

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

**APPOINTED SERVICES FEE & EXPENSE SCHEDULE
EFFECTIVE JANUARY 2014**

I. Introduction

The Appointed Services Fee & Expense Schedule establishes uniform billing practices for the County of Ventura (County), the Superior Court of Ventura County (Court) and private attorneys appointed by the Court to represent indigent criminal defendants in adult criminal proceedings (Counsel).

II. Fee & Expense Schedule

<u>Attorney Rates</u>		<u>Maximum*</u>
Misdemeanors	\$70.00 per hour	\$2,500 through plea or \$5,000 through trial
Regular felonies	\$95.00 per hour	\$5,000 through preliminary hearing or \$15,000 through trial
Serious felonies (#4-7)**	\$125.00 per hour**	\$5,000 through preliminary hearing or \$20,000 through trial
Homicides and life felonies (#1-3)**	\$140.00 per hour**	\$ 7,500 though preliminary hearing or \$50,000 through trial
Capital Felonies	Determined on individual case basis	
<u>Felony Witness Representation</u>	\$89.00 per hour	Prior court approval on number of hours
<u>Private Investigators</u>	\$65.00 per hour	Prior court approval on number of hours
<u>Paralegal</u>	\$35.00 per hour	Prior court approval on number of hours
<u>Out of County Mileage Reimbursement Rate</u>	Per Current IRS rate	Prior court approval for travel

***If appointed counsel seeks compensation at a higher hourly rate or above the maximum amounts, he/she must file a declaration justifying that such services are “necessary” to enable counsel to render legally adequate defense services.** (Penal Code section 987.3 and Ventura Superior Court, Local Rule 21.03.B.3.)

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

****The definition for Homicide and Life Felonies are #s 1-3 and Serious Felonies includes #s 4-7 but is not limited to the following:**

1. All felonies punishable by life imprisonment
2. Attempted murder (Penal Code sections 664)
3. Voluntary manslaughter (Penal Code section 192(a))
4. All felony sex crimes requiring registration under Penal Code section 290:
(Only Statutory rape (Penal Code section 261.5) would not be a serious felony)
5. Any felony in which it is alleged that a firearm was used pursuant to Penal Code sections 12022.53 (c) and (d)¹
6. Three or more incidents of the following crimes:
 - a. Residential burglary (i.e. three or more different premises- not just three victims)
 - b. Assault with personal use of a weapon alleged as an enhancement or great bodily injury alleged as an enhancement
 - c. Robbery, attempted robbery or carjackingFor the purpose of this section, three or more incidents contemplates three different times and locations, not just three different victims
7. Arson of an inhabited dwelling (Penal Code section 451(b))

III. **Billing Guidelines**

A. Terms and Conditions

1. The Court expects that attorneys will bill for attorney work only and use investigators for investigative work. For example, investigator work includes, but is not limited to: arranging clothes/dress out for client for jury trial; coordinating witnesses’ presence at hearings; serving subpoenas; interviewing witnesses, etc. The Court reserves the right to reduce the rate on attorney bills from the attorney rate to the investigator rate for investigator type work performed by the attorney.
2. Clerical/administrative work will not be billed to the County. For example, such work includes, but is not limited to: filing, copying, scheduling, or transcribing.
3. Attorneys will bill for actual time only, rounded up to the nearest tenth of an hour (.10). Billing can also be calculated by the quarter or half hour, if appropriate. Double or multiple billing will not be tolerated. For example, if an attorney is called to court for an appointment to represent a client who has one new file and one probation

violation file; the attorney will bill for the actual time to accept the appointment and review each file, and not one hour for each file, assuming the total time spent on review of both files was one hour.

4. There will be no “bundling of services,” and therefore each legal task must be itemized. Attorneys should not list multiple activities under one billing time allotment.
5. The Court and the County reserve the right to review all bills for accuracy and accountability.
6. The Court will carefully review all claims and the Supervising Criminal Judge will reduce or deny any amounts deemed to be excessive.
7. Requests for transcription will be made ex parte to the Court. Every effort will be made to meet and confer with the other litigants in the case, to include the District Attorney’s Office, to avoid duplicitous and excessive transcription in multiple co-defendant matters prior to requesting transcripts.
8. Requests for auxiliary defense services and fees must describe the work needed; the hourly rate requested, and the estimated number of hours to complete. The Court reserves the right to reduce the requested total amount.
9. Any requests for payment of auxiliary defense services already performed yet not previously requested or approved will be denied absent unusual and exigent circumstances.
10. Services billed must be performed by persons authorized by the Court. To avoid delay in processing and payment the proposed appointment order should state the law firm name and or the attorney names that will perform work on the matter. Work shall not be sub-contracted out without prior court approval.
11. Travel time outside the County requires pre-approval by the Court, and actual expenses will be reimbursed according to current IRS rates and County policy.

B. Submission of Claims to Court

1. A completed, signed and dated “Court-Appointed Claim Form” and the following information should be included with your submission:
 - a. Vendor invoice.
 - b. Original receipts and proof for any court-approved activity.
 - c. Court order describing the person or firm appointed to the case.
2. Claims can be mailed or hand delivered to Ventura Superior Court - Fiscal Services, 800 South Victoria Avenue, P.O. Box 6489, Ventura, CA 93006-6489

3. For your convenience we have provided several forms which may be helpful when submitting a claim.
 - a. Ventura County Court-Appointed Claim Form to request payment (Required)
 - b. A sample completed Ventura County Court-Appointed Claim Form
 - c. W9 Vendor Registration Form (Required if you are a new vendor in the County Auditor's system. If in doubt, submit this form.)
 - d. A sample invoice listing services performed
 - e. Vendor Claim Packet Check List

C. Required Supporting Detail for Vendor Invoices

1. Vendor's name, Defendant's name, court case number, invoice date, total amount billed.
2. Service description in sufficient detail to determine the nature of the activity, such as:
 - a. Month, day, year, number of hours(s), and charge per hour for each service claimed.
 - b. Name and title of person performing the service.
3. Do not use acronyms unless defined on invoice.
4. Second and subsequent invoices must include a total of cumulative hours and services previously rendered and the amount already paid or owing from the County.
5. Court-approved mileage costs are for travel outside of Ventura County. The current mileage rate is set according to IRS standards and subject to change periodically. Out of county mileage claims must be supported by an Internet based mapping printout showing actual miles driven.

D. Non-Reimbursable Costs

The County will NOT reimburse the following costs:

1. Expungement requests or termination of probation requests per PC 1203.4. These matters will be handled by the Public Defender for indigent defendants.
2. Telephone charges
3. Clerical/administrative or messenger services.
4. Postage, Fax charges or office supplies.
5. Mileage for travel within Ventura County.

6. Photocopy expenses.
7. Work or activity not authorized by the Court or performed by a person not authorized by a court order.

IV. Regularity of Billing

A. Misdemeanor Cases

1. Billing will be submitted every ninety (90) days from date of appointment.
2. If services rendered are less than \$250, billing should be carried over until the next quarter.
3. Upon completion of the case, final billing should be submitted within thirty (30) days. Counsel will have the ninety (90) day period to submit the final bill.

B. Regular felony cases should be billed as follows:

1. Counsel should bill monthly.
2. The same \$250 threshold amount applies to felony matters.

C. Complex, lengthy cases, such as homicides, life, and serious felonies:

1. Counsel should bill monthly
2. The same \$250 threshold amount applies to felony matters.

D. Final Billings

1. Upon completion of the case, final billing should be submitted within thirty (30) days; however, counsel will have up to ninety (90) days to submit their final invoices.
2. Invoices submitted after 90 days will risk non-payment and should be accompanied by a letter explaining the reason(s) for the delay.
3. For purposes of fiscal year accounting, counsel are urged to submit any invoices or bills for services provided within the fiscal year ending June 30 as soon as possible and in no event later than July 10th.
4. All final bills must state "FINAL INVOICE" when submitted.