

GUIDELINES FOR PAYMENT OF COURT-APPOINTED COUNSEL

[Bus. & Prof. Code, § 6007(b)(3);
Rules Proc. of State Bar, Rule 5.192]

The right of attorneys to representation by appointed counsel in proceedings pursuant to Business and Professions Code section 6007(b)(3) and the right of appointed counsel to payment for such representation is governed by Rules of Procedure of the State Bar, rule 5.192(A), which provides, in pertinent part:

“(A) Appointment of Counsel. An attorney must be represented by counsel by the issuance date of the notice to show cause. If the attorney is not represented, the Court must appoint counsel without cost to the attorney. By court order, appointed counsel will be compensated for reasonable expenses and fees for work done on matters before the Court or for seeking review from the California Supreme Court of a Review Department decision ordering or upholding an order of inactive enrollment. Compensation will be at an hourly rate fixed by the Executive Committee. The Court will determine the reasonableness of counsel’s fees and expenses.”

The rate of compensation for appointed counsel in Business and Professions Code section 6007, subdivision (b)(3), proceedings is \$75.00 per billable hour. The following are guidelines for payment of appointed counsel under Rules of Procedure of the State Bar, rule 5.192.

Compensation

Requests for compensation may be made ex parte and must be submitted on a form approved by the State Bar Court. Detailed and itemized bills for the claimed services and expenses must be attached to the form. Requests for compensation for work performed in the State Bar Court may be made at two separate stages of the proceeding: (1) for services performed from the date of appointment through the filing of the hearing judge’s decision; and (2) for services performed following the filing of the hearing judge’s decision to finality of the proceeding in the State Bar Court. Requests for compensation for work performed in seeking review from the California Supreme Court may be made following the finality of the proceeding there.

Prima Facie Allowances

In order to provide court-appointed counsel with guidance for the billing of services and expenses, the State Bar Court has established “prima facie allowances” for specified services. The State Bar Court presumes that the prima facie allowance is a reasonable amount. However, claims are to be submitted for the time actually expended. If less time is expended than is allowed under the prima facie allowance, only the time actually spent may be billed.

Claims in excess of the prima facie allowance are not prohibited. However, appointed counsel must explain why additional time was necessary and why the amount claimed is

reasonable under the circumstances. The judge to whom the claim is submitted may grant or deny in whole or in part any claim in excess of the prima facie allowance.

<u>Service</u>	<u>Prima Facie Allowance</u>
Pre-Trial Proceedings	10.0 hour
Trial	actual court time
Review Department Proceedings	6.0 hours
Petition for California Supreme Court Review	5.0 hours

Other Claimed Expenses

Other expenditures of funds may be necessary in addition to the above-referenced prima facie allowances. Such expenditures will be reimbursed, when accompanied by the appropriate documentation, as follows:

1. **Photocopies/Duplication Services:** Actual cost, not to exceed \$.10 per page.
2. **Postage:** Actual cost.
3. **Travel:** Counsel will not be reimbursed for travel to and from the State Bar Court. Other travel must be approved in advance by the judge. Where personal automobile travel is approved, reimbursement will be at the State Bar rate. Time spent in travel will not be compensated.
4. **Other Expenses:** All other expenses must be approved in advance by the judge.