

SAN FRANCISCO SUPERIOR COURT
400 McALLISTER STREET
SAN FRANCISCO, CA 94102

SAN FRANCISCO
SUPERIOR COURT



DEPENDENCY
REPRESENTATION
PROGRAM

COURT-APPOINTED ATTORNEYS
SOCIAL WORKERS & INVESTIGATORS

(REVISED 1-1-15)

**SAN FRANCISCO UNIFIED FAMILY COURT
DEPENDENCY REPRESENTATION PROGRAM
COURT-APPOINTED ATTORNEYS, SOCIAL WORKERS AND INVESTIGATORS
POLICIES AND PROCEDURES MANUAL**

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INTRODUCTION

The San Francisco Superior Court has a duty to ensure that parents facing allegations of abuse or neglect of their minor children, and minor children, who may have been abused or neglected, receive the highest quality representation possible from court-appointed dependency counsel. Since the early 1970s, the Court has collaborated closely with the Bar Association of San Francisco (BASF) to carry out this duty. Through the Dependency Representation Program (DRP) attorneys are appointed by the Court from panels administered by BASF's Lawyer Referral and Information Service (LRIS). The members of these panels must have demonstrated experience with parents, guardians and minors, and are carefully screened by BASF and the Superior Court.

Qualified attorneys are both efficient and knowledgeable, and therefore cost-effective. Each case presents unique factual and legal issues, and clients are best served by attorneys who are compensated for reasonable services rendered. Panel attorneys are paid hourly, albeit at rates significantly less than in privately retained cases. The *quid pro quo* essential for attorneys to accept court-appointed rates is the opportunity to keep skills dynamic and to litigate issues at the forefront of the legal frontier while providing a public service. The involvement of a broad spectrum of private counsel, engaged in multi-county private practice, in turn energizes and enhances the overall quality of practice. The engagement of private practitioners devoted to providing this public service is encouraged and valued by BASF and the Superior Court. Moreover, the Court and BASF are committed to maintaining a diverse Dependency Panel of highly qualified and committed attorneys to work in this challenging area of law.

Since 2007, BASF's Dependency Representation Program (DRP) has provided comprehensive oversight to the administration and billing associated with this program. In addition to making available highly qualified counsel to be present each day in court, DRP also reviews and processes all bills from attorneys, investigators, experts, social workers and ancillary service providers. In so doing, DRP provides sound monitoring of appointed counsel, investigative, social worker and other ancillary costs, assisting the Court in ensuring that bills are reasonable and in compliance with the billing policies and procedures set out in this manual.

This manual outlines the expanded set of billing procedures and protocols established by the Superior Court. The cooperation of court-appointed attorneys is essential to the continued efficient administration of this important program. These billing guidelines may change periodically and it is the responsibility of the attorney to obtain the latest version of this billing manual from BASF, by calling (415) 477-2374 or by visiting the LRIS page of the BASF website, at www.sfbar.org, tab "Lawyer Referral," "Dependency Representation Program."

Questions or suggestions regarding this manual should be addressed to the Dependency Representation Program, at (415) 477-2374 or email: contact-drp@sfbar.org

CHAPTER 1 – APPOINTMENT BY THE COURT

I. ATTORNEY APPOINTMENT – IN GENERAL

A. Every attorney appointed by the court must be a member of The Bar Association of San Francisco (BASF) Lawyer Referral and Information Services (LRIS) Juvenile Dependency Panel. Only in unusual circumstances will good cause be found to appoint non-panel attorneys.

1. Applications and requirements for panel membership on the Parent’s panel or the Minor’s panel can be obtained by visiting www.sfbar.org, and following the link under “Lawyer Referral and Information Service” (LRIS) to “How to Join or Renew” or by contacting the LRIS Membership Coordinator at (415) 782-8951. Panel applications and evaluations of new and renewing panel applicants are reviewed regularly by the Superior Court and the Lawyer Referral and Information Service to ensure that only highly qualified professionals are admitted or renewed for panel membership. Requirements for Panel Membership and the Peer Reference Evaluation process are detailed in the applications, this manual and on the LRIS website.
2. Panel membership may be terminated for failure to (a) comply with the rules set forth within the applications, or the terms of agreement in the BASF/LRIS Attorney Application and Agreement or (b) adhere to the rules set forth in this manual.
3. The Court retains the discretion to admit or remove any attorney from the panel, including removal at any time for failure to represent his or her client in a vigorous, professional and/or ethical fashion.
4. Attorneys are required to become familiar with the procedures and policies of this manual and to understand that this published manual is periodically updated on the BASF/LRIS/Dependency Representation Program (DRP) website or by memorandum from the LRIS and/or the Superior Court. In addition, all court appointed counsel are to use the most recently updated forms/materials available from the DRP website of the LRIS under www.sfbar.org.

B. Calendar Date Appointments

1. Scheduling
 - a. The LRIS schedules a monthly calendar of attorneys who are available to receive appointments on a rotational basis.
 - b. Panel attorneys are contacted by phone and/or email to schedule a calendar date.
2. Responsibilities of attorney on dependency calendar date
 - a. Dependency attorneys must check in with the courtroom clerk or court officer of each department as directed by LRIS and/or the Court.
 - b. Attorneys should notify the court officer where they can be reached.

- c. Failure to check in with the Court in a timely manner may result in the appointment of another attorney.
 - d. Please do not call the courtroom clerks to check whether assignments are available.
3. Responsibilities when counsel is unable to appear on scheduled dependency calendar date:
- a. Panel attorneys are required to appear on their assigned day. If the attorney is unable to keep his or her calendar date, the attorney must call the LRIS *no later than two court days prior to the scheduled date* to cancel their calendar date and reschedule. The LRIS will identify a substitute panel attorney to appear and will report the cancellation and notify the Court regarding the identity of the replacement attorney. *Attorneys may not substitute and/or exchange their assigned calendar date with other counsel*; LRIS is exclusively responsible for the rotation, assignment and all communication with the Court regarding calendar assignment of counsel.
 - b. In the case of an emergency arising *less than* two days in advance of the scheduled calendar date, the scheduled attorney needs to telephone both the LRIS at (415) 477-2374 *and* alert all appropriate Court departments that he/she is unable to appear as scheduled. The scheduled parent's attorney will be replaced by Parents A, B, or C as previously scheduled. The scheduled minor's attorney will be replaced by Minor's A or B as scheduled.
 - c. In the case of an emergency in which *less than* two days' notice of the scheduled calendar date occurs, the calendar date will automatically be forfeited by the originally scheduled calendar attorney.
 - d. As noted, dependency calendar dates are assigned exclusively by LRIS and, once assigned, cannot be transferred to or traded with any other attorney.
 - e. An attorney receiving an appointment from the Court on the attorney's assigned calendar day is required to fax or email a "Calendar Appointment Reporting Form" on the scheduled Dependency calendar date available on the DRP pages of the LRIS website (a current example is attached as EXHIBIT 1) to LRIS within **seven days** from the date the appointment was made. The fax number is (415) 782-8993 or a copy may be emailed to: contact-drp@sfbar.org

C. Non-Calendar Appointments (Bench Appointments)

- 1. Appointments not made on assigned calendar days are "Bench Appointments."
 - a. All bench appointments must be reported by the attorney to LRIS within **seven days** of the appointment by emailing or faxing a "Bench Appointment Reporting Form" available on the DRP

webpages of the LRIS website (an example is attached as EXHIBIT 2).

- i. All bench appointment forms should be faxed to LRIS at (415) 782-8993, emailed to: contact-drp@sfbar.org.
- ii. When counsel is reappointed to a case after counsel has submitted a final bill for services, the case must be reported as a new bench appointment.
- iii. When counsel has been “reassigned” a case by BASF from an attorney who is leaving the Dependency Panel, the case must be reported as a new bench appointment. The procedures for the reassignment of dependency cases when an attorney is leaving the Panel are outlined in section II of this chapter.
- iv. No bill will be processed for payment for a bench appointment in the absence of the timely reporting of the appointment(s).

D. Procedures regarding the submission of attorney bills are summarized in Chapter 4, Section II.

II. PROCEDURES FOR WITHDRAWAL OF ATTORNEY FROM DEPENDENCY PANEL AND DEPENDENCY CASE REASSIGNMENT

- A. The withdrawing attorney must notify – in writing – both the Supervising Judge of the Unified Family Court and the Lawyer Referral and Information Service (LRIS) of the Bar Association of San Francisco that he/she is leaving the Dependency Panel and utilize a form available by contacting LRIS/DRP to prepare a list of all his/her cases, active and inactive which need reassignment to a new attorney. (The Superior Court utilizes the information on this form (EXHIBIT 3)¹ for court records, to make the new assignment and notify all parties.) Therefore complete and accurate information is needed.
- B. The list must include the following information about the cases:
 1. the case number and the case name;
 2. the name and relationship to the child of the party represented;
 3. the names of all other attorneys of record on the case;
 4. the next date that the case is scheduled for Court and the type of hearing.
- C. Once the list of cases has been submitted to the LRIS, LRIS will reassign the cases on a rotational basis to new counsel, avoiding all conflicts. Once new counsel has been identified, the list of cases will be forwarded by LRIS to the Court and the changes will be made on the record and all parties will be so notified.
- D. It is the responsibility of the attorney of record to transmit or deliver the client's case file to the newly appointed attorney. Files may **never** be left with the Clerk of the Court.
- E. In the event the attorney believes that special needs of the client require that a specific attorney be assigned (or some other deviation from the Panel rotation), such information should be noted on the list. The attorney should include an explanation of the need for the special assignment and the Bench Officer will determine whether the special assignment is warranted.

¹ An example of the information needed and the template to be used is attached as EXHIBIT 3. Please utilize this or similar Excel document to include **all** of the required information; as noted this form will be utilized by LRIS/DRP and the Superior Court to assign and document the identity of new counsel for court records. The template in fillable format can be obtained from BASF/DRP by writing to: contact-drp@sfbar.org.

III. INVESTIGATOR APPOINTMENT

- A. Where appointed counsel seeks the appointment of an investigator:
1. Investigators are appointed by the Court upon application of the panel attorney appointed on the case. The application consists of the Authorization for Funds for Appointment of Investigator with Supporting Declaration of Counsel detailing the information set out below.
 2. The appointed attorney must obtain an Authorization for Funds for Appointment of an Investigator with Supporting Declaration of Counsel signed by the judge PRIOR to work performed by the investigator (EXHIBIT 4). Work performed prior to the date of authorization will not be compensated, absent a *nunc pro tunc* order by the Court.
 - a. The Authorization must set forth the name of the investigator, the hourly rate, the amount of funds currently requested, and the TOTAL amount of investigative funds previously authorized for the same case, at any stage of the case.
 - b. The Authorization must be accompanied by a declaration under penalty of perjury, authored and signed by the panel attorney, detailing the following:
 - i. The nature of the case
 - ii. The stage of the case
 - iii. The details of the work already performed (if any)
 - iv. Prior amount(s) previously authorized (if any)
 - v. The details of the work to be performed under the current Authorization order and the number of hours anticipated for the work
 - vi. The hourly rate
 - vii. The name of the investigator
 - c. If travel by the investigator is anticipated, travel costs will be reimbursed only if authorized in advance by Court Order, supported by a detailed declaration and in compliance with the “San Francisco Superior Court Travel Rate Guidelines” available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15). Any variance from the San Francisco Superior Court Travel Rate must be fully explained and specifically authorized as an exception by the court and clearly set forth on the Authorization and Declaration.
 - d. The Authorization sets the maximum amount to be paid for investigation on the case.
 - e. If it appears that the cost of work performed by the investigator will exceed the limit of the original Authorization, the attorney must seek a supplemental Authorization before further investigation can proceed, detailing the additional services needed and supplying the details required above.
 - f. Generally, all Authorizations for investigative services should be signed by the judge before whom the matter is pending.

3. Investigators must hold a current, valid California Private Investigator's license or be employed and/or supervised by a licensed investigator.
 4. The attorney will "lodge" a copy of the signed Authorization and supporting Declaration with the clerk in Room 402. The panel attorney will keep the original signed Authorization order for later approval (by the attorney) and submission to DRP with the provider's invoice and a copy of the Declaration. If the attorney believes that the Declaration should be sealed, it will be dealt with on a case-by-case basis.
 5. A copy of the Authorization and a copy of the Declaration must be provided to the investigator before work commences.
 6. Investigators should not commence work until they have received a copy of the Declaration and Authorization to do so.
 7. The hourly rate for investigators is set by the Court and is available for reference in the "Schedule of Hourly Rates of Compensation, Mileage Reimbursement Rate and Copy Cost Rate" (EXHIBIT 14).
 8. Requests for Private Investigator services should be addressed on an *ex-parte* basis with the bench officer before whom the case is pending. Notice need not be given to the other parties or attorneys.
 9. Counsel is responsible for communicating with the investigator to ensure that services provided comply with the specific terms of the Court's Authorization and do not exceed the amount or the scope of work authorized. Claims exceeding the amount or scope of work authorized by the judge or at an hourly rate different from that set out in the court's schedule or Authorization or attorney's declaration will not be compensated.
 10. It is the responsibility of the attorney to communicate with the investigator to ensure that the investigator is familiar with the billing guidelines applicable to investigators. Panel attorneys in dependency proceedings must advise any investigator that a 2% processing fee for LRIS/DRP will be assessed on all investigator bills. (Notice that this fee will be deducted by the Court is also included on the Authorization for Funds for Appointment of Investigator with Supporting Declaration of Counsel form (EXHIBIT 4)).
- B. Cases involving Fees totaling \$150.00 or less:
1. In cases where it is anticipated by counsel that costs for the ENTIRE investigation will not exceed \$150, the Court has authorized the attorney to authorize appointment and payment of an investigator up to \$150.00. The same Authorization form is used for this purpose. (Up-to-date forms are available on the DRP web pages of the LRIS website and a current example is attached as EXHIBIT 4.)
 2. In the extraordinary case where additional court-ordered investigation becomes necessary beyond the \$150.00 anticipated for the entirety of the investigative costs, counsel must include an explanation in the supporting Declaration and on the face of the Authorization that the attorney previously authorized \$150.00 in services.

- a. If additional funds are needed, counsel must prepare a declaration under penalty of perjury, authored and signed by the panel attorney, setting forth:
 - i. The nature of the case
 - ii. The stage of the proceedings
 - iii. The details of the work already performed
 - iv. Prior amount(s) previously authorized
 - v. The details of the work to be performed under the current order and the number of hours anticipated for the work
 - vi. The hourly rate
 - vii. The name of the investigator
 - viii. The amount of the funds requested
- C. The investigator is responsible for the preparation of his/her bill and for submitting it to the attorney with appropriate worksheets upon completion of his or her work.
- D. The attorney must review the bill to make sure it is complete, accurate and that all work was directed by counsel as contemplated by the scope of work authorized by the Court and attach a copy of the Declaration and the original signed Authorization.
- E. If not complete, the bill may be returned by the DRP administrator.
- F. Investigator bills should be submitted to:

BASF
Dependency Representation Program
301 Battery Street, 3rd Floor
San Francisco, CA 94111
- G. Procedures regarding the submission of bills for investigative work are summarized in Chapter 4, Section III.

IV. EXPERT WITNESS APPOINTMENT

- A. Securing the appointment of an expert witness
1. Experts are appointed by the Court upon application of the panel attorney appointed on the case.
 2. The appointed attorney must obtain a signed Authorization for Funds for Appointment of Expert (Exhibit 4)² by submitting a detailed Declaration of Counsel as set out below. Work commenced PRIOR to issuance of the Court's Authorization will not be compensated.
 - a. The Authorization must set forth the amount of funds currently requested, the hourly rate of pay,³ as well as the TOTAL amount of funds previously authorized for any and all expert services in the same case, if applicable.⁴
 - b. The Authorization must be accompanied by a Declaration under penalty of perjury, authored and signed by appointed counsel detailing the following:
 - i. The nature of the case
 - ii. The stage of the proceedings
 - iii. The details of the work already performed (if any)
 - iv. Prior amount(s) previously authorized (if any)
 - v. The details of the work to be performed under the current Authorization order and the number of hours anticipated for the work
 - vi. The hourly rate – If the expert charges different hourly rates for different services (i.e. reviewing records, travel time, in-court testimony), these rates must be detailed in the declaration or a fee schedule must be attached to the application for funds. The hourly rate and/or fee *may not exceed the fee schedule established and periodically updated by the Superior Court* (Exhibit 9). Only extraordinary circumstances, well documented by the applicant attorney justify a departure from the rates/schedule of the Superior Court
 - vii. The name of the expert
 - viii. The amount of the funds requested
 - ix. The particular expertise of the expert and a copy of the expert's CV must be attached.
 - x. If travel by the expert is anticipated, travel costs will be reimbursed only if authorized in advance by Court Order,

²The most current form is available on the DRP pages of the LRIS at www.sfbar.org.

³For the Court to approve different rates of pay for separate tasks (i.e. review of documents vs. rate for testimony), this information must be clearly set forth on the face of the Authorization and supporting Declaration.

⁴The Authorization form requests the amounts previously authorized, not the amounts previously paid. If relevant to the application, counsel may include in the body of the declaration, that the amounts actually paid were less than the amounts authorized.

supported by a detailed declaration and in compliance with the “San Francisco Superior Court Travel Rate Guidelines” available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15). Any variance from the San Francisco Superior Court Travel Rate must be fully explained and specifically authorized as an exception by the court and clearly set forth on the Authorization and Declaration.

- c. If it appears that the cost of work performed by the expert will exceed the limit of the original Authorization, the attorney must seek a supplemental Authorization supported by an additional Declaration of counsel so that further work can proceed; the Authorization must be signed prior to commencement of further work.
 - d. Generally, the judge before whom the matter is pending should sign all Authorizations for expert services.
 - e. The attorney will “lodge” a copy of the signed Authorization and Declaration with the clerk in Room 402. The panel attorney will keep the original, signed Authorization order for later approval (by the attorney) and submission to the DRP with the provider’s invoice and a copy of the Declaration. A copy of the Authorization and a copy of the Declaration must be provided to the expert.
 - f. Experts should not begin work until they have received a copy of the Authorization.
3. Requests for expert witness services should be addressed on an *ex-parte* basis with the bench officer. Notice need not be given to the other parties or attorneys.
 4. Counsel is responsible for communicating with the expert to ensure that services provided comply with the specific terms of the court Authorization and do not exceed the amount authorized. Claims exceeding the amount authorized by the Superior Court or at an hourly rate different from that set out in the Authorization and counsel’s Declaration will not be compensated. Panel attorneys in dependency proceedings must advise any expert that a 2% processing fee for LRIS/DRP will be assessed against the expert’s bill. Notice that this fee will be deducted by the Court is also contained on the Authorization for Funds for Appointment of Expert with Supporting Declaration of Counsel form (EXHIBIT 4).
 5. Set fees have been established by the Unified Family Court for Psychiatrists and Psychologists (EXHIBIT 9). Any changes in the fees and rates will be posted on the DRP pages of the LRIS website.
 - a. A psychiatrist or psychologist must be compensated at no more than the Superior Court’s Fee Schedule for Psychiatrists and Psychologists, unless a showing is well demonstrated in a supporting Declaration, and prior written Authorization is obtained

from the Court that a provider with a specific expertise is required and that the Court is departing from its approved schedule.

- B. Cases involving Fees totaling \$150.00 or less
1. In cases in which it is anticipated by counsel that costs for the ENTIRE expert's involvement will not exceed \$150, the Court has authorized the attorney to authorize appointment and payment of an expert up to \$150.00. The same Authorization form (EXHIBIT 4) is used for this purpose.
 2. In the extraordinary case in which additional court-ordered work becomes necessary, counsel must include an explanation in the supporting Declaration and on the face of the Authorization that the attorney had previously authorized \$150.00 in services.
 - a. If additional funds are needed, counsel must prepare a declaration under penalty of perjury setting forth:
 - i. The nature of the case
 - ii. The stage of the proceedings
 - iii. The details of the work already performed (if any)
 - iv. Prior amount(s) previously authorized (if any)
 - v. The details of the work to be performed under the current Authorization order and the number of hours anticipated for the work
 - vi. The hourly rate – If the expert charges different hourly rates for different services (i.e. reviewing records, travel time, in-court testimony), these rates must be detailed in the Declaration or a fee schedule must be attached to the application for funds. The hourly rate and/or fee *may not exceed the fee schedule established and periodically updated by the Superior Court* (Exhibit 15). Only extraordinary circumstances, well documented by the applicant attorney justify a departure from the rates/schedule of the Superior Court
 - vii. The name of the expert
 - viii. The amount of the funds requested
 - ix. The particular expertise of the expert and a copy of the expert's CV must be attached.
 - x. If travel by the expert is anticipated, travel costs will be reimbursed only if authorized in advance by Court Order, supported by a detailed declaration and in compliance with the "San Francisco Superior Court Travel Rate Guidelines" available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15). Any variance from the San Francisco Superior Court Travel Rate must be fully explained and specifically authorized as an exception by the court and clearly set forth on the Authorization and Declaration.
 3. The attorney must review the bill to make sure it is complete, accurate and that all work was directed by counsel as contemplated by the scope of

work authorized and attach a copy of the Declaration and the original signed Authorization.

4. If not complete, the bill may be returned by the DRP administrator.
5. Expert bills should be submitted to:

BASF

Dependency Representation Program

301 Battery Street, 3rd Floor

San Francisco, CA 94111

- C. Procedures regarding the submission of bills for experts work are summarized in Chapter 4, Section III.

V. SOCIAL WORKER APPOINTMENT

- A. Requests for social worker services should be addressed on an *ex parte* basis with the bench officer. Notice need not be given to the other parties or attorneys.
- B. Social workers must meet the qualifications listed in Section C. 2. b. x. a. and b. below.
- C. Social workers are appointed by the Court upon the application of the panel attorney appointed to the case.
1. The application consists of the Authorization for Funds for the Appointment of a Social Worker (EXHIBIT 3) with a detailed Supporting Declaration of Counsel.⁵
 2. The hourly rate for Social Workers is set by the Court and is available for reference in the “Schedule of Hourly Rates of Compensation, Mileage Reimbursement Rate and Copy Cost Rate” (EXHIBIT 14).
 - a. The Authorization must set forth the name of the social worker, the hourly rate, the amount of funds currently requested, as well as the TOTAL amount of social worker funds previously authorized for the same case, at any stage of the case, if applicable. It is the responsibility of the attorney to advise the social worker that the Superior Court will assess a 2% administrative processing fee (now included in all up-to-date Authorization forms available on the Dependency Program’s webpages of the LRIS website).
 - b. The Authorization must be accompanied by a detailed Declaration under penalty of perjury, authored and signed by the panel attorney, detailing the following:
 - i. Case name, petition number, client represented.
 - ii. The nature and stage of the case/proceedings
 - iii. The details of work already performed (if any)
 - iv. Prior amounts authorized (if any)
 - v. The details of the tasks to be performed by the social worker and the reasons a social worker is needed.
 - vi. The name of the requested social worker and the number of hours of social worker service required.
 - vii. A proposed Authorization for Funds that sets forth the name of the social worker, hourly rate and the maximum amount authorized
 - viii. The hourly rate – as set by the schedule of the Superior Court
 - ix. The curriculum vitae of the social worker, unless it is already on file with the Court
 - x. Minimum qualifications required of social workers:
 - a. A Master’s degree in social work, counseling, psychology, or comparable experience.

⁵The Authorization form requests the amounts previously authorized, not the amounts previously paid. If relevant to the application, counsel may include in the body of the declaration, that the amounts actually paid were less than the amounts authorized.

- b. A minimum of two years of experience in working with families in the juvenile dependency system either as a case manager or in direct services.
- c. General criteria for appointment of a social worker:
 - i. The client has special mental health needs, not necessitating a guardian ad litem, and a social worker could facilitate attorney communications and client cooperation.
 - ii. The client has a history that indicates the current problems may be such that early support could facilitate reunification.
 - iii. The case involves sexual abuse or domestic violence and the client needs greater intervention to understand the needs of the child and develop an ability to protect the child.
 - iv. The client is unusually oppositional.
 - v. The client can be seen by the social worker instead of the attorney, thereby assuring quality visits with the client but at a reduced cost of attorney visits.
 - vi. Court-appointed social workers will not be appointed for the purpose of supervising visitation, becoming expert witnesses, investigators, or replacing the case management function of the child welfare worker. Further, social workers will not be appointed for the purpose of preparing written reports for submission to the court. Social workers appointed to assist counsel may not be called to testify by *other* parties; the work of the social worker is the work-product of the attorney.
 - vii. Social workers are appointed for assistance to the attorney, thereby decreasing the amount of time the attorney will need to spend on the case. In the event that the Authorization of social workers results in increased attorney billings, the Court will discontinue the appointment of social workers. The appointed attorney must obtain a signed Authorization for Funds for the Appointment of a Social Worker PRIOR to work performed by the social worker. An up-to-date Authorization form is available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 4).

D. Supplemental Authorizations

1. If it appears that the cost of the work performed by the social worker will exceed the limit of the original Authorization, the attorney must seek a supplemental Authorization before further social worker services can begin.

E. Procedures for original/copies of Authorizations and Declarations

1. The original Declaration for an initial or a supplemental Authorization of funds for social work must be presented to the bench officer along

with the completed Authorization for review and signature. The attorney will “lodge” a copy of the signed Authorization and Declaration with the clerk. The panel attorney will keep the original Authorization for later approval (by the attorney) and submission to BASF with the provider’s detailed invoice and a copy of the Declaration.

3. A copy of the Authorization and a copy of the Declaration must be provided to the social worker.
4. Social Workers should not commence work until the Court’s Authorization has been signed, granting permission to do so.

F. Cases involving Fees totaling \$150.00 or less

1. In cases in which it is anticipated by counsel that costs for all social worker services will not exceed \$150, the Court has authorized the attorney to authorize appointment and payment of a social worker up to \$150.00. The same Authorization form is used for attorney-authorized services of \$150.00 or less and is available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 4).
2. If additional court-ordered social worker services become necessary, and the additional need could not have been foreseen, counsel must include an explanation in the supporting declaration and on the face of the order which provides notice to the court that the attorney had previously authorized \$150.00 in services. Attorneys are to use the attorney-authorization forms only when it is anticipated that *all* services will not exceed \$150.00.
 - a. If additional funds are needed, counsel prepares a Declaration under penalty of perjury, authored and signed by the panel attorney, setting forth:
 - i. Case name, petition number, client represented.
 - ii. The nature and stage of the case/proceedings
 - iii. The details of work already performed (if any)
 - iv. Prior amounts authorized (if any)
 - v. The details of the tasks to be performed by the social worker and the reasons a social worker is needed.
 - vi. The name of the requested social worker and the number of hours of social worker service required.
 - vii. A proposed Authorization for Funds that sets forth the name of the social worker, hourly rate and the maximum amount authorized
 - viii. The hourly rate – as set by the schedule of the Superior Court
 - ix. The curriculum vitae of the social worker, unless it is already on file with the Court. As noted above, Social workers must meet the qualifications listed in Section C. 2.
 - b. x. a. and b. above.

- F. The social worker is responsible for the preparation of his/her detailed bill and for submitting it to the attorney with appropriate worksheets upon completion of his or her work.

G. The attorney must review the bill to make sure it is complete, accurate and that all work was directed by counsel as contemplated by the scope of work authorized and attach a copy of the Declaration and the original of the Order.

1. If not complete or in compliance with these procedures, the bill may be returned by the DRP administrator.
2. Social worker bills should be submitted to:

BASF
Dependency Representation Program
301 Battery Street, 3rd Floor
San Francisco, CA 94111

VI. ANCILLARY SERVICE PROVIDERS APPOINTMENT

- A. Securing the appointment of ancillary services providers:
1. Ancillary services include but are not limited to those services provided by interpreters, translators, transcribers, paralegals, law clerks, associated counsel for immigration, education and IEP (Individual Education Plan) matters.
 2. Attorneys must obtain PRIOR written authorization from the Court for any ancillary services needed in a particular case. A detailed Declaration outlining the need, tasks, total funds (including hourly rate of payment) for the ancillary service needed must accompany the Authorization for funds. Attorneys may modify the form for Authorization for Funds Appointment of Investigators, Social Worker or Expert (Exhibit 4) available on the DRP web pages of the LRIS website (except for Interpreters for which a separate form is available) by checking the “Expert” box and indicating the provider’s field of expertise.
 3. All procedures outlined in the section on Expert Witness Appointment (Chapter 1, Section IV) apply.
 4. Attorneys must advise all ancillary service providers that 2% of the bill shall be deducted by the court for LRIS/DRP administrative fees.
 5. In the event that an ancillary service provider would be used by multiple parties for the same assignment, e.g. transcription of a tape recorded event, the attorney should seek to coordinate with the other parties so that the cost of such a service is incurred only once.
 - a. Transcribers - Provide transcription of recorded statements in the event that such transcription cannot be produced by the clerical staff in the attorney’s office. (Short transcriptions are considered overhead and not billable.)
 - b. Paralegals – Use of these support services is encouraged whenever an overall cost savings can be achieved. Appointed counsel is expected to utilize paralegals⁶ to minimize costs where appointed counsel’s expertise is not required. (Appointed counsel is not permitted to earn a profit from the use of support staff.) Paralegals are specially trained/skilled and may perform legal research and/or case-preparation services which are distinct from routine clerical or administrative services which are not compensable. Attach a CV to your Declaration for the paralegal.
 - i. Compensation for paralegal assistance is set by the Superior Court (see EXHIBIT 14 for rate of pay). The hourly rate and/or fee may not exceed the fee schedule established and periodically updated by the Superior Court. Only extraordinary circumstances, well documented by the applicant attorney, justify a departure from the rates/schedule of the Superior Court.

⁶“Paralegals” includes “lawyers.” Lawyers interested in Dependency Law may be appointed as paralegals when authorized by the Court.

- ii. A resume or curriculum vitae should accompany a request for appointment of a paralegal.
 - iii. The declaration in support of paralegal services must include specific duties to be performed pertinent to that particular case.
 - iv. Attendance at court hearings will not be compensated absent a specific request for such assistance and a demonstrated reason for paralegal assistance in court is shown. The Superior Court generally views the attendance at court sessions for law students and newly admitted lawyers as a learning opportunity, not compensable time.
 - v. Generally, meetings between the attorney assigned to the case and the paralegal cannot be billed by both.
- c. Translators are distinguished from interpreters as persons who provide counsel with written translation of written or recorded materials.
- d. Use of Interpreters:
- i. Attorneys must obtain an “Order for Interpreters” available on the DRP web pages of the LRIS website, a current example is attached as (EXHIBIT 12). When an interpreter is required to communicate with a parent/minor, no declaration is necessary. However, when an interpreter is required to communicate with a witness, a Declaration must accompany the Order for Interpreter Services (EXHIBIT 13).
 - ii. The Court employs Spanish and Chinese speaking interpreters. Counsel should contact the Interpreter Services Coordinator for the Unified Family Court, by reporting to Room 402, complete an Interpreter Request form or telephone (415) 551-3900 to utilize interpreter employees of the court at no additional cost for interpretation needs that occur between 8:30 AM and 4:30 PM, assuming interpreter availability.
 - iii. For interpretation needs outside of the in-court hours, contact the Head of Interpreter Services at (415) 551-0654 who can provide the names and contact information for interpreters who work after hours.
 - iv. The attorney will lodge” a copy of the signed order and declaration with the clerk. The panel attorney will keep the original order for later approval (by the attorney) and submission to BASF/DRP with the provider’s invoice and a copy of the declaration.

- B. The ancillary service provider is responsible for the preparation of his/her bill and for submitting it to the attorney with appropriate worksheets upon completion of his or her work.
1. The attorney must review the bill to make sure it is complete, accurate and that all work was directed by counsel as contemplated by the scope of work authorized and attach a copy of the Declaration and the original signed Authorization.
 2. If not complete, or in compliance with these procedures, the bill may be returned to the attorney by the DRP administrator.
 3. Ancillary service provider bills should be submitted to:
BASF
Dependency Representation Program
301 Battery Street, 3rd Floor
San Francisco, CA 94111
- C. Procedures regarding the submission of bills for ancillary service providers are summarized in Chapter 4, Section III.

CHAPTER 2 – REPORTING OF APPOINTMENTS

I. PROCEDURES

- A. Dependency cases are reported on one of two reporting forms: one for Calendar appointments (EXHIBIT 1) and one for Bench appointments (EXHIBIT 2). Attorneys are reminded to always utilize the most up-to-date forms available on the DRP web pages of the LRIS website.
1. No other form may be used or submitted and all fields of information must be completed on the forms.
 2. Calendar appointment forms must be returned whether or not an appointment was received.
 3. All forms are due within **seven days** from the date of appointment by email to contact-drp@sfbar.org
 4. Attorneys will not be eligible for future calendar dates until the reporting form is received.
 5. Bills submitted for appointed work will NOT be processed for payment if the reporting form has not been received.
 6. It is critical that all requested information be supplied to track necessary statistical information (i.e. Case name [Minor], Dept., Case Number, Client type [minor, parent etc.], Client name [if other than minor] etc.)

CHAPTER 3 – POLICIES FOR COURT APPEARANCES BY COUNSEL

I. SUBSTANTIVE APPEARANCES

- A. These include, but are not limited to, motion hearings, settlement conferences, contested hearings, and dispositional hearings.
- B. Appearances must be made by the assigned attorney on all substantive matters, unless it is impossible for the attorney to appear because of a clear and immediate calendaring conflict.
 - 1. In those instances, substitute counsel may appear provided the substitute is a member of the Juvenile Dependency Panel and proper notice has been provided to the court and all counsel.
 - 2. Failure of appointed counsel to appear at a substantive hearing, without prior notice, or without providing a substitute panel member, even in cases of good cause, may result in denial of compensation, assignment of a new attorney to the case and/or refusal to appoint the attorney in future cases.
 - 3. Attorneys are encouraged to make brief appearances for colleagues as a professional courtesy. However in the unusual circumstance where compensation is sought, substitute counsel should submit a separate bill to DRP in accordance with established billing procedures.

CHAPTER 4 – BILLING POLICIES AND PROCEDURES

- I. GENERAL PROCEDURES REGARDING ALL REQUESTS FOR COMPENSATION:
- A. To inquire about billing policies and procedures or for questions regarding the status of a bill submitted, contact Dependency Representation Program (DRP) @ (415) 477-2374, or send an email to contact-drp@sfbar.org.
 - B. It is the role of the Dependency Representation Program to supervise and review the billing process to insure that all requests for compensation are reasonable, appropriately detailed, documented and in compliance with San Francisco Superior Court's policies and procedures.
 - C. Minor computational errors and duplicate compensation requests discovered by DRP staff will be corrected at DRP staff discretion.
 - 1. More serious errors will result in compensation requests being returned to attorneys and/or investigators, experts and ancillary service providers.
 - 2. Any attorney's bill may be returned for completion if any of the following items are missing:
 - a. Case name and number
 - b. Previous total billings to the Court
 - c. Attorney's signature on signature page of bill
 - d. Age(s) of minor(s) including date of birth
 - e. Stage of proceeding
 - f. Names of attorneys for other parties
 - g. Phase and Task Codes
 - h. Sufficient detail to permit meaningful review
 - D. If the request for compensation warrants discussion by DRP administrators, contact with the attorney, investigator, expert, or ancillary service provider will be made in an effort to resolve any questions or discrepancies.
 - 1. If an issue presented by a request for compensation for attorney's services cannot be resolved by DRP and the attorney, the request for compensation is then forwarded to the appropriate Fee Audit Committee for review and recommendation to the Court (see Chapter 6 for Fee Audit Procedures). Alternatively, DRP may forward the request for Compensation to the Supervising Judge of the Unified Family Court, or the judge who heard the matter for review and determination of the appropriate compensation.
 - 2. Only the Court has the authority to unilaterally disapprove or reduce a request for compensation.
 - E. Once a bill has been reviewed and processed, an electronic payment voucher is sent by DRP to the Court administrative staff. This is then forwarded to the Judicial Council which then prepares and mails the checks, or directly deposits payments to vendors, as directed by the vendor.
 - F. The use of experts, investigators, social workers, paralegals, law clerks, and other ancillary service providers must be approved in writing by the bench

officer in advance and all bills by all of these providers shall be processed by the Dependency Representation Program.

G. Where and How to Submit Requests for Payment

1. Mail a signed and dated original to:

**BASF
Dependency Representation Program
301 Battery Street, 3rd Floor
San Francisco, CA 94111**

2. Retain a copy for your files.

3. No handwritten requests for compensation will be processed. Any request for compensation submitted with handwritten entries will be returned, resulting in a delay of payment.

4. The San Francisco Controller's Office requires newly appointed court professionals ("vendors") to complete a Payee Data Record (in lieu of W-9) form and submit it to:

**San Francisco Superior Court
Attention: Senior Fiscal Technician
400 McAllister Street, #205
San Francisco, CA 94102**

The form and instructions from the Controller regarding the preparation and submission of the form are available on the DRP web pages on the LRIS website at www.sfbar.org.

a. To expedite this process, the vendor may send the information as directed on the Instruction via fax and then mail the Payee Data Record with the original signature to the Court address listed above.

b. The vendor will receive payment for services and a 1099 form in the exact name and address entered on the Payee Data Record form.

II. PREPARATION AND PROCESSING OF ATTORNEY COMPENSATION REQUESTS

Attorneys must keep track of both in-court time and out-of-court preparation time and are expected to use reasonable judgment in deciding what to request compensation for.

A. Attorneys shall request compensation from the Court as follows:

1. Out-of-Court Time:

a. Attorney preparation time should be summarized to the nearest (.05), tenth (.10), quarter (.25 or .75), or half (.50) hour on each date in the column for total time.

i. Not every small task, however, equals a tenth of an hour. Attorneys are expected to combine small tasks until, in combination, the tasks reach the nearest (.05) or tenth (.10).

b. **BLOCK BILLING IS NOT PERMITTED**

i. Discrete individual tasks must be delineated by task code. However, tasks utilizing the *same code* on the same day *should*

- be combined* to the nearest .05, .10 (tenth) etc., noting unique details for each task so combined. Sufficient details following the code must be provided to allow for meaningful review.
- ii. In the explanation of task section of the bill, each task must be described separately using the appropriate Phase and Task Codes (EXHIBIT 10).
 - iii. The number of pages reviewed during the relevant time period must be noted. Therefore, please make separate entries for review of separate documents.⁷
 - iv. When reviewing CDs, DVDs, audiotapes, or documents, indicate the length and/or the complexity of the recording or document and/or complexity of the review process. Please identify the CD, DVD, audiotape, or document in a way such that it is clear to the DRP staff what specifically has been reviewed.
- c. BILLING ENTRIES MUST BE SUBMITTED IN CHRONOLOGICAL ORDER BY DATE. FORGOTTEN ENTRIES FROM ONE BILLING PERIOD ARE NOT COMPENSABLE ON A BILL FOR A DIFFERENT TIME PERIOD WITHOUT A COURT ORDER.
- i. An attorney must submit a declaration and order *nunc pro tunc* 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.
 - ii. In the event that an attorney needs to submit a bill late from a previous billing period, a Court Order, supported by a good cause declaration explaining why the bill was not submitted timely needs to be prepared. The attorney must attach the proposed late bill to the declaration and submit a proposed order allowing the attorney to submit a late bill to BASF/DRP for payment. The Court may or may not reduce the late bill. The attorney may not bill for time needed to prepare the declaration, order or billing.
- d. Appointed counsel is expected to request compensation only for work originally prepared for the case. Counsel shall not claim hours for previously prepared documents ‘recycled’ from earlier proceedings in the present case or other cases.
- e. Appointed counsel is expected to be experienced and efficient. Attorneys unfamiliar with standard practice procedures/areas of law known to attorneys of comparable experience may not bill for time to become familiar with the procedures/areas of law as billing to learn these procedures is unreasonable.

⁷ Do not, for example, note two hours spent on legal research and the review of 30 pages of documents, as the DRP administrators will be unable to separate the time spent on research versus the time spent on the review of the documents. Time spent on each individual task should be noted.

- f. Appointed counsel is expected to seek appointment of ancillary service providers whenever overall cost savings can be achieved. (See Chapter 1, Section VI) Ancillary service providers must be case specific and will *never* be compensated for providing general office support.
2. **Reimbursable Costs/Expenses incurred out-of-court:**
- a. Receipts are required for all reimbursable expenses, except mileage and tolls. Receipts and a court order with accompanying declaration are required for extraordinary expenses consistent with the policies and procedures of this manual.
 - b. In-house copying (see EXHIBIT 14 for approved rate per page). Attorneys are required to use the least expensive form of duplication. If delivery of documents can be accomplished electronically or on a CD, attorneys are encouraged to use these methods which are more cost-effective and environmentally sound.
 - c. Volume copying should be done commercially to reduce costs to the Court.
 - d. Messenger service when reasonably necessary and cost efficient.
 - e. For time spent traveling to visit a **minor client** up to four (4) times per year (quarterly) in the following counties: **Alameda, Contra Costa, Marin, Napa, Sacramento, San Francisco, Santa Clara, San Mateo, Solano, and Sonoma**. Additional visits may occur only with the prior written authorization of the Court.⁸
 - f. Travel time beyond the above-listed counties to **visit a minor client** is allowed **only** with the prior written authorization of the Court.
 - g. Mileage is reimbursable at the rate set by the court which is subject to change annually and is posted on the BASF website. Records of mileage travelled must be submitted, including date, distance and destination. Please attach a MapQuest printout or similar trip planner to substantiate mileage traveled
 - i. Mileage between the attorney's office(s) and the Court, and parking, will not be reimbursed.
 - ii. Mileage within San Francisco may not be billed to the Court.
 - h. Any visits to an **adult client** will be reimbursed only if pre-authorized by a specific court order supported by a declaration. Visits to clients who are incarcerated, hospitalized, institutionalized or placed (e.g. residential drug rehabilitation facility) **in San Francisco County facilities, including San Bruno jail, do not require prior authorization from the Court**.
 - i. Parking expenses will not be reimbursed.
 - j. Travel time and expenses beyond the counties of San Francisco, Alameda, Contra Costa, Marin, Napa, Sacramento, Santa Clara,

⁸ As noted under Social Workers, social workers may visit the minor in lieu of the attorney when it is appropriate to do so and a cost savings to the Court

San Mateo, Solano, and Sonoma will be compensated only when authorized in advance of travel by a specific court order and compensation for lodging and/or meals shall not exceed the rates established by the “San Francisco Superior Court Travel Rate Guidelines” available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15).

- i. The Declaration should specify the mode of travel and expenses anticipated i.e. the cost of the trip should be apparent to the court at the time travel is authorized.
- ii. Advance arrangements should be made for all travel to insure the lowest rates for air travel, car rental, lodging etc. and shall not exceed the rates of the “San Francisco Superior Court Travel Rate Guidelines” (Exhibit 15) absent express permission of the Court.
- iii. There will be no reimbursement for meals unless the travel involved an overnight stay, consistent with the “San Francisco Superior Court Travel Rate Guidelines” referenced above.
- iv. There will be no reimbursement for alcoholic beverages, room service or any other lodging amenities.

3. Attorneys are appointed to represent children, parents, *defacto* parents and guardians in dependency proceedings only.

- a. Attorneys shall not bill the Court for representation and/or participation in ancillary proceedings, such as immigration proceedings, Juvenile Delinquency hearings (other than W&I 241.1 proceedings), IEP meetings, expulsion hearings, child support hearings, truancy court or any other administrative proceeding, without PRIOR specific written authorization from the Court specifying the scope of the ancillary service authorized by the order of authorization. Moreover, the authorization must be supported by counsel’s Declaration, detailing the reasons for and scope of ancillary services.
- b. Attorneys representing a minor client in an ancillary proceeding, with an order authorizing such representation from the Court, must attach this order to every request for compensation that includes entries for ancillary work.
- c. Regarding Special Immigrant Juvenile Status (SIJS) petitions, the Court allows for a minor’s attorney to prepare such petitions but only with prior Court authorization. The attorney must be knowledgeable about the preparation of such petitions. For preparation of SIJS petitions, the Court may grant an authorization for up to five hours of compensation at the dependency representation hourly rate, not to exceed an aggregate amount of \$500.00 without further showing of extraordinary circumstances well documented by the applicant attorney.

4. In-Court Time

- a. If an appointed attorney is making an appearance on more than one case on the same day, claims for time spent in court must be fairly allocated and billed at the correct rate among the cases.
- b. Attorneys may not request compensation more than once for the same time in court, even if they are appearing on two or more entirely separate cases.
- c. If an attorney is unable to appear on an appointed case due to a calendaring conflict, and unusual circumstances as described in paragraph 3 on page 21 are satisfied, the substitute counsel may submit a request for compensation billing form to the DRP directly (Attorneys of record are not permitted to bill for the work of others).

B. Attorneys shall not request compensation from the Court for the following:

1. Calendar day appearances when no cases are assigned. Do not call the courtroom clerks to check whether there are assignments.
2. Time spent assisting client in proceedings pending in other counties, or any other proceeding not specifically authorized by the Court's appointment.
3. Non-attorney tasks, including clerical and/or administrative work.
 - a. Attorneys who perform their own word processing, prepare proofs of service, fax, file, or prepare bills to the Court, may not request compensation for these services as they are considered overhead costs which are the financial responsibility of the attorney.
 - b. Filing and service of motions will generally not be compensated as appointed counsel is expected to engage in an active dependency practice. Such a practice creates a nexus with the Courthouse and enables counsel to file and serve motions when they are at the Courthouse on other matters. Similarly the Court does not expect counsel to charge for picking up orders or documents at the courthouse. Only in extraordinary circumstances will messengers and/or attorney time incurred for these services be compensable.
4. Time spent in review of requests for compensation of experts, investigators, social workers and providers of ancillary services will not be compensated.
5. Preparation of notice of appointment forms and payment vouchers shall not be compensated.
6. **Non-reimbursable Costs/Expenses:**
 - a. Parking
 - b. Telephone charges – collect or otherwise. (Cost of collect calls from clients who are incarcerated or institutionalized are allowed.)
 - c. Fax charges
 - d. Routine postage

- e. Office supplies, including but not limited to audiotapes, videotapes, DVDs, and CDs, binders, thumb drives, hard drives, paper, computer supplies, etc.
 - f. Mileage within San Francisco
 - g. Costs for computerized research
 - h. Word processing, office filing, faxing and other tasks administrative or secretarial in nature.
7. Jail visits - Attorneys must apportion billing when making jail visits on one day to multiple clients. Jail visits outside of San Francisco county facilities, to **Alameda, Contra Costa, Marin, Napa, Sacramento, Santa Clara, San Mateo, Solano, and Sonoma** will be compensated only when previously authorized by a specific court order.
- a. Visits to clients who are hospitalized or institutionalized outside of San Francisco County facilities, require prior written authorization of the Court based upon the attorney's declaration.

C. The Request for Compensation Forms and the information which must be provided by the attorney:

- 1. All billing forms can be found on the LRIS website at www.sfbar.org under the tab "Lawyer Referral," Dependency Representation Program. As forms are updated from time to time, it is the responsibility of appointed counsel to use the most current forms available on the website and to direct investigators and other ancillary service providers to the website.
- 2. Attorneys must use the following forms for all compensation requests:
 - a. An Order for Payment of Compensation in Juvenile Dependency Cases (EXHIBIT 5).
 - b. A Juvenile Declaration of Counsel re Attorneys' Fees (EXHIBIT 6).
 - c. A Fee Worksheet (EXHIBIT 7) (Commercial billing program billing sheets may be used in lieu of Fee Worksheets if approved by DRP staff).
 - d. An Expense Worksheet (EXHIBIT 8), if expenses are incurred.
 - e. Receipts for **all** reimbursable expenses, except for mileage and tolls.
- 3. All billing forms must be typed or computer-generated, completely filled out. Billing forms that are not typed or computer-generated will be returned unpaid.
 - a. The original billing forms and receipts must be submitted.
 - b. No copies should be submitted or should accompany original bills or documentation.
- 4. All previously court-ordered payments must be included and documented on the first page of the request for compensation form under "Previous total billings to the Court for this case."

D. Attorney Bill Submission

- 1. Whether or not a case is completed, attorney fee requests must be submitted for each month (or at other intervals specified by

- BASF/DRP/Superior Court) whenever the amount of unbilled work to date **exceeds \$350.00**.
2. For matters where the level of activity in the case is minimal and does not reach the \$350.00 benchmark in a year, one bill **MUST** be submitted at the end of the fiscal year, for all work done during that fiscal year irrespective of the bill's amount.
 3. Bills must be submitted within the same month in which the case was dismissed, transferred to another jurisdiction or otherwise concluded in order to be honored for payment.
- E. Fiscal Year-End Billing**
1. The DRP will provide notification to Dependency Panel attorneys as to the exact deadlines for fiscal year-end billing.
 2. Year-end deadlines for the submission of dependency bills may vary depending upon directives from the Judicial Council regarding reimbursement of dependency expenditures paid by the Superior Court.
 3. DRP staff is authorized by the Court to grant no more than a ten-day extension at the time of year-end billing, if necessary.
 - a. An extension of more than ten days requires a Court order.
- F.** If an issue presented by a request for compensation submitted for an attorney's service cannot be resolved by DRP and the attorney, then the request for compensation is forwarded to the LRIS Fee Audit Committee for review and recommendation to the Court.⁹
- G.** Attorneys must familiarize themselves with the rules for compensating investigators, expert witnesses, social workers, and ancillary providers.
1. Appointed attorneys are responsible for monitoring, reviewing and approving investigative, expert witness, social worker and ancillary provider services before bills are submitted to the DRP for payment.
 2. Within 10 days of receiving any investigator, expert, or ancillary service provider Order for Payment of Compensation, attorneys must fully review, and sign the order, signifying attorney review and approval prior to submission to DRP.
 3. **If appointed counsel directs investigators or experts or any ancillary service provider to perform services without or beyond court authorization, attorneys can be held financially responsible for payment**
 4. Attorneys are not permitted to include costs or expenses of investigator, expert witness, social workers or ancillary service provider expenses in their own compensation requests.
 3. Investigators, experts, social workers and ancillary service providers are expected to submit requests for compensation, costs and expenses in their own billing.

⁹ See Chapter 6 for Fee Audit Procedures. Fee Audit applies only to Requests for Compensation submitted for attorney's service.

III. INVESTIGATOR/EXPERT WITNESS/SOCIAL WORKER/ASSOCIATED COUNSEL/ANCILLARY SERVICE PROVIDER REQUEST FOR PAYMENT OF COMPENSATION PROCEDURES

Investigators/Expert Witnesses/Social Workers/Associated Counsel/Ancillary Service Providers must keep track of both in-court time and out-of-court preparation time and are expected to use reasonable judgment in deciding what to include in his or her request for compensation. They may not bill for any activity outside the parameters of the Court's authorization.

- A. Investigators/Experts/Social Worker/Ancillary Service Providers shall request compensation from the Court as follows (investigator billing forms are available at www.sfbar.org under the tab "Lawyer Referral." Follow the link to "For Attorneys," "Dependency Representation Program").
1. Investigator/expert witness/social worker/ancillary service provider time should be summarized to the nearest (.05), tenth (.10), quarter (.25 or .75), or half hour (.50).
 - a. Not every small task, however, equals a tenth of an hour. Investigators/social workers/ancillary service providers are expected to combine small tasks until, in combination, the tasks reach the nearest (.05) or (.10) tenth.
 2. Court-approved dollar limits are not to be exceeded. Hourly rates and scope of work authorized are not to be exceeded.
 - a. If the anticipated costs of services will exceed the original amount authorized for the ancillary service provider, including investigators and social workers, the attorney appointed to the case must receive prior approval from the appropriate judicial officer for supplemental funds on a separate Authorization for Funds (EXHIBIT 4), accompanied by a supplemental Declaration by the attorney.
 3. **BLOCK BILLING IS NOT PERMITTED**
 - a. In the "Explanation of Task" section of the Order for Payment of Compensation, each task must be described separately.
 - b. Discrete individual tasks must be delineated. Sufficient information must be provided to allow for meaningful review.
 - c. When reviewing CDs, DVDs, audiotapes, or documents, indicate the length and/or the complexity of the recording or document and/or complexity of the review process. Please identify the CD, DVD, audiotape, or document in a way such that it is clear to the DRP staff what specifically has been reviewed.
 - d. The number of pages reviewed during the relevant time period must be noted. Therefore, please make separate entries for review of separate documents.¹⁰

¹⁰ Do not, for example, note two hours spent on record research and the review of 30 pages of documents, as the DRP administrators will be unable to separate the time spent on research versus the time spent on the review of the documents.

4. Investigators/Expert witnesses/Social workers/Ancillary service providers may request compensation only for work originally prepared for the case; providers will not be compensated for ‘recycled’ work from the same or other cases.
- B. Reimbursable Costs/Expenses incurred out-of-court:**
1. **Receipts are required for all reimbursable expenses except mileage and tolls.** Receipts are required for all compensable expenses. A court order, supported by a detailed declaration is required for extraordinary expenses, such as travel etc.
 2. Costs of in-house copying (See EXHIBIT 14). Non in-house bulk copying requires the submission of a receipt.
 3. Fees paid to the Clerk’s Office in case-related matters.
 4. Mileage at the rate set by the Court, (See EXHIBIT 14), and subject to change by the Court. Documentation of mileage by MAPQUEST (or similar software) is required for reimbursement.
 - a. Mileage must be documented by date, distance traveled, and destination.
 5. Travel time in **San Francisco, Alameda, Contra Costa, Marin, Napa, Sacramento, Santa Clara, San Mateo, Solano, and Sonoma**, except for travel time between the investigator/expert/social worker/ancillary service provider’s office and the Court.
 6. Travel time beyond enumerated counties will be allowed only with a prior court order. Travel costs will be reimbursed only if authorized in advance by Court Order, supported by a detailed declaration and in compliance with the “San Francisco Superior Court Travel Rate Guidelines” available on the DRP web pages of the LRIS website (a current example is attached as EXHIBIT 15).
 7. Out of county investigators/experts/social worker/ancillary service providers performing services in San Francisco may bill for travel time and mileage as though their office was located at the Superior Court at 400 McAllister Street.
 8. Compensation for travel to San Francisco by out of county investigators/experts/social worker/ancillary service providers to complete appointed services is reimbursable only with a court order.
- C. Investigators/Experts/Ancillary Service Providers shall not bill the Court for the following:**
1. Parking
 2. Telephone charges, collect or otherwise. (Collect calls however from clients who are incarcerated or institutionalized are allowed.)
 3. Fax charges
 4. Routine postage
 5. Office supplies, including but not limited to audiotapes, videotapes, DVDs, and CDs, binders, thumb drives, hard drives, paper, computer supplies, etc.
 6. Mileage to and from Court.

7. Word processing, office filing, faxing and other tasks administrative or secretarial in nature.

D. The required documents for all compensation requests should include:

1. An original Authorization Order (EXHIBIT 4) bearing the original signature of the Bench Officer and original signature of appointed counsel once counsel has completed review and approval of the provider's bill. (The attorneys "lodged" an Authorization and Declaration with the Court, but retained the original signed Authorization so that it may be provided at the time of bill submission by the appointed Investigator/Expert/Ancillary Service Provider).
2. A copy of the Declaration made in support of the Authorization detailing the work authorized by the Court.
3. If sufficient information to approve payment is lacking, requests for compensation will be returned for clarification or additional information and payment will be delayed.
4. The investigator/expert/social worker/ancillary service provider is required to include information regarding the nature of the case, in which the services were performed.
5. Investigators, experts, and ancillary service providers complete all work at the attorney's direction, and the attorney is responsible for the verification of the reasonableness of their services.
6. All forms must be typed or computer-generated and completely filled out. Forms that are not typed or computer generated will be returned unpaid.
7. Receipts for all reimbursable expenses, except mileage and tolls, must be attached.
8. Computational errors will be corrected at the discretion of DRP.
9. Should DRP have questions regarding the service, the questions will be directed to the attorney who requested and approved the work.
10. The appointed attorney may authorize investigative/expert/social worker/ancillary service provider fees if under \$150.00.

E. Requests for compensation are reviewed by DRP administrators for compliance with general billing guidelines.

1. The role of DRP is to supervise and review the billing process to insure that all requests for payment are reasonable, appropriately detailed and documented and in compliance with San Francisco Superior Court's policies and procedures.
2. If there is an issue presented by a request for compensation submitted by an investigator, expert, social worker or ancillary service provider, then contact with the attorney and/or investigator, expert, social worker or ancillary service provider will be made in an effort to resolve any billing disputes or discrepancies.
3. Appointed counsel are responsible to direct, supervise, and approve the work of anyone appointed to assist in the preparation and presentation of each individual case and may be contacted with regard to any such request for compensation.

4. Unresolved disputes or discrepancies, or any other suspect billing practice will result in referral of the request for compensation to the Court. The Court may then approve the request for compensation as submitted or modify compensation as the Court deems appropriate.

F. Time for submission of bills for investigators, experts, social workers and ancillary service providers

1. Bills must be submitted at the time the funds authorized by the court are exhausted. There is no interim billing and no fiscal year end billing. However, bills must be submitted for payment within 60 days of the completion of services to be honored for payment.
2. Investigators/experts/social workers and ancillary service providers should advise counsel when authorized funds are almost depleted. Counsel should secure a supplemental Authorization for additional funds to enable continuing work by the providers.
3. LRIS/DRP is not permitted to “hold” original, signed Authorizations and process interim billing submissions from investigators/experts/social workers or ancillary service providers. Each and every request for compensation for work requires an **original, signed** Authorization and a detailed declaration by counsel supporting the authorization.
4. Bills are to be mailed to:

BASF

Dependency Representation Program

301 Battery Street, 3rd Floor

San Francisco, CA 94111

CHAPTER 5 – GUIDELINES FOR THE VISITATION OF MINORS IN DEPENDENCY PROCEEDINGS

- A. Counsel who are appointed to represent minors are expected to visit the minor(s) at least quarterly whether the minor is in home or in out-of-home placement (OOHP). Counsel will be expected to contact the child and caretaker by telephone on a monthly basis. This guideline applies to any minor living in **San Francisco, Alameda, Contra Costa, Marin, Napa, Sacramento, Santa Clara, San Mateo, Solano, and Sonoma** county.
- B. Contact shall include either a face-to-face visit, telephone call, or email with the minor depending upon the age, competency, and preference of the minor.
- C. Visitation/contact may be done by social workers appointed to assist appointed counsel especially in cases involving children of preschool age.
- D. Counsel may choose to contact their client in six-month intervals only if both of the following apply:
 - 1. The minor gets demonstrably upset or destabilized by being reminded of his/her status as a foster child; and
 - 2. The minor has been in a stable placement for over two years.If this six-month exception is utilized, the minor's attorney must have contact with at least two other people (not including the social worker) involved in the regular care of the minor, including but not limited to:
 - a. Foster parent
 - b. Relative
 - c. Teacher
 - d. Doctor
 - e. Therapist
- E. Attorneys, at their discretion, may seek authorization for social workers to visit minor clients for every other visit in PPH cases.

CHAPTER 6 – LAWYER REFERRAL AND INFORMATION SERVICE INDIGENT DEFENSE ADMINISTRATION AND DEPENDENCY REPRESENTATION PROGRAM FEE AUDIT PROGRAM AND PROCEDURES

I. PURPOSE

The Bar Association of San Francisco (BASF) Lawyer Referral and Information Service (LRIS), through its Indigent Defense Administration (“IDA”) and Dependency Representation Program (DRP), administers a Fee Audit Program (“Program”) that reviews certain applications for payment of fees from attorneys appointed by the San Francisco Superior Court, in order to help ensure compliance with court-mandated billing policies and procedures. This audit program is not intended as a substitute for the judges’ own independent review of the payment of fees.

II. AUDIT COMMITTEES

The BASF/LRIS has established criminal, juvenile delinquency and juvenile dependency Fee Audit Committees (“Committees”) to review criminal, juvenile delinquency and juvenile dependency fee applications. Each Committee shall be comprised of up to eight attorneys, the majority of whom shall be current or former members of the respective Court-appointment panel, and may include a member from the LRIS Committee. Members of each Committee shall be appointed by the chair of the LRIS. Each Committee shall appoint one of its members to coordinate review and investigation of the fee application and facilitate communication with the IDA and DRP programs.

III. AUDIT TRIGGERS

Applications for payment of attorneys’ fees by conflicts panel members will be subject to review by the Committee under this Program for a period not to exceed one year when any of the following occur:

- A. The panel member’s conflicts compensation exceeded \$50,000 in any six-month period;
- B. The panel member’s average compensation per case exceeded 120% of the average compensation per case of all other panel attorneys in any six-month period;
- C. Questions are raised about a billing practice or specific billing statement of a panel member;
- D. The panel member’s application is randomly selected.

IV. AUDIT REQUEST

When an IDA or DRP Administrator finds cause to consider a reduction in an application for payment of fees, and the panel member disputes the recommended adjustment, the IDA or DRP Administrator shall first attempt to negotiate a resolution to the issue. Failing that, the IDA or DRP Administrator shall submit the application to the appropriate Committee for a review of the circumstances surrounding the proposed reduction.

V. CONFLICT OF INTEREST

A member of a Committee shall recuse himself or herself from any and all participation in the consideration of a panel member’s application for attorneys’ fees in conflicts cases, or from attempting to influence others with respect to such consideration, in the following circumstances:

- A. He or she is the current or former law partner or associate of the panel member;
- B. He or she, or the law firm or office with which he or she is affiliated, represents the panel member;
- C. He or she, or the law firm or office with which he or she is affiliated, is a party to pending litigation in which the panel member, or the law firm or office with which the panel member is affiliated, is also a party or represents a party to that litigation;
- D. He or she, or the law firm or office with which he or she is affiliated, represents a party in pending litigation in which the panel member, or the law firm or office with which the panel member is affiliated, is a party;
- E. He or she or his or her spouse is related to the panel member by consanguinity or affinity within the third degree according to the rules of civil law;
- F. He or she stands in the relation of guardian and ward, conservator and conservatee, employer and employee, or principal and agent to a panel member;
- G. He or she has appeared as an expert witness or acted as a consultant or has been consulted with reference to an actual or threatened lawsuit against the panel member for malpractice;
- H. He or she has any personal bias or prejudice concerning the panel member which would prevent him or her from fairly evaluating all of the evidence concerning that panel member;
- I. He or she represents or represented one party in the matter for which the request for compensation is being reviewed where the panel member to be audited represents or represented another party.

A Committee member who represents one party to a pending legal matter where the panel member to be audited represents another party in the matter may recuse himself or herself, or be recused in the discretion of the Chair of the LRIS Committee.

In the event that a member of a Committee does not voluntarily recuse himself or herself, the Chair of the LRIS Committee shall, upon becoming aware of factors which may indicate a potential conflict of interest as described above, initiate an inquiry and make a determination as to whether or not such member should be disqualified. Any resulting determination in that regard shall be binding.

VI. CONFIDENTIALITY

All references, communications, reference forms, and information gathered pertaining to a conflicts panel member during the Fee Audit shall be the property of the LRIS and are to be treated as confidential. Votes of the Committee shall be confidential. Members of a Committee shall not disclose to others in any manner, except for the purposes of confidential inquiry during the course of consideration of any Fee Audit, the name of the panel member audited, the discussions, deliberations or action of a Committee concerning any panel member's fee audit, information obtained during investigation or deliberation of a Committee, or any documents relating to the foregoing, unless ordered to do so by a court of competent jurisdiction.

VII. INVESTIGATION

Each Committee, or its designee, which may include the IDA and/or DRP, shall conduct a review and investigation to determine whether the application for fees conforms to the Court's billing guidelines and is otherwise accurate, proper and reasonable. The investigation may include review of other applications for payment of attorneys' fees submitted by other panel members in the same, or similar cases, a review of court files, review of records of detention facilities, and/or

interviews of panel members including the panel member whose application for payment of attorneys' fees is being reviewed. The Committee endeavors to render its preliminary recommendation to the BASF within 21 business days.

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

VIII. DETERMINATION

In the event that a Committee determines as a result of its review and investigation that an application for fees does not comply with the court's billing guidelines or is not otherwise accurate, proper or reasonable, LRIS staff shall so notify the panel member in writing, specifying the reasons therefore. The panel member may provide a written response within 10 business days to the LRIS, which will be forwarded to the Committee. After reviewing the panel member's response, the Committee has 10 business days to render a final recommendation. The Committee may make a recommendation to the court regarding any adjustment in the fee application it deems appropriate. A copy of such recommendation shall be given to the panel member. The decision of a Committee as to whether or not to make a recommendation to the court shall be final. There shall be no right of review or appeal by the panel member. A recommendation by the Fee Audit Committee that an application for payment of fees should be reduced does not necessarily constitute a finding of wrongdoing.

In the event that a Committee makes a determination that an application for payment of fees does not comply with the court's billing guidelines or is not otherwise accurate or proper, that determination may also be communicated to the IDA and/or DRP Administrators.

Revised January 2015

CHAPTER 7 – 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 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. 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. 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. Applicants shall not contact any potential evaluators.

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 May 2020

CONFIDENTIAL

| | |
|--|---|
| Lawyer Referral and Information Service Bar Association of San Francisco Attention: Membership Coordinator 301 Battery Street, 3 rd 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: _____

EXHIBITS

Report of Appointments on Scheduled Juvenile Dependency Calendar Date

This notice must be completed to inform the Bar Association of San Francisco Dependency Representation Program of appointments received on your scheduled juvenile dependency calendar date.

PLEASE NOTE: This form must be completed and returned to BASF within seven (7) days of your scheduled calendar date. You will not be eligible for future calendar dates until this form is received by BASF.

Please return this form by fax to the Bar Association of San Francisco at (415) 477-2389.

Name: _____

Appointment date: _____

| | Case name (Minor) | Dept. | Case # | Client type* | Client name (if other than minor) |
|----|--------------------------|--------------|---------------|---------------------|--|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |

*E.g., minor, mother, father, de facto parent, etc.

Report of Juvenile Dependency Bench Appointment(s)

This notice is to inform the Bar Association of San Francisco Dependency Representation Program of appointments from the bench, including any Harris appointments, on a date on which I was not the assigned attorney of the day.

PLEASE NOTE: You will not be eligible for payment for any court-appointed cases unless they have been reported to the Bar Association of San Francisco.

Please return this form by fax to the Bar Association of San Francisco at (415) 477-2389.

Name: _____

Appointment date: _____

| | Case name (Minor) | Dept. | Case # | Client type* | Client name (if other than minor) |
|----|--------------------------|--------------|---------------|---------------------|--|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |

*E.g., minor, mother, father, de facto parent, etc.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN RE THE MATTER OF

Case No.: _____

_____, a minor.

**AUTHORIZATION FOR FUNDS FOR
APPOINTMENT OF INVESTIGATOR, SOCIAL WORKER or EXPERT
WITH SUPPORTING DECLARATION OF COUNSEL**

GOOD CAUSE APPEARING in the attached declaration of counsel, it is hereby ordered that public funds be provided on application by attorney _____ for the purpose of retaining an **(check only one)***

- D Investigator Name: _____
- D Social Worker Name: _____
- D Expert Witness Name: _____
Field of expertise: _____

to assist with the preparation in the above-captioned matter, said funds not to exceed:
\$ _____

Attorney was appointed by the Court Attorney was retained

Please indicate the TOTAL amount of funds previously authorized for this case, for (check only one) investigative, social worker or expert witness, if applicable \$ _____

A 2% Administrative Processing Fee will be deducted.

(Attorney signature if total fees are under \$150)

JUDGE OF THE SUPERIOR COURT

Date: _____

Date: _____

I _____, the attorney in the above-entitled matter, have reviewed the attached bill and certify that all work performed in this case as described therein was performed at my direction and authorized by the court.

Attorney Name: _____

Address: _____

Phone Number: _____

Date: _____ Signature: _____

* Please use this form to authorize investigative, social work or expert witness work and submit a separate form for each as necessary.

CALIFORNIA TRIAL COURTS, CITY AND COUNTY OF SAN FRANCISCO

| | |
|-----------------------------|--------------------------------|
| IN RE THE MATTER OF: | CASE NO. |
| | ORDER FOR ATTORNEY FEES |

ORDER FOR PAYMENT OF COMPENSATION IN JUVENILE DEPENDENCY CASE

Pursuant to an order of appointment made by Judge/Commissioner _____, the attorney named below represented a party on the day(s) set forth in the attached worksheet.

The court finds that the attorney did perform work and is entitled to compensation as follows:

| | | |
|--|------|--|
| Total Hours | 0.00 | |
| Hourly Rate | | NOTE: Do not enter hourly rate until AFTER all billing entries have been entered. |
| Compensation in the sum of | 0.00 | |
| Less: 5% administration fee | 0.00 | |
| Necessary expenses due Attorney | 0.00 | |
| TOTAL now payable to Attorney | 0.00 | |
| | | |
| Previous total billings to the Court for this case | | |

The Court orders that a warrant be drawn by the Controller upon the Treasurer from the General Fund of the City and County of San Francisco in favor of the following:

Attorney Name and Bar Number: _____

Address: _____

Social Security No.: _____

Telephone No.: _____

Fax No. #: _

Date

**Dependency Representation Program
Attorney Administrator**

Mother's Name (Last, First) _____

| | |
|-----------------------------|--|
| In Re the Matter of: | CASE NO. |
| | DECLARATION OF COUNSEL RE ATTORNEYS' FEES |

In this action I am the attorney for _____ . (e.g., mother, father, minor, de facto parent.)

Minor(s) age(s): _____

The stage of proceedings being billed is _____ to _____ . (e.g., Detention or Detention to Jurisdiction; Disposition to DSR, Post PPH, Other).

Mother's Attorney: _____ Father's Attorney: _____

Minor's Attorney : _____ Other Attorney(s): _____ (e.g. for de facto parent, relative)

Date of Appointment: _____ Department (where case is being heard for current bill): _____

Before the _____ Judge/Commissioner Presiding.
Honorable: _____

Brief narrative statement describing billing activity (optional).

Situation of client: _____

I have not received payment from any outside source except as follows:

AMOUNT: _____ **RECEIVED FROM:** _____ **PURPOSE:** _____

I declare under penalty of perjury under the laws of the State of California that the foregoing, and the information provided on the attachments, is true and correct. I agree to produce, upon request, records concerning the specific times and total hours billed to the Court for in- and out-of-court services as requested.

| | | |
|-------|--------------|-----------|
| _____ | _____ | _____ |
| Date | Printed Name | Signature |

SAN FRANCISCO SUPERIOR COURT
UNIFIED FAMILY COURT DIVISION

PSYCHIATRIC/PSYCHOLOGICAL FEE SCHEDULE

FEES FOR EXAMINATION AND WRITTEN REPORTS:

| | |
|---|-----------------------|
| 1. Psychological Evaluation | not to exceed \$1,500 |
| 2. Neuropsychological Evaluation | not to exceed \$2,500 |
| 3. Psychiatric/Medication Evaluation | per hour \$ 150 |
| 4. 707 Fitness Expert(s) | \$2,500 |
| 5. Relationship/Bonding Study | not to exceed \$1,500 |
| 6. Competency Evaluation | not to exceed \$2,000 |
| 7. Psychological Evaluation with Psychoeducational testing for Learning disabilities/intellectual delay | not to exceed \$2,000 |

FEES FOR TESTIMONY OF EXPERT IN COURT:

1. Half Day of Testimony not to exceed \$ 400
2. Full Day of Testimony not to exceed \$ 800

Effective May 5, 2008

DEPENDENCY PHASE AND TASK CODES

EXHIBIT 10

| Code | Phase |
|-------------|--|
| A | Pre-Jurisdiction/disposition |
| B | Disposition to 6-month review |
| C | 6-month review to 12-month review |
| D | 12-month review to 18-month review |
| E | Pre 366.26 hearing to Post PPH |
| F | Family Maintenance |
| G | Non-Minor Dependent (NMD) |
| Code | Task |
| 1 | Telephone call w/witness |
| 2 | Telephone call w/social worker |
| 3 | Telephone call w/counsel |
| 4 | Telephone call w/client |
| 5 | Telephone call w/service provider |
| 6 | Telephone call w/foster parent |
| 7 | Telephone call w/_____ |
| 8 | Home/placement visit with client (MINORS) |
| 9 | Interview witness |
| 10 | Interview home/placement staff |
| 11 | Meet with counsel |
| 12 | Meet with client (ADULTS) |
| 13 | Meet with social worker |
| 14 | Meet with service provider |
| 15 | Meet with _____ |
| 16 | Letter/email to/from counsel (name) |
| 17 | Letter/email to/from client |
| 18 | Letter/email to/from social worker (name) |
| 19 | Letter/email to/from service provider (name) |
| 20* | Letter/email to (group – [list names]) |
| 21 | <i>Reserved for future use</i> |
| 22 | Review discovery (# of pages); rev. file |
| 23 | Review DSR/366.26/PPH report |
| 24 | Review court findings & orders |
| 25 | Review social worker’s SC report (juris/dispo) |
| 26 | Review psychological evaluation of_____ |
| 27 | Review transcript (# of pages) |
| 28 | Legal research re _____ |
| 29 | Prepare client for testimony |
| 30 | Draft declaration re _____ |
| 31 | Draft motion/P’s & A’s/ response re _____ |
| 32 | Prepare expert witness |
| 33 | Draft trial brief |
| 34 | Prepare exam. of _____ |
| 35 | Prepare discovery request and serve |

| Code | Task |
|---------------|---|
| 36 | Prepare orders |
| 37 | Draft P’s & A’s for writ |
| 38 | Review Pleadings |
| 39 | Draft subpoena & SDT |
| 40 | Pre-session meeting w/mediator |
| COURT | Codes 41-55 Require In-Court Time Entry On Bill |
| 41 | Attend mediation |
| 42 | Attend settlement conference re _____ |
| 43 | Attend detention hearing |
| 44 | Attend J-1 hearing; transfer-in hrg. |
| 45 | Attend juris/disp (J-2) trial |
| 46 | Attend 6-month review; family maintenance review; NMD Review |
| 47 | Attend 12-month review |
| 48 | Attend 18-month review |
| 49 | Attend PPH review; attend adoption hearing (366.3) |
| 50 | Attend motion re 387 |
| 51 | Attend motion re 388 |
| 52 | Attend 366.26 hearing |
| 53 | Attend contested hearing re _____ |
| 54 | Attend ex parte hearing re _____ |
| 55 | Attend hearing re progress report; drug court; 602 hearing, 0-3 court |
| SCHOOL | Codes 56-61 |
| 56 | Attend IEP meeting |
| 57 | Attend MDT meeting; SST meeting |
| 58 | Consultation w/teachers |
| 59 | Consultation w/school psychologist |
| 60 | Obtain/review school records |
| 61 | Review previous IEP |
| OTHER | Codes 62-64 |
| 62 | Travel |
| 63 | Attend TDM meeting; 241.1 meeting |
| 64 | Goals Meeting |

CONVERSION OF MINUTES TO DECIMALS

| Minutes | Decimal |
|----------------|----------------|
| 3 | .05 |
| 6 | .10 |
| 12 | .20 |
| 15 | .26 |
| 18 | .30 |
| 24 | .40 |
| 30 | .50 |
| 36 | .60 |
| 42 | .70 |
| 45 | .75 |
| 48 | .80 |
| 54 | .90 |
| 60 | 1.00 |

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN THE MATTER OF:

| | | |
|--|---|----------------------------|
| |) | JD Number: |
| |) | |
| |) | |
| |) | ORDER OF THE COURT |
| |) | FOR INTERPRETER |
| |) | SERVICES, EXCLUDING |
| |) | DOCUMENT/TAPE |
| |) | TRANSLATION |

IT IS HEREBY ORDERDED that a _____ language interpreter be made available to assist court-appointed counsel in the above entitled case. The services of said interpreter shall not exceed _____ hours without further court order.

During normal business hours (8:00 a.m. to 12:15 p.m. and 1:00 p.m. to 5:15 p.m.) any portion of a ½ day session (consecutive four-hour period) is to be compensated at the rate of \$156.56 for one-half day for certified interpreters and \$92.00 per half day for non-certified interpreters. (Rates for registered and non-registered Exotic Languages are to be individually determined by the court.)

Services provided during non-business hours and/or on evenings and weekends by certified interpreters will be compensated at the rate of \$75.00 per hour for the first two hours with a maximum amount of \$156.56 for ½ day session for any consecutive four-hour period. Services provided on evenings and weekends by non-certified interpreters will be compensated at the rate of \$50.00 per hour for the first two hours with a maximum amount of \$92.00 for ½ day session for any consecutive four-hour period. (Rates for registered and non-registered Exotic Languages are to be individually determined by the court.)

A 2% Administrative Processing Fee will be deducted.

DATED: _____

JUDGE OF THE SUPERIOR COURT

Name of Court-Appointed Attorney: _____

State Bar Number: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

IN THE MATTER OF

)
)
)
)
)

JD Number:

**DECLARATION
OF COURT
INTERPRETER**

I, _____, declare as follows:

I provided interpreter services in the above captioned case at the request of court
appointed counsel _____ and pursuant to the attached court order.
(name of attorney)

| Location | Date | Time (incl. am/pm) | # of Hours | Hourly / 1/2 Day Rate |
|------------|-------|--------------------|------------|---------------------------|
| _____ | _____ | _____ | _____ | \$ _____ (hourly/1/2 day) |
| _____ | _____ | _____ | _____ | \$ _____ (hourly/1/2 day) |
| TOTAL DUE: | | | | \$ _____ |

I declare under penalty of perjury that the foregoing is true and correct. Executed in San
Francisco, California on _____ (MM/DD/YYYY)

SIGNATURE OF INTERPRETER

Tax ID: _____

Address: _____

_____ Certification number

City, State, Zip: _____

___ Non-certified

Telephone: _____

APPROVED: _____

(Signature and printed name of court-appointed counsel)

Schedule of Hourly Rates of Compensation,
Mileage Reimbursement Rate and Copy Cost Rate

| | |
|-------------------------------------|--|
| Attorney Rate – Juvenile Dependency | \$98.00 per hour |
| Private Investigators | \$60.00 per hour |
| Social Workers | \$49.00 per hour |
| Paralegal/Legal Assistant/Lawyer | \$35.00 per hour |
| Mileage Reimbursement Rate: | \$.57.5 center per mile (Effective January 2015) |
| Copy Cost Rate | \$.10 center per page |

SAN FRANCISCO SUPERIOR COURT TRAVEL RATE GUIDELINES

The Superior Court's policy and limits on reimbursable travel-related expenses are listed below. To be eligible for lodging and/or meal reimbursement, airfare or car rental, expenses must be pre-authorized in accordance with the Dependency Representation Program's Policies and Procedures Manual.

Original receipts demonstrating proof of payment are required and each day of lodging claimed must be pre-authorized by Court order. Maximum rates are listed below. Exceptions may be considered on a case-by-case basis, explicitly detailed in the declaration in support of Court authorized travel and explicitly authorized by the Court. Receipts for hotel lodging charges must be on a pre-printed bill head with a zero balance shown. *The hotel express check-out or receipt from a third-party provider for lodging booked via the internet does not represent valid receipts and will not be reimbursed.* In some instances, a hotel may decline to issue a receipt on their pre-printed bill head for lodging booked via the internet so please verify this in advance before the internet booking.

Lodging – Actual costs are reimbursable up to the federal lodging rate, plus tax and surcharge. Refer to the website: http://www.gsa.gov/portal/content/104877?utm_source=OCM&utm_medium=print-radio&utm_term=HP_01_Requested_perdiem&utm_campaign=shortcuts, then click on chosen state. (NOTE: Meals are not reimbursed at the federal lodging rate included on this website but are set out below.)

Meals – Actual costs are reimbursable up to the limits stated below for continuous travel of more than 24 hours, in-state as well as out-of-state.

1. Breakfast – Up to \$8
2. Lunch – Up to \$12
3. Dinner – Up to \$20

Meals are reimbursable based on travel time. Departure and arrival times must be documented.

- Breakfast if departing before 6am.
- Lunch if departing worksite/home before 10 AM (day of departure) or return to worksite/home after 2 PM (day of return).
- Dinner if returning to worksite/arrive home after 7 PM.
- Purchase of alcohol is never reimbursable.

Car Rental and Air Travel – Reimbursable only with prior authorization by Court order. Attorneys are expected to use the least expensive mode of travel available and make plans as soon as possible in order to secure the lowest rate. Details and approximation of costs must be included in the declaration made in support of the Court's authorization. Waiting time and time spent on the airplane will not be reimbursed unless the time is spent working and documented as such.

Other Expenses – Mileage is permitted in accordance with the rate established by the Superior Court and posted on the DRP web pages. Mileage is not permitted in addition to car rental/fuel costs. **No other expenses** related to travel are permitted in the absence of an express Order of the Court, and supporting declaration detailing the reasons for departing from the Travel Rate Guidelines.