

# Superior of California, County Court of San Bernardino

## Appointed Attorney Fee Schedule



The following is a summary of the Superior Court's rules and procedures pertaining to appointed services of attorneys. These procedures are available on the Court's website at <https://sanbernardino.courts.ca.gov/forms-filing/appointed-services-claim-forms>

### **ESTABLISHING A VENDOR CODE**

Appointed attorney services are paid by the County of San Bernardino. To establish a vendor code, the County requires a current W-9 form, available at [www.irs.gov](http://www.irs.gov). To reduce payment processing time, you may attach the W-9 form to your first claim form.

### **CAPITAL/LWOP CASES**

Attorney fees for Capital/LWOP cases are established by the Court's Capital/LWOP Fee Schedule Agreement.

### **COURT APPOINTMENT**

Prior express written approval of the Court is required for all appointed attorney services.

### **FEE LIMITS**

Attorneys appointed by the Court may not charge fees for their services in excess of the rates and limits in this Appointed Services Fee Schedule. [LRC 1400]

### **SCOPE OF WORK (BILLABLE ACTIVITIES) (LOCAL RULE 1402)**

All claims shall be fully itemized as to specific dates, hours, activities, case name, case number and date of appointment and primary charge. When hourly billing is allowed under the Appointed Services Fee Schedule and at the discretion of the Court, the minimum reported increment should be 0.25 hours (15 minutes).

Costs of services performed prior to the order of the Court, and costs of services beyond that provided for in the court order, will be denied.

### **APPOINTMENT OF COUNSEL IN CONSERVATORSHIPS AND GUARDIANSHIPS**

Appointments of counsel are personal and cannot be delegated to other attorneys. Only the attorney appointed by the court may render legal services to the client and appear at hearings. If appointed counsel intends to delegate tasks to another attorney who is under his or her direct supervision, before such delegation, counsel must obtain an amendment of the appointment order to include the name of the supervised attorney. [LRC 20-1315 and LRC 20-1402]

# Appointed Attorney Fee Schedule

## EXPENSES

These provisions will cover the usual and ordinary handling of a criminal case, including ordinary office expenses. However, expenses reasonable and necessarily incurred by counsel, including costs of service and process, copies of documents and long-distance telephone calls may be reimbursed. Original receipts required. Expenses for investigators or experts and any single expense item in excess of \$50.00 shall not be incurred without prior express written approval from the Court. [LRC 1411]

## EXTRAORDINARY FEES (LOCAL RULE 1412)

In cases where, because of the complexities thereof, the seriousness of the charge or novel legal procedures being involved, extensive research, trial preparation and investigation are required, additional extraordinary fees may be allowed at the discretion of the Court. Extraordinary fees are not designed to cover the routine or usual legal services or ordinary office expenses. The motion for extraordinary fees shall be heard by the supervising judge of the district at which the case is assigned.

## CLAIM (PAYMENT) PROCESS

All claims for payment of fees shall include claimant's California State Bar number.

Court-appointed Attorneys shall request payment using one of the Court's following Appointed Service Claim Forms, available on the Court website, at <https://sanbernardino.courts.ca.gov/forms-filing/appointed-services-claim-forms>

Appointed service claim forms are to be either dropped off or mailed to the Court Verifying Official at the courthouse where the case is assigned. Include a file stamped copy of the court order of appointment to reduce the payment processing time.

## TIMELY SUBMISSION OF CLAIMS

The Court in its discretion shall determine when extenuating circumstances sufficient to justify a delay in submission of a claim exist.

| Case Type                                                                 | Local Rule of Court | Deadline                                                                            | Penalty       | Maximum Penalty |
|---------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|---------------|-----------------|
| Criminal, Juvenile Delinquency, Civil, Appeals ( <i>Pre-Disposition</i> ) | 1405                | Within 60 days of completion of case                                                | 10% per month | 20%             |
| Criminal, Civil, Appeals ( <i>Post Disposition</i> )                      | 1405                | Within 60 days of the hearing                                                       |               |                 |
| Family Law                                                                | 1460                | Last day of the month of appointment                                                | 10% per month | No maximum      |
| Guardianship - Ongoing                                                    | 20-1315             | At least every 2 years                                                              |               |                 |
| Guardianship - Terminated                                                 | 20-1315             | With or before the hearing on final accounting or petition for waiver of accounting |               |                 |
| Conservatorship - Ongoing                                                 | 20-1402             | At least every 2 years                                                              |               |                 |

If an attorney submits a claim before the end of a case, a copy of prior billings for the same case must be submitted with subsequent billings. [LRC 1405]

For additional details regarding late claims, please refer to the appropriate [Rule of Court](#).

## Appointed Attorney Fee Schedule

### MILEAGE

Mileage may be paid at the Court approved rate at Court's discretion only if the case is transferred to another district exceeding 30 miles from appointing district. When claiming travel time or mileage reimbursement, locations (city) must be specified.

### APPOINTED ATTORNEY FEE SCHEDULE

#### A. CRIMINAL

| Case/Appointment Type                                             | Fee/Rate       |
|-------------------------------------------------------------------|----------------|
| Misdemeanor                                                       | \$90 per hour  |
| Felony                                                            | \$100 per hour |
| Sexually Violent Predators (SVP) and Writs of Habeas Corpus (WHC) | \$140 per hour |

#### B. JUVENILE DELINQUENCY (AD HOC APPOINTMENTS OUTSIDE OF CONTRACT)

| Type of Hearing or Activity | Fee/Rate      |
|-----------------------------|---------------|
| All activities paid hourly  | \$90 per hour |

#### C. FAMILY LAW

| Type of Hearing or Activity                                       | Fee/Rate       |
|-------------------------------------------------------------------|----------------|
| Appointment (Initial appointment appearance and case preparation) | \$300          |
| All other activities paid hourly                                  | \$100 per hour |

#### D. PROBATE, GUARDIANSHIP, CONSERVATORSHIP

| Type of Hearing or Activity                                                                                                                                                        | Fee/Rate        |                 |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|-----------------|
| <b>Appointment:</b> Appointment court appearance (if any), receiving pleadings from Court; preparing and creating file, calendar hearings, initial file review, preparing billing. | \$300           |                 |                 |
| Trials                                                                                                                                                                             | \$150 per hour  |                 |                 |
| Additional court appearance not for convenience of appointed attorney                                                                                                              | \$100           |                 |                 |
| <b>Cases appointed on or after date (for out of court prep time only)</b>                                                                                                          | <b>7/1/2017</b> | <b>7/1/2019</b> | <b>7/1/2021</b> |
| Court preparation time reasonably expended at Court's discretion                                                                                                                   | \$100 per hour  | \$125 per hour  | \$150 per hour  |

#### E. APPELLATE DIVISION (MISDEMEANOR APPEALS)

| Type of Hearing or Activity | Fee/Rate                     | Notes                                            |
|-----------------------------|------------------------------|--------------------------------------------------|
| Misdemeanor Appeal          | \$90 per hour (Max 45 hours) | More than 45 hours requires prior Court approval |
| Photocopying Expense        | Up to 10 cents per page      | Original receipt required                        |
| Postage Expense             | Actual cost, if reasonable   | Original receipt required                        |
| Other Expenses              | Actual cost, if reasonable   | May be reimbursed with prior Court authorization |