



The State Bar of California

CALIFORNIA PARAPROFESSIONAL PROGRAM WORKING GROUP

Date: May 17, 2021

To: California Paraprofessional Program Working Group

From: Justin Ewert, Linda Katz, and Leah Wilson

Subject: Background Information to Support Paraprofessional Fee Cap Discussion

EXECUTIVE SUMMARY

The California Paraprofessional Program Working Group (CPPWG) is charged with developing recommendations for consideration by the Board of Trustees for the creation of a paraprofessional licensure/certification program to increase access to legal services in California. The CPPWG's charter is informed by the [California Justice Gap Study](#) and the [Task Force on Access Through Innovation of Legal Services](#). In carrying out its charge, the CPPWG must balance the dual goals of ensuring public protection and increasing access to legal services. The CPPWG's recommendations to the Board will include regulation of the paraprofessional program. Among the regulatory issues being considered is whether or not to impose caps on the fees that paraprofessionals may charge. This memorandum provides background information in support of discussion of this issue.

BACKGROUND

The Regulation Subcommittee has raised the possibility of fee caps on several occasions including in memos to the full Working Group on February 26, 2021 and April 19, 2021. In addition, other subcommittees have discussed fee caps during the course of practice area deliberations. Given that the question of fee caps raises significant policy issues, a dedicated Working Group meeting was set to fully consider, and make a decision regarding, the matter.

DISCUSSION

FEE CAPS IN OTHER CONTEXTS

Existing Fee Caps for Attorneys

Attorney fee caps exist in limited circumstances. They can be broadly characterized as follows:

- Caps on the amount an attorney can earn from clients including:
 - Limits on contingency fees
 - Hourly or per case rates set by modest means panels or referral services
- Caps on the amount an attorney can earn when serving as appointed counsel with a government payor
- Caps on attorney fee awards, including presumptively reasonable fee awards:
 - Superior Court local rules often provide guidelines for fee awards that are deemed to be presumptively reasonable; these rules typically allow for attorneys to petition for fees beyond these amounts.

Some examples of the types of attorney fee caps that have been identified are provided in table 1, below. Where specific county examples are appropriate, table 1. focuses primarily on those counties that the Working Group has, or is likely to, include in the initial paraprofessional program rollout. State and federal statutory citations are provided in Attachment A; modest means panel data in Attachment B; data gathered on court-appointed counsel rates, Attachment C; and summaries of relevant local rules, Attachment D.

Table 1. Summary of Fee Caps

Contingency Fees		
Business and Professions Code § 6146	Medical Injury Compensation Reform Act (MICRA)	<ul style="list-style-type: none"> • 40% of first \$50,000 • 33 1/3% of next \$50,000 recovered • 25% of the next \$500,000 recovered • 15% on any amount which exceeds \$600,000
Probate Code § 10810	Attorney for Personal Representative	<ul style="list-style-type: none"> • 4% of the first \$100,000 • 3% of the next \$100,000 • 2% of the next \$800,000 • 1% of the next \$9,000,000 • 0.5% of the next \$15,000,000 • Reasonable compensation as determined by the California Probate Court for any amount above \$25,000,000
Labor Code § 4906	Workers Compensation	Fees may not exceed reasonable amount; reasonable amount to be determined by Worker's Compensation Appeals Board, currently 9–12% ¹

¹ State Bar staff has heard anecdotally that rates are more typically set at 15 percent, though this could not be confirmed on the Workers' Compensation Appeals Board website.

Background Information to Support Paraprofessional Fee Cap Discussion

May 17, 2021

Page 3

Modest Means Panel Rates		
Contra Costa County	Contra Costa County Bar Association	<ul style="list-style-type: none"> Level One Clients: \$40–\$80/hour Level Two Clients: \$80–\$125/hour
Los Angeles County	Los Angeles County Bar Association	Flat Fees: ² <ul style="list-style-type: none"> LLC Business Formation: \$800 Trademark Registration: \$500 Uncontested Divorce: \$800 Bankruptcy Chapter 7: \$850
Orange County	Orange County Bar Association	No more than \$125/Hour
San Diego County	San Diego County Bar Association	<ul style="list-style-type: none"> Family Law: \$150/hour Flat Fees: <ul style="list-style-type: none"> LLC Business Formation: \$1,000 Divorce: \$1,500 Custody: \$1,000 Trust, Will & Estate Planning: \$1,000–\$2,500 Bankruptcy Chapter 7: \$1,000–\$1,200 Tenant Consultations: \$150–\$350
Appointed Counsel Rates		
Alameda County	Alameda County Superior Court	<ul style="list-style-type: none"> Criminal: \$100–\$180/hour
Fresno County	Fresno County Superior Court	<ul style="list-style-type: none"> Criminal: \$80/hour, \$240 minimum
Merced County	Merced County Superior Court	<ul style="list-style-type: none"> Criminal: \$125/hour Family Code § 3150: \$125/hour
Mendocino County	Mendocino County Superior Court	<ul style="list-style-type: none"> Criminal: \$65–\$80/hour Family Code § 3150³: \$65/hour
Sacramento County		<ul style="list-style-type: none"> Criminal: \$75–\$150/hour Family Code § 7800 \$106.12/hour
Santa Barbara County	Santa Barbara County Superior Court	<ul style="list-style-type: none"> Criminal: 100–\$125/hour Family Code § 3150: \$100/hour
Santa Clara County	Santa Clara Superior Court	<ul style="list-style-type: none"> Criminal: \$110–\$125/hour
Attorney Fee Awards		
Government Code 13973	Victims Compensation Appeals Board	Cannot exceed 10% of the victim award

² Attorneys who participate in the Los Angeles County have agreed to offer these legal services at these rates. However, it is entirely up to the referred lawyer whether the client qualifies for the flat fee. Income eligibility screening for the other programs listed in this table is done by the lawyer referral service.

³ Family Code section 3150 allows the court to appoint counsel to represent the interests of a minor child in a custody or visitation proceeding, upon determination that such representation is in the best interest of the child. The court may pay for appointed counsel if it determines that the parties are unable do so.

Background Information to Support Paraprofessional Fee Cap Discussion

May 17, 2021

Page 4

Attorney Fee Awards		
Insurance Code 1619	Foreign Insurer (Claims Against)	No more than 12 1/2% of the amount the court or jury determines plaintiff is entitled to recover
Revenue and Taxation Code (various sections)	Actions Against Tax-Related "Boards"	In statute no more than \$75/hour unless court makes an exception, w/ CPI adjustment; \$139/hour after application of CPI
Revenue and Taxation Code 19717	Actions Against State, Tax-Related	In statute no more than \$125/hour unless court makes and exception, w/ CPI adjustment; \$230/hour after application of CPI
Alameda Court Local Rules	Default Action on Note or Contract	<ul style="list-style-type: none"> • Up to \$5,000 recovery: greater of 25% or \$500 • >\$5,000-\$15,000: \$1,250 + 20% of award in excess of \$5,000 • >\$15,000-\$25,000: \$3,250 + 15% of award in excess of \$15,000 • >\$25,000-\$50,000: \$4,750 + 10% of award in excess of \$25,000 • >\$50,000: \$7,250 + 5% of award in excess of \$50,000
Alameda Court Local Rules	Unlawful Detainer	\$375 minimum fee for default or uncontested trial
Fresno Court Local Rules	Default Action on Note or Contract	<ul style="list-style-type: none"> • 25% of first \$5,000; minimum \$400 • 15% of next \$10,000 • 10% of next \$10,000 • 5% of next \$25,000 • 2% of next \$50,000 • 1% of amount over \$100,000
Merced Court Local Rules	Unlawful Detainer	\$400 for default residential unlawful detainer
Sacramento Court Local Rules	Default Action on Note or Contract	<ul style="list-style-type: none"> • 25% of first \$1,000; minimum \$150 • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of the amount over \$50,000
Sacramento Court Local Rules	Unlawful Detainer	<ul style="list-style-type: none"> • \$200 limit for default cases • \$300 for uncontested trial where defendant failed to appear, has filed an answer, and non-appearance default prove-up hearing is required • \$500 for contested trial with represented and unrepresented parties • \$750 for contested trial when both parties are represented

Attorney Fee Awards		
Equal Access to Justice Act (EAJA) 5 US Code 504; 28 US Code 2412	Awards of Attorney Fees in Cases Against US	No more than \$125/hour unless agency makes an exception, w/ CPI adjustment; \$224/hour after application of CPI
26 US Code 7430	Awards of Attorney Fees in Tax Matters	No more than \$170/hour unless court makes an exception, w/ CPI adjustment; \$213/hour after application of CPI

Existing Fee Caps for Other Legal Professionals

Legal Document Assistants, Immigration Consultants, and Unlawful Detainer Assistants: no known fee caps.

Existing Fee Caps for Legal Paraprofessionals, Other States

No known fee caps.

METHODOLOGY FOR ESTABLISHING FEE CAPS, IF DECISION MADE TO IMPOSE

Process by which Courts Set Appointed Counsel Rates

Staff was unable to identify any methodology by which local courts establish appointed counsel rates. The process was described by one source as “organic,” involving a review of neighboring jurisdictions’ rates and shared perceptions about what the local market would bear.

Process by Which Modest Means Panels Set Rates

Staff found limited information regarding methodologies by which local bar associations establish modest means panel rates, if at all; it should be noted that most bar associations with such panels do not appear to impose fee limitations on participating attorneys.

Staff was advised that the Los Angeles County Bar Association Lawyer Referral and Information Service surveyed its membership and the local market to obtain the going rate for certain flat fee services. They presented their membership with reduced rates based on this information, to determine if they would be willing to perform the services at the lower rates.

The Contra Costa Bar Association appears to have one of the more developed fee structures for its moderate means panel, with tiered rates based on client gross household income, as shown in table 2.

Table 2. Contra Costa County Bar Association Moderate Means Hourly Fees

	Level One	Level Two
Income Relative to Federal Poverty Level	85%–159%	141%–233%
Hourly Fees	\$40–\$80	\$80–\$125
Deposit on Account	\$500–\$800	\$800–\$1,000

Staff was advised that the Contra Costa Moderate Means Program, which is limited to family law cases, has been temporarily shut down as they revamp qualifications. Cited among the challenges facing the program is that some of the cases are too involved for panel attorneys to take for \$80 per hour for an extended period of time. The program is considering capping the number of hours available through the program.

Fee Caps Established Pursuant to Dependency Counsel Fee Structure Methodology

In 2006, the Judicial Council of California developed a model for uniform compensation of court-appointed counsel in juvenile dependency cases. Development of this model entailed the following steps:

1. Establishment of four California regions, based on the following factors:
 - Regions identified by a cost of labor study conducted previously by the Judicial Council
 - County Counsel average salary
 - Median household income
 - Median home value
2. Establishment of tiered salary and hourly pay rates for each region, pegged to County Counsel salaries, based on the following information:
 - Entry-level, mid-range, and top-range County Counsel salary for each county in each region
 - Average for each salary level, by region
 - An assumed standard number of work hours per year, used to convert salary to hourly rates
3. Determination of additional staffing requirements, including supervising attorneys, investigators/social workers, and support staff, based on the provider type (e.g., panel, firm, government agency, or solo practitioner)
4. Determination of overhead rate, including direct and indirect costs.

These steps resulted in a four-part calculus for court-appointed counsel by region:

- Attorney salaries
- Additional staff salaries
- Benefits
- Overhead/indirect rates

Additional information about the methodology can be found in Attachment E.

Fee Caps as a Percentage of Average Attorney Hourly Rates

There is limited data available as to the rates that California attorneys charge; reporting on fees is not required. Two data sources have been analyzed in relation to the present fee cap discussion: the 2020 Annual Legal Trends Report published by Clio, and a 2017 State Bar licensee survey.

Clio offers a law practice management and client intake software product that is used by thousands of attorneys nationwide. Clio publishes an Annual Legal Trends Report, which includes data on average hourly rates charged by law firms, individual lawyers, and billable non-lawyers, by state and practice area. Key 2020 data is provided in table 3, below; practice area data reflects nationwide, vs. California-specific, rates. The full 2020 Annual Legal Trends Report can be found here: <https://www.clio.com/resources/legal-trends/2020-report/read-online/>

Table 3. Clio Data

	Law Firms	Lawyers	Nonlawyers
California	\$308	\$338	\$171
Collections	\$242	\$280	\$140
Family	\$237	\$265	\$140
Traffic	\$244	\$246	\$249

The State Bar generated an attorney fee data set pursuant to a 2017 survey of State Bar licensees. That survey revealed that the average hourly rate charged by responding California attorneys was \$380; approximately 6,500 California attorneys provided fee information. The data was further broken down to solo and small firm attorneys and selected counties, representing approximately 2,100 attorney survey respondents, as outlined in table 4.

Table 4. 2017 Attorney Survey Hourly Fee Data

County	Criminal	Elder Abuse	Family Law	Real Estate	Other
Average					
Alameda	277	322	327	311	352
Central Valley*	279	254	268	272	274
Los Angeles	340	362	352	383	403
Orange	345	327	334	338	349
Sacramento	247	287	273	278	302
San Francisco	290	423	359	375	374
Santa Clara	293	323	330	356	367
Median					
Alameda	263	300	350	300	350
Central Valley*	275	250	250	295	250
Los Angeles	350	350	350	375	375
Orange	350	325	345	350	350
Sacramento	200	283	263	300	300
San Francisco	300	388	325	355	350
Santa Clara	300	325	350	350	350

*Includes Fresno, Merced, and Tulare counties.

Comprehensive fee data captured in the 2017 survey is provided as Attachment F.

I. California Code

MICRA

In 1975, the Medical Injury Compensation Reform Act ("MICRA") capped non-economic damages at \$250,000 and limited contingency fees that plaintiffs' attorneys could charge injured plaintiffs according to a sliding scale. No limits were placed on the amounts that an injured plaintiff could recover for medical care, lost earnings and other economic damages:

Business and Professions Code section 6146

(a) An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider based upon such person's alleged professional negligence in excess of the following limits:

- (1) Forty percent of the first fifty thousand dollars (\$50,000) recovered.
- (2) Thirty-three and one-third percent of the next fifty thousand dollars (\$50,000) recovered.
- (3) Twenty-five percent of the next five hundred thousand dollars (\$500,000) recovered.
- (4) Fifteen percent of any amount on which the recovery exceeds six hundred thousand dollars (\$600,000).

The limitations shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

(b) If periodic payments are awarded to the plaintiff pursuant to Section 667.7 of the Code of Civil Procedure, the court shall place a total value on these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorney's fees are calculated under this section.

(c) For purposes of this section:

(1) "Recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office-overhead costs or charges are not deductible disbursements or costs for such purpose.

(2) "Health care provider" means any person licensed or certified pursuant to Division 2 (commencing with Section 500), or licensed pursuant to the Osteopathic Initiative Act, or the Chiropractic Initiative Act, or licensed pursuant to Chapter 2.5 (commencing with Section 1440) of Division 2 of the Health and Safety Code; and any clinic, health dispensary, or health facility, licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code. "Health care provider" includes the legal representatives of a health care provider.

(3) "Professional negligence" is a negligent act or omission to act by a health care provider in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death, provided that the services are within the scope of services

for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital.

WORKERS COMPENSATION

Labor Code section 4906

(a) A charge, claim, or agreement for the legal services or disbursements mentioned in subdivision (a) of Section 4903, or for the expense mentioned in subdivision (b) of Section 4903, is not enforceable, valid, or binding in excess of a reasonable amount. The appeals board may determine what constitutes a reasonable amount, but payment pursuant to subdivision (a) of Section 4903 or Section 5710 shall not be allowed for any services or expenses incurred prior to the filing of the disclosure form described in subdivision (e) with the appeals board and the sending of that form to the employer, or to the insurer or third-party administrator, if either is known, by the attorney.

(b) An attorney or agent shall not demand or accept any fee from an employee or dependent of an employee for the purpose of representing the employee or dependent of an employee in any proceeding of the division, appeals board, or any appellate procedure related thereto until the amount of the fee has been approved or set by the appeals board.

(c) Any fee agreement shall be submitted to the appeals board for approval within 10 days after the agreement is made.

(d) In establishing a reasonable attorney's fee, consideration shall be given to the responsibility assumed by the attorney, the care exercised in representing the applicant, the time involved, and the results obtained.

(e) At the initial consultation, an attorney shall furnish the employee a written disclosure form promulgated by the administrative director which shall clearly and prominently describe the procedures available to the injured employee or his or her dependents. The disclosure form shall describe this section, the range of attorney's fees customarily approved by the appeals board, and the attorney's fees provisions of Section 4064 and the extent to which an employee may receive compensation without incurring attorney's fees. The disclosure form shall include the telephone number of the administrative director together with the statement that the employee may receive answers at that number to questions concerning entitlement to compensation or the procedures to follow to receive compensation. A copy of the disclosure form shall be signed by the employee and the attorney and filed with the appeals board and sent to the employer, or insurer or third-party administrator, if either is known, by the attorney within 15 days of the employee's and attorney's execution thereof.

See: <https://dir.ca.gov/dwc/FORMS/DWC3.pdf> for a sample fee disclosure statement.

VICTIMS COMPENSATION BOARD

Government Code section 13973

(a) Upon presentation of a claim pursuant to this chapter, the California Victim Compensation Board shall fix a time and place for the hearing of the claim, and shall mail notices of the hearing to interested persons or agencies. The board shall receive recommendations from public safety or law enforcement agencies, and evidence showing all of the following:

(1) The nature of the crime committed by the apprehended criminal or prevented by the action of the private citizen, or the nature of the action of the private citizen in rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, and the circumstances involved.

(2) That the actions of the private citizen substantially and materially contributed to the apprehension of a criminal, the prevention of a crime, or the rescuing of a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe.

(3) That, as a direct consequence, the private citizen incurred personal injury or damage to property or died.

(4) The extent of the injury or damage for which the claimant is not compensated from any other source.

(5) Any other evidence that the board may require.

(b) If the board determines, on the basis of a preponderance of the evidence, that the state should indemnify the claimant for the injury, death, or damage sustained, it shall approve the claim for payment. In no event shall a claim be approved by the board under this article in excess of ten thousand dollars (\$10,000).

(c) In addition to any award made under this chapter, the board may award, as attorney's fees, an amount representing the reasonable value of legal services rendered a claimant, but in no event to exceed 10 percent of the amount of the award. No attorney shall charge, demand, receive, or collect for services rendered in connection with any proceedings under this chapter any amount other than that awarded as attorney's fees under this section. Claims approved under this chapter shall be paid from a separate appropriation made to the California Victim Compensation in the Budget Act and as the claims are approved by the board.

(Amended by Stats. 2016, Ch. 31, Sec. 120. (SB 836) Effective June 27, 2016.)

PROBATE

Probate Code section 10810

(a) Subject to the provisions of this part, for ordinary services the attorney for the personal representative shall receive compensation based on the value of the estate accounted for by the personal representative, as follows:

(1) Four percent on the first one hundred thousand dollars (\$100,000).

(2) Three percent on the next one hundred thousand dollars (\$100,000).

(3) Two percent on the next eight hundred thousand dollars (\$800,000).

- (4) One percent on the next nine million dollars (\$9,000,000).
- (5) One-half of 1 percent on the next fifteen million dollars (\$15,000,000).
- (6) For all amounts above twenty-five million dollars (\$25,000,000), a reasonable amount to be determined by the court.
- (b) For the purposes of this section, the value of the estate accounted for by the personal representative is the total amount of the appraisal of property in the inventory, plus gains over the appraisal value on sales, plus receipts, less losses from the appraisal value on sales, without reference to encumbrances or other obligations on estate property.

Probate Code section 10811

- (a) Subject to the provisions of this part, in addition to the compensation provided by Section 10810, the court may allow additional compensation for extraordinary services by the attorney for the personal representative in an amount the court determines is just and reasonable.
- (b) Extraordinary services by the attorney for which the court may allow compensation include services by a paralegal performing the extraordinary services under the direction and supervision of an attorney. The petition for compensation shall set forth the hours spent and services performed by the paralegal.
- (c) An attorney for the personal representative may agree to perform extraordinary service on a contingent fee basis subject to the following conditions:
 - (1) The agreement is written and complies with all the requirements of Section 6147 of the Business and Professions Code.
 - (2) The agreement is approved by the court following a hearing noticed as provided in Section 10812.
 - (3) The court determines that the compensation provided in the agreement is just and reasonable and the agreement is to the advantage of the estate and in the best interests of the persons who are interested in the estate.

INSURANCE

Insurance Code section 1619

In any action against a nonadmitted foreign or alien insurer upon a contract of insurance issued or delivered in this State to a resident thereof or to a corporation authorized to do business therein, if the insurer has failed for 30 days after demand prior to the commencement of the action to make payment in accordance with the terms of the contract, and it appears to the court that such refusal was vexatious and without reasonable cause, the court may allow to the plaintiff a reasonable attorney fee and include such fee in any judgment that may be rendered in such action. Such fee shall not exceed 12¹/₂ percent of the amount which the court or jury finds the plaintiff is entitled to recover against the insurer, but in no event shall such fee be less than twenty-five dollars (\$25). Failure of an insurer to defend any such action shall be deemed prima facie evidence that its failure to make payment was vexatious and without reasonable cause.

REVENUE AND TAXATION

Ten sections of the Revenue and Tax Code ([§ 8277](#), [§ 9277](#), [§ 30459.7](#), [§ 32476](#), [§ 41176](#), [§ 43527](#), [§ 45872](#), [§ 46627](#), [§ 50156.16](#), and [§ 60635](#)) were added to allow an aggrieved party to sue for actual and direct monetary damages in superior court if an officer or employee of a board* recklessly disregards board-published procedures.

- **\$75 per hour** limit for attorney fees, unless the court determines that an increase in the cost of living or a special factor, such as limited availability of qualified attorneys for the proceeding, justifies a higher rate.
- **\$139 per hour** CPI adjusted rate for 2021 (Based on 1993 initial fee: eight of the section were added in 1993, with two more added in the following two years.)

*Each of these sections uses the term “board,” which may mean the California Department of Tax and Fee Administration, the Office of Tax Appeals, or the State Board of Equalization, depending on the context.

[Section 19717](#) provides that, in a civil action brought by or against the state in connection with determination, collection, or refund of any tax, interest or penalty, the prevailing party may be awarded reasonable litigation costs incurred.

- **\$125 per hour** limit for attorney fees, unless the court determines that a special factor, such as the limited availability of qualified attorneys for the proceeding, the difficulty of the issues presented in the case, or the local availability of tax expertise justifies a higher rate. Section provides for an annual CPI adjustment, rounded to the nearest multiple of ten dollars (\$10).
- **\$230 per hour** CPI adjusted rate for 2021

II. Federal Code

The Equal Access to Justice Act

EAJA allows awards of attorneys’ fees against the United States in certain situations.

[5 U.S. Code § 504](#)

An agency that conducts an adversary adjudication shall award, to a prevailing party other than the United States, fees and other expenses incurred by that party in connection with that proceeding.

- **\$125 per hour** limit for attorney fees, unless the agency determines that an increase in the cost of living or a special factor, such as limited availability of qualified attorneys for the proceeding, justifies a higher rate.
- **\$214** per hour CPI adjusted rate for 2021, based on \$125 in 1996.

[28 U.S. Code § 2412](#)

Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys, to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action.

- **\$125 per hour** limit for attorney fees, unless the agency determines that an increase in the cost of living or a special factor, such as limited availability of qualified attorneys for the proceeding, justifies a higher rate.
- **\$214** per hour CPI adjusted rate for 2021, based on \$125 in 1996.

Tax Matters

[26 U.S. Code § 7430](#)

In any administrative or court proceeding which is brought by or against the United States in connection with the determination, collection, or refund of any tax, interest, or penalty under this title, the prevailing party may be awarded a judgment or a settlement for reasonable litigation costs.

- **\$170 per hour** limit for attorney fees, unless the court determines that a special factor, such as the limited availability of qualified attorneys for such proceeding, the difficulty of the issues presented in the case, or the local availability of tax expertise, justifies a higher rate.
- **\$213** per hour CPI adjusted rate for 2021, based on \$170 in 2008.

The 1986 Act, while not placing tax cases back within the EAJA, amended § 7430 to make it more like the EAJA. Section 7430, as amended in 1988 and 1996, provides that, in any administrative or court proceeding brought by or against the United States, in connection with the determination, collection, or refund of any tax, interest, or penalty under the Internal Revenue Code, the prevailing party, other than the United States or a creditor of the taxpayer, may be awarded litigation costs, including reasonable attorneys' fees. Section 7430 contains the same limitations as the EAJA on the net worth of eligible plaintiffs (see § 7430(c)(4)(A)(ii), as renumbered by [P.L. 104-168](#), § 701(a)), and it originally contained the same \$75 cap on hourly rates. However, in 1996, [P.L. 104-121](#) raised EAJA's rate to \$125, and [P.L. 104-168](#), § 702, raised § 7430's to \$110, with cost of living increases after 1996. In 1998, [P.L. 105-206](#), § 3101, raised § 7430's cap to \$125, without amending the language authorizing cost of living increases after 1996. **The IRS set the fee at \$160 per hour for calendar year 2006, and \$170 per hour for calendar years 2007 and 2008.** Rev. Proc. 2005-70, 2006-53, 2007-66.



MODERATE MEANS PROGRAM – FAMILY LAW

ELIGIBILITY:

1. The Moderate Means Panel only accepts family law cases.
2. The case must have jurisdiction in Contra Costa County. The applicant does not have to reside in this county as long as the legal matter has jurisdiction in Contra Costa County.
3. Applicants are not eligible if they have assets in excess of \$5,000 per family, excluding the family's principal residence and retirement accounts.
4. If the applicant's assets exceed or fall below the guidelines listed in the table below, the applicant shall not be deemed eligible for a Moderate Means Program referral.
5. Moderate Means Program staff shall have the discretion to obtain, and the applicant shall be required to provide, documentation from the applicant relative to income and/or assets. If the applicant does not submit the required information within 30 days of the date that the application was received by the program, the case will be closed.
6. In order to be accepted into the program, applicants cannot qualify for Bay Area Legal Aid services or other low-income legal services.
7. If your income level falls below the guidelines you have the option to have a co-signer for the application. By co-signing on the application that person agrees to pay the attorney's fees if the applicant is unable to do so. The cosigner is also required to provide all the supporting financial and personal documentation that is required from the applicant.

INCOME QUALIFICATION GUIDELINES:

The applicant's income (as verified by 6 weeks of pay stubs and other requested financial documentation) must fall within the guidelines listed below to be considered for the Moderate Means Program*:

# of person(s) in Household	Level One Gross Monthly Income**	Level Two Gross Monthly Income
1 person	\$923 -- \$ 1,711	\$1,712 -- \$2,500
2 persons	\$1,244 -- \$2,184	\$2,185 -- \$3,125
3 persons	\$1,565 -- \$2,658	\$2,659 -- \$3,750
4 persons	\$1,885 -- \$3,130	\$3,131 -- \$4,375
5 persons	\$2,206 -- \$3,653	\$3,654 -- \$5,000

If additional family members add \$321 for each

* Child support received is not calculated in the monthly income range.

** The minimum qualifications under Level One are the maximum qualifications for Bay Area Legal Aid.

FEES:

Applicants shall pay a \$40.00 **non-refundable** application processing fee to the CCCBA Moderate Means Panel. If you qualify and are accepted into the Moderate Means Program, you will have an initial 30-minute consultation with the assigned attorney. There is no charge to the client for this consultation. If the attorney accepts your case and you decide to hire the attorney, the Moderate Means Panel attorney has agreed to charge no more than the following fees for Level One and Level Two Clients (Level One and Level Two are defined by income in the table above)

	Level One Clients	Level Two Clients
Hourly Fees	\$40 - \$80	\$80 - \$125
Deposit on Account	\$500 - \$800	\$800 - 1,000



SmartLaw



SmartLaw Flat Fees

BY SMARTLAW | JUNE 28, 2018

LLC Business Formation: \$800

Trademark Registration: \$500

Uncontested Divorce: \$800

Bankruptcy Chapter 7: \$850

SmartLaw Flat Fee Details

Your flat fee rate covers all attorneys' fees related to your matter. Costs related to your matter will be extra. Costs will include filing fees and any other cost required to address your legal issue, such as postage, transportation, copies, etc.

SmartLaw Flat Fee Limitations

Below are the limitations for each SmartLaw flat fee offering.

LLC Business Formation: \$800

Single member California LLC

Completion of LLC documents

Operating agreement

Acquisition of EIN

Does not include filing fees or other costs.

Trademark Registration: \$500

Limited trademark search

Form completion

One class of goods or services

Does not include filing fees or other costs.

Uncontested divorce: \$800

Advance agreement on division of all property

Advance agreements on allocation of debt

Advance agreement on child/spousal support

Advance agreement on child custody

Both parties in the same state

Does not include filing fees or other costs.

Bankruptcy Chapter 7: \$850

Single filer, initial filing

Petition preparation

Appearance at Meeting of Creditors

No real estate

Does not include reaffirmation agreement

Does not address any objections to bankruptcy discharge

Does not include filing fees

Participating attorneys have agreed to offer these legal services at these rates. However, it is entirely up to the referred lawyer whether or not you qualify for the flat fee rate. If you would like a second opinion on a flat fee rate, contact SmartLaw.

Participating lawyers have been screened by the Los Angeles County Bar Association for experience, insurance, good standing, and other professional requirements. The Los Angeles County Bar Association Lawyer Referral Service, SmartLaw, is certified by the State Bar of California, serves clients in Los Angeles, Riverside, San Bernardino, and Ventura counties, and refers clients in all practice areas. If you are a lawyer interested in receiving Flat Fee referrals from SmartLaw, [click here](#) for information or call (213) 896-6571 .

Find the right legal resource in Southern California by contacting SmartLaw: (866)SMARTLAW. .

Serving Southern California counties, SmartLaw is the best way to find the right qualified legal resource. SmartLaw is certified by the State Bar of

**ORANGE COUNTY BAR ASSOCIATION
MODEST MEANS PROGRAM GUIDELINES**



BASIC STRUCTURE:

Reduced fee for Bankruptcy Law, Consumer Law, Elder Law, Family Law, Housing (Landlord/Tenant), and Immigration Law.

Client Eligibility for Bankruptcy, Consumer, Family, Immigration and Landlord/Tenant (Housing):

Under \$60,000 annual gross household income, plus COLAs. Less than \$10,000 in liquid assets, plus COLAs.

The LRIS staff will determine client eligibility.

Client Eligibility for Elder Law:

Age: 60

Means: \$50,000 of assets if he or she owns a home.
\$100,000 of assets if he or she does not own a home.

(Others who are not elderly themselves but need services pertaining to the elderly will qualify under the regular Modest Means test.)

Attorney Eligibility:

Agreement to abide by the LRIS rules and requirements including insurance and experience standards. For Consumer, Family Law, and Housing (Landlord/Tenant), Attorneys agree to charge no more than \$125.00 an hour, and not to request more than a \$1,000 retainer deposit.

For bankruptcy matters involving Chapter 7's with 15 creditors or less, attorney agrees to a fixed rate of \$1,000 plus filing fee. If the case involves more than 15 creditors, the attorney agrees to charge \$1,000 plus filing fee for the first 15 creditors and up to \$125.00 per hour thereafter. For bankruptcy matters involving Chapter 13's, attorney agrees to a fixed rate of \$1,300 plus filing fee.

For Elder law referrals, Attorneys agree to abide by the following fee schedule:

Set Fees: Will	<u>\$125.00</u>
Durable Power of Attorney	<u>\$75.00</u> (each)
Small Estate Administration Spousal Set-Aside	<u>\$1,000.00</u>
Deeds, Affidavits	<u>\$75.00</u>

The following services will be provided at the standard modest means rate of up to \$125.00 per hour unless otherwise approved by Court from an elder's estate:

Review of Shared Housing Lease
Conservatorship, Defense or Voluntary
Elder Abuse, and Grandparent Guardianships

For Immigration Law referrals, attorneys agree that the following range of legal fees (not including government filing fees, medical exam fees, advertising fees, etc.) will be charged for the following types of petitions/applications:

▪ I-130 Immigrant Petition for Family Member (only)	\$400.00 - \$700
▪ I-130 with Adjustment of Status Application	\$1000.00 - \$1300
▪ Consular Processing	\$3000.00 - \$4000.00
▪ I-765 Application for Employment Authorization	\$125.00 - \$175
▪ I-751 Petition to Remove Conditions (joint)	\$300.00
▪ U Visa Application	\$600.00 - \$1200.00
▪ VAWA Application	\$600.00 - \$1200.00
▪ Special Immigrant Juvenile Status	\$1500.00 - \$3000.00
▪ Deferred Action for Childhood Arrivals (DACA)	\$400.00 - \$800.00
▪ DACA Renewal	\$150.00 - \$300.00
▪ N-400 Application for Naturalization	\$400.00 - \$600
▪ Cancellation of Removal (for LPRs)	\$1600.00 - \$2000.00
▪ Cancellation of Removal (for non-LPRs)	\$2500.00 - \$4000.00
▪ Temporary Protected Status	\$200.00
▪ Affirmative Asylum	\$2200.00 - \$3000.00
▪ Consultation for Detainees	\$75 - \$150
▪ Credible Fear Interview	\$250 - \$500
▪ Bond Hearing	\$650 - \$800
▪ Defensive Asylum Application	\$2500.00 - \$4000.00
▪ Administrative Appeals	\$750.00
▪ BIA Appeals	\$1500.00 - \$2000.00
▪ I-131 Application for Travel Document	\$200.00

For other types of immigration cases and cases listed above that involve services above and beyond a “typical” case (i.e., criminal issues, prior immigration violations, etc.), attorneys agree to charge no more than \$125.00 per hour, and not to request more than a \$1,000 retainer deposit.

The mission of the Modest Means Program is to meet the overwhelming need for access to the justice system by those Orange County residents with low and fixed income where access to legal aid and pro bono assistance is not possible, and household resources are insufficient to pay prevailing hourly rates for legal services. The Modest Means Program will meet this need by providing those residents access to a panel of attorneys who, along with providing a public service, will also have the opportunity to broaden their practice with the guidance of more experienced attorneys.

To be eligible for a referral to an attorney through the Program, the caller’s annual gross household income must be under \$60,000, with less than \$10,000 in liquid assets. The Lawyer Referral & Information staff will determine the client’s eligibility. *The attorney verifies client eligibility.* The caller will also be told that the attorney will charge them at a rate of up to \$125.00 per hour for legal services. If the caller indicates that they are not able to afford these fees, they will be referred to the Legal Aid Society, the Public Law Center, or to another agency for assistance.

The rules and requirements of the Lawyer Referral & Information Service apply to the Modest Means Program as well. All members must be covered by a policy of errors and omissions insurance in the minimum amount of \$100,000.00 single occurrence and \$300,000.00 aggregate per year. For Family Law and Bankruptcy, and Immigration referrals, Modest Means panel attorneys must also meet the standard qualifications. Modest Means Program participants are not required to submit the standard 15% forwarding fee for Modest Means referrals.

To participate on the Modest Means Program only, there is a membership fee of \$75.00 (waived for Immigration Law). There is no additional fee for members of the Lawyer Referral & Information Service.

INDICATE YOUR INTEREST ON THE PANEL BREAKDOWN FORM

Family Law

Modest Means Program

PLEASE READ BEFORE COMPLETING APPLICATION

The Modest Means program is a reduced fee referral program designed to make legal services accessible to lower and moderate-income people who are ineligible for legal aid and who meet the eligibility requirements of the program (see below). The Modest Means program is for **family law cases only**. The attorneys who have been accepted into this program are private attorneys – not government or legal aid attorneys – who have agreed to charge no more than \$150 per hour, with an initial deposit of \$1,500.

Below is a menu of services that may be provided to an eligible client by a Modest Means attorney. Please note that each legal issue listed below is a separate case and will be treated as different cases and will require different Modest Means agreements. After the initial deposit of \$1,500 is exhausted, you will be required to prepay additional monies (“replenish” the retainer). The amount of additional pre-payments is the attorney’s decision based on the amount of work that remains to be completed. Please be aware that this is **not a flat fee service-Attorneys on the panel charge by the hour**. At any point during the representation, the attorney may feel that the case has become too complex for the Modest Means program or may feel that he/she cannot represent you adequately. If that occurs, the attorney may request that you sign a Substitution of Attorney or the attorney may file a motion in court requesting to withdraw as your attorney. All services and fees are between the client and the assigned attorney and not the responsibility of the program.

<h3>Modest Means Program Guidelines</h3>	
Fee: \$1,500 retainer & \$150 hourly rate	
Services covered under the Modest Means program guidelines:	
<ul style="list-style-type: none"> • Annulment; • Dissolution of Marriage; • Legal Separation; • Paternity; • Department of Child Support Services (DCSS); • Child and spousal support issues to include requests for, modification of or opposition to support; • Child Custody; • Visitation rights; 	

<ul style="list-style-type: none"> • Name change; • Settlement Agreements; • Mandatory Settlement Conferences.
Services not covered with under the Modest Means program:
<ul style="list-style-type: none"> • Child Welfare Service (CWS) investigations; • Trials; Temporary/Permanent Restraining Orders (Domestic Violence); <ul style="list-style-type: none"> • Discovery; • Evidentiary hearings.
ADDITIONAL COSTS:
<ul style="list-style-type: none"> • \$435 initial filing fee-one-time payment to court (fees are subject to change by the CA Superior Court). • Additional filing fees payable to the court for each motion filed. Current filing fees range between \$60-\$85.

To Qualify: Before you can be referred to a Modest Means attorney you must apply and meet the qualifications. There are four steps in the process before you qualify to be referred to an attorney.

Step 1: Complete the online pre-qualification form:

<https://www.sdcba.org/index.cfm?pg=modestMeansForm>

Step 2: Complete the “Request for Participation in Modest Means Program”. If you meet the criteria in the pre-qualification section, you will be asked to provide 3 current pay stubs, your last income tax return, and 3 months of bank statements for all accounts you have. If you are self-employed, please provide copies of tax returns for the last two (2) years to include your Schedule C and a current year-to-date Profit and Loss statement. If you are not employed, provide a copy of your unemployment or SSD/SSI monthly benefits and a description of how you will pay for the attorney’s services. Note: In order to qualify for this program, the household may not have income or assets in excess of the maximum income levels outlined below:

NO. IN HOUSEHOLD	TOTAL MONTHLY INCOME (GROSS)
1	\$2,845.00
2	\$3,670.00
3	\$4,571.00
4	\$5,555.00
5	\$6,500.00
6	\$7,445.00
7	\$8,890.00
8	\$9,330.00
Real Property Equity	No more than \$30k per family

Please make sure to sign and date your “Request for Participation in Modest Means Program”. Your submission will not be processed if the request is incomplete or if you fail to sign or date the document. Do not send any original documents; paperwork sent to the program will not be returned.

Step 3: Once we receive the request, we will review it and contact available attorneys and discuss your legal matter. The attorney has the option to meet with you to see if the attorney can help you or decline to take the case. The attorney has the final say as to whether or not the attorney believes you qualify for the program based on the parameters outlined above. Please be aware that this program is for uncontested issues. Please note that if you are not truthful in your application you may be barred from the program all together.

Step 4: If you do not meet the criteria in steps 1-3, you will be notified of that outcome. If you do meet the criteria in steps 1-3, you will be notified by the Modest Means Coordinator with the attorney’s contact information. You will be asked to contact the attorney to make an appointment with his/her office. A free, 30-minute consultation will involve discussing your legal matter and costs. If you decide to hire the attorney, please make sure you read and sign a retainer agreement. The attorney should provide you with a signed copy of the retainer agreement.

Please be aware that the attorneys on the Modest Means panel have agreed to take cases at a reduced hourly rate of \$150 and have the right to ask for additional upfront deposits to continue working on your case. If you can no longer pay the attorney or if you do not follow the client’s code of conduct, the attorney may request that you sign a Substitution of Attorney or the attorney may file a motion with the court requesting to withdraw as your attorney. Click [here](#) for Client’s Code of Conduct.

If you decide **not** to hire the attorney, please make sure to contact our program at Iris@sdcba.org with the reason/s why you did not retain the attorney. We will need this information for our records. Once we receive this information, we will refer you to a different attorney. Please be aware that we have a limited amount of Modest Means attorneys on the program. Once you have exhausted the two referrals, you will not receive any additional referrals to Modest Means attorneys.

The SDCBA and the LRIS Committee reserve the right to refuse to make a referral.

If you decide to hire one of the program attorneys, all correspondence and case details are between you and the attorney with one exception - if you are not truthful in your application, you will be barred from the program.

If you have any questions, please feel free to contact the LRIS program via email at Iris@sdcba.org or telephone at 619-231-8585.

FREQUENTLY ASKED QUESTIONS

1. **Is this a Free/Pro Bono service?** No, the attorneys in the program are private attorneys who are offering representation at a discounted rate.
2. **If I hire an attorney do, I have to pay the \$1,500 upfront?** Yes, you must have \$1500 to start the case. Once the payment of \$1,500 is exhausted (which equates to 10 hours of attorney time), you are responsible for replenishing the retainer based on what the attorney is requesting to continue/complete the case.
3. **What is the hourly rate?** The attorneys in this program agree to charge no more than \$150 per hour. You must keep all payments up to date in order for the attorney to continue working on your case.
4. **Do the attorneys take credit cards?** Most attorneys take credit cards, but you may want to check with the attorney's office and see what form of payment he/she accepts.
5. **Can I pay the attorney on a payment plan?** No, all fees must be kept current and the attorney has the right to ask for additional upfront monies.
6. **What kind of experience do these attorneys have?** The attorneys in this program are licensed and insured attorneys who practice family law and have been approved for this program by the San Diego County Bar Association after a rigorous application process. The attorneys in this program have diverse backgrounds and experience.
7. **What should I do if I decide not to hire the attorney you referred?** Please contact Iris@sdcba.org with the reason/s you are not hiring the attorney. You may request another referral, but please note that we will only provide referral to a total of two attorneys per legal issue.

Modest Means Code of Conduct & Client Agreement

1. Clients must treat SDCBA Specialists and referred attorneys with dignity, respect and courtesy.
2. Clients must not engage in offensive language or behavior toward SDCBA staff or attorneys. If client does so, they will immediately be barred from the program.
3. Clients must be truthful on the Modest Means application. If they are not, they will be barred from the program. Clients agree and hereby give the SDCBA permission to release copies of the documentation and information they provide to the SDCBA to qualify for the program to the attorney to ensure that the client indeed qualifies for the Modest Means program.

4. Clients understand that they will be required to pay additional monies to the attorney which shall be determined by the attorney once the initial deposit becomes low or exhausted. You must agree to keep all payments up to date for the attorney to continue working on your case.
5. If a client has an issue or problem with an attorney, they must contact the LRIS program as soon as possible. All complaints must be in writing.
6. If you and your attorney have a disagreement about strategy, you have the right to seek new representation. Please be aware that only one more attorney will be referred through the program. If you are still dissatisfied, you will need to seek representation independently.
7. If a client qualifies for the program, they will be referred to a Modest Means attorney. If the client decides that they do not want to retain the services of the attorney, they will be referred to another attorney. Please be aware that the program will only refer to a maximum of two attorneys.
8. If you decide to terminate the services of the attorney, you must make sure you have a completed "Substitution of Attorney" document filed with the court. Also, you must not be delinquent on the bill with the hired attorney. We cannot refer you to a second attorney if you owe the previous attorney money.
9. If your case becomes contested, complex, or falls within the "services not covered" listed above, you agree to cooperate with the attorney if a request is made for you to sign a Substitution of Attorney. This does not bar you and the attorney from reaching a different agreement regarding fees and entering into a new fee contract should you and the attorney agree to do so. If you and the attorney do not reach an agreement, the attorney may file a motion in court requesting to withdraw as your attorney.

I understand and agree to the Client Agreement. If I do not adhere to these terms I will be immediately barred from the program.

Please return to the LRIS Program Specialist @ lr@sdcb.org



FAMILY LAW FLAT FEE PROGRAM

The Family Law Flat Fee Program is a service to help parties involved in family law matters prepare and understand the documents that need to be filed in their case. The flat fee for Dissolution of Marriage and/or Legal Separation packet is \$1500 and the flat fee for Child Custody and/or Support packet is \$1000. NOTE: Attorneys involved in these flat fee cases will **not** represent the party in court. The attorneys will provide guidance and help the party prepare to represent himself/herself.

Dissolution of Marriage or Legal Separation

The legal work covered for the \$1,500 flat fee:

- Draft Petition/Response for Dissolution of Marriage/Legal Separation, and accompanying forms (FL-100/FL-120, FL-110, D-049, FL-105)
- Draft Client's Financial Disclosures (FL-150, FL-141, FL-142, FL-140)
- Draft the Marital Settlement Agreement
- Draft Judgment forms (FL-180, FL-165, FL-190, FL-144, FL-170)

Does not include:

- \$435 filing fees (fees are subject to change by the CA Superior Court).
- Representation in court
- Negotiation of terms
- Discovery

Child Custody or Child Support or Spousal Support

The legal work covered for the \$1,000 flat fee:

- Draft or respond to Request for Order Regarding child custody, and/or child support, and/or spousal support.
- Draft FL-150 if support issues
- File and serve on opposing side
- 30-minute meeting/phone call to prepare client for Family Court Services mediation if custody issues

Does not include:

- \$60-85 filing fees (fees are subject to change by the CA Superior Court)
- Representation in court
- Negotiation of terms
- Discovery

TENANT CONSULTATIONS

TENANT SERVICES FEE PROGRAM GUIDELINES

Office/Phone Consultation & Demand Letter	Fee: \$ 150.00 residential, \$ 180.00 mobile home, \$ 350.00 Commercial
Client Requirements:	Client Checklist:
Legal work performed:	Attorney Checklist: Please initial
<ul style="list-style-type: none"> Meeting with client (tenant) review intake form and related documents, interview client regarding facts and goals. 	
<ul style="list-style-type: none"> Answer client's questions regarding their legal rights, duties, and options. Provide legal advice. 	
<ul style="list-style-type: none"> Write draft of demand letter and send to client for review and approval. If changes to the draft are needed, write second and send for review/approval. 	
<ul style="list-style-type: none"> Mail approved letter to landlord and a copy to client. 	
<ul style="list-style-type: none"> Forward any landlord response(s) to the client. Discuss the landlord response as needed. If the demand letter does not achieve the desired results, provide a short follow up consultation to advise client of their next option, which is usually to sue landlord in small claims court. 	
Does not include: (subject to an additional fee by the attorney)	Additional fees
<ul style="list-style-type: none"> Negotiating with landlord 	
<ul style="list-style-type: none"> Conveying or repeating client demands/requests to landlord beyond those made in the letter. 	
<ul style="list-style-type: none"> Writing a follow up letter or another letter in response to landlord's response letter 	
<ul style="list-style-type: none"> Acting as an intermediary between client and landlord 	
<ul style="list-style-type: none"> Responding to any unlawful detainer or any other lawsuit. 	
<ul style="list-style-type: none"> Assistance with preparing and/or filing a small claims case or any other type of lawsuit. 	

Lease Break Office/Phone Consultation and Letter	Fee: \$ 350.00 residential only
<ul style="list-style-type: none"> Meeting with client (tenant) review intake form and related documents, interview client regarding facts and goals. 	
<ul style="list-style-type: none"> Answer client's questions regarding their legal rights, duties and options. Provide legal advice. Advise client of risks of breaking lease and potential consequences per client's specific circumstances. Advise client that the letter is not guaranteed to persuade the landlord to release the client from liability under the subject lease agreement. 	
<ul style="list-style-type: none"> Write draft of lease break letter and send to client for review and approval. If changes to the draft are needed, write second and send for review/approval. 	
<ul style="list-style-type: none"> Mail approved letter to landlord and a copy to client. 	New Fee Agreement and costs:
<ul style="list-style-type: none"> Forward any landlord response(s) to the client. Discuss the landlord response as needed. 	
<ul style="list-style-type: none"> If the demand letter does not achieve the desired results, provide a short follow up consultation to advise client of their next option, which is usually to sue landlord in small claims court. 	
Does not include: (subject to an additional fee by the attorney)	Additional fees
<ul style="list-style-type: none"> Negotiating with landlord 	
<ul style="list-style-type: none"> Conveying or repeating client demands/requests to landlord beyond those made in the letter. 	
<ul style="list-style-type: none"> Writing a follow up letter or an additional letter in response to landlord's response letter 	
<ul style="list-style-type: none"> Acting as an intermediary between client and landlord 	
<ul style="list-style-type: none"> Responding to any unlawful detainer or any other lawsuit. 	

	Criminal	Juvenile Dependency	Juvenile Delinquency	Family Code § 3150	Probate	Other Case Types
Alameda	<ul style="list-style-type: none">• 5PV & 5J: \$100/hour• 4PV & 4J: \$100/hour• 3PVs, PRCS & 3J: \$115/hour• 2PV & 2J: \$120/hour• 1B, 1PV & 1J: \$135/hour• 1A: \$150/hour• LWOP: \$165/hour• Death Penalty: \$180/hour					
Amador	\$75/hour	\$75/hour	\$75/hour	\$75/hour		
Butte	\$85/hour	\$85/hour		\$85/hour		
Fresno	\$80 per hour; \$240 minimum					
Humboldt	<ul style="list-style-type: none">• \$65/hour non-life homicide• \$75/hour potential life homicide					
Imperial	<ul style="list-style-type: none">• Misdemeanors \$50/hour• Felonies \$65/hour• Serious Felonies/State Prison \$75/hour• Death Penalty \$80/hour	\$65/hour	\$65/hour			Civil/Appeals: \$50/hour
Lassen	<ul style="list-style-type: none">• Misdemeanors: \$80/hour• Felonies: \$85/hour• Three strikes felonies defense: \$95/hour• First Degree Murder: \$110/hour		\$80/hour			Writs, Civil Contempt and Misdemeanor appeals: \$75/hour
Madera						\$65/hour
Mendocino	<ul style="list-style-type: none">• Class 1: \$80/hour• Class 2: \$75/hour• Class 3: \$65/hour		Same as criminal	\$65/hour		\$65/hour
Merced	\$125/hour	\$100/hour	\$125/hour	\$125/hour		
Monterey	<ul style="list-style-type: none">• Misdemeanor: \$200 flat fee• Non-Serious Felonies: \$75/hour• Serious Felonies: \$100/hour					
Napa	\$80/hour			\$150/hour		
Nevada	\$75/hour					
Placer	<ul style="list-style-type: none">• Misdemeanors \$50/hour• Class C Felonies: \$60/hour• Class B Felonies: \$65/hour• Class A felonies: \$75/hour					

*Staff was unable to find information for all counties.

	Criminal	Juvenile Dependency	Juvenile Delinquency	Family Code § 3150	Probate	Other Case Types
Sacramento	<ul style="list-style-type: none"> • Misdemeanors: \$75.78/hour • Class C Felonies: \$86.59/hour • Class B Felonies: \$97.42/hour • Class A2 felonies: \$108.24/hour • Class A1 felonies: \$150/hour 					
San Bernardino	<ul style="list-style-type: none"> • Misdemeanors: \$300 • Felonies: \$65/hour • Serious Felonies/State Prison: \$75/hour • Death Penalty: \$80/hour 					
San Diego	\$60/hour					
San Francisco	<ul style="list-style-type: none"> • Misdemeanors: \$66/hour • Regular Felonies: \$89/hour • Serious Felonies and life: \$106/hour • Capital Felonies: \$144/hour 	\$128/hour	Same as criminal	\$114/hour	\$98/hour	
San Joaquin	\$110/hour					
San Luis Obispo	<ul style="list-style-type: none"> • Misdemeanors: \$65/hour • Felonies: \$85/hour • Murder: \$100/hour • Capital: \$150/hour 		<ul style="list-style-type: none"> • \$65/hour • \$250 first appearance • \$200 additional appearance • \$250-300 half day trial • \$500-600 full day of trial 			Adoption \$85/hour
Santa Barbara	<ul style="list-style-type: none"> • Misdemeanors: \$100/hour • Felonies: \$100/hour • Death Penalty: \$125/hour 			\$100/hour		
Santa Clara	<ul style="list-style-type: none"> • Non-Death Penalty: \$110/hour • Death Penalty: \$125/hour 					
Santa Cruz	<ul style="list-style-type: none"> • Serious Felonies: \$115/hour • Death Penalty: \$125/hour 		Homicides/Complex Serious Felonies: \$125/Hour			
Solano	<ul style="list-style-type: none"> • Misdemeanors: \$80/hour • Felonies: \$85/hour • 3 strikes/sex life top: \$100/hour • Murder: \$115/hour • Capital Special Circumstances: \$80/hour 					

	Criminal	Juvenile Dependency	Juvenile Delinquency	Family Code § 3150	Probate	Other Case Types
Ventura	<ul style="list-style-type: none">• Misdemeanors \$70/hour• Regular Felonies: \$95/hour• Serious Felonies: \$125/hour• Homicide and life Felonies: \$140/hour• Capital Felonies: Determined on individual basis					

Superior Court Local Rules Regarding Presumptively Reasonable Fee Awards

ATTACHMENT D

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Alameda	<ul style="list-style-type: none"> Up to \$5,000: greater of 25% or \$500 >\$5,000-\$15,000: \$1,250 + 20% of award in excess of \$5,000 >\$15,000-\$25,000: \$3,250 + 15% of award in excess of \$15,000 >\$25,000-\$50,000: \$4,750 + 10% of award in excess of \$25,000 >\$50,000: \$7,250 + 5% of award in excess of \$50,000 			Additional 10% on fee schedule provided in default on note or contract	<ul style="list-style-type: none"> 25% prior to substantial trial proceedings 33 1/3% after substantial trial proceedings 	\$375 minimum fee for default or uncontested trial		
Alpine	None							
Amador	<ul style="list-style-type: none"> 25% of first \$1,000; minimum \$150 20% of next \$4,000 15% of next \$5,000 10% of next \$10,000 5% of next \$30,000 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis		Additional 10% on fee schedule provided in default on note or contract		<ul style="list-style-type: none"> \$300 limit for default cases \$350 for uncontested trial \$500 for contested trial 		
Butte	<ul style="list-style-type: none"> 25% of first \$1,000; minimum \$150 20% of next \$4,000 15% of next \$5,000 10% of next \$10,000 5% of next \$30,000 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis		Additional 10% on fee schedule provided in default on note or contract				
Calaveras	<ul style="list-style-type: none"> 25% of first \$1,000; minimum \$150 20% of next \$4,000 15% of next \$5,000 10% of next \$10,000 5% of next \$30,000 2% of amount over \$50,000 							

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Colusa	<ul style="list-style-type: none"> • 25% of first \$2,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis			<ul style="list-style-type: none"> • 25% prior to substantial trial proceedings • 33 1/3% after substantial trial proceedings • 40% after filing appeal 	<ul style="list-style-type: none"> • \$300 limit for default cases • \$400 for uncontested trial 		
Contra Costa	<ul style="list-style-type: none"> • \$1-\$500: \$150 • \$501-\$1,000: \$150 + 30% on amount over \$500 • \$1,001-\$2,000: \$300 + 25% on amount over \$1,000 • \$2,001-\$5,000: \$550 + 10% on amount over \$2,000 • \$5,001-\$10,000: \$850 + 6% on amount over \$5,000 • \$10,001-\$50,000: \$1,150 + 3% on amount over \$10,000 • \$50,001-\$100,000: \$2,350 + 2% on amount over \$50,000 • \$100,001 and over: \$3,350 + 1% on amount over \$100,000 			Additional 10% on fee schedule provided in default on note or contract		<ul style="list-style-type: none"> • The greater of \$375 or fee schedule below: • \$1-\$500: \$150 • \$501-\$1,000: \$150 + 30% on amount over \$500 • \$1,001-\$2,000: \$300 + 25% on amount over \$1,000 • \$2,001-\$5,000: \$550 + 10% on amount over \$2,000 • \$5,001-\$10,000: \$850 + 6% on amount over \$5,000 • \$10,001-\$50,000: \$1,150 + 3% on amount over \$10,000 • \$50,001-\$100,000: \$2,350 + 2% on amount over \$50,000 • \$100,001 and over: \$3,350 + 1% on amount over \$100,000 		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Del Norte	<ul style="list-style-type: none">• 25% of first \$2,000; minimum \$175• 20% of next \$4,000• 15% of next \$4,000• 10% of next \$10,000• 5% of next \$30,000• 2% of next \$50,000							
El Dorado	<ul style="list-style-type: none">• 25% of first \$1,000• 20% of next \$4,000• 15% of next \$5,000• 10% of next \$10,000• 5% of next \$30,000• 2% of the amount over \$50,000					<ul style="list-style-type: none">• \$200 limit for default cases• \$300 for uncontested trial where defendant failed to appear, has filed an answer, and non-appearance default prove-up hearing is required• \$500 for contested trial with represented and unrepresented parties• \$750 for contested trial when both parties are represented		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Fresno	<ul style="list-style-type: none"> • 25% of first \$5,000; minimum \$400 • 15% of next \$10,000 • 10% of next \$10,000 • 5% of next \$25,000 • 2% of next \$50,000 • 1% of amount over \$100,000 			Additional 10% on contingency rate schedule provided in default on note or contract				<p>Compensation allowed pursuant to CRC 7.750-7.752.</p> <p>The following flat fees allowed, without compliance with CRC:</p> <ul style="list-style-type: none"> • \$2,500 to establish conservatorship or guardianship, and preparation of the first account • \$1,250 Court confirmed sale of real property • \$600 Attorney-prepared income tax returns • \$1,250 per year: each timely filed subsequent account
Glenn							\$960 or 25% of the obligation, whichever is less, for personal, family, or household debt \$1,200 or 25% of the obligation, whichever is less, for other debt.	

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Humboldt	<ul style="list-style-type: none"> • Up to \$1,000: 15%; minimum \$75 • >\$1,000-\$10,000: \$150 + 6% of award in excess of \$1,000 • >\$10,000-\$50,000: \$690 + 3% of award in excess of \$10,000 • >\$50,000-\$100,000: \$1,890 + 2% of award in excess of \$50,000 • >\$100,000: \$2,8950 + 1% of award in excess of \$100,000 							
Imperial	<ul style="list-style-type: none"> • 25% of first \$1,000; minimum \$150 • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 							
Inyo	<ul style="list-style-type: none"> • 25% of first \$2,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis						
Kern	<ul style="list-style-type: none"> • 20% of first \$5,000; minimum \$150 • 15% of next \$10,000 • 10% of next \$35,000 • 5% of amount over \$50,000 					<ul style="list-style-type: none"> • \$300 limit for default cases • \$400 for uncontested trial • \$500 for contested trial 		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Kings	<ul style="list-style-type: none"> • Up to \$1,000: 25% • \$1,001-\$7,500: \$250 + 15% of award in excess of \$1,000 • \$7,501-\$15,000: \$1,225 + 10% of award in excess of \$7,500 • \$15,001-\$25,000: \$1,975 + 4% of award in excess of \$15,000 • Over \$25,000: \$2,275 + 5% of award in excess of \$25,000 				<ul style="list-style-type: none"> • 25% prior to commencement of trial • 33 1/3% after commencement of trial • 40% after filing appeal 			
Lake	<ul style="list-style-type: none"> • 25% of first \$1,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of next \$50,000 • 2% of next \$100,000 					<ul style="list-style-type: none"> • \$350 for default cases • \$400 for uncontested trial • \$500 for contested trial 		
Lassen					25% of amount recovered			

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Los Angeles	<ul style="list-style-type: none"> • Up to \$1,000: 15%; minimum \$75 • >\$1,000-\$10,000: \$150 + 6% of award in excess of \$1,000 • >\$10,000-\$50,000: \$690 + 3% of award in excess of \$10,000 • >\$50,000-\$100,000: \$1,890 + 2% of award in excess of \$50,000 • >\$100,000: \$2,890 + 1% of award in excess of \$100,000 	<ul style="list-style-type: none"> • Up to \$1,000: 15%; min. \$100 • >\$1,000-\$10,000: \$150 + 8% of award in excess of \$1,000 • >\$10,000-\$50,000: \$870 + 6% of award in excess of \$10,000 • >\$50,000-\$100,000: \$3,270 + 4% of award in excess of \$50,000 • >\$100,000: \$5,270 + % of award in excess of \$100,000 		Additional 10% on fee schedule provided in default on note or contract				
Madera	<ul style="list-style-type: none"> • Up to \$1,000: 15%; minimum \$75 • >\$1,000-\$10,000: \$150 + 6% of award in excess of \$1,000 • >\$10,000-\$50,000: \$690 + 3% of award in excess of \$10,000 • >\$50,000-\$100,000: \$1,890 + 2% of award in excess of \$50,000 • >\$100,000: \$2,690 + 1% of award in excess of \$100,000 			Additional 10% on fee schedule provided in default on note or contract			<ul style="list-style-type: none"> • Up to \$1,000: 15%; min. \$75 • >\$1,000-\$10,000: \$150 + 6% of award in excess of \$1,000 • >\$10,000-\$50,000: \$690 + 3% of award in excess of \$10,000 • >\$50,000-\$100,000: \$1,890 + 2% of award in excess of \$50,000 • >\$100,000: \$2,690 + 1% of award in excess of \$100,000 	
Marin	25% of net proceeds							
Mariposa	None							

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Mendocino					<ul style="list-style-type: none"> • 25% prior to commencement of trial • 33 1/3% after commencement of trial • 40% after filing appeal 			
Merced	<ul style="list-style-type: none"> • 20% of first \$5,000; minimum \$400 • 10% of next \$20,000 • 2% of next \$50,000 • 1% of amount over \$100,000 			Additional 10% on fee schedule provided in default on note or contract		Default residential UD: \$400		
Modoc					<ul style="list-style-type: none"> • 25% prior to commencement of trial • 33 1/3% after commencement of trial • 40% after filing appeal 			
Mono	<ul style="list-style-type: none"> • 25% of first \$2,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis				<ul style="list-style-type: none"> • \$300 for default cases • \$400 for uncontested trial 		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Monterey	<ul style="list-style-type: none"> • Up to \$2,000: 25% • >\$2,000-\$5,000: greater of 20% or \$500 • >\$5,000-\$10,000: greater of 15% or \$1,000 • >\$10,000-\$25,000: greater of 12% or \$1,500 • >\$25,000: 10% of amount between \$25,000 and 5% of any additional amount 					\$450 for default cases		Nonlitigated conservatorship and guardianship: up to \$350/hour
Napa	<ul style="list-style-type: none"> • 20% of first \$5,000; \$500 minimum • 15% of next \$10,000 • 10% of next \$25,000 • 5% of amount over \$40,000 					\$600 for default cases		
Nevada	<ul style="list-style-type: none"> • 25% of first \$1,000; \$150 minimum • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 					Not to exceed \$800 for default cases or uncontested trial		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Orange	<ul style="list-style-type: none"> • Up to \$5,000: 25%; minimum \$400 • >\$5,000-\$25,000: \$500 + 6% of award in excess of \$5,000 • >\$25,000-\$60,000: \$1,700 + 3% of award in excess of \$25,000 • >\$60,000-\$100,000: \$2,750 + 2% of award in excess of \$60,000 • \$100,000 or more: \$3,550 + 1% of award in excess of \$100,000 							
Placer	<ul style="list-style-type: none"> • 25% of first \$2,000; \$150 minimum • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of next \$50,000 • over \$100,000: as authorized by the court 					<ul style="list-style-type: none"> • \$300 for default cases • \$350 for uncontested trial • \$425 for contested trial 		
Plumas	<ul style="list-style-type: none"> • 25% of first \$2,000; \$300 minimum • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of next \$50,000 • over \$150,000: as authorized by the court 	Same as for default, plus reasonable compensation based on hourly or per-day basis						

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Riverside	<ul style="list-style-type: none"> • Up to \$1,000: 25% • \$,001-\$7,500: \$250 + 15% of award in excess of \$1,000 • \$7,501-\$15,000: \$1,225 + 10% of award in excess of \$7,500 • \$15,001-\$25,000: \$1,975 + 4% of award in excess of \$15,000 • \$250,000 or more: \$2,375 + 2% of award in excess of \$25,000 							
Sacramento	<ul style="list-style-type: none"> • 25% of first \$1,000; minimum \$150 • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of the amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis				<ul style="list-style-type: none"> • \$200 limit for default cases • \$300 for uncontested trial where defendant failed to appear, has filed an answer, and non-appearance default prove-up hearing is required • \$500 for contested trial with represented and unrepresented parties • \$750 for contested trial when both parties are represented 		
San Benito	<ul style="list-style-type: none"> • \$250 for the first \$1,000; plus • 6% of next \$9,000 • 3% of next \$40,000 • 2% of next \$50,000 • 1% of next \$100,000 							

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
San Bernardino	<ul style="list-style-type: none">• 25% of the first \$1,000; minimum \$75• 10% of next \$14,000• 3% of next \$35,000• 2% of next \$50,000• 1% of amount over \$100,000			Additional 10% on fee schedule provided in default on note or contract				

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
San Diego	<ul style="list-style-type: none">• \$0 to \$300: \$100• \$301-\$400: \$125• \$401-\$500: \$150• \$501-\$700: \$ 175• \$701-\$900: \$200• \$901-\$1,000: \$250• \$1,001-\$1,500: \$300• \$1,501-\$2,000: \$375• \$2,001-\$2,500: \$450• \$2,501-\$3,000: \$525• \$3,001-\$3,500: \$600• \$3,501-\$4,000: \$675• \$4,001-\$4,500: \$750• \$4,501-\$5,000: \$825• \$5,001-\$6,000: \$900• \$6,001-\$7,000: \$1,000• \$7,001-\$8,000: \$1,100• \$8,001-\$9,000: \$1,200• \$9,001-\$10,000: \$1,300• \$10,001-\$12,500: \$1,400• \$12,501-\$15,000: \$1,500• \$15,001-\$17,500: \$1,600• \$17,501-\$20,000: \$1,700• \$20,001-\$22,500: \$1,800• \$22,501-\$25,000: \$1,900• Over \$25,000: Add 2% of the next \$25,000• Over \$50,000: Add 1% of the next \$50,000• Over \$100,000: Add .5%							
San Francisco	See Appendix A							

San Joaquin	<ul style="list-style-type: none"> • 25% of first \$1,000; \$150 minimum • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount over \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis	Additional 10% on fee schedule provided in default on note or contract	\$300 for default cases	\$960 or 25% of the obligation, whichever is less, for personal, family, or household debt \$1,200 or 25% of the obligation, whichever is less, for other debt.	<p>Attorney for Trust:</p> <ul style="list-style-type: none"> • Amount equiv.to one-third of professional trustee's normal fee for a 12-month period, or \$1,000, whichever is greater. • Amount equivalent to one-half of non-professional trustee's normal fee for a 12-month period, or \$1,000, whichever is greater. <p>Conservatorship/Guardianship of Person</p> <ul style="list-style-type: none"> • Counsel to private professional fiduciary: amount equivalent to one-third of fiduciary's normal fee for 12-month period, or \$1,000, whichever is greater. • Counsel to non-licensed fiduciary: amount equivalent to one-half of fiduciary's normal fee for a 12-month period, or \$1,500, whichever is greater. • Attorney for the conservator or conservatee: not to exceed \$1,000.
-------------	--	--	--	-------------------------	---	--

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
San Luis Obispo	<ul style="list-style-type: none"> Any part of first \$1,000; (\$250 minimum) fee 20% of next \$4,000 (\$800 maximum) 15% of next \$5,000 (\$750 maximum) 10% of next \$5,000 (\$500 maximum) 5% of next \$35,000 (\$1,750 maximum) 2% of the next \$50,000 (\$1,000 maximum) 1% of the amount over \$100,000 				Limited to 25% of net proceeds			
San Mateo	See Appendix B							
Santa Barbara	<ul style="list-style-type: none"> Up to \$1,000: \$250 >1,000-\$5,000: \$250 + 20% of award in excess of \$1,000 >\$5,000-\$10,000: \$1,050 + 15% of award in excess of \$5,000 >\$10,000-\$15,000: \$1,800 + 10% of award in excess of \$10,000 >\$15,000-\$50,000: \$2,300 + 5% of award in excess of \$15,000 >\$50,000-\$100,000: \$4,050 + 2% of award in excess of \$50,000 \$100,000 or more: \$5,050 + 1% of award in excess of \$100,000 					Default judgment: \$100		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Santa Clara	<ul style="list-style-type: none"> • Up to \$500: \$150 • \$501-\$2,500: \$150 + 25% of amount over \$500 • \$2,501-\$5,000: \$650 + 15% of amount over \$2,500 • \$5,001-\$10,000: \$1,100 + 6% of amount over \$5,000 • \$10,001-\$50,000: \$1,400 + 3% of amount over \$10,000 • \$50,001-\$100,000: \$2,600 + 2% of amount over \$50,000 • Over \$100,000: \$3,600 + 1% of amount over \$100,000 					Default judgment: \$375		
Santa Cruz	<ul style="list-style-type: none"> • 20% of first \$1,000; \$100 minimum • 10% of next \$9,000 • 3% of next \$40,000 • 2% of next \$50,000 • 1% of amount over \$100,000 							
Shasta	<ul style="list-style-type: none"> • 25% of first \$2,000; • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amounts in excess of \$50,000 	Same as for default, plus reasonable compensation based on hourly or per-day basis						

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Sierra	<ul style="list-style-type: none">• 25% of first \$2,000; \$300 minimum• 20% of next \$4,000• 15% of next \$4,000• 10% of next \$10,000• 5% of next \$30,000• 2% of amounts in excess of \$50,000, on the next \$100,000• In excess of \$150,000: to be fixed at court's discretion	Same as for default, plus reasonable compensation based on hourly or per-day basis						
Siskiyou	<ul style="list-style-type: none">• 25% of first \$2,000; \$300 minimum• 20% of next \$4,000• 15% of next \$4,000• 10% of next \$10,000• 5% of next \$30,000• 2% of amounts in excess of \$50,000, on the next \$100,000• In excess of \$150,000: to be fixed at court's discretion	Same as for default, plus reasonable compensation based on hourly or per-day basis						

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Solano	<ul style="list-style-type: none"> • 25% of first \$1,000; \$150 minimum • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amounts in excess of \$50,000 		<ul style="list-style-type: none"> • Up to \$600: \$150 • \$600-\$1,000: \$150 + 25% of amount over \$600 • \$1,000-\$10,000: \$250 + 15% of amount over \$1,000 • \$10,000-\$25,000: \$1,600 + 10% of amount over \$10,000 			<ul style="list-style-type: none"> • 25% of first \$1,000; \$300 minimum • 15% of next \$9,000 • 10% of next \$15,000 	<ul style="list-style-type: none"> • Up to \$600: \$150 • \$600-\$1,000: \$150 + 25% of amount over \$600 • \$1,000-\$10,000: \$250 + 15% of amount over \$1,000 • \$10,000-\$25,000: \$1,600 + 10% of amount over \$10,000 	
Sonoma			<ul style="list-style-type: none"> • 35% of first \$1,500; • 30% of second \$1,500 • 25% of third \$1,500 • 10% of amount in excess of \$4,500 			<ul style="list-style-type: none"> • Default: \$300 • Court trials: \$375 		
Stanislaus	<ul style="list-style-type: none"> • 25% of first \$1,000; \$100 minimum • 10% of next \$9,000 • 5% of next \$40,000 • 2% of amount over \$50,000 					<ul style="list-style-type: none"> • Default without appearance: \$250 • Default with appearance: \$300 		
Sutter	None							

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Tehama	<ul style="list-style-type: none"> • 25% of first \$2,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount in excess of \$50,000 							
Trinity	<ul style="list-style-type: none"> • 25% of first \$2,000 • 20% of next \$4,000 • 15% of next \$4,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount in excess of \$50,000 							
Tulare	<ul style="list-style-type: none"> • 25% of first \$5,000; minimum \$250 • 10% of amount over \$5,000 							
Tuolumne	<ul style="list-style-type: none"> • 25% of first \$1,000 • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$10,000 • 5% of next \$30,000 • 2% of amount in excess of \$50,000 							
Ventura	<ul style="list-style-type: none"> • First \$1,000: \$250 • 20% of next \$4,000 • 15% of next \$5,000 • 10% of next \$5,000 • 5% of next \$35,000 • 2% of next \$50,000 • 1% of amount over \$100,000 				<ul style="list-style-type: none"> • 25% for settlement more than two weeks prior to trial • 33 1/3% for disposition within two weeks of, during, or after trial • 40% after filing appeal 	Default: \$450		

	Default Action on Note or Contract	Contested Action on Note or Contract	Default Action in Limited Jurisdiction Cases	Foreclosure of Mortgage or Trust Deed	Tort Actions involving Minors or Incompetent Persons	Unlawful Detainer	Open Book Account	Probate
Yolo	<ul style="list-style-type: none">• 25% of first \$2,000: \$350 minimum• 20% of next \$4,000• 15% of next \$4,000• 10% of next \$10,000• 5% of next \$30,000• 2% of amount in excess of first \$50,000• 2% of next \$100,000• In excess of \$150,000: to be fixed at court's discretion							
Yuba							<ul style="list-style-type: none">• \$960 or 25% of the obligation, whichever is less, for personal, family, or household debt• \$1,200 or 25% of the obligation, whichever is less, for other debt.	

APPENDIX A

Fee Schedule for Attorney Compensation for Limited Jurisdiction Cases

Where the principal sued for is:	Attorney's Fee:
\$ 10 to \$ 50	\$ 10
51 to 75	15
76 to 100	30
101 to 150	50
151 to 200	70
201 to 300	95
301 to 400	120
401 to 500	150
501 to 600	180
601 to 700	210
701 to 800	240
801 to 900	270
901 to 1,000	300
1,001 to 1,100	325
1,101 to 1,200	350
1,201 to 1,300	375
1,301 to 1,500	400
1,501 to 1,750	425
1,751 to 2,000	450
2,001 to 2,250	485
2,251 to 2,500	520
2,501 to 2,750	560
2,751 to 3,000	600
3,001 to 3,250	630
3,251 to 3,500	660
3,501 to 3,750	690
3,751 to 4,000	720
4,001 to 4,250	750
4,251 to 4,500	775
4,501 to 4,750	800
4,751 to 5,000	825
5,001 to 5,250	850
5,251 to 5,500	875
5,501 to 5,750	900

5,751 to 6,000	925
6,001 to 6,250	950
6,251 to 6,500	975
6,501 to 6,750	1,000
6,751 to 7,000	1,025
7,001 to 7,250	1,050
7,251 to 7,500	1,075
7,501 to 7,750	1,100
7,751 to 8,000	1,125
8,001 to 8,250	1,150
8,251 to 8,500	1,175
8,501 to 8,750	1,200
8,751 to 9,000	1,225
9,001 to 9,250	1,250
9,251 to 9,500	1,275
9,501 to 9,750	1,300
9,751 to 10,000	1,325
10,001 to 10,250	1,350
10,251 to 10,500	1,375
10,501 to 10,750	1,400
10,751 to 11,000	1,425
11,001 to 11,250	1,450
11,251 to 11,500	1,475
11,501 to 11,750	1,500
11,751 to 12,000	1,525
12,001 to 12,250	1,550
12,251 to 12,500	1,575
12,501 to 12,750	1,600
12,751 to 13,000	1,625
13,001 to 13,250	1,650
13,251 to 13,500	1,675
13,501 to 13,750	1,700
13,751 to 14,000	1,725
14,001 to 14,250	1,750
14,251 to 14,500	1,775
14,501 to 14,750	1,800
14,751 to 15,000	1,825
15,001 to 15,250	1,850

15,251 to 15,500	1,875
15,501 to 15,750	1,900
15,751 to 16,000	1,925
16,001 to 16,250	1,950
16,251 to 16,500	1,975
16,501 to 16,750	2,000
16,751 to 17,000	2,025
17,001 to 17,250	2,050
17,251 to 17,500	2,075
17,501 to 17,750	2,100
17,751 to 18,000	2,125
18,001 to 18,250	2,150
18,251 to 18,500	2,175
18,501 to 18,750	2,200
18,751 to 19,000	2,225
19,001 to 19,250	2,250
19,251 to 19,500	2,275
19,501 to 19,750	2,300
19,751 to 20,000	2,325
20,001 to 20,250	2,350
20,251 to 20,500	2,375
20,501 to 20,750	2,400
20,751 to 21,000	2,425
21,001 to 21,250	2,450
21,251 to 21,500	2,475
21,501 to 21,750	2,500
21,751 to 22,000	2,525
22,001 to 22,250	2,550
22,251 to 22,500	2,575
22,501 to 22,750	2,600
22,751 to 23,000	2,625
23,001 to 23,250	2,650
23,251 to 23,500	2,675
23,501 to 23,750	2,700
23,751 to 24,000	2,725
24,001 to 24,250	2,750
24,251 to 24,500	2,775
24,501 to 24,750	2,800

24,751 to 25,000

2,825

COURT SCHEDULE OF ATTORNEY FEES
--

\$ 0	to	\$ 5,000	\$ 300 or 20% whichever is higher								
5,001	to	5,250	1,035	11,251	to	11,500	1,550	17,251	to	17,500	1,670
5,251	to	5,500	1,070	11,501	to	11,750	1,555	17,501	to	17,750	1,675
5,501	to	5,750	1,105	11,751	to	12,000	1,560	17,751	to	18,000	1,680
5,751	to	6,000	1,140	12,001	to	12,250	1,565	18,001	to	18,250	1,685
6,001	to	6,250	1,170	12,251	to	12,500	1,570	18,251	to	18,500	1,690
6,251	to	6,500	1,200	12,501	to	12,750	1,575	18,501	to	18,750	1,695
6,501	to	6,750	1,230	12,751	to	13,000	1,580	18,751	to	19,000	1,700
6,751	to	7,000	1,280	13,001	to	13,250	1,585	19,001	to	19,250	1,705
7,001	to	7,250	1,285	13,251	to	13,500	1,590	19,251	to	19,500	1,710
7,251	to	7,500	1,310	13,501	to	13,750	1,595	19,501	to	19,750	1,715
7,501	to	7,750	1,335	13,751	to	14,000	1,600	19,751	to	20,000	1,720
7,751	to	8,000	1,380	14,001	to	14,250	1,605	20,001	to	20,250	1,725
8,001	to	8,250	1,380	14,251	to	14,500	1,610	20,251	to	20,500	1,730
8,251	to	8,500	1,400	14,501	to	14,750	1,615	20,501	to	20,750	1,735
8,501	to	8,750	1,420	14,751	to	15,000	1,620	20,751	to	21,000	1,740
8,751	to	9,000	1,440	15,001	to	15,250	1,625	21,001	to	21,250	1,745
9,001	to	9,250	1,455	15,251	to	15,500	1,630	21,251	to	21,500	1,750
9,251	to	9,500	1,470	15,501	to	15,750	1,635	21,501	to	21,750	1,755
9,501	to	9,750	1,485	15,751	to	16,000	1,640	21,751	to	22,000	1,760
9,751	to	10,000	1,500	16,001	to	16,250	1,645	22,001	to	22,250	1,765
10,001	to	10,250	1,510	16,251	to	16,500	1,650	22,251	to	22,500	1,770
10,251	to	10,500	1,520	16,501	to	16,750	1,655	22,501	to	22,750	1,775
10,501	to	10,750	1,530	16,751	to	17,000	1,660	22,751	to	23,000	1,780
10,751	to	11,000	1,540	17,001	to	17,250	1,665				
11,001	to	11,250	1,545	Over \$23,000 - \$1,780 plus 1 ½ % of the amount over \$23,000							

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: AOC Center for Families, Children & the Courts
Diane Nunn, Division Director
Lee Morhar, Assistant Director
Leah Wilson, Supervising Court Services Analyst, 415-865-7977

DATE: October 25, 2006

SUBJECT: Juvenile Dependency: DRAFT Pilot Program and Court-Appointed
Counsel

Issue Statement

Costs for court-appointed counsel representing children and indigent parents in juvenile dependency proceedings are included as “trial court operations” under the Trial Court Funding Act. As such, the Judicial Council has overseen expenditures of these funds since the onset of trial court funding¹. In the last five years, the council has been particularly active in the court-appointed counsel program area, with respect to both quality of practice and fiscal considerations. As this report describes, a number of factors, including escalating program costs and legislative direction for the development of caseload standards for court-appointed counsel, led the council to direct staff to implement the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program for a three-year period beginning in July 2004. The goal of the DRAFT pilot program is to improve the quality of attorney representation for parents and children in dependency cases in as cost-effective manner as possible.

DRAFT comprises a partnership between 10 volunteer court systems and the Administrative Office of the Courts.² Escalating costs in non-DRAFT courts during the first two years of the program’s existence have rendered the results of the pilot

¹ Lockyer-Isenberg Trial Court Funding Act of 1997 (Stats. 1997, ch.850).

² A request for letters of interest (LOIs) regarding DRAFT program participation was sent to the courts in April 2004. Sixteen courts submitted letters of interest in DRAFT program participation. Of these courts, the following 10 were selected: Imperial, Los Angeles, Marin, Mendocino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, and Stanislaus. Courts were selected based upon criteria including dependency population size, geography, service-delivery model mix, fiscal implications of existing contractual obligations, and an assessment of AOC staff’s ability to provide comprehensive DRAFT program services to each selected court.

particularly critical; standards developed under DRAFT address the concomitant goals of ensuring quality court-appointed counsel representation and realizing program cost containment.

Recommendation

AOC staff recommends that the Judicial Council request the DRAFT Pilot Program Implementation Committee to provide a final DRAFT pilot program report in August 2007 with recommendations therein regarding: (1) proposed court-appointed counsel caseload, compensation, and performance standards for statewide implementation; and (2) cost-containment approaches that account for both the limited funding available and the importance of quality representation in the state's juvenile dependency courts.

Rationale for Recommendation

Court-appointed counsel costs in juvenile dependency proceedings have been a state fiscal responsibility since the onset of trial court funding. In the transition to state funding, trial court systems inherited the unique dependency counsel service-delivery models of their respective counties. As a result, little uniformity exists between court systems with respect to provider types (e.g. private vs. government attorneys), fee structures (e.g. per case vs. annual contract rates) and standards of practice (which, for the most part, are defined by local court rules).

The significance of the lack of uniformity and absence of practice and compensation standards has been highlighted by several factors including escalating program costs and legislative direction regarding the establishment of court-appointed counsel caseload standards.

Legislation³ (Sen. Bill 2160, Stats. 2000, ch. 450) amended section 317 of the Welfare and Institutions Code to require (1) the appointment of counsel for children in almost all dependency cases; (2) caseloads and training for appointed counsel that ensure adequate representation; and (3) Judicial Council promulgation of rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children. In 2001 the Judicial Council took action regarding the effective delivery of court-appointed counsel services in juvenile dependency proceedings. In addition to adopting a rule of court that mandated the appointment of counsel for children subject to dependency proceedings in all but the rarest of circumstances, the council directed staff to undertake a study to identify caseload standards for attorneys representing both parents and children.

In 2002 the Judicial Council made a series of policy decisions regarding funding for court-appointed counsel, including transitioning the program from the aggregate Trial Court Trust Fund distribution to a reimbursable line-item. The reimbursement funding

³ The Judicial Council co sponsored Senate Bill 2160; no opposition to the bill was filed in the Legislature.

mechanism results in courts being reimbursed by the AOC in *arrears* for actual court-appointed counsel costs incurred. The purpose behind reimbursement funding is to ensure the use of court-appointed counsel funding solely for that purpose, and to thereby eliminate the practice extant at the onset of the policy by which dependency counsel funding was used to support other court operations. While reimbursement funding has resulted in the establishment of a dedicated dependency counsel funding stream, it has not achieved another implicit objective — cost containment. In fact, statewide court-appointed counsel expenditures have increased an average of 8 percent annually since the onset of reimbursement funding, a rate which has consistently exceeded corollary increases in the statewide appropriation.

In fiscal year 2004–2005, in response to both escalating program costs and the legislative mandate to develop and implement dependency counsel caseload standards, the council launched the DRAFT pilot program.

DRAFT shifted responsibility for administering dependency counsel contracts from participating courts to the AOC; DRAFT is a partnership in which the courts retain responsibility for attorney selection and the AOC has responsibility for direct attorney payment. Primary components of DRAFT include competitive bidding for court-appointed counsel services, execution of standardized appointed counsel contracts, and the development and promulgation of attorney performance and training standards.

The partnership between DRAFT-participating courts and the AOC was formalized with the establishment of the DRAFT Pilot Program Implementation Committee (committee). The committee, which is chaired by Justice Richard D. Huffman, includes at least one judicial and one court administration representative from each participating court, as well as additional juvenile court judicial officers, court administrators, and trial and appellate court attorneys.

The committee has seven working groups charged with overseeing the development of policies and standards addressing DRAFT attorney performance, compensation, and reporting requirements. The efforts of three of these working groups are described below.

Attorney Performance Working Group: Caseload and performance standards

The Court-Appointed Counsel Caseload Study (caseload study) report received by the council in June 2004 was premised on work that began pursuant to council direction in 2002. At that time, the AOC contracted with the American Humane Association for a quantitative caseload study of trial-level court-appointed dependency counsel based upon an assessment of the duties required as part of the representation and the amount of time required to perform those tasks.

The caseload study comprised four distinct components, including the identification of a standardized set of attorney “tasks” and a two-week workload study, during which approximately 600 attorneys statewide reported time spent on identified tasks.

The results of each caseload study component indicated a recommended maximum caseload figure of *141 cases, or clients*, per full-time dependency attorney⁴. The proposed maximum caseload of 141 clients compared to a statewide average at the onset of the caseload study of 273 clients per attorney.

Because of the obvious fiscal implications of caseload reduction this significant and the fact that important issues, such as the impact of non-attorney support staffing on requisite caseloads, were not addressed in the report, the Judicial Council did not adopt the caseload standard as identified but instead directed staff to pilot the standard, or caseload reduction, as part of the DRAFT pilot program.

One of the challenges faced in attempting to pilot caseload reduction as part of DRAFT implementation has been a lack of accurate data on current attorney caseloads. Requests for Proposals (RFPs) and contract specifications under DRAFT have been designed to address the ongoing need for attorney workload data via the inclusion of consistent mandatory data collection and reporting requirements.

The results of DRAFT caseload standard implementation, as reflected in executed DRAFT contracts, are provided in the following table.

⁴ Caseload Study findings suggested that each client be counted as one case, regardless of sibling group affiliation.

Court System	Pre-DRAFT Caseload	Post-DRAFT Caseload
Imperial	377	205
Los Angeles	unavailable⁵	267
Marin	51	110
Mendocino	92	168
San Diego	363	286
San Joaquin	288	205
San Luis Obispo	180	118
Santa Barbara	201	118
Santa Cruz	136	136
Stanislaus	217	177

As shown in the table, the implementation of DRAFT reduced caseloads in the majority of participating courts; exceptions can be attributed to factors such as inordinately low caseloads at the onset of DRAFT (Marin and Mendocino) and pre-DRAFT attorney caseloads approximating recommended caseload standards (Santa Cruz).

DRAFT's Attorney Performance Working Group (APWG) is charged with identifying and evaluating the relationship between caseload standard implementation and attorney performance. To that end, the APWG has developed and promulgated practice standards which serve as the basis for all performance expectations delineated in DRAFT RFPs and contracts, experience and training requirements for attorneys seeking new dependency appointments, enhanced annual training requirements for all dependency counsel, and an attorney performance review process, whereby court-appointed counsel will be evaluated by their peers, clients, and judicial officers, to be implemented January 1, 2007.

⁵ Pre-DRAFT caseload data could not be generated because parent clients in Los Angeles were represented by private solo practitioners who did not track caseload information for either their dependency or non dependency caseloads.

Compensation and Organizational Models Working Group: Compensation standards

The Compensation and Organizational Models Working Group of the DRAFT Pilot Program Implementation Committee is charged with developing attorney rates and cost models. At the onset of its work in this area, the working group made a policy decision regarding the development of *regional*, versus statewide, appointed-counsel rates. Staff utilized a combination of data sources to develop proposals for regional rates. These sources included (1) the Watson-Wyatt study of court employees conducted as a precursor to the transition of court staff from county to court employees; (2) county counsel salary information; (3) census data on median home value; and (4) census data on median income. Staff began its regional rate analysis with the four regions identified by the Watson-Wyatt study; court affiliation with any particular region was then adjusted as census and county counsel salary data were taken into account. Specifically, staff averaged each court's ranking among the data sources (Watson-Wyatt, county counsel salary, and census data) and "rounded" up to generate a DRAFT-court regional ranking. DRAFT court affiliation by region is shown in the following table:

County	Watson-Wyatt Study	County Counsel Average Salary	Household Income	Home Value	DRAFT Region⁶
Imperial	1	1	1	1	1
Los Angeles	3	4	2	2	3
Marin	3	4	4	4	4
Mendocino	1	1	1	2	2
San Diego	2	4	2	2	3
San Joaquin	1	2	2	1	2
San Luis Obispo	1	3	2	2	2
Santa Barbara	2	3	2	2	3
Santa Cruz	2	2	3	3	3
Stanislaus	1	2	2	1	2

⁶ For each data source, 1 is low, 4 is high. Recommended compensation rates are thus lowest in DRAFT Region 1 and highest in DRAFT Region 4.

Subsequent to determining DRAFT regional rankings staff addressed the issue of developing compensation levels for each region. Working group members made another important policy decision at this juncture, determining that court-appointed counsel salaries (not including benefit packages) should be pegged to those of county counsel. This decision reflects equity and recognition principles at the heart of the DRAFT pilot program's goal of improving the quality of court-appointed counsel practice.

County counsel salary data for entry-level, mid- and high-range positions were analyzed to create regional court-appointed counsel rates; these rates essentially reflect the regional average of midrange county counsel salaries. Regional rates are used in conjunction with caseload data in DRAFT contract negotiations to identify the total expected cost of direct attorney services. Court caseload determines the number of full-time attorneys required, and the regional rate dictates the marginal cost of those attorneys. It is important to note that while caseload and compensation standards form the basis of aggregate negotiated contract amounts, providers, once under contract, are free to allocate that budget internally as they see fit.⁷ The impact of this internal allocation flexibility is that organizational providers can offer a broad salary range to current and prospective employees so long as the *average* of all attorney salaries is equivalent to the funded regional rate.

There are very few providers in DRAFT-participating courts that are compensated on an hourly basis; those that remain are paid at rates that reflect variations on the hourly equivalent of each regional contractual rate. Three hourly rate tiers have been established for each region; local presiding juvenile court judges are asked to set the appropriate payment tier for individual appointed counsel based on experience and skill level.

⁷ Contractors have budgetary discretion within certain parameters; DRAFT contracts stipulate a minimum number of full-time-equivalent attorneys and investigators/social workers if applicable.

DRAFT regional salary and hourly rates are provided below:

		Annual Salary	Hourly Rate
DRAFT Region 1	Tier 1	\$43,908	\$55
	Tier 2	\$65,592	\$60
	Tier 3	\$87,276	\$65
DRAFT Region 2	Tier 1	\$51,251	\$65
	Tier 2	\$76,622	\$70
	Tier 3	\$101,993	\$75
DRAFT Region 3	Tier 1	\$52,304	\$75
	Tier 2	\$88,568	\$80
	Tier 3	\$124,833	\$85
DRAFT Region 4	Tier 1	\$70,637	\$85
	Tier 2	\$102,170	\$90
	Tier 3	\$133,703	\$95

While the process of developing regional rates for direct attorney services has been finalized under DRAFT, additional work remains with respect to developing a comprehensive cost model for appointed counsel services. Remaining factors to consider include supervisory attorney staff, non attorney staffing, and overhead costs. Data collected from non-DRAFT providers via survey and analysis of DRAFT contracts will serve as the starting point for the development of staffing and overhead ratios. The data are provided in the tables that follow:

Provider Type	Staffing Ratios		
	Supervising Attorneys to Line Attorneys	Investigators/Social Workers to Line Attorneys	Support Staff to Line Attorneys
Administered Panel	0.1	0	0.1
Firm (Non Profit or Private)	0.1	0.5	0.6
Government Agency	0.1	0.4	0.5
Solo Practitioner	0	0.2	0.3

Overhead by Provider Type				
	Average by Provider Type		Overall Average	
Provider Type	Direct	Indirect	Direct	Indirect
Administered Panel	75%	25%	74%	26%
Firm	65%	35%		
Government Agency	75%	25%		
Solo Practitioner	81%	19%		

It is important to emphasize that the data above regarding staffing ratios and average overhead costs reflects current patterns only. No analysis has been done to determine whether or not these averages are in fact consistent with optimal practice from either a performance or fiscal perspective. Finalization of staffing ratios and overhead rates will ultimately account for not only current practice but also “best” practice as related to both quality of attorney performance and cost efficacy. The development of a ratio with respect to investigator/social worker staffing will have particularly significant implications. It is anticipated that there will be a direct relationship between such staffing and attorney caseload, with the caseload standard being adjusted upwards as the level of available investigator/social worker support increases.

DRAF implementation costs

The preceding background regarding DRAFT regional rates informs an analysis of the following table, which outlines the implementation costs of DRAFT-negotiated contracts.

Court System	Pre-DRAFT Costs⁸	Post-DRAFT Costs
Imperial	\$420,074	\$785,864
Los Angeles	\$23,658,326	\$28,445,562
Marin	\$449,892	\$405,320
Mendocino	\$493,298	\$775,713
San Diego	\$11,459,720	\$11,044,069
San Joaquin	\$1,329,998	\$3,379,505
San Luis Obispo	\$455,722	\$583,188
Santa Barbara	\$457,343	\$1,523,100
Santa Cruz	\$674,689	\$944,807
Stanislaus	\$132,115	\$1,258,367

The table shows implementation cost increases in all DRAFT courts other than Marin and San Diego; these increases can be attributed to the following factors:

- Inclusion of county costs not previously charged to the courts (underreporting):
 - Imperial: \$136,800
 - Santa Barbara: \$705,500
 - Stanislaus: \$816,092
- Historical underfunding rendered pre-DRAFT average costs per child in foster care unreasonably low; pre-DRAFT costs averaged \$1,896 annually for all parties associated with a given child in foster care (e.g., child and all parents) and post-DRAFT costs average \$2,312.
- Pre-DRAFT funding level was artificially low, reflecting the impact of implementation of reimbursement funding and a related “penalty” for failure to spend entire allocation on court-appointed counsel services (Los Angeles).
- Caseload reduction averaging 28 percent among affected courts:
 - Imperial: 46 percent reduction
 - San Diego: 21 percent
 - San Joaquin: 29 percent
 - San Luis Obispo: 11 percent
 - Santa Barbara: 41 percent
 - Stanislaus: 18 percent
- Implementation of compensation standards for all providers in each court system
- Lack of sufficient competition

⁸ Pre-DRAFT costs reflect fiscal year 2003–2004 costs; post-DRAFT reflect current year costs for all courts other than Los Angeles. Los Angeles post-DRAFT costs reflect fiscal year 2007–2008 as a transition from pre- to post-DRAFT providers is currently taking place in Los Angeles.

Outcome and Process Evaluation Working Group: Outcome analysis

The far-reaching implications of DRAFT for both participating and non participating court systems renders a systemic analysis of the effort critical. At a most basic level that analysis must address the question, what outcomes can reasonably be expected as a result of the implementation of caseload and compensation standards? The Outcome and Process Evaluation Working Group of the DRAFT Pilot Program Implementation Committee has tackled this question and identified *measurable* expected outcomes of the DRAFT pilot program as follows:

- Compensation and workload parity among court-appointed counsel providers;
- Improvement in judicial, peer, and client satisfaction with court-appointed counsel services; and
- Improvement in specified child welfare permanency and well-being outcomes for children in foster care as identified by the state Department of Social Services.⁹

These child welfare outcomes include:

- Reduced time to reunification;
- Reduced time to guardianship;
- Increased placements with kin; and
- Increased frequency of placement with some or all siblings.

DRAFT program benefits realized by courts not participating in the pilot program

Standard RFP and contract templates have been created for utilization in DRAFT courts. These documents contain detailed performance and data collection requirements that enable a correlation of compensation and workload. A number of courts that are not participating in DRAFT as pilot courts have requested technical assistance from the AOC with respect to competitive bidding for court-appointed counsel services and subsequent contract negotiations; pilot program staff have provided these courts with the DRAFT templates. Courts' current interest in obtaining tools to more effectively manage this program area is another factor emphasizing the need for a comprehensive approach to the administration of court-appointed counsel services.

Conclusion

As highlighted in this report, court-appointed counsel costs statewide have escalated significantly in the last several fiscal years, and at a pace exceeding available funding levels. While the program's growth has not surpassed that of other trial court operations areas such as security and interpreter services, there is little to no available data that can be used to determine the reason for the growth in non-DRAFT courts. While anecdotally cost increases may be attributable to important efforts, including caseload reduction or

⁹ All 50 states' child welfare agencies were audited by the federal government between 2001 and 2004; California's review was conducted in 2002. Those reviews were premised on federally identified child welfare outcomes. In response to its review, California modified those outcomes. The DRAFT analysis utilizes the state-modified child welfare outcomes.

performance standards implementation, it is virtually impossible to advocate for additional resources absent additional data upon which requests can be justified.

The DRAFT program has made significant strides toward identifying and implementing standardized reporting and caseload and compensation standards. Results of these efforts will ultimately benefit the statewide court-appointed counsel area, with broad applicability as related to the concurrent goals of ensuring quality representation and program cost stability.

Alternative Actions Considered

Not applicable.

Comments from Interested Parties

Not applicable.

Implementation Requirements and Costs

Not applicable.

Hourly Fee Data from 2017 Attorney Survey

ATTACHMENT F

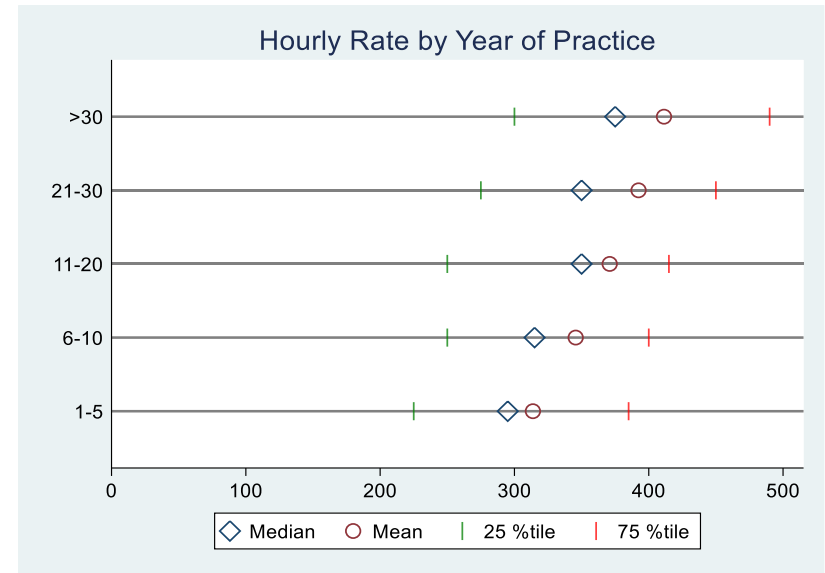
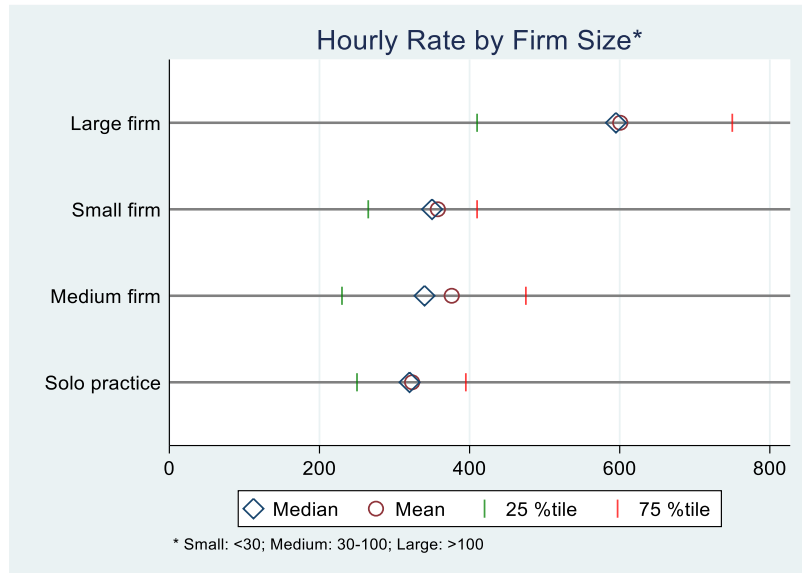
Hourly Rate Charged by Attorneys - Based on Attorney Survey of 2017

Data limited to attorneys with practice in California

Firm Size*	N	Average	25th %tile	Median	75th %tile
Large firm	963	601	410	595	750
Small firm	2,366	358	265	350	410
Medium firm	518	376	230	340	475
Solo practice	2,665	323	250	320	395
Total	6,512	381	250	350	450

* Small: <30; Medium: 30-100; Large: >100.

Year in Practice	N	Average	25th %tile	Median	75th %tile
>30	2,290	411	300	375	490
11-20	967	371	250	350	415
21-30	997	392	275	350	450
6-10	569	346	250	315	400
1-5	714	314	225	295	385
Total	5,537	382	250	350	450



Hourly Rate Charged by Attorneys - Based on Attorney Survey of 2017

Data limited to attorneys with practice in California

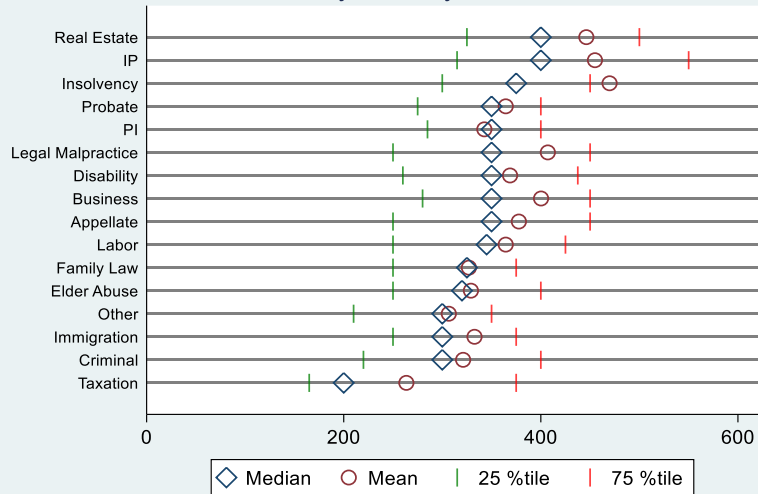
Practice Area*	N	Average	25th %tile	Median	75th %tile
IP	951	456	300	400	550
Real Estate	474	439	315	400	500
Appellate	1,099	375	250	350	450
Business	3,206	395	275	350	450
Insolvency	266	450	300	350	450
Probate	1,906	358	275	350	400
Legal Malpractice	276	395	250	343	450
Family	1,002	321	250	325	375
Labor	566	358	250	325	415
PI	1,297	336	275	325	395
Disability	200	371	250	318	425
Criminal	757	316	200	300	400
Elder Abuse	329	315	235	300	395
Immigration	280	312	215	300	368
Other	1,440	298	200	295	350
Taxation	326	262	165	215	375
Total	11,916	368	250	350	425

* Each respondent may select more than one practice area.

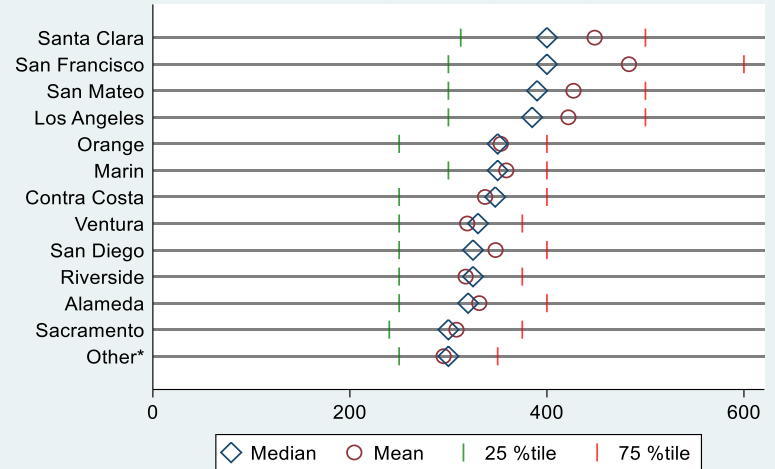
County	N	Average	25th %tile	Median	75th %tile
San Francisco	675	483	300	400	600
Santa Clara	344	448	313	400	500
San Mateo	159	427	300	390	500
Los Angeles	1,955	422	300	385	500
Marin	100	359	300	350	400
Orange	677	353	250	350	400
Contra Costa	188	337	250	348	400
Ventura	138	319	250	330	375
Riverside	140	318	250	325	375
San Diego	723	348	250	325	400
Alameda	270	331	250	320	400
Other*	866	295	250	300	350
Sacramento	277	308	240	300	375
Total	6,512	381	250	350	450

* < 100 respondents.

Hourly Rate by Practice Area



Hourly Rate by County



* < 100 responses.

Hourly Rate Charged by Attorneys - Based on Attorney Survey of 2017
For Select Counties and Practice Areas, Limited to Solo and Small Firm Attorneys

County	Criminal	Elder Abuse	Family Law	Real Estate	Other	Total
Average						
Alameda	277	322	327	311	352	325
Central Valley*	279	254	268	272	274	272
Los Angeles	340	362	352	383	403	378
Orange	345	327	334	338	349	341
Sacramento	247	287	273	278	302	284
San Francisco	290	423	359	375	374	365
Santa Clara	293	323	330	356	367	344
Total	318	342	336	358	372	353

Median						
Alameda	263	300	350	300	350	300
Central Valley*	275	250	250	295	250	255
Los Angeles	350	350	350	375	375	350
Orange	350	325	345	350	350	350
Sacramento	200	283	263	300	300	285
San Francisco	300	388	325	355	350	350
Santa Clara	300	325	350	350	350	350
Total	300	340	350	350	350	350

Number of Responses						
Alameda	24	17	35	39	66	181
Central Valley*	16	5	20	31	25	97
Los Angeles	147	69	208	396	408	1,228
Orange	60	28	89	149	139	465
Sacramento	23	18	34	43	83	201
San Francisco	30	12	49	78	109	278
Santa Clara	26	12	47	55	67	207
Total	326	161	482	791	897	2,657

* Fresno, Merced, and Tulare counties combined.

