Unknown/No-Information. 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. Ability to effectively use the law (cite/argue/interpret):

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

2. Research and writing skills (i.e. motions filed reflect current case law, facts of case effectively presented to support argument):

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

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

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

4. Ability to present and oppose evidence effectively, including but not limited to preparing lay and expert witnesses, handling documentary and video evidence:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

5. Ability to cross examine and cross-examine witnesses (lay and expert):

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

6. Ability to try a case, including but not limited to familiarity with the mechanics of trials, scheduling witnesses, evidentiary matters, motions in limine etc.:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

7. Overall ability to present case for the purpose of effectively persuading counsel and court:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

B. Effectiveness:

1. Ability to communicate effectively and manage relationships with clients, their families and providers:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

2. Ability to prepare case and client for resolution of issues at the time of hearing:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

3. Ability to communicate, work and/or interact with counsel for other parties and the court in a professional manner:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

4. Judgment, common sense ability to evaluate strengths and weaknesses of case, explore options for resolution, and develop case strategy appropriate to the facts of the case:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

5. Willingness and ability to zealously pursue legal remedies on behalf of clients as needed to effectuate clients' rights and interests:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

C. Professional Reputation

1. Integrity/honesty:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

2. Reliability/work ethic/promptness:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

3. Temperament:

HQ Q IN NQ U/NI

My opinion is based on the following observations/information:

D. PARENTS' PANEL:

Please provide comments regarding overall effectiveness of applicant for Parents' Panel (See page 1 of this Confidential Evaluation for applicable Panel)

E. MINORS' PANEL:

Please provide comments regarding overall effectiveness of applicant for Minors' Panel (See page 1 of this Confidential Evaluation for applicable Panel)

F. Please provide any additional examples or comments from which your opinion of the applicant is based:

Print Name of Evaluator: _____

Date: _____ Signature: _____