

# SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO

## CLAIMS PROCESSING POLICY FOR COURT-APPOINTED ATTORNEY (NOT APPLICABLE FOR SPECIAL CIRCUMSTANCE CASE ATTORNEYS)

**(EFFECTIVE – JUNE 1, 2013)**

### **1. MAILING ADDRESS FOR SUBMISSION OF CLAIMS:**

- Submit claims via U.S. Mail or hand-delivery to: **Court Claims Processing, Fresno Courthouse, 1100 Van Ness Avenue, Fifth Floor, Room 503, Fresno, California 93724.**
- Claims submitted via facsimile and/or email will be rejected.

### **2. COMPENSATION:**

- The Superior Court and/or the County will compensate court-appointed attorneys for pre-approved services and expenses until the case is completed at the Superior Court level.
- Fees for services concerning hearings before the District Court of Appeal shall be determined by the supervising judge of the case specific division of the Court.

### **3. PREPARATION OF CLAIMS:**

Counsel must provide a copy of the court order authorizing appointment, and the original plus one copy of the following:

- A completed Application and Order for Payment Form;
- An "Attachment A" consisting of all detail supporting any request for payment for services rendered and/or mileage; and
- An "Attachment B" consisting of all detail supporting any claim for reimbursement of expenses other than mileage. Original receipts and/or proof of payment (i.e. cancelled checks) must accompany each request for payment of expenses or the expense will be disallowed.

### **4. DETAIL OF CLAIMS:**

All requests for payment must include the following specific information:

- (a) The month, day, year of service.
- (b) The name and title of person who actually performed the service.
- (c) The type of material read, reviewed or researched; the number of pages involved; and the number of times material was read, reviewed or researched.
- (d) The name of person interviewed or consulted, whether the contact was in person or by telephone, and-- without disclosing confidential information-- the general purpose/description of conversation.
- (e) The type of motion or document prepared, including the number of pages in each document.
- (f) The amount of time spent on each activity detailed in .1 hour (6 minute) increments.
- (g) Each activity within a bundled entry of time must be itemized by .1 increments.

### **5. TIMELY SUBMISSION OF CLAIMS:**

- Requests for payment must be submitted on a timely basis. Requests submitted more than 90 days after the date of service will be reduced by 15% without further notice.
- All claims for one billing period must be submitted on a single invoice.
- Invoices for services rendered or expenses during a billing period for which an invoice was previously submitted will be returned unpaid.
  - For example: If a claim is submitted for dates up through December 31, 2012, no future invoices listing charges for services or expenses prior to and including December 31, 2012, will be paid.

## **6. ANCILLARY REQUESTS:**

Counsel requesting court funding for an expert, investigator, paralegal, interpreter, transcription from a court proceeding or other services must supply the following to Claims Processing:

- A copy of the court order appointing counsel.
- Appropriate supporting declarations specifying the nature of the work to be performed.
- A proposed order:
  - Identifying who is being appointed and in what capacity (e.g., Dr. Laura I. Feelgood, M.D. – expert witness).
  - Stating the hourly fee and the maximum amount sought.
  - Specifying that the funds will be advanced to counsel, and are to be placed in counsel's trust account for payment of such services.
  - Stating that the funds will be paid by the County of Fresno.
  - Specifying that at the conclusion of the case, counsel will submit to the Court a final accounting of the funds counsel disbursed for the services sought and that counsel will return to the Court, by means of a check made payable to the County of Fresno, any remaining fund balance.

NOTE: Pre-authorization must be obtained by counsel for expenses of out of County experts.

All requests will be forwarded for judicial review and approval. Counsel will be notified of the results of judicial review via U.S. Mail.

## **7. ANCILLARY REQUEST BY RETAINED COUNSEL ON FORMER PRO PER CASES:**

- When a Pro Per defendant retains counsel, the court in which the hearing was held will immediately notify Claims Processing.
- Claims Processing will notify the vendor(s) in writing that counsel has been retained, at which point the vendor will have five (5) court days to complete their report(s) and turn over all discoveries to retained counsel.
- If retained counsel submits a declaration that shows he/she is no longer receiving any money to represent the defendant and will continue to represent the defendant pro bono for the rest of the case, the court can then authorize ancillary fees as warranted.
- Good cause must be shown if retained counsel requests to withdraw as attorney of record and then be appointed by the court, as opposed to appointing the Public Defender (or other conflict counsel). Counsel requesting to withdraw as attorney of record must submit to the court a full accounting of funds already expended and a copy of the retainer agreement disclosing the source of the funds. If appointed by the court, counsel agrees to accept the fee rate of \$80 per hour. Once appointed the court can approve ancillary fees for work to be done from that point forward and at a rate consistent with the Court's Fee Schedule.

## **8. FINAL ACCOUNTING:**

Counsel must submit the original and one copy of all final accounting documents. The Court will bill counsel who fails to submit a copy with the final accounting for copying at the rate of \$.50 per page.

## **9. INTERPRETING SERVICES:**

- If interpreting services are needed for court-ordered psychological and/or psychiatric evaluations, please contact the Court Interpreter Services at 457-4910 for assistance.
- All other interpreting needs must be pre-approved as an Ancillary Service request.

## **10. CORRECTION OF ERRORS:**

Claimants will receive telephonic or written notification of any adjustments made to requests as a result of mathematical errors, incorrect rates or inaccurate activity categories.

**11. CHANGE OF VENUE:**

Upon order of the court, travel, meals and mileage will be reimbursed in accordance with current State Administrative Office of the Courts travel policies. For further information contact Claims Processing.

**12. SAME DEFENDANT / NUMEROUS CASES:**

- When an attorney makes one appearance, for the same defendant, on numerous cases, the request for payment for that appearance shall be submitted on a single invoice on the lead case.
- Unless unusual circumstances exist, the attorney will be reimbursed for the actual time of the simultaneous appearance, not separately for each individual case addressed at that appearance.

**Claims not submitted directly to Claims Processing may delay your payment.**

**Payment authorization will be made only for claims that comply with these policies and that do not exceed the hourly rates set forth on the Fee Schedule attached.**

## FEE SCHEDULE FOR COURT-AUTHORIZED SERVICES

EFFECTIVE – JUNE 1, 2013

### Legal Services

<b>COURT-APPOINTED ATTORNEY -</b>	\$240 flat fee of for the first 3 hours worked regardless of the actual time spent. \$80 per hour for the 4 <sup>th</sup> hour and each hour thereafter. (Completion of Attachment "A" is required for all hours from time of appointment)
<b>GUARDIAN AD LITEM -</b>	\$35 per hour.
<b>PARALEGAL -</b>	\$25 per hour.
<b>INVESTIGATORS -</b>	\$35 per hour.
<b>LEGAL RUNNER -</b>	\$15 per hour.

### Non-Legal Services

<b>EXPERTS -</b> Hourly rate not to exceed	\$200 per hour.
<b>INTERPRETERS –</b> Certified and registered:	\$35 per hour
Non-certified and non-registered:	\$25 per hour
<b>TRANSCRIPTION</b> (other than court proceedings)	\$2.13 per page
<b>PSYCHOLOGICAL/PSYCHIATRIC EXAMS –</b>	
Standard rate	Psychologist - \$400 per exam Psychiatrist - \$550 per exam

Supplemental report /re-referral within a 12 month period \$300.00, unless otherwise pre-authorized by the court as measured from date of appointment on initial evaluation to date of appointment for the supplemental report /re-referral.

### COURT-APPOINTED REIMBURSEMENT FOR ACTUAL EXPENSES

**The Court will authorize payment to reimburse attorneys/vendors for actual costs incurred for the following services, when the cost is verified with an original receipt, unless otherwise indicated:**

1. Blank audio/video tapes
2. Exhibits
3. Facsimile transmissions - up to \$1.00 per page.
4. Film processing
5. Photocopy expense: a) in-office copying: actual cost up to \$ .10 per page  
b) outside copying: actual cost with original receipt
6. Postage/shipping
7. Long distance telephone charges only. Claim must include a copy of telephone bill with case-related calls highlighted.
8. Transcription of recorded statements (e.g., 911 calls, interviews, etc.), other than transcripts of court proceedings, per fee schedule.

**The court will not authorize payment to reimburse attorneys/vendors for the following expenses:**

1. Travel expenses (except in change of venue cases or otherwise pre-authorized by the Court)
2. Office supplies (e.g., file folders, binders, index cards, Xerox paper, etc.)
3. Clerical activities/support (typing, photocopying, facsimile transmissions, mailings, etc.)
4. Local telephone calls
5. Meals (except in change of venue cases or otherwise pre-authorized by the Court)
6. Local parking expenses
7. Invoice preparation; conferences with Court personnel regarding how to prepare invoices; and time spent obtaining judge's signature on orders; conferences with Court personnel regarding appointment; placing matters on calendar; taking matters off calendar; inquiries regarding case status; requests for copies of Court orders.
8. All other expenses, unless expressly approved.