

GUIDELINES FOR APPOINTED COUNSEL COMPENSATION
(As of June 2018)

HOURS ITEMS	PRIMA FACIE ALLOWANCE	ORDINARY RANGE
<p>1. COMMUNICATIONS WITH APPELLANT AND/OR TRIAL COUNSEL Includes letters, calls, interviews. Consultation with CAP should be included in Item 21, below. When communications with the client involves a family member or other person as a translator or conduit for that communication, the time should be claimed under Item 1, here. All other communications (e.g., with the Court, co-counsel, opposing counsel and family when necessary, etc.) should be listed under Item 23, below. The one exception is where communication is part of a habeas investigation; list those hours in Item 11, below.</p>	2.5 hours	3.5 hours
<p>2. TIME REQUIRED TO REVIEW RECORD Includes time spent reading and reviewing the record and taking notes on facts and issues.</p>	<p>Pre-10/1/2004 Appointments 1.0 hour for each 60 pages of record</p> <hr/> <p>Appointments on or after 10/1/2004 1.0 hour for each 50 pages of record</p>	
<p>3. EXTENSION(S) OF TIME</p>	0.3 hours	0.5 hours
<p>4. MOTIONS TO AUGMENT Indicate the reason if multiple motions to "augment" are necessary. However, letters (or motions) to "correct" the record or cure "omissions" (under rule 8.340(b) or (c)) should be included in Item 5, below. Check local rules regarding contents of normal record on appeal.</p>	0.5 hours	1.5 hours
<p>5. OTHER MOTIONS Include letters, requests and motions to the superior or appellate courts, except for motions to "augment" the record should be included in Item 4, above.</p>	reasonable time	reasonable time
<p>6. CLIENT'S FIRST BRIEF (e.g., AOB) Usually 1.0 hour is recommended for preparation of a <i>Wende</i> brief in addition to compensation for the Statement of the Case and Facts.</p> <p><i>Factors considered in evaluating the complexity level of an issue include:</i> <i>(a) whether the issue involves legal or factual complexities, novel or unsettled law, or conceptual intricacies;</i> <i>(b) the number of necessary cited authorities;</i> <i>(c) the length of the argument; and</i> <i>(d) the level of complexity found by the respondent and/or Court.</i></p>	<p>Statement of Case and Facts.</p> <p>Low Simple.</p> <p>Simple.</p> <p>Simple to Average.</p> <p>Average.</p> <p>Average to Complex.</p> <p>Complex.</p>	<p>1/3 of time to review record, up to 7.0 hours.</p> <p>< 4.0 hours</p> <p>4.0 hours</p> <p>> 4.0 to < 8.0 hours</p> <p>8.0 hours</p> <p>> 8.0 to < 13.5 hours</p> <p>13.5 hours</p>
<p>7. UNBRIEFED ISSUES Describe each issue in sufficient detail to assist the evaluator in assessing complexity.</p>	<p>Low Simple.</p> <p>Simple.</p> <p>Simple to Average.</p> <p>Average.</p> <p>Average to Complex.</p> <p>Complex</p>	<p>< 0.5 hours</p> <p>0.5 hours</p> <p>> 0.5 to < 2.5 hours</p> <p>2.5 hours</p> <p>> 2.5 to < 5.0 hours</p> <p>5.0 hours</p>
<p>8. REPLY BRIEF</p>	1/3 of hours awarded for AOB	1/3 of hours awarded for AOB
<p>9. SUPPLEMENTAL BRIEF Include letter briefs.</p>	same as Client's First Brief	same as Client's First Brief

HOURS ITEMS (continued)	PRIMA FACIE ALLOWANCE	ORDINARY RANGE
10. REVIEW OF OPPOSING BRIEF Includes briefs of Attorney General and all other adverse parties where appropriate. Each must be identified. Include review of co-appellants' briefs in Item 23 or 24, below.	After substantive brief. 1.0 hours. After <i>Wende</i> brief. 0.0 hours.	2.5 hours 0.0 hours
11. PETITION: HABEAS CORPUS Issues will be evaluated using the standards in Item 6, above. Include all time for research, investigation, and writing whether or not a petition was actually filed	8.0 hours	12.0 hours
12. PETITION: REHEARING	4.0 hours	6.0 hours
13. PETITION: REVIEW (OR ANSWER) Little compensation will be approved for a petition for review that simply "recycles" all or part of the AOB. (See Cal. Rules of Court, rules 28-29.)	5.5 hours	10.0 hours
14. PETITION: OTHER Issues will be evaluated using the standards in Item 6, above. Compensation for petitions for writ of certiorari may require pre-approval from the project. Check with the project.	reasonable time	reasonable time
15. PETITION: READ RESPONSE	reasonable time	reasonable time
16. PETITION: REPLY TO RESPONSE	1/3 of hours awarded for petition	1/3 of hours awarded for petition
17. ORAL ARGUMENT Includes letters waiving or requesting argument, preparation, actual time in argument before the Court, and necessary waiting time in the courtroom. Indicate if argument is telephonic or video-conferenced.	5.0 hours	7.5 hours
18. TRAVEL Time is compensable where the distance exceeds 25 miles one-way from counsel's office, and where counsel cannot reasonably work on the case while traveling. Travel to see clients must be pre-approved if the distance is over 50 miles round trip. Compensation is based on the most economic means of travel reasonably available. Indicate purpose, date (mm/dd/yy), departure location and time of day, destination location and time of day, return departure and arrival time of day, and total time claimed.		
19. REVIEW OPINION After substantive brief. After <i>Wende</i> brief.	1.0 hours. 0.2 hours.	1.5 hours 0.2 hours
20. REVIEW SUPERIOR COURT FILE Includes review of exhibits.	1.0 hours	2.0 hours
21. CONSULT WITH PROJECT On "assisted" case. On "independent" case.	1.0 hours. 0.5 hours.	4.0 hours 2.0 hours
22. ADMINISTRATIVE TASKS For cases appointed on or after 10/1/2004, compensated on final claim only.	Up to 1.0 hour.	Up to 1.0 hour
23. OTHER COMMUNICATIONS Includes all communications (e.g., with the Court, co-counsel, opposing counsel and family members when necessary, etc.) other than what is listed in Item 1, above. Only communication time that is itemized, explained and deemed reasonable will be compensated. Time related to habeas investigations should be listed in Item 11.	reasonable time	reasonable time
24. OTHER SERVICES Itemization is required. Do not include any time related to habeas investigations; that should be itemized in Item 11.	reasonable time	reasonable time

EXPENSE ITEMS ARE ON THE NEXT PAGE

EXPENSES ITEMS	STANDARDS																																																																				
<p>1. PHOTOCOPY Do not include time spent or cost of copying cases or statutes (including in-house, through a computer service, or at a library). Copying of the file and/or transcripts for the client is normally not compensable, except for short transcripts in <i>Wende</i> cases. Check with the project.</p>	actual cost, up to \$0.10 per page																																																																				
<p>2. BRIEF BINDING, ETC. Do not include binding for service copies (for which binding is not required).</p>	actual cost, if reasonable *explanation required if claim is over \$25.00																																																																				
<p>3. POSTAGE/DELIVERY Include actual cost of ordinary means of delivery. Explain any unusual circumstances in the case, other than appointed counsel's personal needs, that justify use of express mail, messenger or attorney service, personal delivery, or any other extraordinary means of delivery.</p>	actual cost, if reasonable *explanation required if claim is over \$50.00																																																																				
<p>4. TELEPHONE Do not include regular service charges, charges for any basic rate package (that may include regional, state or national long distance) or local calls.</p>	actual long distance cost or inmate collect calls; if reasonable																																																																				
<p>5. TRAVEL EXPENSES <i>*Please see Receipts Policy on next page.</i> The State will compensate only for the least expensive, most efficient mode of travel. E.g., if a panel attorney chooses to drive to a destination but flying is less expensive (when taking into consideration the time billed under Travel in the Hours Worksheet), the attorney will be reimbursed only for the cost of flying. The attorney may provide to the project a MapQuest printout showing the mileage from the departure location to the destination location and a copy of an airfare estimate.</p> <p>For all travel expenses, indicate location of expense and purpose of trip. Do not include travel or parking that is related to library visits or other research sites.</p> <p>Consult with project in advance to obtain pre-authorization from the director or assistant director for prison visits where the round trip will be over 50 miles, as well as for any overnight expenses.</p> <p>Carfare and parking expenses should be minimized. Use of a taxi will not be reimbursed unless it is shared and the expense is less than the cost of a shuttle. If you use a taxi, you will be reimbursed only up to the cost of the least expensive form of travel. Parking is reimbursed based on the least costly parking method. E.g., airport parking reimbursement is based on the least expensive long-term parking lot and never on valet parking. Rental cars are not reimbursable unless their use is unavoidable and should be pre-approved by the project director or assistant director. See mileage rates on the right.</p> <p>For travel from out of state, expenses are computed from the California border using the least expensive mode of travel, except where travel from a more distant location is less expensive (e.g., a discounted direct flight from Chicago to San Diego might cost less than flights from Reno or Las Vegas to San Diego).</p>	<p>actual necessary expenditures, with the following limitations:</p> <ul style="list-style-type: none"> - use of personal car: <table border="1" data-bbox="958 756 1461 892"> <thead> <tr> <th>appt order filed</th> <th>travel from</th> <th>through</th> <th>per mile</th> </tr> </thead> <tbody> <tr> <td>prior to 1/1/2017:</td> <td>-----</td> <td>12/31/01</td> <td>up to \$.31</td> </tr> <tr> <td></td> <td>01/01/02</td> <td>06/30/06</td> <td>up to \$.34</td> </tr> <tr> <td></td> <td>07/01/06</td> <td>12/31/06</td> <td>up to \$.445</td> </tr> <tr> <td></td> <td>01/01/07</td> <td>-----</td> <td>up to \$.485</td> </tr> <tr> <td>after 1/1/2017:</td> <td></td> <td></td> <td>up to \$.50</td> </tr> </tbody> </table> - lodging: <ul style="list-style-type: none"> - appt order filed prior to 1/1/2017: \$140 – Alameda, San Francisco, San Mateo, Santa Clara \$110 – All other counties - appt order filed after 1/1/2017: \$150 – San Francisco \$140 – Alameda, San Mateo, Santa Clara \$120 – Monterey, San Diego, Los Angeles, Orange, Ventura \$110 – All other counties. + tax and fees per evening - meals (reimbursed only for overnight trips) <table border="1" data-bbox="958 1123 1523 1228"> <thead> <tr> <th>appt order filed prior to 1/1/2017</th> <th>appt order filed after 1/1/2017</th> </tr> </thead> <tbody> <tr> <td>breakfast: up to \$ 6.00</td> <td>up to \$ 8.00</td> </tr> <tr> <td>lunch: up to \$10.00</td> <td>up to \$12.00</td> </tr> <tr> <td>dinner: up to \$18.00</td> <td>up to \$20.00</td> </tr> </tbody> </table> - shuttles (each way) and parking at court-location airports: <table border="1" data-bbox="1023 1249 1494 1459"> <thead> <tr> <th>DCA</th> <th>Airport</th> <th>Shuttle</th> <th>Parking (long-term)</th> </tr> </thead> <tbody> <tr> <td>1st</td> <td>SFO</td> <td>\$19</td> <td>\$14.00 plus tax</td> </tr> <tr> <td>2nd</td> <td>LAX</td> <td>\$19</td> <td>\$ 9.00 plus tax</td> </tr> <tr> <td>3rd</td> <td>Sacramento</td> <td>\$14</td> <td>\$ 9.00 plus tax</td> </tr> <tr> <td>4th D/1</td> <td>San Diego</td> <td>\$15</td> <td>\$10.00 plus tax</td> </tr> <tr> <td>4th D/2</td> <td>Ontario</td> <td>\$39</td> <td>\$ 8.75 plus tax</td> </tr> <tr> <td>4th D/3</td> <td>John Wayne</td> <td>\$16</td> <td>\$14.00 plus tax</td> </tr> <tr> <td>5th</td> <td>Fresno taxi @</td> <td>\$20</td> <td>\$ 8.00 plus tax</td> </tr> <tr> <td>6th</td> <td>San Jose</td> <td>\$19</td> <td>\$13.00 plus tax</td> </tr> </tbody> </table> 	appt order filed	travel from	through	per mile	prior to 1/1/2017:	-----	12/31/01	up to \$.31		01/01/02	06/30/06	up to \$.34		07/01/06	12/31/06	up to \$.445		01/01/07	-----	up to \$.485	after 1/1/2017:			up to \$.50	appt order filed prior to 1/1/2017	appt order filed after 1/1/2017	breakfast: up to \$ 6.00	up to \$ 8.00	lunch: up to \$10.00	up to \$12.00	dinner: up to \$18.00	up to \$20.00	DCA	Airport	Shuttle	Parking (long-term)	1 st	SFO	\$19	\$14.00 plus tax	2 nd	LAX	\$19	\$ 9.00 plus tax	3 rd	Sacramento	\$14	\$ 9.00 plus tax	4 th D/1	San Diego	\$15	\$10.00 plus tax	4 th D/2	Ontario	\$39	\$ 8.75 plus tax	4 th D/3	John Wayne	\$16	\$14.00 plus tax	5 th	Fresno taxi @	\$20	\$ 8.00 plus tax	6 th	San Jose	\$19	\$13.00 plus tax
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<p>6. COMPUTER RESEARCH For work performed after November 1, 1999, includes only cost of research that "requires access to unique materials that are outside a basic fee plan (California and U.S. Supreme Court cases) and is supported by documentation." Include explanation of need. Do not include regular monthly fees for on-line computer research service.</p>	actual cost for necessary extraordinary research																																																																				
<p>7. PARALEGAL/CLERKS Itemize hours, hourly rate, and activity. Paralegal and law clerk work is expected to reduce the time an attorney must spend. Thus, if attorney time is over Guidelines for a specific activity, no paralegal or law clerk expense for that activity will be approved.</p>	\$25 per hour																																																																				
<p>8. TRANSLATOR/INTERPRETER Translator or interpreter fees may require pre-approval by the project. Check with the project. Do not include costs of translating briefs or other pleadings, for which the Court does not compensate.</p>	actual cost, up to local prevailing rate																																																																				
<p>9. MISCELLANEOUS Itemize and explain costs of experts, investigators, certification fees, courts fees, etc. Do not include administrative or overhead costs such as secretarial work or library upkeep. Payment for experts and investigators may require pre-approval by either the project or the Court. Check with the project.</p>	reasonable cost																																																																				

JUDICIAL COUNCIL RECEIPTS POLICY 10-01-2018

The Judicial Council of California (JCC) has informed the Project Offices that counsel in the California Appellate Appointed Counsel (CAC) Program must retain documentation for claimed expenses. Documentation includes, but is not limited to, invoices, receipts, copying and mileage logs, and other records that support claims for expenses. Although documentation need not be submitted with a fee claim, the projects or the JCC may request documentation with regard to expenses claimed. The burden of proof rests with appointed counsel to substantiate their claims. For tax purposes, the California Franchise Tax Board suggests keeping such documentation for at least seven (7) years, which would also cover audits of the CAC program.