



# The State Bar Court of California

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## **GUIDELINES FOR PAYMENT OF COURT-APPOINTED COUNSEL**

[Bus. & Prof. Code, § 6007, subd. (b)(1);  
Rules Proc. of State Bar, rule 5.174]

The right of attorneys to representation by appointed counsel in proceedings pursuant to Business and Professions Code section 6007, subdivision (b)(1), and the right of appointed counsel to payment for such representation are governed by Rules of Procedure of the State Bar, rule 5.174, which provides, in pertinent part, as follows:

**“(A) Appointment of Counsel.** If further proceedings are conducted under rules 5.172 or 5.173 and the attorney is not represented by counsel, the Court may 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)(1), proceedings is \$300.00 per billable hour for services rendered on or after May 5, 2021.

### **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 performed, the following are the “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.

Although the State Bar Court recognizes that in some cases work in excess of the prima facie allowance will be necessary, counsel are cautioned not to claim compensation for work beyond what is reasonable in the particular case. The State Bar Court will not approve compensation for fees and expenses beyond what is reasonable, and submission of unreasonable claims for compensation may be grounds for removal from the appointed counsel panel.

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<u>Service</u>	<u>Prima Facie Allowance</u>
Pre-Hearing Proceedings	2.0 hours
Hearing	actual court time
Review Department Proceedings	2.0 hours
Petition for California Supreme Court Review	3.0 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.