

Superior Court of the State of California
County of Los Angeles

**General Order Re Minor's Counsel Appointments
[Family Code 3153(b)]**

There is a current budget crisis and uncertainty regarding funding for court-appointed counsel for children under Family Code section 3153(b), that requires the establishment of a court-wide policy to ensure that available resources are allocated in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of available resources, and carries out the direction of the Legislature that courts adopt cost effective plans for the appointment of publicly compensated counsel (Cal. Rules Court, 10.603(a); Penal Code §987.2). Pursuant to the responsibility of the Presiding Judge pursuant to California Rule of Court 10.603(a) to establish court-wide policy in this regard, the authority for establishing this court-wide policy has been delegated to the Supervising Judge of the Family Division pursuant to California Rule of Court 10.603(d).

1. Review of need for appointed counsel. In each case at the next appearance of counsel appointed pursuant to Family Code §3153(b), each trial court is requested to review the necessity for the continued appointment of such counsel and consider reasonable limitations on the number of compensated hours to be expended by such counsel under the circumstances of the case.


2. Agreement to Court Policy. As a condition of accepting or continuing any appointment to represent a minor pursuant to Family Code 3153(b), Counsel must agree on the record to comply with the policies set forth in this order, including the following:

2A. Limitation on hourly rate. Under no circumstances may an hourly rate in excess of \$125 per hour be approved for payment for any services rendered following counsel's first appearance after the date of this order without the written approval of the Supervising Judge for good cause shown. The Supervising Judge will consider approval of such an order (i) only upon the request of the judicial officer in the department where the appointment order was made, (ii) where there is an order specifying such a rate, (iii) and where counsel has been relieved from further service under that order (counsel may be re-appointed at a lower hourly rate).

2B. Limitations on Reimbursement through PACE. Counsel are compensated for approved payments through the Court's PACE system. No further payments shall be made by PACE to any counsel who has received compensation for Family Code 3153(b) appointments in an amount of more than \$100,000 for any fiscal year (July 1 to June 30) without the written approval of the Supervising Judge. In order to determine whether counsel is near that annual limit, all counsel are required to certify as a condition of appointment the total hours expended by the applicant pursuant to Family Code 3153(b) appointments (whether billed or unbilled) during the fiscal year as of the end of the calendar month preceding the date of certification. Counsel must submit all claims for reimbursement to PACE within 90 days of the date the services were rendered. This is in addition to the certifications in FL 322. New orders appointing counsel to be paid through PACE must specify that all services must be billed within 90 days of being rendered. Fees for services or expenses billed more than 90 days prior to the date of the application should not be approved for payment without the written consent of the Supervising Judge, and all outstanding orders should be amended to this effect as soon as practical.

GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED.

DATE: OCT 20 2009



Marjorie Steinberg
Supervising Judge, Family Law Departments