

San Francisco Superior Court
850 Bryant Street
San Francisco, CA 94103

SAN FRANCISCO SUPERIOR COURT



INDIGENT DEFENSE ADMINISTRATION

POLICIES AND PROCEDURES MANUAL

COURT-APPOINTED ATTORNEYS,
INVESTIGATORS AND EXPERTS

(Revised 11-9-2010)

INTRODUCTION

The San Francisco Superior Court is charged with the responsibility of ensuring that criminal defendants and juveniles facing prosecution receive quality representation whenever the Office of the Public Defender declares a conflict of interest or is otherwise unavailable. Since the early 1970s, the Court has collaborated closely with the Bar Association of San Francisco (BASF) to carry out this duty. Through the Conflicts Program, attorneys are appointed by the Court from panels administered by BASF's Lawyer Referral and Information Service (LRIS). The members of these panels have demonstrated experience ranging from misdemeanor to special circumstances cases, and are carefully screened by BASF and the Superior Court.

Qualified attorneys are both efficient and knowledgeable, and therefore cost-effective for the City. 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 substantially 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 and forensic frontier. The involvement of a broad spectrum of private counsel, in turn, energizes and enhances the overall quality of practice in San Francisco. The Court is committed to maintaining these diverse panels of highly qualified and committed attorneys working in this challenging area of law.

Since 2003, BASF's Indigent Defense Administration (IDA) 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, IDA also reviews and processes all bills from attorneys, investigators and experts. In so doing, IDA provides sound monitoring of appointed counsel, investigative and other ancillary costs, assisting the Court in ensuring that bills are in compliance with the billing policies and procedures set out in this manual.

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 from BASF, by calling (415) 782-9000 x8748, or by visiting the BASF website at <http://www.sfbar.org>.

Questions or suggestions regarding this manual should be addressed to the Indigent Defense Administration, at the number listed above.

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| TABLE OF CONENTS | PAGE NUMBER |
|---|--------------------|
| CHAPTER 1: APPOINTMENT BY THE COURT | |
| I. Attorney Appointment | |
| Calendar Date Appointments..... | 1 |
| Non-Calendar Appointments (BENCH)..... | 3 |
| Misdemeanor Appeal Appointments..... | 5 |
| Miscellaneous Appointments..... | 5 |
| II. Investigator Appointment..... | 7 |
| III. Expert Witness Appointment..... | 10 |
| IV. Appointment of Ancillary Service Providers: | |
| Interpreters/Translators/Paralegals/Law Clerks..... | 13 |
| CHAPTER 2: REPORTING OF APPOINTMENTS TO BASF | |
| I. Reporting of Appointments – Procedures..... | 15 |
| CHAPTER 3: POLICIES FOR COURT APPEARANCES BY COUNSEL | |
| I. Substantive Appearances..... | 16 |
| CHAPTER 4: REQUESTS FOR COMPENSATION | |
| I. General Policies and Procedures..... | 17 |
| II. Procedures Re: Attorney Compensation Requests..... | 19 |
| III. Investigator/Expert Witness/Ancillary Service Provider..... | 25 |
| CHAPTER 5: FEE AUDIT PROGRAM AND PROCEDURES | |
| Description of the Indigent Defense Administration/Dependency Representation Program Fee Audit Program and Procedures..... | 29 |
| CHAPTER 6: PEER REFERENCE/REVIEW | |
| Program and Procedures..... | 33 |
| Evaluation Forms..... | 36 |

EXHIBITS

| | |
|--|----|
| EXHIBIT 1: Report of Appointment on Scheduled Criminal Date..... | 44 |
| EXHIBIT 2: Report of Appointment on Scheduled Delinquency Date | 45 |
| EXHIBIT 3: General Appearance by Counsel – Criminal..... | 46 |
| EXHIBIT 4: Report of Bench Appointment – Criminal..... | 47 |
| EXHIBIT 5: Report of Bench Appointment – Delinquency..... | 48 |
| EXHIBIT 6: Order for Attorney Fees – Criminal..... | 49 |
| EXHIBIT 7: Order for Attorney Fees – Delinquency..... | 53 |
| EXHIBIT 8: Order for Attorney Fees – Criminal Appellate..... | 58 |
| EXHIBIT 9: Authorization for Funds for Investigator – Criminal..... | 64 |
| EXHIBIT 10: Authorization for Funds for Investigator – Delinquency... | 65 |
| EXHIBIT 11: Authorization for Funds for Expert – Criminal..... | 66 |
| EXHIBIT 12: Authorization for Funds for Expert – Delinquency..... | 67 |
| EXHIBIT 13: Psychiatric Fee Schedule – Criminal..... | 68 |
| EXHIBIT 14: Authorization for Funds Translator/Transcriber-Criminal... | 69 |
| EXHIBIT 15: Order for Interpreter Services – Criminal..... | 71 |
| EXHIBIT 16: Declaration of Court Interpreter – Criminal..... | 72 |
| EXHIBIT 17: Order for Investigator Fees – Criminal..... | 73 |
| EXHIBIT 18: Order for Investigator Fees – Delinquency..... | 79 |
| EXHIBIT 19: Schedule of Hourly Rates of Compensation – Criminal... | 83 |
| EXHIBIT 20: Psychiatric/Psychological Family Court Fee Schedule.... | 85 |

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 & Information Service’s (LRIS) Conflicts Panel. Only in unusual circumstances will good cause be found to appoint non-panel attorneys.
 1. Available Criminal Conflicts Panels: misdemeanor, misdemeanor appeals, regular felony, regular felony appeals, serious felony, homicide/life sentence, special circumstances.
 2. Available Juvenile Delinquency Conflicts Panels: misdemeanor and regular felony, serious felony, non-murder/non-life 707b, murder 707b, appeals.
 3. Applications for panel membership can be obtained by contacting the Membership Coordinator at LRIS at (415) 782-9000 x8750, lrs@sfbar.org, or by visiting www.sfbar.org/LRIS; panel membership may be terminated for failure to (a) comply with the rules set forth as terms of agreement in the BASF/LRIS Application and Agreement or (b) adhere to the rules set forth in this manual.
 4. Requirements for appointment to each panel are reviewed regularly by the Superior Court to ensure that only highly qualified professionals secure panel membership. Requirements for Panel Membership are detailed in the application for each panel.¹
 5. The Court retains the discretion to add or remove any attorney from the panel including removal at any time for failure to represent a client in a vigorous, professional and/or ethical fashion.
 - B. Calendar Date Appointments
 1. Scheduling
 - a. The LRIS schedules a monthly calendar of attorneys who are available to receive conflict appointments on a rotational basis.
 - b. Panel attorneys are contacted by phone and/or e-mail to schedule a calendar date.
 2. Responsibilities of attorney on conflicts calendar date
 - a. Conflicts attorneys must check in with the courtroom clerk or court officer and public defender of each courtroom between 8:45 am and 9:00 am or at any other time as directed by LRIS and/or the Court.
 - b. Attorneys should leave a business card, which includes a pager or cell phone number with the courtroom clerk of each department before leaving each courtroom.
 - c. Attorneys should notify the courtroom clerk where, within the building, they can be reached.

¹ In special circumstance cases, the Superior Court is guided by the ABA Guidelines for the Appointment and Performance of Counsel and the Supplementary Guidelines for the Mitigation Function of Defense Teams in Capital Cases. Attorneys applying for the Special Circumstance Panel or those seeking appointment in Special Circumstance cases should familiarize themselves with the experiential and educational requirements that are mandated for appointed counsel in these guidelines.

- d. Failure to check in with the Court properly and in a timely manner may result in the appointment of another attorney.
 - e. After appointment, attorneys must file a General Appearance Form (Exhibit 3) with the courtroom clerk prior to leaving the courtroom. This form is available in each adult criminal courtroom.
 - 3. Responsibilities when counsel is unable to appear on scheduled conflicts calendar date
 - a. Conflicts attorneys are required to appear on their assigned day. If an emergency prevents this, the assigned attorney must call the LRIS *no later than two court days prior to the scheduled date*. LRIS will schedule a substitute panel attorney.
 - b. LRIS is responsible for notifying the Court of all substitutions, provided notice of the substitution is received in a timely manner.
 - c. Alternatively, and only in the case of an emergency arising less than two days in advance of the scheduled conflicts date, the scheduled attorney may send a substitute panel member to court to accept appointments on behalf of the scheduled attorney (not in lieu of the scheduled attorney). The calendared panel member should telephone the LRIS attorney line at (415) 477-2374 and all appropriate court departments to notify each department of the attorney specially appearing.
 - d. Conflicts calendar dates are assigned exclusively by LRIS and, once assigned, cannot be transferred to any other attorney.
 - 4. Homicide/Special Circumstance calendar date
 - a. Attorneys who are scheduled solely for the homicide/special circumstance calendar need not appear in court on their scheduled calendar date but must be available on telephone standby.
 - i. Attorneys on telephone standby must be reachable at the telephone number provided to the Court by LRIS until noon of their scheduled conflicts date and must appear in court within 30 minutes of being telephoned by the Court.
 - 5. Attorneys receiving an appointment from the Court on the attorney's assigned calendar day, are required to fax/email/mail a Report of Appointments on Scheduled Criminal Conflicts Calendar Date form or a Report of Appointments on Scheduled Juvenile Delinquency Conflicts Calendar Date form (Exhibits 1 and 2 respectively) to LRIS within **seven days** from the date the appointment was made. The fax number is (415) 782-8993. A copy may be emailed to contact_ida@sfbar.org.
The mailing address is:
LRIS/IDA
Bar Association of San Francisco
301 Battery Street, 3rd Floor
San Francisco, CA 94111
 - 6. Multiple defendant/minor cases

- a. At arraignment, where more than one defendant/minor requires the appointment of conflicts counsel, after appointing scheduled conflicts counsel, the Court will appoint counsel as follows:
 - i. In a misdemeanor case, the regular felony conflicts lawyer, serious felony conflicts lawyer, and homicide/special circumstance conflicts lawyer scheduled for the day shall be appointed. The Court may appoint other panel attorneys qualified for the case or continue the matter to the following day for the appointment of additional counsel.
 - ii. In a regular felony case, the serious felony conflicts lawyer and homicide/special circumstance conflicts lawyer scheduled for the day shall be appointed. In the event the regular felony attorney is also scheduled for serious felony/homicide/special circumstance cases, the Court may appoint other panel attorneys or continue the matter to the following day for the appointment of additional counsel.
 - iii. In a serious felony case, the homicide/special circumstance conflicts lawyer scheduled for the day shall be appointed. In the event the serious felony attorney is also scheduled for homicide/special circumstance cases, the Court may appoint other panel attorneys or continue the matter to the following day for the appointment of additional counsel.
 - iv. Panel attorneys not previously qualified for appointment on the class of case requiring appointment shall advise the Court of their lack of qualifications and decline the appointment.

C. Non-Calendar Appointments (Bench Appointments)

1. Appointments not made on assigned conflict days are “Bench Appointments.”

- a. In addition to filing a General Appearance Form with the Court, all such bench appointments must be reported to LRIS within **seven days** of the appointment on the Report of Bench Appointments in Criminal Matters form or Notice of Bench Appointment(s) in Juvenile Delinquency Matter(s) form (Exhibits 4 and 5 respectively).
 - i. Where counsel is appointed for a single defendant/minor on more than one case, each case must be separately reported as a bench appointment. This report should be faxed to LRIS at (415) 782-8993, emailed to contact_ida@sfbar.org or mailed to:

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Bar Association of San Francisco
301 Battery Street, 3rd Floor
San Francisco, CA 94111

- ii. When counsel is reappointed to a case after counsel has submitted a bill for services, the case must be reported as a new bench appointment.
- iii. No bill will be processed for payment for a bench appointment in the absence of the timely reporting of the appointment(s).
- iv. When reporting the bench appointment(s), attorneys are to note the appointment type (For example, whether it is an appointment made in the case of multiple defendants/minors, a *Harris* appointment², etc). It is critical that LRIS and the Court have sufficient information to track the nature and number of Bench appointments.

2. *Harris* Appointment(s)

- a. Attorneys must report the *Harris* appointment on a Report of Bench Appointments form to LRIS within **seven days** of appointment (Exhibits 4, 5). This report should be faxed to LRIS at (415) 782-8993, emailed to contact_ida@sfbare.org, or mailed to:
LRIS/IDA
Bar Association of San Francisco
301 Battery Street, 3rd Floor
San Francisco, CA 94111
- b. In all *Harris* appointments (and in appointments of co-counsel) the relevant written motion, declaration and order appointing counsel must accompany the request for compensation before it will be processed. The motion and/or declaration must clearly state, in addition to the legal reason supporting the request for appointment, the amount of money previously received by counsel, and must include a financial declaration completed by the defendant, or in the case of a minor, the minor's family. No request for compensation for services rendered pursuant to a *Harris* appointment for appointed counsel will be processed in the absence of a written motion, declaration, and order of appointment complying with this section.
- c. The only exception to this rule is where the Court appoints counsel on a second or third case that is being joined or simultaneously prosecuted with the underlying case (e.g., where the appointment on the first, underlying case was made on the basis of a conflict). The underlying case may NOT be a *Harris* appointment. In this limited circumstance, a written motion is not required, but an explanation must accompany the Report of Bench Appointment (Criminal, Exhibit 4) or Notice of Bench Appointment (Juvenile Delinquency, Exhibit 5) form and the Order for Payment of Compensation in Criminal Case (Exhibit 6) or Order for Payment of Compensation in Juvenile Delinquency Case (Exhibit 7).

² See *People v. Harris* (1977) 19 Cal. 3d 786, where an appointment is made upon request of counsel because of the trust and confidence developed over a substantial period of time within a pre-existing relationship with a defendant.

D. Misdemeanor Appeal appointments

1. An LRIS/IDA staff member will contact attorneys in rotational order after being notified by the Appellate Department of the Superior Court of the need to appoint counsel for an appeal. The LRIS/IDA staff member will then advise the Superior Court of the name of the lawyer who has indicated their willingness to accept the appointment.
2. Counsel will then receive a Notice of Appointment in the mail from the Superior Court Appellate Division. Counsel must retain this form in the case file.
3. The attorney shall use the Order for Payment of Compensation in Appellate Case form (Exhibit 8) when requesting payment.

E. Miscellaneous appointments

1. An Appointment to Represent a Witness
 - a. An appointment to represent a witness in any felony case is compensated at the regular felony rate.
 - b. An appointment to represent a witness in any misdemeanor case is compensated at the misdemeanor rate.
2. Proceedings Re: Expungement (Penal Code Section 1203.4) and petition for factual innocence (Penal Code Section 851.8) require a finding of indigence by the Court and a new appointment by the Court even if a the attorney previously represented the client and was previously court-appointed .
3. Matters added to the Calendar require formal reappointment of counsel by the Court, which may be *Nunc Pro Tunc*. This most commonly occurs in the situation where counsel is contacted by a former “appointed” client regarding further proceedings (i.e. to recall a bench warrant).

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

II. 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.
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 9-criminal, Exhibit 10-delinquency). Work performed prior to the date of authorization will not be compensated, absent a *nunc pro tunc* order by the Court.
 - a. The application consists of the Authorization for Funds for Appointment of Investigator with Supporting Declaration of Counsel.
 - b. 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 prior stage of the case, including prior Juvenile Court proceedings, if applicable.³
 - c. 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 charges
 - ii. The stage of the case
 - iii. The details of the work already performed (if any)
 - iv. The details of the work to be performed under the current order.
 - v. The hourly rate.
 - d. The Authorization sets a maximum amount permitted for investigation on the case.
 - i. If it appears that the cost of work performed by the investigator will exceed the limit of the original authorization, the attorney must seek supplemental authorization before further investigation can proceed, detailing the additional services needed.
 - e. Generally all Authorizations for investigative services should be signed by the judge before whom the matter is pending, or if it is a felony matter pending trial, the presiding criminal judge in Department 22.
 - f. The attorney shall retain the original signed authorization and declaration until such time as these documents must be forwarded to IDA with the compensation request.
3. Investigators must hold a current, valid California Private Investigator's license or be employed and/or supervised by a licensed investigator.

³ The 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.

4. A copy of the Authorization and a copy of the Declaration must be provided to the investigator.
 5. Investigators should not commence work until they have received a copy of the Authorization to do so.
 6. The hourly rate for investigators is set by the Court (Exhibit 19).
 7. 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 authorized. Claims exceeding the amount authorized by the judge or at an hourly rate different from that set out in the court's authorization will not be compensated.
 8. 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. Attorneys handling adult criminal matters must advise any investigator that a 2% processing fee for LRIS/IDA will be assessed against the investigator's bill. Notice that this fee will be deducted by the Controller's Office is also contained on the Authorization for Funds for Appointment of Investigator With Supporting Declaration of Counsel form. (Exhibit 9).
 - a. The 2% processing fee is to help offset the administrative costs of the IDA pursuant to contract with the Superior Court.
 - b. The 2% processing fee **does not** apply to Juvenile Delinquency cases (Exhibit 10).
 9. If authorization for investigation is sought in cases eligible for reimbursement under Senate Bill 90⁴, the attorney must notify the court of reimbursement eligibility on the face of the Authorization.
- B. Appointed counsel may personally authorize up to \$150.00 for costs of investigation only:
1. In cases where it is anticipated by counsel that costs for the ENTIRE investigation will not exceed \$150.00, the Court has issued a standing order permitting the attorney to authorize appointment and payment of an investigator up to \$150.00. The same Authorization form (Exhibit 9, 10) is used for this purpose.
 - a. Attorneys may not personally authorize funds for other ancillary services and must obtain court authorization even if the cost for other ancillary services is less than \$150.00.
 2. In the extraordinary case, where an attorney has authorized \$150.00 for investigation and additional investigation becomes necessary, counsel must include explanation on the face of the Authorization and in the Supporting Declaration submitted to the court that the attorney personally authorized \$150.00 previously.
- C. Appointment of investigators in *pro per* cases
1. Upon motion by a *pro per* defendant, the court may authorize funds for investigative services to be provided to a defendant who is representing himself or herself.

⁴ 6600 PC, 2970 PC, and 1026.5 PC.

- a. Investigators appointed by the court in pro per cases should submit requests for compensation detailing the same information required of any other request for compensation for investigative services.

D. Procedures regarding the submission of bills for investigative work are summarized in Chapter 4, Section III.

III. Expert Witness Appointment

A. Where appointed counsel seeks 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 an Authorization for Funds for Appointment of Expert with Supporting Declaration of Counsel signed by the judge PRIOR to the commencement of any work by the expert (Exhibit 11-criminal, Exhibit 12-delinquency).
 - a. The application consists of the Authorization for Funds for Appointment of Expert with Supporting Declaration of Counsel.⁵
 - b. The Authorization must set forth the amount of funds currently requested as well as the TOTAL amount of funds previously authorized for any and all expert services in the same case, including Juvenile Court proceedings, if applicable.⁶
 - c. 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 charges
 - ii. The stage of the proceedings
 - iii. The particular expertise and experience of the expert. This requirement may be satisfied by including the *curriculum vitae* of the expert with the request for Authorization of Funds and accompanying Declaration
 - iv. All reasons supporting the request for the Authorization
 - v. The hourly rate of compensation requested for expert services – 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.
 - d. The Authorization sets a maximum amount permitted for expert services on the case.
 - i. If it appears that the cost of work performed by the expert will exceed the limit of the original Authorization, the judge must approve a supplemental authorization supported by an additional declaration of counsel so that further work can proceed.
 - e. Generally, the judge before whom the matter is pending should sign all authorizations for expert services. If it is a felony matter

⁵ In the unusual circumstance where the appointment of an expert is sought where counsel is retained, the Court will require additional documentation including, but not limited to, a financial declaration completed by the defendant or parents/guardians of minor establishing indigency.

⁶ The 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.

pending trial, the presiding criminal judge in Department 22 should be presented with all Authorizations for Expert Services.

- f. The attorney shall retain the original signed authorization and declaration until such time as these documents must be forwarded to IDA with the compensation request..
 3. A copy of the Authorization and a copy of the Declaration must be provided to the expert.
 - a. Experts should not commence work until they have received a copy of the Authorization.
 4. Counsel is responsible for communicating with the expert to ensure that services provided comply with the specific terms of the court order and do not exceed the amount authorized. Claims exceeding the amount authorized by the judge or at an hourly rate different from that set out in the Authorization and counsel's Declaration will not be compensated.
 5. Attorneys handling adult criminal matters must advise any expert that a 2% processing fee for LRIS/IDA will be assessed against the expert's bill. Notice that this fee will be deducted by the Controller's Office is also contained on the Authorization for Funds for Appointment of Expert with Supporting Declaration of Counsel form (Exhibit 11).
 - a. The 2% fee is to help offset the administrative costs of IDA pursuant to contract with the Superior Court.
 - b. The 2% processing fee **does not** apply to Juvenile Delinquency cases (Exhibit 12).
 6. If expert authorization is sought in cases eligible for reimbursement under Senate Bill 90⁷, the attorney must notify the court of reimbursement eligibility on the face of the Authorization.
- B. Where the appointment of an expert is required by statute
1. If the appointment of an expert is required by statute (i.e. Penal Code Section 1368 et.seq., Penal Code Section 1026, W&I 3051, Penal Code Section 288.1) the court will appoint an expert(s) as required from the Court's Alienist Panel.
 2. Experts on the Alienist Panel have agreed to perform the designated evaluations at rates determined by the Court (Exhibits 13, 19, 20): Criminal Alienist Panel Rates (Exhibit 13), Juvenile Delinquency Alienist Panel Rates (Exhibit 20).
 3. A computer generated court order will be transmitted to the appointed Alienist by the court and the Alienist will submit his or her bill to LRIS/IDA along with the court order.
 4. If the extraordinary nature of a case requires a departure from the standard fee, the Alienist will advise counsel and it is the obligation of either counsel or the Alienist to advise the court. Payment above the schedule established for these Alienists will not be made without specific approval by the appointing judge prior to the work being undertaken.
 5. Alienist's should submit their bills to:
LRIS/IDA

⁷ 6600 PC, 2970 PC, 1026.5 PC.

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San Francisco, CA 94111

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

IV. Ancillary Services

A. Appointment of providers of other ancillary services

1. Other ancillary services include but are not limited to those services provided by transcribers/translators, paralegals/law clerks, and interpreters.
 - a. Transcribers – Provide transcription of recorded statements in the event that such transcription cannot be handled by the clerical staff in the attorney’s office.
 - b. Paralegals/Law Clerks – Use of these support services is encouraged whenever an overall cost savings can be achieved. Appointed counsel is expected to utilize paralegals, law clerks, and other cost effective means 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 and law clerks, whether independent or employed in the same firm as appointed counsel, may perform legal research and/or case preparation services which are distinct from normal clerical or administrative services which are not compensable.
 - c. Translators – Distinguished from interpreters in that translators work with written or recorded materials and provide counsel with a written translation of these materials. Attorneys must obtain an Authorization for Funds for Appointment of Translator/Transcriber (Exhibit 14).
 - d. Interpreters – Attorneys must obtain an Order of the Court for Interpreter Services, Excluding Document/Tape Translation (Exhibit 15). When an interpreter is required to communicate with a defendant/minor, no declaration is necessary. When an interpreter is required to communicate with a witness, a Declaration of Court Interpreter (Exhibit 16) must accompany the Order for Interpreter Services.
 - i. The Superior Court employs Spanish and Chinese speaking interpreters. Counsel should contact Interpreter Services, at (415) 551-0654 to utilize interpreter employees of the court at no additional cost for interviews conducted between 8:30am and 4:30pm. Names and contact information for all interpreters can likewise be obtained by calling Interpreter Services.
2. The Authorization for Funds for Appointment of Expert with Supporting Declaration of Counsel (Exhibits 11, 12) should be modified for the attorney’s use when seeking court authorization for funds for other ancillary services. Attorneys may apply for such services by using the procedure outlined in the section on Expert Witness Appointment (Chapter I, Section III).

3. The attorney shall retain the original signed authorization and declaration until such time as these documents must be forwarded to IDA with the compensation request.
 4. In multi-defendant/minor cases, it is expected that counsel will coordinate the use of any ancillary services, and not duplicate costs, i.e. transcription. Efforts by counsel to consolidate and coordinate costs will be considered favorably by the Court in authorizing such services and should be noted in the supporting declaration.
 5. Attorneys handling adult criminal matters must advise all service providers that 2% of the bill shall be deducted by the Controller's Office for LRIS/IDA administrative fees.
 - a. The 2% fee is to help offset the administrative costs of the IDA pursuant to contract with the Superior Court.
 - b. The 2% processing fee **does not** apply to Juvenile Delinquency cases.
- B. 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. Criminal cases and Delinquency cases use distinct reporting forms: each practice area uses a form for Calendar appointments (Exhibits 1, 2) and a form for Bench appointments (Exhibits 4, 5).
1. No other form may be used or submitted and all fields of information must be completed on each form.
 2. All forms are to be submitted within **seven days** from the date of appointment or counsel's name will be taken out of the rotation for future calendar appointments until the appointment has been reported. The fax number is (415) 782-8993. A copy may be emailed to [contact ida@sfbar.org](mailto:ida@sfbar.org), or mailed to:
LRIS/IDA
Bar Association of San Francisco
301 Battery Street, 3rd Floor
San Francisco, CA 94111
 3. Requests for compensation submitted for appointed work will NOT be processed by BASF/IDA for payment if the reporting form for that case has not been received.
 4. Reporting on Scheduled Criminal/Delinquency Conflicts Calendar Dates
 - a. The charges, which are determinative of the billing rate, must be listed. Attorneys may list up to five charges in order of seriousness, including enhancements.
 - b. Counsel must note, under appointment type, whether this is an appointment made in the case of:
 - i. Conflict of Interest
 - ii. Multiple defendants/minors
 - iii. *Harris* appointment
 - iv. Appointment pursuant to court order for co-counsel in extraordinary cases
 - v. Appointment to represent a witness
 - vi. DNA testing (PC Section 1405)
 - vii. Any other type of appointment
 - viii. In cases in which the Public Defender has not declared a Conflict of Interest but has otherwise declared "unavailability" please put a "U" in the column designated for type of appoint and provide a conspicuous notation describing the reason for appointment and unavailability of the Public Defender.
 5. It is critical that all requested information be supplied in order to track necessary statistical information (i.e. the number of Bench appointments, number of Homicide appointments, number of conflicts appointments etc.).

CHAPTER 3 – POLICIES FOR COURT APPEARANCES BY COUNSEL

- I. Substantive Appearances
 - A. These include, but are not limited to, evidentiary or complex legal motions, preliminary hearings, pre-trials and trials in criminal cases, jurisdictional hearings (J-2), and dispositions in delinquency matters.
 - 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 (e.g. trial in another location).
 - 1. In those instances, substitute counsel may appear provided the substitute is a member of the applicable LRIS conflicts panel.
 - 2. Failure of appointed counsel to appear at a substantive hearing without good cause, 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. In the event that a court appearance is made by a panel attorney other than the appointed attorney, substitute counsel should submit a separate bill to the IDA in accordance with established billing procedures.

CHAPTER 4 – REQUESTS FOR COMPENSATION
POLICIES AND PROCEDURES

- I. General procedure regarding all requests for compensation
 - A. To inquire about compensation policies and procedures or for questions regarding the status of a request for compensation, contact IDA by telephone at (415) 477-2374 or send an email to contact_ida@sfbbar.org.
 - B. It is the role of IDA to supervise and review the billing process to insure that all requests for compensation are reasonable, appropriately detailed and documented and in compliance with San Francisco Superior Court policies and procedures.
 1. Minor computational errors and duplicate compensation requests discovered by IDA staff may be corrected at IDA staff discretion.
 2. More serious errors will result in compensation requests being returned to attorneys and/or investigators, experts, and ancillary service providers.
 3. If the Request for Compensation is not approved by the IDA administrators, contact with the attorney, investigator, expert, or ancillary service provider will be made in an effort to resolve any compensation disputes/discrepancies.
 4. If an issue presented by a request for compensation for attorney's services cannot be resolved by IDA and the attorney, the request for compensation is then forwarded to the LRIS Fee Audit Committee for review and recommendation to the court (see Chapter 5 for Fee Audit Procedures).
 - C. IDA processes requests for compensation and then submits such requests to the Court for approval and payment by the Controller.
 1. Only the Court has the authority to approve or disapprove a request for compensation.
 - a. IDA's role is to supervise and review the billing process.
 - b. Court action may or may not be taken as recommended by IDA.
 2. An electronic payment voucher is sent by the IDA to the Court administrative staff. This is then forwarded to the County Controller's Office who then prepares and mails the checks or directly deposits payments to vendors as directed by the vendor.
 - D. The use of experts, investigators, social workers, paralegals, law clerks, and other ancillary service providers must be approved by the supervising judge in advance.
 - E. Where and How to Submit Requests for Payment
 1. Mail signed and dated original(s) to:
LRIS/IDA
Bar Association of San Francisco
301 Battery Street, 3rd Floor
San Francisco, CA 94111
 - a. Do not enclose a second copy or a Self Addressed Stamped Envelope (SASE), as a conformed copy will not be returned to sender.
 - b. Retain a copy for your files.
 - c. 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.
2. The San Francisco Controller's Office requires newly appointed court professionals ("vendors") to complete a W-9 form and submit it to:

San Francisco Superior Court

Attention: Coleen Camerlo, Senior Fiscal Technician

400 McAllister Street, #205

San Francisco, CA 94102

Instructions from the Controller regarding the preparation and submission of the form are available at

<http://www.sfbar.org/lawyerreferrals/att-ida.aspx> under "Mandatory Procedures."

- a. To expedite this process, the vendor may fax the information to the Senior Fiscal Technician at (415) 551-5701 and then mail the W-9 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 entered on the W-9 form.
- c. A W-9 form and the instructions for filling out the form are available at the Internal Revenue Service website www.irs.gov
- d. All vendors, including attorneys who change address, Tax ID number, or status within a partnership or association, must complete a new W-9 form and submit the form as directed. Noting a change on the billing form does not satisfy the notice requirement and payments will continue to be sent by the Controller to the person and address with the Tax ID number set forth on the original W-9.

II. Procedures Re: 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 tenth (.10), quarter (.25 or .75), or half (.50) hour on each date in the column for total time.
 - i. Not every task, however small, equals a tenth of an hour. Attorneys are expected to combine small tasks until in combination the tasks reach the nearest tenth.
- b. **BLOCK BILLING IS NOT PERMITTED**
 - i. In the “Attorney Fee Worksheet” section of the Order for Payment of Compensation, each task must be described separately (Exhibits 6, 7).
 - ii. Discrete individual tasks must be delineated. Sufficient information must be provided to allow for meaningful review.
 - iii. When reviewing CDs, DVDs, audiotapes, or documents, indicate the length and/or complexity of the recording or document and/or complexity of the review process.
 - iv. Please identify the CD, DVD, audiotape, or document in a way such that it is clear to the IDA staff what specifically has been reviewed.
 - v. The number of pages reviewed during the relevant time period must be noted. Therefore, please make separate entries for review of separate documents⁸
- c. **BILLS MUST BE SUBMITTED IN CHRONOLOGICAL ORDER. FORGOTTEN ENTRIES FROM ONE BILLING PERIOD ARE NOT COMPENSABLE ON A BILL FOR A DIFFERENT TIME PERIOD WITHOUT A COURT ORDER.** An attorney must submit a declaration and order to the Court to be compensated for work performed in an earlier time period. The attorney may not bill for the preparation of the declaration and order.
- 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 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

⁸ Do not, for example, note two hours spent on legal research and the review of 30 pages of documents, as the IDA 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.

time to become familiar with the procedures/areas of law. Billing to learn these procedures is unreasonable as noted above.

- f. Appointed counsel is expected to seek appointment of ancillary service providers whenever overall cost savings can be achieved. (See Chapter I, Section IV, A. 1. b.)

g. Reimbursable Costs/Expenses incurred out-of-court:

- i. **Receipts are required for any reimbursable expenses.** Receipts **and a court order** with accompanying declaration are required for extraordinary expenses.
- ii. In-house copying (see Exhibit 19 for approved rate per page). Reimbursement for in-house copying requires submission of a receipt. Attorneys are required to use the least expensive form of duplication. If delivery of documents can be accomplished by scan and email or CD, attorneys are encouraged to do so as these methods are more cost effective and environmentally sound.
- iii. Volume copying should be done commercially to reduce costs to the Court.
 - a. Reimbursement for non in-house bulk copying requires submission of a receipt.
- iv. Fees paid to the District Attorney (DA) for discovery or to the Clerk's Office in case-related matters provided there is a receipt indicating payment or a cancelled check documenting payment.
- v. Messenger service when reasonably necessary (see Ch. 4, Sec. II, 3.b.).
- vi. Time spent in travel in San Francisco or adjacent counties, except for travel time between the attorney's office(s) and the Court (See Exhibit 19 for mileage rate). Travel time beyond adjacent counties will be compensated only when authorized by a specific court order.
 - a. 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.

2. 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 accurately 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. In the event that an attorney cannot appear in court on an appointed case due to a calendaring conflict, the substitute counsel must submit a separate bill to the IDA in accordance with established billing procedures.

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

1. Conflict day appearances when no cases are assigned.
 2. Time spent assisting client in civil forfeiture proceedings, parole hearings, cases 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 for the Court may not request compensation for these services as they are considered overhead costs.
 - b. Filing and service of motions will generally not be compensated as appointed counsel are expected to engage in an active Criminal/Delinquency practice. Such a practice creates a nexus with the Courthouse and makes filing, service and discovery pickup cost effective. 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, and providers of ancillary services will not be compensated.
 5. Preparation of Notice of Appointment forms and payment vouchers shall not be compensated.
 6. "Standby" time while awaiting trial court assignment unless ordered to remain in court.
 7. Non-reimbursable Costs/Expenses:
 - a. Parking
 - b. Telephone charges – collect or otherwise
 - c. Fax charges
 - d. Postage
 - e. Office supplies including audiotapes, videotapes, DVDs, and CDs.
 - f. Mileage is not reimbursable for attorneys
 - g. Costs for computerized research⁹
 - h. Trial clothing for clients is not generally a reimbursable expense. The Public Defender maintains a large wardrobe of clothing available for indigent defendants and family members are often able to provide clothing. In unusual circumstances, and only upon Court order, will trial clothing, purchased at the most reasonable cost, be reimbursed.
- 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/LRIS. Follow the link to For Attorneys, Indigent Defense Administration.
 2. For adult criminal cases, provide the case number assigned at the time of arraignment and the six-digit SCN if one has been assigned.

⁹ If on-line research requires access to unique materials that are outside a basic fee plan, receipts for such supplemental on-line research must be forwarded to IDA. The attorney must also provide a reference to the case being billed for and a proof of payment.

3. For Delinquency cases, provide the JW number.
4. For Misdemeanor Appeal cases, provide the AP number. Misdemeanor appeals have a separate worksheet which must be completed by counsel in addition to the request for compensation form used in criminal cases. (See Exhibit 8)
5. The basis for the appointment should fit one or more of the boxes listed. If it does not, then complete the box “PD Unavailable” or “Other” with an explanation.
6. The charges, which are determinative of the billing rate, must be listed. You may list up to five charges in order of seriousness, including enhancements.
 - a. The definition of “serious felonies” can be found on the LRIS website at www.sfbar.org/LRIS
 - b. If a felony case is reduced to a misdemeanor prior to or after a preliminary hearing or other dispositional hearings, counsel should submit an initial bill for services at the felony rate and all subsequent billings should be at the misdemeanor rate.
7. The names of co-defendants, co-minors, their attorneys (including Public Defenders), and all case numbers are required in multiple defendant/minor cases on page 2.
8. In case of *Harris* appointments, counsel is required to note all other monies received from outside sources prior to appointment under penalty of perjury on page 2 of the request for compensation.¹⁰
9. All boxes on page 2 of the request for compensation form must be correctly checked.
 - a. If a bill is being submitted for payment for work done up to and including the preliminary hearing, counsel should indicate that it is a bill for preliminary hearing by checking the appropriate box.
 - b. If a preliminary hearing was conducted at some point in the case but the bill at issue is for subsequent work, counsel should indicate that a preliminary hearing was conducted but that the bill is not for a preliminary hearing.
 - c. Counsel should only indicate that the bill is an “interim bill” only if counsel has obtained an order authorizing interim billing.
 - d. If a jury has been impaneled and sworn in a case, counsel should answer “yes” to the question as to whether the case went to trial.
 - i. If the case was assigned to a trial court and a plea was entered there prior to jury selection, the case did not go to trial for the purpose of this question
10. 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. Time for Submission of Order for Payment for Compensation

¹⁰ Attorneys are not entitled to receive compensation in any form from any source once appointed without disclosing it on the billing form.

1. An Order for Payment of Compensation shall be submitted within 90 days of the completion of the case or issuance of a bench warrant.
2. An Order for Payment of Compensation shall be submitted within 90 days of the completion of the preliminary hearing, if one is held.
3. Orders for Payment of Compensation submitted after these deadlines require a court order for payment to be rendered.
4. Interim Compensation
 - a. Interim requests for compensation in lengthy and complex criminal and delinquency cases may be submitted with the approval of the judge handling the cases. In such instances, the original court order must be submitted to IDA with the request for compensation form.

E. Fiscal Year-End Compensation

1. Attorneys are required to submit fiscal year-end Requests for Compensation.¹¹
2. Whether or not a case is completed, compensation forms for criminal cases, misdemeanor criminal appeals, and delinquency cases, must be submitted per annual instructions transmitted by LRIS/IDA to panel attorneys.
 - a. Fiscal year-end requests for compensation generally reflect services rendered through June 30th of the current fiscal year.
3. IDA staff may grant a 10-day extension for submission of fiscal year-end requests for compensation under certain circumstances.
 - a. Counsel seeking an extension of more than 10 days beyond the deadline announced by the Superior Court must obtain a court order and submit that order with their fiscal year-end bill.

F. If an issue presented on a Request for Compensation submitted for an attorney's service cannot be resolved by IDA and the attorney, then the Request for Compensation is forwarded to the LRIS Fee Audit Committee for review and recommendation to the Court¹²

G. Attorneys must familiarize themselves with the rules for compensating investigators, expert witnesses, and ancillary providers.

1. Appointed attorneys are responsible for monitoring, reviewing and approving the bills of investigator, expert witness, and ancillary providers before such bills are submitted to the IDA for payment.
 - a. Within 10 days of receiving any bill from an investigator, expert, or ancillary service provider, attorneys must fully review, and "sign off" on the Request for Compensation in the space provided. Bills submitted by investigators, experts, and ancillary service providers that are submitted without an attorney's signature will not be processed or forwarded to the court for approval and payment.

¹¹ The fiscal year for the City and County of San Francisco begins July 1st and the Superior Court requires the submission of year end bills at or near that time to reconcile their accounts.

¹² See Chapter 5 for Fee Audit Procedures. Fee Audit applies only to Requests for Compensation submitted for attorney services.

2. Attorneys are not permitted to include costs or expenses of investigator, expert witness, or ancillary service provider expenses in their own compensation requests.
3. Investigators, experts, and ancillary service providers are expected to submit requests for compensation separate from the attorney.

III. Investigator/Expert Witness/Ancillary Service Provider Request for Payment of Compensation Procedures

Investigators/Expert Witnesses/Ancillary Service Providers must keep track of both in-court 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 and may not bill for any activity outside the parameters of the court's authorization.

A. Investigators/Experts/Ancillary Service Providers shall request compensation from the Court as follows:

1. Investigator/expert witness/ancillary service provider time should be summarized to the nearest tenth (.10), quarter (.25 or .75), or half (.50) hour.
 - a. Not every task, however small, equals a tenth of an hour. Investigator/expert witness/ancillary service providers are expected to combine small tasks until, in combination the tasks reach the nearest tenth
2. **BLOCK BILLING IS NOT PERMITTED**
 - a. Each task must be described separately on the "Investigator Fee Worksheet" section of the Order for Payment of Compensation in Criminal Case-Order for Investigator Fees (Exhibit 17-Criminal, Exhibit 18-Delinquency).
 - 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 complexity of the recording or document.
 - d. Please identify the CD, DVD, audiotape, or document in a way such that it is clear to the IDA staff what specifically has been reviewed.
 - e. The number of pages reviewed during the relevant time period must be noted. Therefore, please make separate entries for review of separate documents.¹³
 - f. Investigators are paid at a prescribed rate (Exhibit 19).
3. Investigators/expert witnesses/ancillary service providers are expected to request compensation only for work originally prepared for the case.
4. Reimbursable Costs/Expenses incurred out-of-court:
 - a. Costs of in-house copying (see Exhibit 19 for approved rate per page). Reimbursement for in-house copying requires submission of a receipt. Non in-house bulk copying also requires the submission of a receipt. Vendors are required to use the least expensive form of duplication. If delivery of documents can be accomplished by scan and email or CD, investigators and experts are encouraged to do so as these methods are more cost effective and environmentally sound.

¹³ Do not, for example, note two hours spent on record research and the review of 30 pages of documents, as the IDA administrators will be unable to separate the time spent on research versus the time spent on the review of the documents.

- b. Fees paid to the District Attorney for discovery or to the Clerk's Office in case-related matters.
 - c. Mileage at the rate set by the Court and subject to change by the Court (Exhibit 19). Documentation of mileage is required for reimbursement.
 - i. Mileage must be documented by date, distance traveled, and destination.
 - ii. Mileage between the attorney's office(s) and the Court, and parking, will not be reimbursed.
 - d. Travel time in San Francisco or adjacent counties, except for travel time between the investigator/expert/ancillary service provider's office and the Court.
 - i. Travel time beyond adjacent counties will be allowed only with a specific court order.
 - e. Out of county investigators/experts/ancillary service providers performing services in San Francisco may bill for travel time and mileage as though their office was located at the Hall of Justice for criminal cases and the Youth Guidance Center for delinquency cases.
 - i. Compensation for travel to San Francisco by out of county investigators/experts/ancillary service providers to complete appointed services is reimbursable only with a court order.
 - f. Receipts are required for any reimbursable expense with the exception of in-house copies. Receipts and a court order with accompanying declaration are required for extraordinary expenses.
5. Investigators/Experts/Ancillary Service Providers shall not bill the Court for the following:
- a. Parking
 - b. Telephone charges, collect or otherwise
 - c. Fax charges
 - d. Postage
 - e. Office supplies
 - f. Investigators who do their own word processing, filing, or who perform other non-investigative work may not request compensation for these services.
- B. The required forms for all compensation requests should include:
- 1. An original Authorization by the Court which must be signed by appointed counsel following counsel's review and approval.
 - 2. The original declaration filed in support of the Authorization for Funds must accompany any request for compensation.
 - 3. The supporting declaration must be specific to the case and the services sought
 - a. Generic declarations lacking information regarding the nature of the case, the stage of the case, the details of the work already performed (if any) and the details of the work to be performed

4. If sufficient information to approve payment is lacking, requests for compensation will be returned for clarification or additional information and payment will be delayed.
 5. The investigator/expert/ancillary service provider is required to include information regarding the nature of the case, the level of seriousness and the stage at which the services were performed.
 6. 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.
 7. All forms must be typed or computer-generated and completely filled out. Forms that are not typed or computer generated will be returned unpaid.
 8. Computational errors will be corrected at the discretion of the IDA.
 9. Should IDA have questions regarding the service, the questions will be primarily directed to the attorney who requested and approved the work.
 10. The appointed attorney may authorize investigative fees if under \$150.00. However, this authorization is to be made **only when counsel anticipates the entire cost of investigation for the case will not exceed \$150.00.**
- C. Requests for compensation are reviewed by IDA Administrators for compliance with general billing guidelines.
1. IDA's role 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 Policies & Procedures.
 2. If the Request for Payment does not meet with approval by the Administrators, contact with the attorney and/or investigator, expert, or ancillary service provider will be made in an effort to resolve any billing disputes/discrepancies.
 - a. 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.
 - b. Unresolved disputes/discrepancies, or any other suspect billing practice will result in referral of the attorney, investigator, expert witness, or ancillary service provider's request for compensation to the Court.
 - i. The Court may then approve the request for compensation as submitted or modify compensation as the Court deems appropriate.
- D. Time for submission of bills for investigative/expert 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 year end billing.

2. Investigators/expert and ancillary service providers should advise counsel when authorized funds are almost depleted. Counsel should secure a new order for additional funds to enable continuing investigation.
3. LRIS/IDA is not permitted “hold” original, signed authorizations and process interim billing submissions from investigators/experts or ancillary service providers. Each and every request for compensation for investigative/expert and ancillary services requires an **original, signed** authorization, and an original declaration by counsel in support of the authorization.

CHAPTER 5 - INDIGENT DEFENSE ADMINISTRATION
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 to substitute for the judges’ own independent review of the payment of fees.

II. FEE AUDIT COMMITTEES

The BASF 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 people, at least six 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 president of BASF for a four-year term expiring at the end of the calendar year. 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 Administrator finds cause to consider a reduction in an application for payment of fees, and the panel member disputes the recommended adjustment, the IDA Administrator shall first attempt to negotiate a resolution to the issue. Failing that, the IDA 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 IDA, shall conduct a review and investigation to determine whether the application for fees conforms to the Court's billing guidelines and is otherwise accurate and proper. 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 or proper, LRIS staff shall so notify the panel member in writing, specifying the reasons therefor. 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 Administrators.

CHAPTER 6 - PEER/REFERENCE REVIEW PROGRAM AND PROCEDURES
LAWYER REFERRAL AND INFORMATION SERVICE

PURPOSE

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

CONFIDENTIALITY

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

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

REFERENCE CHECKING PROCEDURES

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

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

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

LRIS Rule section 2) D.:

The Bar Association and the Committee have the absolute discretion, right and power to grant or deny any applicant's or panel member's application for membership on any

panel, to renew or not renew any panel member's application for renewal of membership on any panel, to limit the participation of any panel member on any panel, or to remove any panel member from any panel. No finding of professional misconduct or other wrongdoing is necessary for or is to be implied from any action by the Service which results in the suspension of referrals or removal from or non-renewal of panel membership.

LRIS Rules section 4) C.:

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

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

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

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

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

PROCEDURE FOR DENIAL OF ADMISSION TO THE PANEL BY THE COURT

When the Court denies an applicant or panel member admission to the panel, the applicant or panel member may challenge the judges' decision by providing a written statement to the Director of the LRIS or to the LRIS Qualifications Subcommittee explaining why the applicant or panel member believes he/she is qualified. The Qualifications Subcommittee will review the applicant or panel member's statement. If the Qualifications Subcommittee agrees that the applicant or panel member has grounds to request reconsideration, the Subcommittee may advocate on behalf of the applicant or panel members to the Superior Court judges. Any statement challenging the judges' decision should include additional information about an applicant or panel member's criminal or juvenile law training and experience and the results of

his/her work. The applicant or panel member may add any additional information he/she believes would be helpful to the Qualifications Subcommittee in their reconsideration of his/her suitability for panel membership.

Peer/Reference Review Evaluation Forms for Criminal and Delinquency

CONFIDENTIAL

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

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

BY: DATE

Evaluation Re: Attorney Application to Criminal Panel

Applicant Attorney named below has applied to the following Subpanels:

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

Confidential Independent Inquiry and Review

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

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

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

A. Professional Ability:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

Ability to

cross examine: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

Ability to try a

case: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

(Criminal)

Ability to Select a Jury: **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

Ability to

argue a case (court or jury): **HQ** **Q** **NI** **NQ** **U**

My opinion is based on the following observations/information:

B. Effectiveness:

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

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

My opinion is based on the following observations/information:

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

HQ Q NI NQ U

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

C. Professional Reputation

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

D. Professional Experience:

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

HQ Q NI NQ U

My opinion is based on the following observations/information:

Additional

Comments:

Print Name of Evaluator: _____

Date: _____ Signature: _____

CONFIDENTIAL

Lawyer Referral and Information Service
Bar Association of San Francisco
Attention: Membership Coordinator
301 Battery Street, 3rd Floor
San Francisco, CA 94111
Please return by mail or facsimile.
Fax to LRIS Membership Coordinator,
(415) 477-2389

BY: DATE

Evaluation Re: Attorney Application to Delinquency Panel

Applicant Attorney named below has applied to the following Subpanels:

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

Confidential Independent Inquiry and Review

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

Instructions: Please circle the performance level most applicable for the factor being rated. **HQ** – Highly Qualified; **Q** – Qualified; **NI** – Needs Improvement; **NQ** – Not Qualified; **U** – Unknown. You are asked to include as many comments as possible which may be of assistance to the Court and BASF in the evaluation of the applicant attorney.

A. Professional Ability:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

B. Effectiveness:

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

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

My opinion is based on the following observations/information:

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

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

C. Professional Reputation

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

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

My opinion is based on the following observations/information:

D. Professional Experience:

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

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

My opinion is based on the following observations/information:

Additional Comments: _____

Print Name of Evaluator: _____

Date: _____ Signature: _____

Report of Appointments on Scheduled Criminal Conflicts Calendar Date **EXHIBIT 1**

This notice must be completed to inform the Bar Association of San Francisco Indigent Defense Administration of appointment(s) received on your scheduled criminal conflicts calendar date.

NOTE: Please PRINT CLEARLY IN BLUE OR BLACK INK and return this form to BASF within seven (7) days of your scheduled calendar date. If more space is necessary, please submit an additional form. You will not be eligible for future calendar dates until this form is received by BASF. You will also not be eligible for payment for any court-appointed cases unless they have been reported to BASF.

IF APPOINTMENT IS MADE FOR A MURDER CASE, CHECK “MURDER” BOX ONLY, NOT SERIOUS FELONY.

Please return this form by fax to the Bar Association of San Francisco at (415) 782-8993.

Name: _____ Appointment Date: _____

| Defendant (First AND Last Name) | Dep | 7-digit # MCN | 6-digit # SCN | Charges | Mis | R Fel | S Fel | Mur der | Mtr | SB 90 ¹ 2 | Appt Type | Stage ³ |
|------------------------------------|-----|------------------|------------------|---------|-----|-------|-------|---------|-----|----------------------|-----------|--------------------|
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_____ ¹ S=SVP, N=NGI extension, M=MDO

C=Conflict declared by PD, W=Witness, H = Harris, U = PD unavailable, O=Other (includes second counsel, etc.)

³ Please indicate stage of case when appointment was made. 1 =arraign(Complaint), 2=post-arraign/pre-prelim, 3=arraignment (Indictment/Information), 4 =post arraign/pre-trial (Indictment/Information), 5 =post-arraign/pre-trial (Misdemeanor), 6 =post-trial/plea (Misdemeanor), 7 =post-trial/plea (Felony), 8=post-W&I §707 appointment, 9 =Other (please specify)

Report of Appointments on Scheduled Juvenile Delinquency Conflicts Calendar Date EXHIBIT 2

This notice must be completed to inform the Bar Association of San Francisco Indigent Defense Administration of appointment(s) from received on your scheduled juvenile delinquency conflicts 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. 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) 782-8993.

Name: _____
 Appointment date: _____

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Minor | Dept. | Case # | Charges | Misc. | Reg. Del. | Ser. Del. | Murder | 707(b) | Appt. Type ¹ | Stage ² |
|---|---|---|---|---|---|---|---|---|----|-------|-------|--------|---------|-------|-----------|-----------|--------|--------|-------------------------|--------------------|
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¹ C=Conflict declared by PD, P=Conflicts declared by other counsel, U=PD Unavailable, W=Witness, O=Other (please specify)
² Please indicate stage of case when appointment was made. 1=Detention, 2=J1, 3=pre-trial, 4=J2, 5=dispo, 6=prog. rpt., 7=wardship review, 8=W&I §777 petition

BASF-IDA 4/27/05 Conflicts Calendar Notice – Delinquency 45

MC 20

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

COURT NO. _____

DEFENDANT

GENERAL APPEARANCE BY COUNSEL

The undersigned, an attorney at law, hereby appears in the above entitled matter on behalf of the defendant.

Signature: _____ Date: _____

Print Name: _____ Bar No: _____

Address: _____

Tel. No.: _____ Pager No.: _____ Fax No.: _____

NOTE: The procedure set forth in Section 284 and 285 of the Code of Civil Procedure for change of attorneys applies to criminal as well as civil actions.

Report of Bench Appointments on Criminal Matters EXHIBIT 4
(Not for use on Criminal Conflicts Calendar Date)

This notice must be completed to inform the Bar Association of San Francisco Indigent Defense Administration of appointment(s) from the bench, including any *Harris* appointments. A separate form is used for conflicts' attorney of the day. This form is to be used by attorneys accepting appointments for any case if the appointment is not made on a regularly scheduled conflicts day.

PLEASE NOTE: Please PRINT CLEARLY IN BLUE OR BLACK INK and return this form to BASF within seven (7) days of appointment. If more space is necessary, please submit an additional form. You will not be eligible for payment for any court-appointed cases unless they have been reported to the Bar Association of San Francisco.

IF APPOINTMENT IS MADE FOR A MURDER CASE, CHECK "MURDER" BOX ONLY, NOT SERIOUS FELONY.

Please return this form by fax to the Bar Association of San Francisco at (415) 782-8993.

Name: _____ Appointment Date: _____

| Defendant (First AND Last Name) | Dep | 7-digit # MCN | 6-digit # SCN | Charges | Mis | | | R | | | S | | | Mur | | | SB 90 ¹ 2 | Appt Type | Stage ³ | |
|------------------------------------|-----|------------------|------------------|---------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------------------------|--------------|--------------------|-----|
| | | | | | Fel | Fel | Fel | Fel | Fel | Fel | Fel | Fel | Fel | Fel | Fel | Fel | | | | Fel |
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¹ S=SVP, N=NGI extension, M=MDO

² C=Conflict declared by PD, W=Witness, H = Harris, U = PD unavailable, O=Other (includes second counsel, etc.)

³ Please indicate stage of case when appointment was made. 1 =arraign(Complaint), 2 =post-arraign/pre-prelim, 3 =arraignment (Indictment/Information), 4 =post arraign/pre-trial (Indictment/Information), 5 =post-arraign/pre-trial (Misdemeanor), 6 =post-trial/plea (Misdemeanor), 7 =post-trial/plea (Felony), 8 =post-W&I §707 appointment, 9 =Other (please specify)

Notice of Bench Appointment(s) in Juvenile Delinquency Matter(s)

EXHIBIT 5

(Not for use on Juvenile Delinquency Conflicts Calendar Date)

This notice must be completed to inform the Bar Association of San Francisco Indigent Defense Administration of appointment(s) from the bench, including any *Harris* appointments. A separate form is used for conflicts' attorney of the day. This form is to be used by attorneys accepting appointments for reasons other than the reporting of appointments on days assigned as attorney of the day.

PLEASE NOTE: This form must be completed and returned to BASF within seven (7) days of appointment. 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) 782-8993.

Name: _____
 Appointment date: _____

| 1 | Minor | Dept. | Case # | Charges | Misd. | Reg. Fel. | Ser. Fel. | Murder | Appt. Type ¹ | Stage ² |
|---|-------|-------|--------|---------|-------|-----------|-----------|--------|-------------------------|--------------------|
| 1 | | | | | | | | | | |
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| 5 | | | | | | | | | | |
| 6 | | | | | | | | | | |
| 7 | | | | | | | | | | |

¹ H=Harris, M=Multiple defendants, W=Witness, U=PD Unavailable, O=other (please specify)

² Please indicate stage of case when appointment was made. 1=Detention, 2=J1, 3=pre-trial, 4=J2, 5=dispo, 6=prog. rpt., 7=wardship review, 8=777 petition

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ORDER FOR PAYMENT OF COMPENSATION IN CRIMINAL CASE**

EXHIBIT 6

| | |
|---|------------------------------|
| PEOPLE OF THE STATE OF CALIFORNIA v. | MCN: _____ SCN: _____ |
| ORDER FOR ATTORNEY FEES | |

Pursuant to PC §987(a) and 987.2, an order of appointment was made by Judge _____ on _____ in Dept. _____, the attorney named below represented defendant witness on the day(s) set forth in the attached worksheet.

The Court made a finding that the Public Defender properly refused to represent the person named for the following reason(s) (check all that apply)

- Conflict of Interest Co-counsel* Harris (attach motion) SB90 PC §1405 Prev. W&I § 707 apt.
- PD unavailable (reason other than conflict of interest): _____
- Other (reason): _____

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

| | |
|---|--|
| Total Hours | |
| Hourly Rate | |
| Compensation in the sum of | |
| Less: 5% Administrative processing fee | |
| Necessary expenses due Attorney | |
| TOTAL now payable to Attorney | |
| Previous total billings to the Court for this case (include previous billings during W&I §707 proceedings) | |

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: _____ Bar Number: _____

Address _____

Phone _____ Tax ID: _____

Offenses charged (cite code sections).
List up to five major offenses charged,
in order of severity of offense:

Billing rate: Misd. Reg. Fel. Ser. Fel. Death Penalty Misd. Appeal

Ser. Fel. class: Non-Life Life LWOP

MTR: Misd. Reg. Fel. Ser Fel.

Disposition Dept.: _____ Before the Honorable: _____

Disposition Date: _____ Type of Disposition: _____

Was prelim conducted? yes no

Did case go to trial? yes no

Is this bill for prelim? yes no

Is this bill for trial? yes no

Is this an interim bill? yes no

Is this a fiscal year-end bill? yes no

Case is eligible for SB 90 reimbursement: SVP NGI ext. MDO Other _____

Please list below all co-defendants and their attorneys (including public defenders).

| Co-defendant | Case Number | Attorney |
|--------------|-------------|----------|
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***Name of co-counsel, if applicable:** _____

Brief explanation of billing activity (optional):

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 all attachments, are 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

Signature

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

ATTORNEY FEE WORKSHEET

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. Attorneys must also provide the actual times and department number related to any in-court appearances. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour. Not every task, however small, equals a tenth of an hour. Attorneys are expected to combine small tasks until, in combination, the tasks reach the nearest tenth.

If reviewing documents, please list number of pages reviewed.

| DATE | IN-COURT TIME | | TIME BILLED | DEPARTMENT and/or EXPLANATION of TASK |
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**SAN FRANCISCO SUPERIOR COURT
ATTORNEY EXPENSES WORKSHEET**

This form must be filled out and returned ONLY if you are requesting reimbursement for expenses. By returning this form, the attorney certifies that the following monies were expended for necessary costs and do not include expert and/or investigator fees. **Receipts are required for any reimbursable expenses.**

Receipts and a court order with accompanying declaration are required for extraordinary expenses.

| ITEM | AMOUNT |
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Additional comments that may assist the court:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ORDER FOR PAYMENT OF COMPENSATION IN JUVENILE DELINQUENCY CASE

EXHIBIT 7

| | |
|-----------------------------|--------------------------------|
| IN RE THE MATTER OF: | Case No.: |
| | ORDER FOR ATTORNEY FEES |

Pursuant to W&I §634, an order of appointment was made by Judge/Commissioner _____ on _____ in Dept. _____ the attorney named below represented an **accused minor** **witness** on the day(s) set forth in the attached worksheet.

The Court made a finding that the Public Defender properly refused to represent the person named for the following reason(s) (check all that apply):

- Conflict of Interest *Harris* (attach motion)
- PD unavailable (reason other than conflict of interest): _____
- Other (reason): _____

| | | |
|--|--|--|
| Total Hours | | |
| Hourly Rate | | |
| Compensation in the sum of | | |
| Less: 5% Administrative processing fee | | |
| Necessary expenses due Attorney | | |
| TOTAL now payable to Attorney | | |
| 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 _____ Bar Number _____
 Address _____
 Telephone _____ Tax ID _____

Offenses charged (cite code sections). List up to five major offenses charged, in order of severity of offense:

Charges sustained (cite code sections):

Billing rate: Misdemeanor Regular Felony Serious Felony
 Serious Felony class: 602 707(b)
 W&I §777 petition? yes no If yes, date filed: _____

Disposition Dept.: _____ Before the Honorable: _____
 Disposition Date: _____ Type of Disposition: _____

| | |
|-----------------------------|------------------|
| IN RE THE MATTER OF: | Case No.: |
| | |

- Does this bill include a contested J-2 hearing? yes no
- Does this bill include a contested disposition hearing? yes no
- Was minor certified to adult court? yes no
- Is this an interim W&I §707 bill? yes no
- Is this a fiscal year-end bill? yes no
- Is this a final bill? yes no

Please list below any co-minors and their attorneys (including names of public defenders).

| Co-minor | Case Number | Attorney |
|----------|-------------|----------|
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Subsequently Filed Petitions

Offenses charged (cite code sections):

Date(s) subsequent petitions were filed: _____

Brief explanation of billing activity (optional):

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 all attachments, are 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 _____ Signature _____

| | |
|-----------------------------|------------------|
| IN RE THE MATTER OF: | Case No.: |
| | |

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY FEE WORKSHEET**

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. Attorneys must also provide the actual times and department number related to any in-court appearances. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour. Not every task, however small, equals a tenth of an hour. Attorneys are expected to combine small tasks until, in combination, the tasks reach the nearest tenth.

If reviewing documents, please list number of pages reviewed.

| DATE | IN-COURT TIME | | TIME BILLED | DEPARTMENT and/or EXPLANATION of TASK |
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| IN RE THE MATTER OF: | Case No.: |
| | |

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY EXPENSES WORKSHEET**

This form must be filled out and returned ONLY if you are requesting reimbursement for expenses. By returning this form, the attorney certifies that the following monies were expended for necessary costs and do not include expert and/or investigator fees. **Receipts are required for any reimbursable expenses.**

Receipts and a court order with accompanying declaration are required for extraordinary expenses.

| ITEM | AMOUNT |
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Additional comments that may assist the court:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ORDER FOR PAYMENT OF COMPENSATION IN APPELLATE CASE**

| | | |
|--|--------------------------------|---------------------|
| _____ APPELLANT v. PEOPLE OF THE STATE OF CALIFORNIA, RESPONDENT | SCN: _____ | APPEAL NO: _____ |
| | ORDER FOR ATTORNEY FEES | |

Pursuant to PC §987(a) and 987.2, an order of appointment was made by Judge _____ on _____, the attorney named below was appointed to represent Appellant.

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

| | |
|--|--|
| Total Hours | |
| Hourly Rate | |
| Compensation in the sum of | |
| Less: 5% Administrative processing fee | |
| Expenses* | |
| TOTAL now payable to Attorney | |
| Previous total billings to the Court for this case on appeal | |

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: _____ Bar Number: _____

Address _____

Phone _____ Tax ID: _____

Counts resulting in conviction or other adverse disposition (list major count first):

Type of proceeding: Jury Trial Court trial Guilty Plea Probation violation Other

- Appeal of denial of 1538.5? Yes No
- Appeal from final judgment? Yes No
- Sentence or disposition: Probation Other
- Is this a fiscal year-end bill? Yes No

*Please provide breakdown and receipts for all expenses for which you seek reimbursement.

| | | |
|---|-------------|-----------------------|
| APPELLANT v. PEOPLE OF THE STATE OF CALIFORNIA, RESPONDENT | SCN: | APPEAL NO: |
|---|-------------|-----------------------|

Decision of Court re Appeal:

Brief explanation of any extraordinary billing activity (optional):

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 all attachments, are 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

_____ Signature

| | | |
|---|-------------|-----------------------|
| APPELLANT v. PEOPLE OF THE STATE OF CALIFORNIA, RESPONDENT | SCN: | APPEAL NO: |
|---|-------------|-----------------------|

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY FEE APPELLATE WORKSHEET**

Each column must be completed for each entry.
All hours should be listed in tenths (0.10) or quarters (0.25 or 0.75) of an hour.

| TASK | HOURS BILLED |
|---|--------------|
| (1) Communications with Client and/or Trial counsel | |
| (2) Time Spent for Review of Record Length (number of pages reviewed) CT: _____ RT: _____ OTHER: _____ | |
| (3) Extensions of Time How many extensions? _____ | |
| (4) Motions to Augment How many motions to augment? _____ | |
| (5) Other Motions ¹ Please specify: _____ How many other motions? _____ | |
| (6) Opening Brief Date filed: _____ <input type="checkbox"/> Abandoned <input type="checkbox"/> Involuntary dismissal by the Court <input type="checkbox"/> <u>Wende</u> Was approval granted to exceed page limit? <input type="checkbox"/> Yes <input type="checkbox"/> No Total number of pages: _____ Number of issues briefed: ¹ _____ | |
| (7) Unbriefed issues ¹ | |
| (8) Reply brief | |
| (9) Supplemental or letter briefs | |
| (10) Review of Opposing brief(s) Length (number of pages of opposing brief(s)): _____ | |
| (11) Oral Argument <input type="checkbox"/> Submitted on papers <input type="checkbox"/> Appeared and argued on (date): _____ | |
| (12) Review of Court Opinion | |
| (13) Review of Trial Court's file Total number of pages: _____ | |

¹ Please provide as an attachment to this bill a list of all briefed and unbriefed issues for which compensation is claimed, with hours claimed for each issue.

| | | |
|--|-------------|-----------------------|
| _____ APPELLANT v. PEOPLE OF THE STATE OF CALIFORNIA, RESPONDENT | SCN: | APPEAL NO: |
|--|-------------|-----------------------|

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY FEE APPELLATE WORKSHEET (continued)**

Each column must be completed for each entry.

All hours should be listed in tenths (0.10) or quarters (0.25 or 0.75) of an hour.

| TASK | HOURS BILLED |
|---|--------------|
| (14) Other Please specify: | |
| (15) Other Please specify: | |
| (16) Other Please specify: | |
| (17) Communications with Opposing Counsel | |
| TOTAL HOURS CLAIMED (insert this figure on page one of this bill): | |

Number of briefed issues: ____

List briefed issues below:

| BRIEFED ISSUE | HOURS |
|---------------|-------|
| | |
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| | |
| Total: | |

Number of unbriefed issues: ____

List unbriefed issues below:

| UNBRIEFED ISSUE | HOURS |
|-----------------|-------|
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| Total: | |

APPELLANT v. PEOPLE
OF THE STATE OF CALIFORNIA, RESPONDENT

SCN:

APPEAL
NO:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY FEE WORKSHEET**

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. Attorneys must also provide the actual times and department number related to any in-court appearances. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour. Not every task, however small, equals a tenth of an hour. Attorneys are expected to combine small tasks until, in combination, the tasks reach the nearest tenth.

If reviewing documents, please list number of pages reviewed.

| DATE | IN-COURT TIME | | TIME BILLED | DEPARTMENT and/or EXPLANATION of TASK |
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| APPELLANT v. PEOPLE OF THE STATE OF CALIFORNIA, RESPONDENT | SCN: | APPEAL NO: |
|---|-------------|-----------------------|

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ATTORNEY EXPENSES WORKSHEET**

This form must be filled out and returned ONLY if you are requesting reimbursement for expenses. By returning this form, the attorney certifies that the following monies were expended for necessary costs and do not include expert and/or investigator fees. Attach receipts for all expenses.

Extraordinary expenses will not be reimbursed in the absence of a court order.

| ITEM | AMOUNT |
|--------------|--------|
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Additional comments that may assist the court:

PEOPLE OF THE STATE OF CALIFORNIA

v.

MCN: _____
SCN: _____

_____, Defendant.

AUTHORIZATION FOR FUNDS FOR
APPOINTMENT OF INVESTIGATOR
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 investigator _____ 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 investigative funds previously authorized for this case, including lower court and Juvenile Court proceedings, if applicable. \$ _____

A 2% administrative fee will be deducted from investigator bills and retained by BASF.

(Attorney signature if total
investigative 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: _____

This case is eligible for reimbursement through SB 90 funds.

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

EXHIBIT 10

IN RE THE MATTER OF

Case No.: _____

_____, a minor.

AUTHORIZATION FOR FUNDS FOR
APPOINTMENT OF INVESTIGATOR
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 investigator _____ 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 investigative funds previously authorized for this case, if applicable. \$ _____

(Attorney signature if total
investigative 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: _____

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

EXHIBIT 11

PEOPLE OF THE STATE OF CALIFORNIA

v.

MCN: _____

SCN: _____

_____, Defendant.

AUTHORIZATION FOR FUNDS FOR
APPOINTMENT OF 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 expert _____ whose field of expertise is _____ to assist with the preparation in the above captioned matter, said funds not to exceed \$ _____

Please indicate the TOTAL amount of expert funds previously authorized for this case, including lower court and Juvenile Court proceedings, if applicable. \$ _____

Attorney was appointed by the Court Attorney was retained.

Name:
Federal Tax ID:
Phone Number:
Address:
City, State, Zip:

A 2% administrative fee will be deducted from expert bills and retained by BASF.

Date

JUDGE OF THE SUPERIOR COURT

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: _____

This case is eligible for reimbursement through SB 90 funds.

IN RE THE MATTER OF

Case No.: _____

_____, a minor.

AUTHORIZATION FOR FUNDS FOR
APPOINTMENT OF 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 expert _____ whose field of expertise is _____ 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 expert funds previously authorized for this case, if applicable. \$ _____

Name:
Federal Tax ID:
Phone Number:
Address:
City, State, Zip:

Date

JUDGE OF THE SUPERIOR COURT

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: _____

EXHIBIT 13

PSYCHIATRIC FEE SCHEDULE
FOR CRIMINAL DIVISION

FEES FOR EXAMINATION AND WRITTEN REPORT

| | | |
|---|------------------|------------|
| A. Penal Code section 1368/1369 (a) 1203, WI 3050/3051..... | \$500.00 | |
| B. Penal Code section 1026, 1026.2, 1026.5(b), 1027..... | \$500.00 | |
| C. Penal Code section 288.1..... | \$500.00 | |
| D. Evidence Code section 730/1017.....Per Hour..... | \$100.00 | |
| | Not to exceed | \$1,000.00 |
| E. Welfare and Institution Code section 6600 ET SEC...Per Hour..... | \$100.00 | |
| | ...Not to exceed | \$1,000.00 |
| F. Penal Code section 2970 ET SEC.....Per Hour..... | \$100.00 | |

NOTE: Fees in excess of \$1,000.00 for any kind of services need specific prior Court authorization.

All remaining fee shall remain the same.

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

EXHIBIT 14

PEOPLE OF THE STATE OF CALIFORNIA)
)
vs.)
)
_____)
Defendant/Minor)
_____)
_____)

MCN/SCN/JW NO(S):

**AUTHORIZATION FOR
FUNDS FOR APPOINTMENT
OF TRANSLATOR/
TRANSCRIBER**

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 a Translator Transcriber to assist with the translation and transcription in the above-captioned matter, said funds not to exceed \$ _____.

Please indicate the TOTAL amount of expert funds previously authorized for this case, including lower court and Juvenile Court proceedings, if applicable. \$ _____.

Attorney was appointed by the Court. Attorney was retained.

Name: _____
Tax ID: _____
Telephone Number: _____
Address: _____
City, State, Zip: _____

A 2% administrative fee will be deducted from expert bills in non-delinquency cases and retained by BASF.

Date

JUDGE OF THE SUPERIOR COURT

.....

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: _____
Telephone Number: _____

Date: _____ Signature: _____

This case is eligible for reimbursement through SB 90 funds.

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

EXHIBIT 15

| | | |
|-----------------------------------|---|----------------------------|
| PEOPLE OF THE STATE OF CALIFORNIA |) | MCN/SCN/JW NO(S): |
| |) | _____ |
| vs. |) | |
| |) | ORDER OF THE COURT |
| _____ |) | FOR INTERPRETER |
| Defendant/Minor |) | SERVICES, EXCLUDING |
| |) | DOCUMENT/TAPE |
| _____ |) | TRANSLATION |

IT IS HEREBY ORDERDED that a _____ language interpreter be made available to assist court-appointed counsel for the defendant/minor 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 fee will be deducted from interpreter bills in non-delinquency cases and retained by BASF.

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

EXHIBIT 16

PEOPLE OF THE STATE OF CALIFORNIA) MCN/SCN/JW NO(S):
) _____
vs.)
)
) **DECLARATION**
) **OF COURT**

Defendant/Minor) **INTERPRETER**
)
_____)

I, _____, declare as follows:

I provided interpreter services in the above captioned case at the request of defendant's 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) |

*Less: 2% payable to the Bar Association of San Francisco \$ _____
*for non-delinquency cases only:
TOTAL DUE: \$ _____

I declare under penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on _____, 200__.

SIGNATURE OF INTERPRETER

Certification number
___ Non-certified

Tax ID: _____
Address: _____
City, State, Zip: _____
Telephone: _____

APPROVED: _____
(Signature and printed name of court-appointed counsel)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ORDER FOR PAYMENT OF COMPENSATION IN CRIMINAL CASE**

EXHIBIT 17

| | |
|---|-------------------------------------|
| PEOPLE OF THE STATE OF CALIFORNIA v. | MCN: _____ SCN: _____ |
| ORDER FOR INVESTIGATOR FEES | |

Pursuant to order(s) of appointment, the investigator named below performed investigation on the day(s) set forth in the attached worksheet. **All order(s) authorizing payment with accompanying declarations by attorney must be submitted to BASF with this bill.** Please provide the following information:

| Date of order | Judge | Amount of order | Amount received |
|---------------|-------|-----------------|-----------------|
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The court finds that the investigator did perform work at the direction of attorney _____ and is entitled to compensation as follows:

| | | |
|--|--|--|
| Total Hours | | |
| Hourly Rate | | |
| Compensation in the sum of | | |
| Less: 2% payable to the Bar Association of San Francisco | | |
| Necessary expenses due Investigator | | |
| TOTAL now payable to Investigator | | |
| Previous total billings to the Court for this case (include previous billings for services performed, if any, during W&I §707 proceedings) | | |

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:

Investigator Name: _____ Lic. Number: _____
 Address _____
 Phone _____ Tax ID: _____

Offenses charged (cite code sections).
 List up to five major offenses charged,
 in order of severity of offense:

Misd. Reg. Fel. Ser. Fel. Death Penalty Misd. Appeal

Ser. Fel. class: Non-Life Life LWOP MTR: Misd. Reg. Fel. Ser Fel.

Is this an interim bill? yes no Is this a year-end bill? yes no

Case is eligible for SB 90 reimbursement: SVP NGI ext. MDO Other _____

Are there co-defendants in this case? yes no

Brief explanation of billing activity (optional):

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 all attachments, are 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

Signature

**SAN FRANCISCO SUPERIOR COURT
INVESTIGATOR FEE WORKSHEET**

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour.

If reviewing documents, please list number of pages reviewed.

| DATE | TIME BILLED | EXPLANATION of TASK |
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**SAN FRANCISCO SUPERIOR COURT
INVESTIGATOR FEE WORKSHEET**

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour.

If reviewing documents, please list number of pages reviewed.

| DATE | TIME BILLED | EXPLANATION of TASK |
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**SAN FRANCISCO SUPERIOR COURT
INVESTIGATOR FEE WORKSHEET**

Each column must be completed for each entry. The explanation column should include the names of persons contacted and/or a brief description of subject matter. All hours should be listed in tenths (.10) or quarters (.25 or .75) of an hour.

If reviewing documents, please list number of pages reviewed.

| DATE | TIME BILLED | EXPLANATION of TASK |
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**SAN FRANCISCO SUPERIOR COURT
INVESTIGATOR EXPENSES WORKSHEET**

This form must be filled out and returned ONLY if you are requesting reimbursement for expenses. By returning this form, the investigator certifies that the following monies were expended for necessary costs. Attach receipts for any individual item over \$20.00. **Extraordinary expenses will not be reimbursed in the absence of a court order.**

| ITEM | AMOUNT |
|--------------|---------------|
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Additional comments that may assist the court:

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
ORDER FOR PAYMENT OF COMPENSATION IN JUVENILE DELINQUENCY CASE**

EXHIBIT 18

| | |
|-----------------------------|------------------------------------|
| In Re the Matter of: | Case No.: |
| | ORDER FOR INVESTIGATOR FEES |

Pursuant to order(s) of appointment, the investigator named below performed investigation on the day(s) set forth in the attached worksheet. **All order(s) authorizing payment with accompanying declarations by attorney must be submitted to BASF with this bill.** Please provide the following information:

| Date of order | Judge | Amount of order | Amount received |
|---------------|-------|-----------------|-----------------|
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The court finds that the investigator did perform work at the direction of attorney _____ and is entitled to compensation as follows:

| | | |
|--|--|--|
| Total Hours | | |
| Hourly Rate | | |
| Compensation in the sum of | | |
| Necessary expenses due Investigator | | |
| | | |
| TOTAL now payable to Investigator | | |
| 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:

Investigator Name: _____ Lic. Number: _____
 Address _____
 Phone _____ Tax ID: _____

Offenses charged (cite code sections).
 List up to five major offenses charged,
 in order of severity of offense:

- Misd. Reg. Fel. Ser. Fel.
 Ser. Fel. class: 602 707(b) W&I §777 petition: Misd. Reg. Fel. Ser Fel.
 Does this bill include services performed during a contested J-2 hearing? yes no
 Does this bill include services performed during a contested disposition hearing? yes no
 Was minor certified to adult court? yes no
 Is this an interim W&I §707 bill? yes no
 Is this a fiscal year-end bill? yes no
 Is this a final bill? yes no

Are there co-defendants in this case? yes no

Brief explanation of billing activity (optional):

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 all attachments, are 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

Signature

**SAN FRANCISCO SUPERIOR COURT
INVESTIGATOR EXPENSES WORKSHEET**

This form must be filled out and returned ONLY if you are requesting reimbursement for expenses. By returning this form, the investigator certifies that the following monies were expended for necessary costs. **Receipts are required for any reimbursable expenses.**

Receipts and a court order with accompanying declaration are required for extraordinary expenses.

| ITEM | AMOUNT |
|--------------|--------|
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Additional comments that may assist the court:

EXHIBIT 19

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

Criminal:

| | |
|-----------------------------|--------------------|
| Misdemeanors - | \$66.00 per hour |
| Regular felonies - | \$89.00 per hour |
| Serious and life felonies - | \$106.00 per hour* |
| Capital felonies - | \$144.00 per hour |

Juvenile Delinquency:

| | |
|--------------------|--|
| Misdemeanors - | \$66.00 per hour |
| Regular felonies - | \$83.00 per hour |
| Serious felonies - | \$100.00 per hour (all 707 proceedings included) |

Appellate: \$89.00 per hour

Felony Witness Representation: \$89.00 per hour

Private Investigators: \$55 per hour

Paralegal/Legal Assistant: \$35.00 per hour

Delinquency: Case Worker/Social Worker: \$49.00 per hour

Mileage Reimbursement Rate: \$0.50 cents per mile (subject to adjustment by the court)

Copy Cost Rate: \$0.10 cents per page

NOTE: If at any point in the proceedings, charges are changed to a different case type, the hourly rate of compensation will be changed accordingly from that point forward.

*The definition for Serious Felonies is as follows:

1. All felonies that are punishable by life imprisonment, including all three strikes cases
2. Attempted murder (Penal Code section 664/187)
3. Voluntary manslaughter (Penal Code section 192[a])
4. All felony sex crimes requiring registration under Penal Code section 290:
(Only Statutory rape (Penal Code section 261.5) would not be a serious felony)
5. Any felony in which it is alleged that a firearm was used pursuant to Penal Code sections 12022.53 (c) and (d)¹
6. Three or more incidents of the following crimes:
 - a. Residential burglary (i.e. three or more different premises- not just three victims)

¹ Of course, any case in which there is an allegation pursuant to Penal Code section 12022.53(d) is a case punishable by imprisonment for life in state prison and is currently treated as a serious felony.

- b. Assault with personal use of a weapon alleged as an enhancement or great bodily injury alleged as an enhancement
 - c. Robbery, attempted robbery or carjacking
 - d. For the purpose of this section, three or more incidents contemplates three different times and locations, not just three different victims
7. All petitions filed under Welfare and Institutions Code section 707(a) or 707(c)
 8. Arson of an inhabited dwelling (Penal Code section 451(b))
 9. Cases in which the District Attorney is seeking a lifetime commitment pursuant to Penal Code section 6600²

² New legislation signed by the Governor of California eliminates the requirement of successive trials and creates a lifetime commitment for sexually violent predators. These cases have always required experienced counsel but were traditionally compensated as regular felonies. The increase in “punishment” and the complexity of the cases warrants increased compensation

Exhibit 20

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 |