Superior Court of Placer County

Policy for Court-Appointed Professionals in Criminal Cases

SECTION I. PURPOSE AND SCOPE OF POLICY

This policy establishes application and appointment procedures, standards of experience and behavior, removal from an appointment list, allowable costs, and required billing procedures for professionals that may be appointed by the Court in criminal cases. Areas of expertise for professionals include, but may not be limited to, psychological or psychiatric evaluation, criminal investigation, and representation of indigent parties in criminal and/or quasi-criminal matters (Family Law contempt) or related civil matters that fall under the W&I Code or Penal Code. This policy does not cover procedures for Minor's Counsel in Family, Probate, or Juvenile Law.

SECTION II. LIMITATIONS ON SCOPE OF POLICY

This policy shall in no way limit the ability of a judicial officer from making orders as permissible by law and in the interest of justice. This policy does not prescribe a specific course of action for any court-appointed professional executing their duties upon appointment.

SECTION III. APPLICATION AND APPOINTMENT LIST

Professionals interested in serving on one of the court's appointment lists must complete the "Court-Appointed Professional Cover Sheet" and return it, along with all supplemental documents indicated therein, to the following address:

Presiding Judge
The Superior Court of California, County of Placer
P.O. Box 619072
Roseville, CA 95661-9072

Application materials received by the court shall be reviewed by the Judges of the Court. The Court reserves the right to exercise its full discretion to appoint, or not appoint, a professional to the panel list or specified class. A decision by the Court is final and not subject to review. On occasion, a decision to deny an application may indicate that the Applicant can re-submit his/her application at a later time. Applicants shall be notified of approval or denial to serve on the Court's appointment list via the contact information provided within the application. Upon approval, the professional shall be added to the appointment list for the respective area of expertise and become eligible for appointment immediately.

Attorneys approved for indigent defense will be assigned to a Class based on experience and indicated preference (see Attachment A for further detail). If interested in consideration for re-classification to an advanced class, the attorney must submit the "Appointed Counsel Reclassification Application and Agreement," along with all attachments indicated therein, to the address provided above. Applicants shall be notified of approval or denial for reclassification.

SECTION IV. APPOINTMENT

Professionals shall be appointed from the Court's appointment list whenever possible. If extenuating circumstances require appointment of a professional not currently serving on one of the appointment lists, the required application materials shall be requested and reviewed by the Court upon receipt. Appointments to serve as criminal defense counsel will only occur from the

appointment list if the Placer County Public Defender, conflict defender, and second level conflict defender are unable to represent the defendant.

When the Court appoints a professional to perform services, the Court will make an order for the appointment and provide copies to the parties and the appointed person(s).

SECTION V. ALLOWABLE EXPENSES

The compensation for expert psych consultations and full evaluations are as follows:

Code	Description	Expense	Rate	Max. Hours	Max. Pay
Penal Code § 1027:	Full Evaluation	County	$150/hour	8	$1200
Welfare & Institutions Code §§ 6600 et seq.:	Full Evaluation	County	$150/hour	8	$1200
Penal Code § 288.1:	Full Evaluation	Court	$150/hour	8	$1200
Evidence Code § 1017:	Consultation	Requesting Party	$150	3	$450
	Evaluation		$150	8	$1200
Welfare & Institutions Code § 5303.1:	Consultation	Court	$150/hour	3	$450
Penal Code §§ 1368-1370.1:	Consultation	Court	$150/hour	4[1]	$600
Expedited report supplemental fee	reports **required by the court** less than 21 days from referral date	Court		N/A	$150
In-custody evaluations supplemental fee:		Court		N/A	$75

The maximum hourly compensation for appointed attorneys are as follows:

Class 1A:	$85/hour
Class 1B:	$75/hour
Class 2:	$65/hour
Class 3:	$60/hour
Class 4:	$50/hour

**Hourly rates for attorneys are set by the County of Placer and are restated here for simplicity.*

Appointed attorneys who must appear in a court of another county on a case transferred from this court are entitled to reasonable travel and living expenses necessarily incurred in connection with those appearances. If traveling by private automobile the attorney shall be reimbursed for necessary mileage at the rate allowed by the County of Placer at the time of travel. Lodging expenses will be allowed at the rate provided by the Judicial Council of California at the time of stay.

[1] In extraordinary cases the court may grant additional hours to complete a consultation. Psych experts must email their request and justification to cic@placer.courts.ca.gov and use "PC 1368 Expert Fees" in the subject line.

The maximum compensation for criminal investigator services are as follows:

Capital or life sentence cases:	$4,000
Additional invoice(s) for capital/life cases	$2,000
Non-capital or non-life sentence cases	$2,000
Additional invoice(s) for non-capital/non-life cases	$1,000

Except in a Death Penalty case, allowable fees for investigative services will be determined by the judicial officer presiding over the case and shall be documented in the court order. Pursuant to Penal Code, § 987.9, investigative services for a Death Penalty case will be determined by a judge of the court, other than the trial judge presiding over the case in question.

Due to the nature of the service provided, investigators may bill for reasonable travel time and mileage. Mileage shall be reimbursed at the current rate authorized by the County of Placer. Investigator invoices in non-capital or non-life sentence cases shall not exceed a sum of $2,000. Additional invoices may be submitted upon a showing that further investigation is necessary and in an amount not to exceed $1,000 per application. In capital or life sentence cases, the initial invoice shall not exceed $4,000 and additional invoices made upon a showing that further investigation is necessary shall not exceed $2,000.

SECTION VI. NON-BILLABLE ACTIVITIES AND EXPENSES

Unless pre-approved in writing by the Presiding Judge, appointed attorneys and experts cannot bill for travel time.

SECTION VII. PAYMENT OF CLAIMS AND BILLING PROCEDURE

Professionals providing services payable by the County must possess a County vendor number in order to bill for services. To obtain a vendor number, complete an Internal Revenue Service form W-9, as well as a State CA-590 form, and send them to the following address:

Placer County Auditor-Controller
2970 Richardson Drive
Auburn, CA 95603

Professionals providing services payable by the Court must possess a vendor number from the court. To obtain a vendor number, complete a Payee Data Record Form and send it to the following address:

Placer Superior Court
Attn: Finance
PO Box 619072
Roseville, CA 95661

When billing for services, a copy of the Court order for appointment[2] and an itemized invoice must be submitted with a completed Payment Voucher[3]. Attorneys utilizing experts and/or investigators as authorized by Court order must collect the invoices and payment vouchers for the expert and/or investigator, sign the Payment Voucher, and submit the documents to the Court on their behalf.

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[2] For psychological experts, a Letter of Psychological Appointment and Payment Voucher may be submitted as proof of appointment rather than a Court order.

[3] The Payment Voucher form is available on Placer County's Assigned Counsel – Indigent Defense website: https://www.placer.ca.gov/1369/AssignedCounsel-IndigentDefense.

If requesting reimbursement for mileage, proof of mileage shall be provided through a print-out travel route from Google Maps. Attorneys requesting reimbursement of approved travel and/or lodging expenses must include a complete inventory of costs and expenses, with all applicable original receipts attached.

Completed Payment Vouchers must be submitted to the Court's Finance Division at the following address:

Placer Superior Court
Accounting Unit/Payables
PO Box 619072
Roseville, CA 95661

Requests for reimbursement must be submitted upon disposition of the case, or no more often than bimonthly for attorneys carrying multiple Placer County cases. A request may be made to the Court for more frequent interim payments in exceptionally complex cases. The Court will review the request and, if granted in whole or part, will proceed with payment.

SECTION VIII. REMOVAL FROM APPOINTMENT LIST

The court reserves the right to exercise its full discretion to remove a professional from the panel list or specified class. The professional shall be notified by mail, at the most up-to-date address provided to the court, of any removal intent. The professional may respond, in writing, to the Presiding Judge within 30 court days. If the court does not receive written response the professional shall be removed from the appointment list without further communication from the court. A decision by the court to remove a panelist is final and not subject to review.

Reasons for removal from an appointment list includes, but are not limited to, any disciplinary action, including being placed on probation, against the professional by the professional's licensing agency, or the suspension or revocation of the professional's license by the professional's licensing agency, any criminal charge involving moral turpitude, falsification of any material statement made in the application for appointment or any subsequent claims/reports/requests for authorization in the course of appointed service, failure to maintain eligibility under these rules or the California Rules of Court, inability to perform duties with professionalism, competence, and diligence, failure to personally provide services agreed upon for the appointment, and any conduct that the court deems inappropriate or unbecoming of an appointed professional.

Professionals may request, in writing, to be removed from an appointment list. Requests should be sent to the following address:

Presiding Judge
The Superior Court of California, County of Placer
P.O. Box 619072
Roseville, CA 95661-9072

APPROVAL

This policy will remain in place unless rescinded or modified by the Presiding Judge and Court Executive Officer.

Judge Alan V. Pineschi
Presiding Judge

Date: 6-30-2021

Jake Chatters
Court Executive Officer

Date: 6/30/2021

ATTACHMENT A

Attorney Class	Case Types Permitted	Minimum Experience Required
Class 1A	Capital punishment	See California Rules of Court, Rule 4.117.
Class 1B	Non-capital homicides, offenses with max sentence of life or life without the possibility of parole	In addition to Class 2 requirements, attorney is certified Criminal Law Specialist or equivalent experience and proficiency. In good standing with State Bar of California.
Class 2	All crimes for which upper term of punishment is five (5) years or more, but less than Class 1A/B.	Handled 20 or more felony cases as lead counsel; of which five (5) were cases submitted to jury and five (5) included contested factual hearings such as PC 1538.5 or PC 995 motions. In good standing with State Bar of California.
Class 3	All other felonies and any juvenile justice allegations.	Handled at least five (5) felony cases or 25 misdemeanor cases as lead counsel; of which any two (2) cases were submitted to jury. In good standing with State Bar of California.
Class 4	Misdemeanor and civil	In good standing with State Bar of California.