

**AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF SAN MATEO AND
SAN MATEO COUNTY BAR ASSOCIATION**

THIS AMENDMENT TO THE AGREEMENT, entered into this _____ day of _____, 20_____, by and between the COUNTY OF SAN MATEO, hereinafter called "County," and SAN MATEO COUNTY BAR ASSOCIATION, hereinafter called "Contractor";

W I T N E S S E T H:

WHEREAS, pursuant to Government Code, Section 31000, County may contract with independent contractors for the furnishing of such services to or for County or any Department thereof;

WHEREAS, the parties entered into an Agreement to provide appropriate and competent legal services to financially eligible persons entitled to court appointed counsel as a matter of law in San Mateo County; and

WHEREAS, the parties wish to amend the Agreement to increase the ongoing Agreement amount by \$1,760,600 for additional services and programs offered by the Private Defender Program (PDP), and CARE Court Act funding of \$692,664, to a new total amount not to exceed \$128,099,533, and to replace **APPENDIX A** and **APPENDIX B**, with **APPENDIX A1**, **APPENDIX B1**, and add **APPENDIX D**.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. Section 1 of the Agreement ("Services") is amended to read as follows:

The Association will provide qualified attorneys for all financially eligible persons entitled to court appointed counsel as a matter of law in the Superior Court of San Mateo County. The Association will provide such representation in criminal cases, juvenile delinquency cases, mental health cases, civil, and miscellaneous cases as more fully described in Section 2 of this Agreement and Fee Schedule detail in **APPENDIX B1**. As part of such representation, the Association shall provide attorneys to appear at all arraignment calendars, all specialty courts, juvenile court detention centers, review calendars, '602' placement calendars, as requested by the Superior Court of San Mateo County, and as provided by law.

As to the cases described in Section 2 of this Agreement, and Fee Schedule detail in **APPENDIX B**, the Association will provide necessary and appropriate ancillary services such as investigators, experts, and other forensic services, the expense of which is not otherwise provided by law.

The Association shall also employ appropriate staff as may be required to fulfill its obligations under this Agreement, including but not limited to the Chief Defender, Assistant Chief Defenders, Managing Attorneys, Accountants, Head of Social Work, Head of Investigations, Head of Crim-Immigration Defense, Paralegals, Client Advocates, Executive Assistants, Office Managers, Administrative Assistants, and a Receptionist.

The Association agrees and understands that the services performed under this Agreement, whether by the Association or the attorneys and/or investigators providing the representation described herein, are performed as independent contractors and not as employees of the County, and that neither the Association nor any attorneys and/or investigators performing hereunder acquire any of the rights, privileges, powers, or advantages of County employees.

2. Section 3A. (“Compensation”) of the Agreement is amended as follows:

Costs will be based upon the actual amount paid by the Association for the representation of PDP clients on all types of cases and services provided pursuant to this Agreement based upon the Fee Schedule which is attached hereto as **APPENDIX B1**, plus any actual administrative overhead costs incurred that are not included in **APPENDIX B1**. Unless otherwise stipulated by written agreement, the total amount paid to the Association for services pursuant to this Agreement shall not exceed the total sum set forth below for each fiscal year (July 1 through June 30) of the Agreement:

| Fiscal Year | Base Amount | CARE Court Fees | Total Amount |
|-------------|--------------|-----------------|--------------|
| FY 2023-24 | \$23,666,049 | 0 | \$23,666,049 |
| FY 2024-25 | \$24,796,862 | \$173,166 | \$24,970,028 |
| FY 2025-26 | \$25,540,767 | \$173,166* | \$25,713,933 |
| FY 2026-27 | \$26,306,991 | \$173,166* | \$26,480,157 |
| FY 2027-28 | \$27,096,200 | \$173,166* | \$27,269,366 |

3. Section 4B (Additional Obligations, Financial Reporting Obligations) of the Agreement is amended as follows:

1. The Association shall provide to the County audited financial statements that include a Statement of Financial Position, Statements of Activities and Changes in Net Assets, and Statement of Cash Flows. The financial statements and Management Letter should be provided to the County no later than December

31 following the fiscal year-end. The association shall change auditors at least once every five years.

2. The Association agrees to provide detailed reports of actual expenditures incurred for providing indigent legal services to the County no later than December 31 following the fiscal year-end to ensure the annual Agreement amount is reasonable and supported.
 3. Within twenty-one days (21) after the end of each quarter, the Association shall provide the County with summary and detailed reports on case costs and related costs for the quarterly period immediately preceding the payment date that can be easily verified to source documentation upon request. The following summary and detailed reports shall be provided:
 - Expenditures by Attorney
 - Expenditures per Court Case Number, Case type and Sub-Type
 - Expenditures by Fee Type
 - Expenditures by Administrative Expense Type
 - Case Count by Type and Sub-Type (with case number details)
 - All fees and costs which are, or may be, subject to reimbursement by the State or Federal governments, or which may be eligible for other funding.
 4. For CARE Court reimbursements, the Association agrees to submit quarterly invoices and reports to the County. Additional details can be found in **APPENDIX D: Reporting Requirements for CARE Court Funds**. Annually, the State of California’s Legal Services Trust Fund Commission (LSTCFC) Care Court Grants Committee will meet and determine the allocations per County and the cost for each petition.
 5. The Association understands and agrees that : (1) the County may withhold the next quarterly payment to the Association pursuant to Section 3 above if the Association fails to deliver the financial reports identified in Section 4, or if the financial reports are materially deficient or incomplete and (2) any delay by the County in making the quarterly payment to the Association pursuant to Section 3 above resulting from the Association’s failure to timely deliver the reports to the County as required by Section 4 shall not relive the Association of any of its obligations under this Agreement, including—without limitation—its obligation to provide Services pursuant to Section 1 herein.
4. Original Appendix A is replaced in its entirety with and superseded by Appendix A1. (rev. [July 2024]).
Original Appendix B is replaced in its entirety with and superseded by Appendix B1. (rev.

[July 2024]).

Appendix D is added. (July 2024)

5. **All other terms and conditions of the Agreement dated June 13th, 2023, between the County and Contractor shall remain in full force and effect.**

In witness of and in agreement with this Agreement's terms, the parties, by their duly authorized representatives, affix their respective signatures:

For Contractor: SAN MATEO COUNTY BAR ASSOCIATION

| | | |
|---|-----------------------------------|--|
| <p>DocuSigned by:  <small>A49487CC89C440D...</small></p> <hr/> <p>Contractor Signature</p> | <p>9/5/2024</p> <hr/> <p>Date</p> | <p>Yvonne Seeley</p> <hr/> <p>Contractor Name (please print)</p> |
|---|-----------------------------------|--|



For County:

COUNTY OF SAN MATEO

By:
President, Board of Supervisors, San Mateo County

Date:

ATTEST:

By:
Clerk of Said Board

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE SAN MATEO COUNTY BAR ASSOCIATION

FY 2024-2028

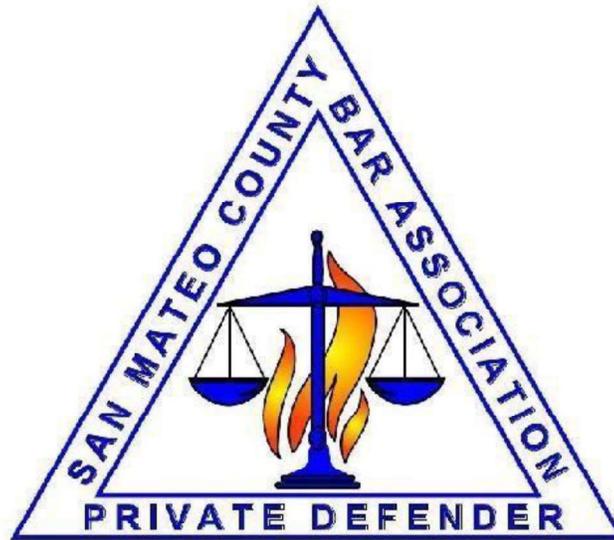
APPENDIX A1

“TYPE A” CASES also include felony writs filed on behalf of defendants (specifically excluding the writs of *habeas corpus* filed on behalf of prisoners of the State of California pursuant to the provisions of California Penal Code section 4750) and post-conviction relief in which defendants are entitled to appointed counsel; all quasi-criminal and civil proceedings which are not specifically mentioned in subsections 2b, 2c, or 2d herein, but which proceedings require by law that counsel be provided at public expense, including but not limited to contempt proceedings (California Code of Civil Procedure sections 1209 *et seq.*); proceedings to terminate parental rights (California Family Code sections 7802, 7860-7864 *et seq.*); probate conservatorship proceedings pursuant to California probate Code sections 1471 and 1852; paternity, support, and adoption proceedings, proceedings pursuant to the provisions of the Service Members Civil Relief Act, proceedings pursuant to the Sexually Violent Predators Act, proceedings pursuant to the provisions of the Community, Assistance, Recovery, Empowerment (CARE) Act, (California Welfare and Institutions Code section 6600 *et seq.*) This category also includes motions to revoke or modify probation and post-conviction relief in the form of expungement or Certificate of Rehabilitation.

“TYPE B” CASES also include misdemeanor appeals and proceedings to revoke or modify probation on misdemeanors; matters arising after the suspension of criminal proceedings in misdemeanors, representation at lineups; representation of witnesses; and any other appearances or representations by assigned attorneys specifically requested or ratified by a Judge of the Superior Court of San Mateo County, and not included in any other provisions of this Agreement, where the law requires that counsel be provided at public expense or where the Chief Defender deems it necessary, whether or not such matter is filed in court.

APPENDIX B1

San Mateo County Bar Association Private Defender Program



ATTORNEY FEE SCHEDULE

Effective 01/15/24

SECTION I - MISDEMEANOR/FELONY CRIMINAL - ADULT**1. Misdemeanor - General Non-DV Charges**

| | |
|--|------------|
| A. Case Fee | \$125 |
| B. Client Conference Fee | \$100 |
| C. Pre-trial Conference | \$275 |
| D. Probation Violation – Unconsolidated Case Fee | \$125 |
| E. Probation Violation – Consolidated Case Fee | \$75 |
| F. Probation Violation – Unconsolidated – Pre-Trial Conference Fee | \$275 |
| G. Probation Report and Sentencing or Restitution | \$150 |
| H. Contested Hearings on Probation Violations, Sentencing, Restitution, etc. | \$125/hour |
| I. Immigration Consultation Fee | \$100 |

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

2. Misdemeanor - Domestic Violence

| | |
|--|------------|
| A. Case Fee | \$125 |
| B. Client Conference Fee | \$100 |
| C. Pre-trial Conference | \$300 |
| D. DV Probation Violation – Unconsolidated Case Fee | \$125 |
| E. DV Probation Violation – Consolidated Case Fee | \$75 |
| F. DV Probation Violation – Unconsolidated – Pre-trial Conference Fee | \$200 |
| G. Probation Report and Sentencing or Restitution Determination | \$150 |
| H. Contested Hearings on Probation Violations, Sentencing, Restitution, etc. | \$125/hour |

I. Immigration Consultation Fee \$100

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client’s immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

3. Felony - Original Filing in Court of Limited Jurisdiction (Prior to “Superior Court”)

Case Fee depends on what happens with the case. This is a total fee and there are no separate SCR fees.

A. Preliminary Hearing Is Held when there is **No SCR**

- 1. First session (a.m. or p.m.) \$710
- 2. Additional sessions – per hour \$125/hour
- 3. Client conference fee \$100
- 4. Immigration consultation fee \$100

B. Preliminary Hearing Is Held when there **IS an SCR**

- 1. SCR fee \$150
- 2. First session (a.m. or p.m.) \$625
- 3. Additional sessions – per hour \$125/hour
- 4. Client conference fee \$100
- 5. Immigration consultation fee \$100

When the Preliminary Hearing IS HELD and after the prelim the Court or DA reduces the entire case to a misdemeanor, the case is dismissed, the client pleads or the case is simply certified, then the fee is the same as above. If case is reduced to a misdemeanor after Preliminary Hearing but not completely resolved, you should bill misdemeanor case fee and Pre-trial fee as appropriate.

C. No Preliminary Hearing Is Held And:

- 1. SCR fee \$150
- 2. Client WAIVES preliminary hearing \$270

| | |
|---|------------|
| 3. Client fails to appear, and attorney withdraws at SCR | \$225 |
| 4. Client fails to appear, and attorney withdraws at preliminary hearing | \$280 |
| 5. Retained counsel substituted in at SCR | \$225 |
| 6. Retained counsel substituted in at preliminary hearing | \$280 |
| 7. Client pleads to a felony or misdemeanor and is fully sentenced | \$400 |
| 8. Client pleads to a felony or misdemeanor and is put over for sentencing or restitution report | \$270 |
| 9. Case is totally dismissed at SCR | \$345 |
| 10. Case is totally dismissed at preliminary hearing | \$400 |
| 11. Client pleads and is sentenced to DEJ | \$400 |
| 12. Case is reduced to misdemeanor before preliminary hearing is held. (If this occurs at any time without client immediately entering a plea, you should create new billing entries for misdemeanor case fee, pre-trial and jury trial fee as appropriate.) | \$190 |
| 13. If a doubt is declared at any time before certification to Superior Court (See also Fee Schedule 9. A.) | \$250 |
| 14. Contested hearings on restitution or sentencing issues | \$125/hour |
| 15. Client conference fee | \$100 |
| 16. Immigration consultation fee | \$100 |

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client before the first court appearance. Where client is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

4. Superior Court Cases

| | |
|---|-------|
| A. Felony Case Fee/Non-special Fee | \$800 |
| B. Superior Court Pre-Trial Conference | \$200 |
| C. Probation Report and Sentencing (859) or Restitution Determination (This fee applies only to felonies that are resolved at SCR or Preliminary Hearing and require a future sentencing/restitution appearance in Superior Court). | \$250 |

| | |
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| D. Probation report and sentencing/restitution on Superior Court felonies | \$150 |
| E. Contested Hearing on Sentencing Issues | \$125/hour |
| F. Client Conference Fee | \$100 |
| G. Immigration Consultation Fee | \$100 |

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client’s immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

5. Post Conviction Cases

| | |
|---|------------|
| A. Felony Probation Violation Unconsolidated - Case Fee | \$300 |
| B. Felony Probation Violation Consolidated - Case Fee | \$125 |
| C. PRCS Violation Unconsolidated - Case Fee | \$300 |
| D. PRCS Violation Consolidated - Case Fee | \$125 |
| E. Parole Violation Unconsolidated - Case Fee | \$300 |
| F. Parole Violation Consolidated - Case Fee | \$125 |
| G. Pre-Trial Conference for Probation, Parole and PRCS Violations if Unconsolidated | \$125 |
| H. Hearings on Probation, Parole, PRCS Violations | \$125/hour |
| I. Client Conference Fee | \$100 |
| J. Immigration Consultation Fee | \$100 |

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client’s immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

6. Trial Fees - Misdemeanor and Felony (in addition to case fees)

A. Jury Trial

- | | |
|---|-----------------------------|
| 1. Trial fees – per hour | \$150/hour |
| 2. Preparation fee – per day | \$350 |
| 3. Jury deliberation – (payable only if attorney is unable to return to office – explain on bill) | \$125/half day \$250/day |

B. Court Trial

- | | |
|--------------------------------|------------|
| 1. Court trial fees - per hour | \$135/hour |
| 2. Preparation fee – per day | \$250 |

NOTE: Trial fees commence ONLY when and if a case is assigned out to a TRIAL department, and is thereafter payable ONLY for hours in court, or for in-chambers discussions.

Preparation fee is payable for each day of jury trial and each ½ day of court trial once the case is assigned to a TRIAL department AND once *in limine* motions or jury selection has begun through closing argument only.

The preparation fee is NOT paid for probation violations or court trials on transcripts with no testimony.

7. Motions - a copy of the motion must be attached to the bill for review.

- | | |
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| A. Complex Motions | \$450 |
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A complex motion is one that includes complex issues, original research, original writing, or a combination of these things. Extensive details and facts regarding the client could also make a motion fall into this category (e.g.- a detailed Romero motion, a 995 with citations to the record and detailed legal analysis.). In this type of motion, facts are detailed, and the attorney has attempted to analyze and distinguish the case or go beyond addressing simple issues that have been previously briefed.

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| B. Standard Motions | \$250 |
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A standard motion is one that uses material that has been previously briefed, but still requires some original material that analyzes the applicability of the case’s facts to the cited law and a statement of facts. It should include unique application to your client and argument applicable to your case.

C. Misdemeanor Diversion Motions \$125

D. Boilerplate Motions \$50

A boilerplate motion is one that has no original research, writing, or argument about the case and the only original work is the caption and possibly a brief statement of facts. These are basic motions to continue, join in someone else’s motion, *in limine* motions for not using certain terms like “victim”, federalizing all objections, and the like.

NOTE: If you feel that your motion does not fit into a specific level – Administrative Fees may be requested with a detailed explanation of why your work is beyond the level generally applicable (See section IV: 1).

E. Hearings and Argument on Motions \$125/hour

8. Misdemeanor and Felony Criminal Calendars

A. Misdemeanor Arraignment Calendar – Two (2) Hours or Less \$175

1. Over two (2) hours – additional per hour \$100/hour

2. Cases closed on calendar – per case \$100

B. Superior Court AM Arraignment Calendar - Two (2) Hours or Less \$275

1. Over two (2) hours – additional per hour \$100/hour

2. Cases closed on calendar - per case \$100

C. Superior Court PM Custody Calendar \$540

1. Prep fee \$150

NOTE: Cases closed on this calendar or continued for resolution are not separately billable by attorney.

D. Specialty Court Calendars

1. Drug Court, Treatment Court, Pathways, Veterans and Military Diversion Court, Mental Health Diversion Court \$185/hour

2. PC1370 Court, DV Review Calendar, DUI Review Calendar, DUI Conference Calendar and Restitution Court \$170/hour

E. Specialty Court Calendars – Preparation Fee (Drug Court, Treatment Court, Veterans and Military Diversion Court, DUI Court and Restitution Court) \$150

F. Misdemeanor Diversion Calendars \$175

9. PC1367/1368 – When a Doubt is Declared as to Competence

A. Fee When DOUBT DECLARED Felony Cases in “LOWER COURT” \$300

Upon a declaration of doubt regarding competence, the case will go to Superior Court for the appointment of doctor(s), receipt of doctor(s) report, and a possible placement order. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If a client is found **incompetent** and placed, bill the \$300 plus any other applicable fees. When and if the client is later returned as competent, the case should be billed as a new case. (Unless the client is returned to competency within 60 days).

B. Fee when Doubt is Declared in Felony Cases in SUPERIOR COURT \$300

Upon a declaration of doubt regarding competence, the court will appoint doctor(s), and you will return to court for the receipt of doctor(s) report, and a possible placement order. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If the client is found **incompetent** and placed, bill the \$300 plus any other applicable fees. When and if the client is returned as competent, the case should be billed as a new case (Unless the client is returned to competency within 60 days).

C. Special Fee Cases – Felony and Misdemeanor
(These cases should be billed hourly for all work).

D. Misdemeanor Cases \$300

Upon a declaration of doubt regarding competence, the case will go to the 1370 Calendar for the appointment of a doctor and receipt of that doctor’s report. If found incompetent, the court will conduct screening and status hearings pursuant to PC1370.01. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If the client is found **incompetent** and is accepted into Mental Health Diversion, bill according to section E.2.

If the client is found **incompetent** and is accepted into AOT or a conservatorship is established, or client is accepted into C.A.R.E Court, the case will be dismissed,

and you will close the case and bill a case fee and any other fees as appropriate. If the client is found **incompetent**, and case is dismissed because the client does not meet any criteria under PC1370.01, you will close the case and bill a case fee and any other fees as appropriate.

E. Work on Felony OR Misdemeanor Cases after placement is ordered and cases where seeking and/or placed on Mental Health Diversion

1. Placement cases (FELONIES ONLY)

During the time in which criminal proceedings are suspended, it may be necessary or appropriate to deal with issues **after placement is ordered**, but before competency has been restored. In that event, any work done should be billed at the rate of **\$125 an hour**.

Examples of this type of work include: speaking to the jail or hospital personnel to determine if placement has occurred, checking on the client’s mental health status and progress toward competence, keeping track of the maximum time for which the proceedings can be suspended, advocating for the client when the maximum confinement or competency restoration time is near, handling of a case where it is deemed that the client will not regain competency, and work towards getting a dismissal or other resolution of the case when appropriate. This may also include an appropriate motion to have the client returned to court and working with LPS attorney or County Counsel.

2. Seeking mental health diversion (MHD) (PC 1001.36, Intensive Mental Health Diversion, Mental Health Diversion under PC 1370(a)(1)(B)(iv), and PC 1370.01(b)(1)(A))

If you are seeking mental health diversion under any of the above statutes, you may start to bill at an hourly rate of **\$125** once you begin performing work necessary to pursue a finding that your client has a qualifying diagnosis under PC 1001.36(b) that is sufficient for “Mental Health Diversion Screening”. This means that you may begin billing the hourly MHD rate once you begin to gather information to establish a qualifying diagnosis for MHD, including seeking jail records, consulting with social workers, or other experts. It also includes appearances in MHD Court, in front of the MHD judge, and dealing with issues regarding treatment or progress in the program.

F. Trial on Competency

If there is a trial on competency, then billing should be done pursuant to Section 6 of the Fee Schedule, billing like any other trial.

10. Petitions for Reduction and Dismissal Pursuant to Prop 47 and Prop 64

- A. Filing Petition for Reduction or Dismissal \$50
- B. Mandatory Court Appearance for Resolution of Petition \$80

- C. Writing and Arguing Motion for Resolution of Petition are billed according to section I:7: A-D of the fee schedule

11. Special Assignments (Only by assignment from the Staff Attorneys)

| | |
|---|-------------|
| A. Special Assignment by Staff Attorneys | \$150/hour |
| B. Expungements (Basic) | \$250/Case |
| C. Trailing Expungements (unless filing of a separate motion is required) | \$75/Case |
| D. Expungement (with Declaration) | \$350/Case |
| E. PC 290.5 Sex Registration Petition for Relief | |
| 1. Tier 1 review & petition case fee | \$350 |
| 2. Tier 2, 3, TBD review & petition case fee | \$600 |
| 3. Post-petition proceedings and/or contested hearing | \$125/hour |
| F. Post-Diversion Petition to Seal | \$125 |
| G. Line-Up | \$295 |
| H. Motion to Withdraw Plea Review | \$325 fee |
| Case Fee plus Hourly Rate | \$125 |
| I. Officer of the Day – Half Day/Full Day | \$325/\$650 |
| J. Witness Representation | \$325 fee |
| Case Fee plus Hourly Rate | \$125 |

12. Billing Notes for all Case Types

- A. Where a single client has multiple cases on the same calendar for pre-trial conference, only a single pre-trial conference fee may be billed. (Attorney can pick the case on which to apply the single fee).

When a case or probation violation is consolidated with other cases then only one pre-trial fee may be billed.

In all cases the pre-trial fee is payable only one time, regardless of how many pre-trials are held on the case.

As with any case that requires an extraordinary amount of work, an administrative fee request can be submitted if multiple pre-trial conferences occur, and the case is appropriate for such a fee.

- B. In ANY CASE – when the client fails to appear at any point in the proceedings and the PDP is relieved, the case may be submitted for payment. If the client returns

to court within **one year** of the FTA, then the previously assigned attorney will be expected to resume representation of the client, and no additional case fee may be billed (See Policy and Procedure Manual).

If a client fails to appear for a third time with the same attorney, then the attorney can bill as if the case is a new case. (Case Fee and Pre-Trial Fee if held)

- C. ALL bills must be submitted within 90 days of completion of the case, or they may not be paid.
- D. All Special Fee/Hourly Cases must be billed MONTHLY, or bills may not be paid.

SECTION II - SPECIAL SERVICES

1. Civil Proceedings

(Family Law Contempt, DCSS Contempt, Probate, Military Dissolution, Paternity, etc.)

- A. Per Hour (up to 15 hours: Special Fee Request required if over 15 hours) \$135
- B. Trial Fees – Same as Adult see section I:6:A and B (except Prep Fees are not paid)
- C. Probate Code Sect. 3200 Medical Consent Cases
 - 1. Case fee \$250
 - 2. Hourly \$135
- D. DCSS Contempt Calendar
 - 1. Two (2) hours or less \$175
 - 2. Over two (2) hours – additional per hour \$100
- E. CARE Court (Hourly)
 - 1. Respondents’ representation (Out of Court) \$135
 - 2. Respondents’ representation (In Court/Reviews) \$135
 - 3. Respondents representation (Contested Hearings) \$135

NOTE: Civil Cases MUST be paid MONTHLY like other special fees and hourly cases. A bill should be submitted EVERY month.

2. Writs

- A. Case Fee – If a new assignment only \$250
- B. Per hour – Including Preparation and Hearing (up to 15 hours; Special Fee request required if over 15 hours. \$150

3. Appeals

- A. Per Hour – Including Preparation and Hearing (up to 15 hours; Special Fee Request required if over 15 hours. \$150

4. Mentor Services

- A. Standard Mentor Hourly Fee \$150

NOTE: This rate covers time spent with attorneys that are new to the panel. It includes, but is not limited to, meetings to discuss cases, attending court appearances including pre-trials and jury trials with your mentee. Being a mentor means being available to answer questions about various processes including billing, handling court coverage, filing motions, etc.

- B. Advanced Mentor Hourly Fee \$150

NOTE: This rate is designed to allow experienced attorneys to seek the advice of other more experienced attorneys to address specific issues in difficult cases. It is initially limited to 10 hours, although more time can be requested with an explanation regarding the need.

5. Restraining Orders (Hourly)

- A. Gun Violence Restraining Order \$150
- B. Civil Restraining Order \$150

SECTION III - LPS

1. LPS Trials and Re-Hearings

- A. Case Fee \$500
- B. Client Conference Fee \$100
- C. Jury Trial
 - 1. Jury trial fees – per hour (in addition to case fee) \$150
 - 2. Preparation Fee – per day \$350
 - 3. Jury deliberation – per half day \$125
 - 4. Jury deliberation – full day \$250

NOTE: Deliberations are compensated only when attorneys are unable to return to their office or other court appearances.

- D. Court Trial
 - 1. Court trial fees – per hour (in addition to case fee) \$135

2. Preparation fee – per day \$250

E. Re-Hearing Hourly \$135

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

NOTE: Trial fees commence ONLY when and if a case is assigned out to a TRIAL department, and are thereafter payable ONLY for hours in court, or, for in-chambers discussions.

Preparation fee is payable for each day of jury trial and each ½ day of court trial once the case is assigned to a TRIAL department AND once *in limine* motions or jury selection has begun through closing argument only. The Preparation Fee is NOT paid for Probation Violations or Court Trials on transcripts with no testimony.

2. LPS Calendar

A. Calendar Preparation and Follow Up (up to 6 hours) \$125/hour

B. Calendar \$150

3. Writs

A. Case Fee \$250

B. Per Hour – Including Preparation and Hearing (Up to 15 hours; Special Fee request required if over 15 hours) \$150

4. Assisted Outpatient Treatment (AOT) Petitions

A. Case Fee \$250

B. Hourly \$135

5. Medical Consent/Do Not Resuscitate

A. Case Fee \$250

B. Hourly \$135

NOTE: Civil Cases that are determined to be special fee MUST be paid MONTHLY like other special fees and hourly cases. A bill should be submitted EVERY month.

SECTION IV - EXTRAORDINARY FEE REQUESTS

1. Administrative Fee Cases

Reviewed by Staff Attorneys (Chief Defender, Assistant Chief Defender, and Managing Attorneys) for requests up to \$3500 additional to fee schedule.

Cases that do not meet the criteria for treatment as a Special Fee Case (see below), and yet require extraordinary effort and time, may be considered for additional compensation. The standard case fee already includes compensation for things that would normally come up in a case including working with a PI, experts, mental health experts, motions to continue, etc. When you have a case that is particularly complex or difficult you may apply for an Administrative Fee.

Administrative Fee requests allow for additional compensation, beyond the case fees, up to a certain amount. A request describing the case and specific factors that made it extraordinary should be attached to the bill. Additionally, you should include a detailed itemization of the time spent, which will be compensated at \$150/hour up to the max amount. A cursory statement simply asking for the additional fee without details is insufficient. Insufficiently documented requests will be returned for documentation and may not be paid.

Your bill should reflect your understanding that the Fee Schedule was designed to cover most cases and is intended to compensate all attorneys on the panel equally for their work. While the Administrative Fee process is available to compensate lawyers for truly extraordinary cases, the management will be mindful of the fact that panel attorneys are never asked to return money on cases assigned to them that settle quickly with little time or effort.

Management reserves the right to review and modify the amount awarded as an administrative fee.

2. Special Fee Cases

Special Fee cases are assigned by the Staff Attorneys. These cases are billed hourly; no other part of the fee schedule is used in billing these cases. There are different types of Special Fee Cases.

A. Life Imprisonment

This category includes murders and any case that includes a charge for which the penalty prescribed by law is life imprisonment. Examples of this type of case include murder, attempted pre-meditated murder, One-Strike sexual assault, kidnapping for ransom, etc.

B. Three Strikes Cases

1. A true Three Strikes Case where the client has two or more strike priors, and the new charge is a serious or violent felony will start out as a "Life Case" under the Special Fee schedule and is billed at \$165/hour.
2. If a Three Strikes Case, at any time during the pendency of the case, becomes a second-strike case (e.g.- by designation of the District Attorney or because a prior is determined to not be valid, and this is acknowledged by the DA) then the special fee amount changes from \$165/hour to \$150/hour from that point forward.

3. If a client has multiple strike priors but the case is filed as, or is being prosecuted as, a second strikes case, then the case is NOT a Three Strikes Case. (e.g. – The new charge is not a serious or violent felony.) This case should be billed as a general felony case. If you believe that the case qualifies for a special fee, then follow the instructions regarding making a request under that section of this fee schedule. (Section IV: 2: D)

C. Non-Life Imprisonment

Cases that most frequently fall into this category are extremely difficult felony cases. Examples are manslaughter, kidnapping, sexual assault, child molestation, high tech crimes, complex fraud litigation, or any other case a Staff Attorney determines to be appropriately set as a special fee case based on the charges.

D. Difficult and Complex Issue Cases

These cases are ones that place extraordinary demands on the attorney’s time and skills, and thus qualify, in the Staff Attorneys’ judgment, for treatment as Special Fee cases payable at an hourly rate described below.

Generally, this type of case will be assigned by a Staff Attorney as a Special Fee case from the beginning. However, an attorney should make a request when it becomes clear that a case seems it should appropriately be billed as Special Fee. (See section IV: 3)

In determining whether it is appropriate for a case to be a special fee case, the Staff Attorneys will evaluate the request for compensation in light of the realities of indigent criminal defense representation, including our inability to pay the true market value of attorney services. Factors that are considered in determining whether a case merits Special Fee treatment include:

1. Difficult client – serious mental issues, personality, contrariness, etc.
2. Nature of charges – the gist of the case, the prosecution position, potential punishment.
3. Extra hours – unusual legal issues, unusual number of or type of expert witnesses to deal with, travel, quantity of documentary evidence to review, difficult witnesses to interview, etc.
4. Motions – unusual in scope or number (attach copy to billings)

E. Petitions for Resentencing

- | | |
|--------------------------|-------|
| 1. Post Conviction | \$165 |
| 2. Compassionate Release | \$150 |

3. Special Fee Request Format

Most Special Fee cases will be predetermined by the Staff Attorneys (Chief Defender, Assistant Chief Defender, and Managing Attorneys). If you have a case that was not already marked as a Special Fee case that should have been (by charge or sentence exposure), you should contact one of the Staff Attorneys.

If you have a case that you would like to have considered as a Special Fee case (that is not one by definition by its charge or sentence), then you **MUST** get approval from a Staff Attorney BEFORE you submit **ANY** hourly billing. Vouchers will be returned if you do not get approval prior to submitting hourly billing.

Without violating the attorney client privilege or compromising either the rights of the client or the attorney's ethical or legal duties, each Special Fee request **MUST** include the following:

1. An email to a Staff Attorney explaining the charges against the client and why you believe the case is or should be a Special Fee case.
2. A notation on the first billing of the case as to why it is Special Fee and which staff attorney made the Special Fee approval, and why (very briefly) it is Special Fee.
3. Special Fee billing must be specific and detailed and done MONTHLY.

Specific examples of how this billing must be done are as follows:

1. Attorneys shall identify each major issue researched and the time spent on them
2. The bill shall indicate the nature of the work performed, i.e., SCR, pre-trial, review discovery, Preliminary Hearing, preparation for trial, meeting with client, investigator, DA, or witness, etc.
3. Identify the documents reviewed
4. Identify any motion researched or drafted
5. State the nature of the court appearance and the time involved
6. All time spent must be itemized in 1/10-hour increments

4. Special Fee Hourly Rates

When a case is a special fee case, the billing consists only of hourly billing. You should not bill a case fee, pre-trial fee, motion fees, or any other event-based fee.

- | | |
|-----------------|--|
| A. \$205/hour* | Applies to Lead Counsel in Death Penalty Cases |
| B. \$175/hour | Applies to Lead Counsel in Special Circumstance Cases |
| C. \$175/hour* | Applies to Second Counsel in Death Penalty Cases and Transfer Cases |
| D. \$165/hour | Applies to all other Murder, Attempted-Premeditated Murder Cases, Three Strikes Life cases, Sexually Violent Predator, and cases that include a charge for which Life Imprisonment can be imposed. |
| E. \$150/hour** | Applies to extremely difficult felony cases, such as Manslaughter, Non-Premeditated Attempted Murder, Vehicular Manslaughter, Kidnapping, Sexual Assault, Child Molestation, Gang Cases, High Tech |

Crime, Complex Fraud Prosecution, or any other case a Staff Attorney determines is appropriately set at this level.

*In death penalty cases where two attorneys are authorized, counsel may agree to split the hourly rates between themselves. For example, Lead Counsel and Second Counsel might agree to each bill at \$190 per hour instead of \$205 and \$175 respectively.

**The rate paid for jury trial in these cases will be the higher rate described for all jury trials in the fee schedule – e.g., \$150 an hour.

NOTE: You should be aware that some changes in the status of a case will likely result in a change of the applicable rate. For example, if the District Attorney’s Office declares that they will no longer seek the death penalty in a special circumstance murder prosecution, the rate would change from \$205/hour rate to \$175/hour. Similarly, if a simple kidnapping charge becomes a kidnapping for robbery case after the Preliminary Hearing, the case would go from a general non-special fee felony to a special fee case payable at the \$165/hour rate from that point forward. You should alert a Staff Attorney of such a change in status at the first available opportunity.

SECTION V - JUVENILE COURT

1. Delinquency (602 Cases)

| | |
|---|-------|
| A. Case Fee | \$540 |
| 1. Additional petition - unconsolidated | \$355 |
| 2. Additional petition - consolidated (with case or other PV) | \$145 |
| 3. Client conference fee | \$100 |
| 4. Immigration consultation fee | \$100 |

NOTE: Client Conference Fees are billable only once per case. This fee is payable after an in-person conference with client, before the first court appearance. Where client is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where a client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client’s immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

B. Contested Hearing Fee

| | |
|-------------|-------|
| 1. Per hour | \$125 |
|-------------|-------|

NOTE: Hourly fees commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.

| | |
|---|---|
| <ul style="list-style-type: none"> 2. Preparation fee - per day | <p>\$250</p> <p>NOTE: Preparation fee is payable for each ½ day of contested hearing once the hearing has begun.</p> |
| <ul style="list-style-type: none"> C. Disposition Fee (for each separate appearance) | <p>\$160</p> |
| <ul style="list-style-type: none"> D. Post Disposition Review | <p>\$160</p> |
| <ul style="list-style-type: none"> E. Petitions for Reduction and Dismissal Pursuant to Prop 47 & Prop 64 <ul style="list-style-type: none"> 1. Filing petition for reduction or dismissal 2. Mandatory court appearance for resolution of petition 3. Writing and arguing motion for resolution of petition are billed according to Section 1:7:A-D of the fee schedule | <p>\$50</p> <p>\$80</p> |
| <ul style="list-style-type: none"> F. Calendars <ul style="list-style-type: none"> 1. Placement Review Calendar 2. Girls Program Calendar | <p>\$160</p> <p>\$400</p> |
| <p>2. Dependency: (300 Cases)</p> | |
| <ul style="list-style-type: none"> A. Case Fee <ul style="list-style-type: none"> 1. Child representation (1 or more children by the same attorney) 2. Parent representation (1 or both) | <p>\$1050</p> <p>\$1050</p> |
| <p>NOTE: Case Fee is billable after the disposition hearing and includes all uncontested hearings through disposition and all future non-appearance reviews. Contested hearing fees are additional.</p> | |
| <ul style="list-style-type: none"> 3. Welfare and Institutions Code Section 387 Case Fee | <p>\$1050</p> |
| <p>NOTE: Only billable if the 387 petition is filed after disposition in the original case</p> | |
| <ul style="list-style-type: none"> B. Contested Hearing Fee <ul style="list-style-type: none"> 1. Per hour | <p>\$100</p> |
| <p>NOTE: Hourly Fees Commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented, or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.</p> | |
| <ul style="list-style-type: none"> 2. Preparation fee – per day ½ day | <p>\$120</p> |
| <ul style="list-style-type: none"> C. Mandatory Post Disposition Review – by Assigned Attorney (for each appearance made by assigned attorney. Must select a specific Review) | |

- 1. Family maintenance review \$200
- 2. 6 Months Family Reunification Review \$200
- 3. 12 Months Family Reunification Review \$200
- 4. 18 Months Family Reunification Review \$200
- 5. 24 Months Family Reunification Review \$200
- 6. Interim Review Family Reunification \$200

3. Welfare and Institutions Code Section 366.26 Cases

- A. Case Fee \$1050
- B. Contested Hearing Fee
 - 1. Per hour \$100
NOTE: Hourly Fees commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented, or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.
 - 2. Preparation fee – per ½ day \$120
NOTE: Preparation fee is payable for each ½ day of contested hearing once the hearing has begun.
- C. Mandatory Post Disposition Review – by Assigned Attorney
 (For each appearance made by assigned attorney)
 - 1. WIC 366.3 review \$200

4. AB12 Case Fee:

- A. When Originates From 602 \$1050
- B. When Originates From 300 and is a New Case \$1050
- C. When Continues From Established 300 Case There Is No New Case Fee \$0
- D. Non-Minor Dependent (NMD) Review – Dependency \$200

5. Title IV-E Funded Services- Dependency (300 Cases):

- A. Dual Status Review Hearing WIC 241.1 \$200
 (For each 241.1 review hearing made by the assigned Dependency Attorney)
- B. Home Visits - Children:
 Child Visits as required by California Rules of Court, Rule 5.660, up to 2.5 hours per visit \$105/hour

For visits that may take more than 2.5 hours, prior approval from the Managing Attorney is required.

- C. Attorney Attending Child and Family Team (CFT) Meeting \$200
- D. Attorney Attending Multi-Disciplinary Team Meeting (MDT) \$200
- E. Attorney Attending CSEC MDT \$200
- F. STRTP Placement Review (uncontested) \$200

6. Motions- a copy of the motion must be attached to the bill for review.

A. Complex Motions

- 1. 602 complex motions \$400
- 2. 300 complex motions \$350

A complex motion is one that includes complex issues, original research, original writing, or a combination of these things. Extensive details and facts regarding the client could also make a motion fall into this category. (e.g. – difficult presumed father or relative placement motions, or complex 700.1 motions) In this type of motions, facts are detailed, and the attorney has attempted to analyze and distinguish the case or goes beyond addressing simple issues that have been previously briefed.

B. Standard Motions

- 1. 602 standard motions \$250
- 2. 300 standard motions \$125

A standard motion is one that uses material that has been previously briefed, but still requires some original material that analyzes the applicability of the case’s facts to the cited law and a statement of facts. The motion should include unique application to your client and argument applicable to your case.

C. Motion Using Standard “JV” Forms – 300 And 602 \$80

This motion simply requires the filling in of a form after finding out information from or about your client and his or her circumstances. (e.g. – WIC 778,388)

D. Boilerplate Motions \$50

A boilerplate motion is one that has no original research, writing, argument or thought about the case and the only original work is the caption and possibly a brief statement of facts. These are basic motions to continue, motions to join in someone else’s motion, *in limine* motions for not using certain terms like “victim”, federalizing all objections, and the like.

NOTE on Motion Levels: If you feel that your motion does not fit into a specific level – Administrative Fees may be requested with a detailed explanation of why your work is beyond the level generally applicable (see section IV: 1).

E. Hearings And Argument on Motions

- | | |
|--------------|-------|
| 1. 602 cases | \$125 |
| 2. 300 cases | \$125 |

7. Other Juvenile Related Assignments

A. Managing Attorney Special Assignments – Per Hour

- | | |
|--------------|-------|
| 1. 602 cases | \$150 |
| 2. 300 cases | \$125 |

B. Adoption/Guardianship - Per Hour \$150

C. DEJ Violations \$160

D. EMP Violations and Reviews \$160

E. Guardian Ad Litem #1 \$1050

As client representative in court when client has mental health issues, bill case fee and reviews just like any other dependency case.

F. Guardian Ad Litem #2 – Per Hour \$125
Representation of minor where the client/minor has a potential civil claim.

G. Juvenile Court Adoption (Fam Code Section 7822 et seq.) – Per Hour \$150

H. Writs – Dependency (300 cases only) \$125

I. Line-up \$295

J. Officer of the Day – Half Day/Full Day \$325/\$650

K. Sealing \$250
Fee is per Petition. A copy of the sealing forms/orders for each petition should be attached. An attorney may request an Administrative Fee with explanation as to why extra fee is warranted.

L. Witness Representation – Case Fee Plus Hourly Rate \$325
\$125/hour

M. Miranda Advice to In-Custody 17 Y.O. Or Younger Minor \$250
On-call 24 hours for consultation – non holiday 24 hours \$500
On-call 24 hours for consultation – holiday 24 hours \$135/hour
Consultation with 17 y.o. or younger minor

This fee covers travel to/from location of minor to be questioned and time spent doing the consultation.

| | |
|---|------------|
| N. Miranda Advice to Minors Requested by Juvenile Probation This fee covers travel to/from location of minor to be questioned and time spent doing the consultation. | \$135/hour |
| O. Petition to Dismiss Pursuant to WIC 782(a)(2) (AB 2629) | \$125/hour |
| P. Special Immigrant Juvenile Status Petitions (602 and 300 Cases) | \$250 |

8. Re-Assignment of Cases

When re-assignment of a case is made, the Chief Defender, Assistant Chief Defender or Managing Attorney of the Juvenile Office will determine the fee to be paid. The factors considered in making the fee determination will be the type of case reassigned, the complexity of that case, as well as the status of the case on the court calendar.

SECTION VI - JUVENILE EXTRAORDINARY FEE REQUESTS

1. Administrative Fee Cases – Reviewed by Managing Attorney (for requests up to \$3,500 additional to fee schedule for 602 cases and \$2,940 for 300 cases).

Cases that do not meet the criteria for treatment as a Special Fee Case (see below), and yet require extraordinary effort and time, may be considered for additional compensation. The standard case fee already includes compensation for things that would normally come up in a case including working with a PI, expert, mental health expert, motions to continue, etc. When you have a case that is particularly complex or difficult you may apply for an Administrative Fee.

Administrative Fee requests must seek a **specific amount of compensation**. (Specific dollar amount.) A request describing the case and specific factors that made it extraordinary should be attached to the bill. Additionally, you should include a detailed itemization of the time spent, which will be compensated at \$125/hour up to \$3,500 for 602 cases, and at \$105/hour up to \$2,940 for 300 cases. A cursory statement simply asking for the additional fee without details is insufficient. Insufficiently documented requests will be returned for documentation and may not be paid.

Your bill should reflect your understanding that the Fee Schedule was designed to cover most cases and is intended to compensate all attorneys on the panel equally for their work. While the Administrative Fee process is available to compensate lawyers for truly extraordinary cases, the evaluators will be mindful of the fact that panel attorneys are never asked to return money on cases assigned to them that settle quickly with little time or effort.

Management reserves the right to review and modify the amount awarded as an admin fee.

2. Juvenile Special Fee Cases – Special Fee cases are assigned by the Managing Attorney. These cases are billed hourly; no other part of the fee schedule is used in billing these cases. In determining whether a case is appropriate for special fee status, the Managing Attorney will evaluate the case in light of the realities of indigent criminal/juvenile defense representation, including our inability to pay the true market value of attorney services.

A. Determination Of Special Fee Cases

Determination regarding if a juvenile case is a special fee case may be made in advance of assignment or at the request of an attorney, but the special fee status can only be designated by the Managing Attorney. The specific hourly rate is determined by the type of case and/or by the Managing Attorney. (See section B below.)

Factors that are considered in determining whether a case merits Special Fee treatment include:

1. Difficult client – serious mental issues, personality, contrariness, etc.
2. Nature of charges – seriousness of the offenses charged, potential serious dispositional consequences
3. Extra hours – unusual legal issues, complex cases, quantity of documentary evidence to review, difficult witnesses to interview, etc.
4. Motions – unusual in scope or number (attach copy to billings)

B. Juvenile Special Fee Hourly Rates

When a case is a special fee case, the billing consists only of hourly billing. You should not bill a case fee, disposition fees, motion fees, or any other set type of fee.

1. \$175/hour* Applies to murder, attempted pre-meditated murder, and Transfer Cases
2. \$150/hour* Applies to extremely serious felony 707(b) offenses or sexual assault cases as defined In Penal Code section 290.008, gang cases and non-premeditated attempted murder cases.
3. \$125/hour Applies to complex 300 cases (i.e., shaken baby cases, etc.). Managing Attorney determines which cases are appropriately set at this level.
4. \$105/hour* Complex 300 cases, 300 cases involving extremely difficult clients. Managing Attorney determines which cases are appropriately set at this level.

C. Special Fee Request Format

Most Special Fee cases will be predetermined by the Managing Attorney. If you have a case that was not already marked as a Special Fee case that you think should have been, you should contact the Managing Attorney.

If you have a case that you would like to have considered as a special fee case that is not one by its charge or sentence, then you **MUST** get approval from the Managing Attorney **BEFORE** you submit **ANY** special fee billing. Any such vouchers will be returned if you do not get approval **prior** to submitting hourly billing.

Without violating the attorney client privilege or compromising either the rights of the client or the attorney's ethical or legal duties, each Special Fee request **must** include the following:

1. An email to the Managing Attorney explaining the charges against the client and why you believe the case is or should be a special fee case.
2. Special Fee billing must be specific and detailed and done MONTHLY. Specific examples of how this billing must be done are as follows:

- a. Attorneys shall identify each major issue researched and the time spent on them.
- b. The bill shall indicate the nature of the work performed, i.e., Jurisdictional Hearing, Contested Hearing, Contested Dispositional Hearing, review of discovery, etc.
- c. Identify the documents reviewed
- d. Identify any motion researched or drafted
- e. State the nature of the court appearance and the time involved
- f. All time spent must be itemized in 1/10-hour increments

3. Billing Notes for all Case Types

- A. In ANY CASE – when the client fails to appear at any point in the proceedings and the PDP is relieved, the case may be submitted for payment. If the client returns to court within sixty (60) days of the FTA, then the previously assigned attorney will be expected to resume representation of the client, and no additional case fee may be billed. (See Policy and Procedure Manual) If a client fails to appear for the third time with the same attorney, can bill for a new case fee.
- B. ALL 602 vouchers must be submitted within 90 days of completion of the case, or they may not be paid.
- C. All 300 vouchers must be submitted within 30 days of the completion of the billable activity or they may not be paid.
- D. All Special Fee/Hourly Cases must be billed MONTHLY, or the vouchers may not be paid.



The State Bar of California

Reporting Requirements for CARE Court Funds

INTRODUCTION

Governor Newsom signed the Community Assistance, Recovery, and Empowerment (CARE) Act on September 14, 2022.¹ The CARE Act creates a new court program (CARE Court) that will launch October 1, 2023, in Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, and Tuolumne Counties and December 1, 2023, in Los Angeles County.² The Budget Act of 2023, as amended, (Budget Act) requires the Legal Services Trust Fund Commission (LSTFC) to fund and collect data from qualified legal services projects (QLSPs), public defenders, support centers, and other qualifying entities (other entities) to implement the CARE Act.³

On March 24, 2023, the LSTFC created the CARE Court Grants Committee. It delegated to that committee the authority to set reporting requirements for the CARE Court funds that the LSTFC will administer this fiscal year (2023–2024). This document lists reporting requirements that the committee approved on August 23, 2023, following State Bar consultation with the Judicial Council, Department of Health Care Services (DHCS), and others. Starting on page three, it also describes the specific data that QLSPs and public defenders will need to report each quarter.

BACKGROUND

CARE Courts must appoint QLSPs to represent those who are the subject of a CARE Court petition (respondents). Where no QLSP has agreed to represent respondents, the court must appoint a public defender.⁴ Additionally, support centers and other entities that have expertise in training and providing technical assistance to legal aid providers

¹ Welfare and Institutions Code §§ 5970–87.

² The CARE Act requires all these counties except for Los Angeles to launch by October 1, 2023. All other counties in California—including Los Angeles—must launch by December 1, 2024. Welfare and Institutions Code § 5970.5. Los Angeles County plans to launch its CARE Court program one year early—by December 1, 2023.

³ Senate Bill (SB) 104 amended the Budget Act of 2023 on September 13, 2023. SB 104 expanded the eligibility for grants to provide legal training and technical assistance for CARE Court to include “other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders.” The text of SB 104 is available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240SB104.

⁴ Welfare and Institutions Code § 5977.

or public defenders can apply for funding to provide “legal training and technical assistance related to the implementation of the CARE Act.”⁵ The Budget Act provides funding for these QLSP, public defender, support center, and other entity services between October 1, 2023, and June 30, 2024. It also states that the LSTFC:

[S]hall be responsible for collecting outcome data from each county’s public defender office, qualified legal services projects, and support centers [and other entities]. The State Bar of California shall annually provide to the Judicial Council a report that includes funding allocations, annual expenditures, and program outcomes by service area and service provider. Data shall be reported using the reporting framework developed by the Legal Services Trust Commission in consultation with the Judicial Council **to ensure that data reporting is consistent and comparable across Judicial Council and Legal Services Trust Fund data.** (Emphasis added.)⁶

CARE Court reporting, therefore, must be consistent with what the LSTFC requires for other funds. These requirements are also subject to changes in the CARE Act, Budget Act, and future guidance from the Judicial Council, DHCS, and others. As such, some reporting requirements might become known to the State Bar at a later date.

REPORTING REQUIREMENTS

QLSPs, public defenders, support centers, and other entities will report data through the State Bar’s portal, SmartSimple.

1. Quarterly reports

All recipients of CARE Court funds must report quarterly on expenditures and services.

CARE Court grantees only: in addition to the quarterly expenditures required of all funding recipients, if awarded a CARE Court grant you must also report budget variances exceeding 10 percent of the approved grant budget to the State Bar as soon as possible. Variances exceeding 10 percent of the approved grant budget require an official budget revision request and State Bar or LSTFC approval.

QLSPs and public defenders only: for those providing legal representation, this includes reporting quarterly on new, ongoing, and/or closed representation of clients:

- A. Client demographics such as race/ethnicity, gender identity, age, disability status, veteran status, limited English Proficiency status, and housing status.
- B. Petitioner status (e.g., family member, first responder, etc.).

⁵ SB 104.

⁶ The Budget Act.

- C. Legal outcomes that are relevant to the CARE Act, including CARE plans and agreements (e.g., helped client to access behavioral health services through Medi-Cal).
- D. Legal resolutions that are relevant to the CARE Act, including CARE plans and agreements (e.g., client graduated from program after CARE plan).
- E. (To the extent possible) Economic benefits for cases that resulted in an award for or savings to the client.
- F. The time it takes to represent client in CARE Court proceedings (i.e., in-court hours), the total time it takes to serve clients (e.g., to prepare for hearings, attend hearings, help client access services, and otherwise implement the CARE Act, including CARE plans and agreements), and similar information to gauge grantee and public defender workloads and funding needs.
- G. Any other quarterly data necessary to comply with state reporting requirements.

Support centers and other entities providing legal trainings and/or technical assistance to counsel for respondents only: must report quantitative data about trainings, convenings, research, and other support for QLSPs, public defenders, courts, county behavioral health agencies, and others.

2. A final evaluation

All recipients of CARE Court funds must submit a final evaluation about:

- A. Impact (i.e., how services affected the people served).
- B. Evaluations (the processes used to assess the effectiveness of services and the lessons learned about the services or the community).
- C. Legal service delivery successes and challenges.
- D. Publications (any publication or distribution plans for materials resulting from grant activities/this funding).
- E. Any other final evaluation data necessary to comply with state reporting requirements.

QUARTERLY REPORT

Recipients of CARE Court funds should use the information below to prepare for quarterly reporting. Except for Table 3, all questions ask about the use of these CARE Court funds only. Table 3 asks about the use of both these CARE Court funds and other monies.

Expenditures: All recipients of CARE Court funds must report the following data every quarter.

Table 1. Expenditures

| For the previous quarter, enter your total expenditures of these CARE Court funds on: | | Expenditures |
|---|----------------------------------|--------------|
| Personnel costs | Lawyers | \$ |
| | Paralegals | \$ |
| | Other staff | \$ |
| | Employee benefits | \$ |
| Non-personnel costs | Space | \$ |
| | Equipment rental and maintenance | \$ |
| | Office supplies | \$ |
| | Printing and postage | \$ |
| | Telecommunications | \$ |
| | Technology | \$ |
| | Program travel | \$ |
| | Training | \$ |
| | Library | \$ |
| | Insurance | \$ |
| | Litigation | \$ |
| | Capital additions | \$ |
| | Contract service to clients | \$ |
| | Evaluation | \$ |
| Other | \$ | |
| Administrative costs | Personnel | \$ |
| | Non-personnel | \$ |

Personnel costs

- **Attorneys:** Salaries and wages paid to staff attorneys, whether full-time, part-time, or temporary.
- **Paralegals:** Salaries and wages paid to staff paralegals (including law graduates, legal assistants, and law students), whether full-time, part-time, or temporary. Paralegals are persons working under the supervision and control of an attorney, whose duties consist primarily of such activities as intake interviewing, checking court records, legal research, and outreach and community work.
- **Other staff:** Salaries and wages paid to all other staff, including administrative and support staff, whether full-time, part-time, or temporary.

- **Employee benefits:** Fringe benefits and payroll taxes paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance, and other payroll-related costs.

Non-personnel costs

- **Space:** The actual cost of office space or other space for staff and services and costs for maintenance of that space. This may include rent, utility payments, maintenance/janitorial expenses.
- **Equipment rental and maintenance:** Lease or rental expenses for equipment (except telephone); a commensurate share of anticipated maintenance costs for that equipment.
- **Office supplies:** Basic office supplies, including materials used in copiers and other small equipment. Equipment purchases under \$1,000.
- **Printing and postage:** Outside printing and postage costs.
- **Telecommunications:** Local, long-distance, cellular telephone service and expenses. Similar and related expenses for conference calls, videoconferencing, or other telecommunication services should be included as well.
- **Technology:** Expenses related to computer software purchases, subscriptions, updates, and online data management, or electronic research services (e.g., Lexis-Nexis, Westlaw).
- **Program travel:** Travel expenses incurred by staff or volunteers to provide these services.
- **Training:** Non-personnel costs associated with training or continuing education for staff members or volunteers who provide these services. You may include the cost of travel to and from training events, per diem, conference registration fees or tuition, purchase or production of training materials, etc. Exclude expenses associated with training that you provide to the public or to other organizations.
- **Library:** Expenses for the maintenance and expansion of office libraries required by these services, including subscriptions to periodicals, books, and update services.
- **Insurance:** A share of professional liability insurance and bonding costs proportionate to staff who are funded by these dollars. A share of other insurance for property and automobiles commensurate with their use by these services.
- **Litigation:** Court costs, witness fees, expert witness expenses, sheriff's fees, courthouse copying fees, and other expenses incurred in litigation on behalf of eligible clients.

- **Capital additions.** Equipment and other purchases over \$1,000 per item.
- **Contract service to clients:** Payments to private attorneys or consultants to provide professional services to clients.
- **Evaluation:** Expenses for gathering and analyzing information and data and reporting on the effectiveness of services.
- **Other:** Expenses not included above.

Administrative costs

- **Personnel:** Portions of personnel and personnel-related costs supporting general office operations, rather than legal program expenses.
- **Non-personnel:** Portions of non-personnel costs supporting general office operations, rather than legal program expenses.

QLSPs and public defenders only: QLSPs and public defenders must report data about their CARE Court workloads every quarter.

Table 2. CARE Court Workload (Legal Representation Only)

| For the previous quarter, enter the total number of: | # |
|--|---|
| Cases that were open | |
| (Of the above total for cases that were open) New cases | |
| (Of the above total for cases that were open) Closed cases | |
| Hearings you attended | |
| Negotiations you attended | |

Table 3. CARE Court Hours (Legal Representation Only)

| For the previous quarter, enter the total number of: | # of hours using CARE Court funds | # of hours using other monies |
|---|-----------------------------------|-------------------------------|
| Hours you spent representing clients in CARE Court proceedings (in-court hours only) | | |
| Hours you spent representing clients in all aspects of the case (e.g., to prepare for hearings, attend hearings, help clients access services, and otherwise implement the CARE Act, including CARE agreements and plans) | | |

New Cases Only: Report the following client demographics for new cases only. That is, report only for cases in which you began providing representation in CARE Act proceedings, matters related to CARE agreements, and CARE plans in the previous quarter. This is to avoid counting the same case multiple times across quarters.

Table 4. Race/Ethnicity

| Report on new clients only: | # |
|------------------------------|---|
| Asian or Pacific Islander | |
| Black not Hispanic origin | |
| Hispanic/Latino | |
| Native American | |
| White not Hispanic origin | |
| More than one race/ethnicity | |
| Other race/ethnicity | |
| Unknown | |

Table 5. Gender Identity

| Report on new clients only: | # |
|-----------------------------|---|
| Female | |
| Male | |
| Non-binary | |
| Unknown | |

Table 6. Age

| Report on new clients only: | # |
|-------------------------------|---|
| Adults (18 to 59 years old) | |
| Senior (60 or more years old) | |
| Unknown | |

Table 7. Disability Status

| Report on new clients only: | # |
|-----------------------------|---|
| None | |
| Developmental | |
| Hearing | |
| Mental ⁷ | |

⁷ To qualify for CARE Court, clients must be experiencing a severe mental illness as defined in the CARE Act. Use this category to report **other** mental health issues such as those that are “due to a medical condition or [that are] not primarily psychiatric in nature, including, but not limited to, physical health conditions such as traumatic brain injury, autism, dementia, or neurologic conditions.” Welf. & Inst. Code § 5972.

| Report on new clients only: | # |
|------------------------------------|----------|
| Mobility | |
| Speech | |
| Visual | |
| Other | |
| Unknown | |

Table 8. Veteran Status

| Report on new clients only: | # |
|------------------------------------|----------|
| Veteran | |
| Non-veteran | |
| Unknown | |

Table 9. Limited English Proficiency (LEP) Status

| Report on new clients only: | # |
|------------------------------------|----------|
| LEP | |
| Non-LEP | |
| Unknown | |

Table 10. Housing Status

| Report on new clients only: | # |
|------------------------------------|----------|
| Institutional housing | |
| Permanent housing | |
| Temporary housing | |
| Other housing statuses | |
| Unhoused | |
| Unknown | |

Table 11. Petitioner Status⁸

| Report on new clients only: | # |
|--|----------|
| County adult protective services agency (The director of county adult protective services, or their designee, of the county in which the respondent resided or was found.) | |
| County behavioral health agency | |

⁸ Welfare and Institutions Code section 5974 identifies who may file a CARE Court petition.

| Report on new clients only: | # |
|---|---|
| (The director of a county behavioral health agency, or their designee, of the county in which the respondent resided or was found.) | |
| Family member (A spouse, parent, sibling, child, or grandparent or other individual who stands in loco parentis to the respondent.) | |
| First responder (A peace officer, firefighter, paramedic, emergency medical technician, mobile crisis response worker, or homeless outreach worker, who has had repeated interactions with the respondent in the form of multiple arrests, multiple detentions and transportation pursuant to Section 5150, multiple attempts to engage the respondent in voluntary treatment, or other repeated efforts to aid the respondent in obtaining professional assistance.) | |
| Hospital (The director of a hospital, or their designee, in which the respondent was hospitalized.) | |
| Licensed behavioral health provider (A licensed behavioral health professional, or their designee, who had, within the past 30 days, supervised the treatment of, or treated the respondent for, a mental illness.) | |
| Public charity (The director of a public or charitable organization, agency, or home, or their designee, who had, within the past 30 days, provided behavioral health services to the respondent or in whose institution the respondent resided.) | |
| Public guardian or conservator (A public guardian or public conservator, or their designee, of the county in which the respondent was present or reasonably believed to be present.) | |
| Respondent | |
| Roommate (A person with whom the respondent resided.) | |
| Tribal court (The judge of a tribal court that was located in California, or their designee.) | |
| Tribal health agency (The director of a California Indian health services program, California tribal behavioral health department, or their designee.) | |

Closed Cases Only: Report the following data only for cases that you closed in the previous quarter. This is to avoid counting the same case multiple times across quarters.

Table 12. Legal Resolutions

| Report on closed cases only: | # |
|---|---|
| (Case dismissed) Client was not an adult | |
| (Case dismissed) Client did not have a qualifying severe mental illness | |

| Report on closed cases only: | # |
|---|---|
| (Case dismissed) Client was already stabilized in on-going voluntary treatment | |
| (Case dismissed) Neither condition in Welfare & Institutions Code section 5972(d) was true ⁹ | |
| (Case dismissed) Less restrictive means of ensuring recovery and stability was available | |
| (Case dismissed) Client was unlikely to benefit from a CARE plan/agreement | |
| (Case dismissed) Client enrolled/was likely to enroll in behavioral health treatment | |
| (Case dismissed) Any other reason (e.g., petitioner failed to appear) | |
| Representation ended because client substituted their own counsel | |
| Client graduated from program after CARE agreement | |
| Client graduated from program after CARE plan | |
| Other (describe) | |

Table 13. Legal Outcomes¹⁰

| Report on closed cases only: | # | |
|---|---|--|
| Access to behavioral health services | Through the 1991 and 2011 Realignment | |
| | Through Medi-Cal behavioral health | |
| | Through health care plans and insurers | |
| | Through services supported by the Mental Health Services Act | |
| | Other medically necessary stabilization medications | |
| | Secured access to behavioral health services (program/funding source unknown) | |
| Access to housing resources | Through the No Place Like Home Program | |
| | Through the California Housing Accelerator | |
| | Through the Multifamily Housing Program | |
| | Through the Homeless Housing, Assistance, and Prevention Program | |
| | Through the Encampment Resolution Funding Program | |
| | Through the Project Roomkey and Rehousing Program | |
| | Through the Community Care Expansion Program | |
| | Through the CalWORKs Housing Support Program | |
| Through the CalWORKs Homeless Assistance | | |

⁹ Among other requirements to qualify for the CARE process, at least one of the following must be true:

- (1) The [respondent] is unlikely to survive safely in the community without supervision and the person’s condition is substantially deteriorating.
- (2) The [respondent] is in need of services and supports in order to prevent a relapse or deterioration that would be likely to result in grave disability or serious harm to the person or others, as defined in Section 5150.

Welf. & Inst. Code § 5972(d).

¹⁰ Welfare and Institutions Code section 5982 identifies the services and supports that a CARE plan may include. Identify the program/funding source where possible.

| Report on closed cases only: | | # |
|--|--|---|
| | Through the Housing and Disability Advocacy Program | |
| | Through the Home Safe Program | |
| | Through the Bringing Families Home Program | |
| | Through the Transitional Housing Placement Program for nonminor dependents | |
| | Through the Transitional Housing Program-Plus | |
| | Through the Behavioral Health Continuum Infrastructure Program | |
| | Through the Behavioral Health Bridge Housing Program | |
| | Through the HUD-Veterans Affairs Supportive Housing Program | |
| | Through the Supportive Services for Veteran Families Program | |
| | Through the HUD Continuum of Care program | |
| | Through the Emergency Solutions Grant | |
| | Through the HUD Housing Choice Voucher Program | |
| | Through Emergency Housing Vouchers | |
| | Through Section 8(o) of the United States Housing Act of 1937 | |
| | Through the HOME Investment Partnerships Program | |
| | Through the Community Development Block Grant Program | |
| | Through the Mental Health Services Act | |
| | Through other state and federal housing resources | |
| Secured access to housing resources (program/funding source unknown) | | |
| Access to social services | Through Supplemental Security Income/State Supplementary Payments | |
| | Through Cash Assistance Program for Immigrants (CAPI) | |
| | Through CalWORKs | |
| | Through the California Food Assistance Program | |
| | Through the In-Home Supportive Services program | |
| | Through CalFresh | |
| | Secured access to social services (program/funding source unknown) | |
| Other | Secured access to other qualifying services and supports (describe) | |

Table 14. Economic Benefits

| Report on closed cases only: | | Value |
|-----------------------------------|-------------------------|-------|
| Awards/Payments to clients | Total lump-sum payments | \$ |
| | Total monthly payments | \$ |
| Costs saved for clients | Total lump-sum savings | \$ |
| | Total monthly savings | \$ |

The following guidance applies to Table 14, above:

To the extent possible, report the economic benefits for cases that resulted in an award (e.g., public benefit payments) and/or savings to the client. **Report only confirmed economic benefits. Refrain from extrapolating amounts.**

If a payment or savings occurs monthly for a set period of time, calculate the total (monthly amount X length of time) and report it as a lump sum payment or savings. If a payment or savings occurs monthly for an unknown period of time, do not extrapolate or annualize. Instead, report only the known amount as a monthly payment or savings.

If a client realized distinct monthly and lump sum payments, you can report both economic benefits. Do not report the same benefit in both awards/payments to and costs saved for clients because that will result in double counting.

Support centers and other entities only: Support centers and other entities providing technical assistance and/or trainings to counsel for respondents must report quantitative data about trainings, convenings, research, and other support for QLSPs, public defenders, courts, county behavioral health agencies, and others.

Table 15. Legal Training and Technical Assistance

| Report on completed services only: | | # |
|------------------------------------|--|---|
| Live trainings | Live trainings held | |
| | Live training participants from QLSPs and public defenders | |
| | Live training participants not from QLSPs and public defenders | |
| On-demand trainings | On-demand trainings held | |
| | On-demand training views | |
| Convenings | Convenings held | |
| | Convening participants from QLSPs and public defenders | |
| | Convening participants not from QLSPs and public defenders | |
| Technical assistance | Research for QLSPs and public defenders | |
| | Brief technical assistance to QLSPs and public defenders | |
| | In-depth technical assistance to QLSPs and public defenders | |
| | Technical assistance to non-QLSPs and non-public defenders | |
| | Other (describe) | |

Support centers and other entities must report the above legal trainings and technical assistance by area of law:

- Consumer/Finance
- Disability rights
- Employment
- Family/Domestic violence
- Health and long term care
- Housing
- Immigration

- Income maintenance
- Miscellaneous (explain)

Number of live trainings held: Enter the number of in-person and live webinar trainings that you held on CARE Court topics. Include the training even if it is now available on demand. If a training was recorded without an audience for purely on-demand viewing, exclude it here. Instead, report it in “number of on-demand trainings held.” If a training could fit in either category, report it just once in the one that best captures its nature and impact.

Number of live training participants from QLSPs and public defenders: Enter the number of QLSP and public defender staff members who attended the in-person and live webinar trainings that you reported in “number of live trainings held.”

Number of live training participants not from QLSPs and public defenders: Enter the number of non-QLSP and non-public defender staff members who attended the in-person and live webinar trainings that you reported in “number of live trainings held.”

Number of on-demand trainings held: Enter the number of purely on-demand trainings—without an in-person or live webinar audience—that you created on CARE Court topics. If an on-demand module began as an in-person training or live webinar, exclude it here. Instead, report it in “number of live trainings held.” If a training could fit in either category, report it just once in the one that best captures its nature and impact.

Number of on-demand training views: If known, enter the number of views during the reporting period for the trainings that you reported in “number of on-demand trainings held.”

Number of convenings held: Enter the number of convenings (e.g., taskforce meetings, roundtables, and workshops) that you organized featuring CARE Court topics.

Number of convening participants from QLSPs and public defenders: Enter the number of QLSP and public defender staff members who attended the convenings that you reported in “number of convenings held.”

Number of convening participants not from QLSPs and public defenders: Enter the number of non-QLSP and non-public defender staff members who attended the convenings that you reported in “number of convenings held.”

Research for QLSPs and public defenders: Enter the number of times that you provided research support to QLSPs and public defender offices for CARE Court representation. This is different than a training or convening where you shared research findings with QLSPs and public defender offices. Report trainings and convenings in the categories for that work. Here, report instances of individualized and general, written research that you provided to QLSPs and public defender offices. If you provided written research (e.g., a report) to multiple offices, count each as a separate instance.

Brief technical assistance to QLSPs and public defenders: Enter the number of times that you provided brief-technical support (e.g., a call or document feedback) to QLSPs and public defender offices for CARE Court representation. If you provided the same brief-technical support to multiple offices, you may count each as a separate instance.

In-depth technical assistance to QLSPs and public defenders: Enter the number of times that you provided in-depth support to QLSPs and public defender offices. If you provided the same in-depth support to multiple offices, you may count each as a separate instance.

Technical assistance to non-QLSPs and non-public defenders: Enter the number of times that you provided technical assistance to non-QLSPs and non-public defender offices for CARE Court representation.

Other (describe): Enter figures for any other support center or other entity services. Describe that work in a narrative.