

GUIDELINES FOR APPOINTED COUNSEL COMPENSATION
(Revised August 2017)

Note: Time spent on a subject, whether completed or not, should now be claimed on the line number for that subject or task, not on a line for “other” services.

HOURS ITEMS		PRIMA FACIE ALLOWANCE	ORDINARY RANGE
<p>1. COMMUNICATIONS WITH CLIENT AND/OR TRIAL COUNSEL Item #1 communication is used solely for communications with the client and the trial attorney. This includes letters, calls, and interviews.</p> <p>IMPORTANT CLARIFICATION ON FAMILY COMMUNICATION TIME When communication “with the client” uses a family member or other person as a translator or conduit for that communication, the time should be claimed here. Other types of family communications that promote the attorney-client relationship but are unnecessary to the handling of the direct appeal (e.g., contacts with family members for the purpose of reassuring them, with prison officials on a client’s medical condition, or with the client’s attorney in a civil case) should be claimed on Line #23 with a detailed explanation but is minimally compensable.</p> <p>PROJECT COMMUNICATIONS IS EITHER LINE 21 or LINE 11 Most consultation with CCAP should go on Line #21, below. Exception: project consultation time related to habeas should go on Line #11.</p> <p>OTHER COMMUNICATIONS IS LINE 23 All other communications such as with the Court of Appeal, trial court, co-counsel, or opposing counsel, etc. should go only in Line #23 (Other Communications), below.</p> <p>HABEAS COMMUNICATIONS IS EITHER LINE 1 or LINE 11 Habeas-related investigation and communication should now go on Line #11.</p>		2.5 hours	3.5 hours Explain anything greater than Ordinary Range in claim comments.
<p>2. TIME REQUIRED TO REVIEW RECORD Includes time spent reading and reviewing the record and taking notes on facts and issues. It does not include reading Prelim record pages unless related to an issue and explained in claim comments.</p>		<p>Pre- 10/1/04 Appointment: 1.0 hour for each 60 pages of record</p>	<p>Post- 10/1/04 Appointment: 1.0 hour for each 50 pages of record</p>
<p>3. EXTENSION(S) OF TIME Ordinary Range is most often reasonable for a first EOT. Prima Facie is most often reasonable for a second EOT or more.</p>		0.3 hour	0.5 hour
<p>4. MOTIONS TO AUGMENT Indicate the reason if multiple motions to augment are necessary.</p> <p>RULE 8.340(b) SUPERIOR COURT FILING IS ON LINE 5 Include letters to the trial court for supplemental record requests on Line 5, below.</p>		0.5 hour	1.5 hours
<p>5. OTHER MOTIONS Itemize each motion with time claimed. Rule 8.340(b) filings go here, along with other miscellaneous motions that do not fit a specific line item.</p>		Reasonable time	Reasonable time
<p>6. OPENING BRIEF Include Minor’s Brief; Respondent’s Brief (if People’s Appeal) Usually 1.0 hour is recommended for preparation of a <i>Wende/Phoenix H.</i> brief in addition to compensation for the Statement of the Case and Facts.</p> <p>Factors considered in evaluating the complexity level of an issue include: (a) whether the issue involves factual or legal complexities, novel or unsettled law, or conceptual intricacies; (b) the number of necessary cited authorities; (c) the length of the argument; and (d) the level of complexity found by the respondent and/or Court.</p> <p>Statements should be edited to fit the issues filed.</p>		<p>Statement of Case/Facts $\frac{1}{3}$ of time to review record, up to 7.0 hours</p>	<p>$\frac{1}{2}$ of time to review record, up to 10.0 hours</p>
		Low Simple	< 2.5 hours
		Simple	2.5 hours
		Simple to Average	4.0 hours
		Average	> 2.5 to < 5.5 hours
		Average to Complex	5.5 hours
		Complex	8.0 hours
			> 5.5 to < 9.0 hours
			> 8.0 to < 13.5 hours
			9.0 hours
			13.5 hours

7. UNBRIEFED ISSUES Describe each issue in sufficient detail to assist the evaluator in assessing complexity. Do not disclose client confidences. A more detailed explanation is especially helpful for any one unbriefed issue that exceeds 2.5 hours, or where the total for all unbriefed issues exceeds 10.0 hours.	Low Simple	< 0.2 hour	< 0.5 hour
	Simple	0.2 hours	0.5 hour
	Simple to Average	> 0.2 to < 0.5 hour	> 0.5 to < 2.5 hours
	Average	0.5 hour	2.5 hours
	Average to Complex	> 0.5 to < 2.5 hours	> 2.5 to < 5.0 hours
	Complex	2.5 hours	5.0 hours
8. REPLY BRIEF		1/3 of hours awarded for AOB	1/3 of hours awarded for AOB
9. SUPPLEMENTAL BRIEF See specific website procedures for filing supplemental briefs in the Third/Fifth District		Same as AOB, line 6	Same as AOB, line 6
10. REVIEW OF OPPOSING BRIEF Includes briefs of Attorney General, County Counsel, and all other opposing parties. Each must be identified with separate time; evaluated based on complexity of issues. Assign review of a co-appellant's briefs to Line #24, below.	After substantive brief filed	1.0 hour	2.5 hours
	After Wende/Phoenix H. brief filed	0.0 hr.	0.0 hr.
11. PETITION: HABEAS CORPUS All time spent on habeas, whether filed or not, now goes on Line #11. This now includes project habeas-consultation time and the application to expand appointment. The exception is client and trial attorney communication time that still goes on Line #1. Filed issues will be evaluated using briefed issue standards. Guidelines are statewide, but are subject to the court's preauthorization for a maximum period of time spent (Third and Fifth District policies). CCAP does not have pre-authorization authority for writ work. See specific website procedures for expansion of appointment for all writ work.		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 that simply "recycles" all or part of the other briefing in the case.		5.5 hours	10.0 hours
14. PETITION: OTHER Include Cert. Petition, Writ of Mandate, and Writ of Supersedeas here; include oppositions if counsel drafts it. Habeas = Line #11; Rehearing = Line #12; Review = Line #13. Issues will be evaluated using the AOB standards, Line #6. Guidelines are statewide, but are subject to the court's preauthorization for a maximum period of time spent (3DCA/5DCA). CCAP does not have pre-authorization authority for writ work. See specific website procedures for expansion of appointment for all writ work.		Reasonable time	Reasonable time
15. PETITION: READ RESPONSE Include People's Petitions or Responses here.		Reasonable time	Reasonable time
16. PETITION: REPLY TO RESPONSE		1/3 of time recommended for petition	1/3 of time recommended 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. May include minimal waiver time. Indicate if argument is telephonic (Fifth District only).		5.0 hours	7.5 hours
18. TRAVEL Preauthorization is required for all travel other than for oral argument in the Third and Fifth District. See specific website article: procedures for travel preauthorization . 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. Compensation is based on the most economic means of travel reasonably available. Indicate destination, purpose, and time. (See TRAVEL EXPENSES below.) (See also, Statewide Travel Guidelines : http://www.capcentral.org/claims/travel_guidelines_for_CAC.pdf)			

19. REVIEW OPINION	After substantive brief filed	1.0 hour	1.5 hours
	After Wende/Phoenix H. brief filed	0.2 hr.	0.2 hr.
20. REVIEW SUPERIOR COURT FILE Includes review of exhibits.		1.0 hour	2.0 hours
21. CONSULT WITH PROJECT	On "assisted" case:	1.0 hour	4.0 hours
	On "independent" case:	0.5 hour	2.0 hours
22. ADMINISTRATIVE TASKS Cases appointed on or after 10/1/04. Compensated on the final claim only.		1.0 hour	1.0 hour
23. OTHER COMMUNICATIONS Itemization is required. Include here all communications not listed in Line #1, including with the courts, co-counsel, opposing counsel, and other case-related communications. IMPORTANT CLARIFICATION ON FAMILY COMMUNICATIONS: When communication "with the client" uses a family member or other person as a translator or conduit for that communication, the time should be claimed above in Line #1. Other types of family communications that promote the attorney-client relationship <i>but are unnecessary to the handling of the direct appeal</i> (e.g., contacts with family members for the purpose of reassuring them, with prison officials on a client's medical condition, or with the client's attorney in a civil case) should be claimed with a detailed explanation but is minimally compensable. Other case-related communications may be compensable on Line #23 if reasonably necessary for handling of the case. CLIENT/TRIAL ATTY COMMUNICATIONS: All communication with the client and trial counsel should be claimed in Line #1. PROJECT COMMUNICATIONS: Most consultation with CCAP should go on Line #21, above. Exception: project consultation time related to habeas should go on Line #11. HABEAS COMMUNICATIONS: Habeas-related investigation communications should now be included in Line #11 (Habeas). Exception: client and trial counsel should be claimed on Line #1.		Reasonable time	Reasonable time
24. OTHER SERVICES Itemization of type of service/task and time spent is required. Include miscellaneous case-related, non-communication services. Whenever possible, use a line-related category rather than "other." Examples: review of trial counsel's file (w/ page count); review of co-appellant's briefs; review of exhibits/videotapes, CDs, DVDs, audio-tapes; review expert witness statements; review Amicus briefs; review reports not included as part of record (w/ page count and description); locating client		Reasonable time	Reasonable time

EXPENSE ITEMS ARE ON THE NEXT PAGE

EXPENSE ITEMS	STANDARDS/ALLOWANCES																		
<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 portions of transcripts as necessary (less than 50 pages). Check with the project. Use only ONE rate per page.</p>	Actual cost, up to \$0.10 per page.																		
<p>2. BRIEF BINDING, including taxes Effective 5/1/04, the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC) has directed that, for purposes of reimbursement of expenses, all <i>service copies</i> of a brief or petition (except the copies filed with the court) should simply be stapled; one staple is sufficient, and it need not be taped over.</p> <p>Local rates: \$25 per brief set filed; \$30 if longer than 50 pgs \$70 per review petition filed</p>	Actual cost, if reasonable																		
<p>3. POSTAGE/DELIVERY Include actual cost of ordinary means of postal 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, overnight, or any other extraordinary means of delivery; extraordinary costs should be itemized separately.</p>	Actual cost, if reasonable																		
<p>4. TELEPHONE Do not include regular service charges or local calls.</p>	Actual long distance cost, if reasonable																		
<p>5. TRAVEL EXPENSES (revised July 2010) Preauthorization: is required for all travel expenses other than for oral argument in the Third and Fifth District. See specific website article: procedures for travel preauthorization. Travel to visit a client in prison, if the round trip is over 50 miles, must be pre-authorized by the project. Consult with project in advance about overnight and other per diem expenses that often require pre-approval.</p> <p>Mandatory compliance: All panel attorneys are advised to be familiar with, consult, and understand these statewide adopted guidelines before incurring any travel-related expense. Failure to adhere to these guidelines may result in the denial of reimbursement for the outlay. Consult with the project if there is any question. See, Statewide Travel Guidelines: http://www.capcentral.org/claims/travel_guidelines_for_CAC.pdf</p> <p>Supporting documentation: Send the project a copy of hotel and airfare receipts for their file.</p> <p>Itemized explanations: Itemize each expense, state the destination and purpose of the trip, and the places expenses were incurred.</p> <p>Per Diem rates: Strictly based on State rates. 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. For overnight travel, include dates of travel with departure & return times.</p> <p>Meals: will be reimbursed only for overnight trips.</p> <p>Transportation:</p> <ul style="list-style-type: none"> Costs will be reimbursed only for the least costly and most efficient mode of travel. For example, if a panel attorney chooses to drive to the destination but it is less expensive to fly, the attorney will be reimbursed only for the cost of flying. The attorney may provide the project with a MapQuest printout or other document showing the mileage from departure to destination and a copy of an airfare estimate. An attorney who drives should provide the mileage. Travel to visit a client in prison, if the round trip is over 50 miles, must be pre-authorized by the appellate project director or assistant director. Mileage compensation is based on the most economic means of travel reasonably available. Indicate destination, purpose, and time. Use free hotel shuttle when available. <p>Carfares and Parking:</p> <ul style="list-style-type: none"> Carfare and parking expenses should be kept to a minimum. When traveling to and from an airport, a shuttle or other form of public transportation should be used. 	<p>Actual necessary per diem expenditures, with the following limitations:</p> <p>Use of personal car <i>The current mileage rate applies to cases where counsel was appointed on or after 1/1/2017.</i></p> <table border="1" data-bbox="1024 1041 1437 1199"> <thead> <tr> <th>From</th> <th>Through</th> <th>Per mile</th> </tr> </thead> <tbody> <tr> <td>----</td> <td>12/31/01</td> <td>up to \$0.31</td> </tr> <tr> <td>01/01/06</td> <td>06/30/06</td> <td>up to \$0.34</td> </tr> <tr> <td>07/01/06</td> <td>12/31/06</td> <td>up to \$0.445</td> </tr> <tr> <td>01/01/07</td> <td>12/31/16</td> <td>up to \$0.485</td> </tr> <tr> <td>01/01/17</td> <td>Current rate</td> <td>up to \$0.50</td> </tr> </tbody> </table> <p>Lodging <i>The current lodging rates apply to cases where counsel was appointed on or after 1/1/2017.</i></p> <p>Generally the lodging rate is up to \$110 + taxes and fees per evening. However, the following rates apply in the specified counties: \$120 in Monterey, San Diego, Los Angeles, Orange, and Ventura Counties \$140 in Alameda, San Mateo, and Santa Clara Counties \$150 in San Francisco County</p> <p><i>Previous rate:</i> up to \$110 (or \$140 in Alameda, San Francisco, San Mateo, & Santa Clara Counties after 1/1/02) + tax and fees per evening</p> <p>Breakfast: up to \$8.00 for cases where counsel was appointed on or after 1/1/2017 (if related to a necessary overnight stay) <i>Previous rate:</i> up to \$6.00</p> <p>Lunch: up to \$12.00 for cases where counsel was appointed on or after 1/1/2017 (if related to a necessary overnight stay) <i>Previous rate:</i> up to \$10.00</p> <p>Dinner: up to \$20.00 for cases where counsel was appointed on or after 1/1/2017 (if related to a necessary overnight stay and</p>	From	Through	Per mile	----	12/31/01	up to \$0.31	01/01/06	06/30/06	up to \$0.34	07/01/06	12/31/06	up to \$0.445	01/01/07	12/31/16	up to \$0.485	01/01/17	Current rate	up to \$0.50
From	Through	Per mile																	
----	12/31/01	up to \$0.31																	
01/01/06	06/30/06	up to \$0.34																	
07/01/06	12/31/06	up to \$0.445																	
01/01/07	12/31/16	up to \$0.485																	
01/01/17	Current rate	up to \$0.50																	

<ul style="list-style-type: none"> • Use of a taxi will not be reimbursed, unless it is shared and the cost is less than a shuttle. If the panel attorney does use a taxi, the attorney will be reimbursed only for the least expensive form of travel. • Parking is reimbursed for the least costly option. At an airport, the attorney must use the least expensive long-term parking lot. Valet parking is non-reimbursable. • Use of a rental car is not reimbursable unless unavoidable and must be pre-approved by the project. Reimbursement generally is for round-trip mileage only, at \$.485 per mile. • Do not include travel or parking that is related to library visits or other research sites. 	<p>necessary to be on the road after 7 p.m.) <i>Previous rate: up to \$18.00</i></p>
<p>6. COMPUTER RESEARCH For work performed after 11/1/99, include only the 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 and identify briefing. Do not include regular monthly fees for on-line computer research service.</p>	<p>Actual cost for necessary extraordinary research supported by a copy of the bill</p>
<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>	<p>\$25.00 per hour</p>
<p>8. TRANSLATOR/INTERPRETER Translator or interpreter fees require pre-approval by the project or the Court. CCAP may pre-approve up to \$300 requests. Do not include costs of translating briefs or other pleadings, for which the Court does not compensate.</p>	<p>Actual cost, up to local prevailing rate</p>
<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, office materials, or library upkeep. Payment for experts and investigators requires pre-approval by either the project or the Court. Check with CCAP before incurring <i>any</i> extraordinary costs or fees.</p>	<p>Reasonable cost</p>