County of Los Angeles
CHIEF EXECUTIVE OFFICE
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
http://ceo.lacounty.gov

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

September 20, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

ANALYSIS OF THE PROFESSIONAL APPOINTEE COURT EXPENDITURES SYSTEM RELATED TO EXPERT WITNESSES AND INVESTIGATORS AND THE CREATION OF A PANEL OF FAMILY LAW LAWYERS (ADMINISTRATIVE MEMO, AGENDA OF JUNE 29, 2010)

On June 29, 2010, your Board instructed the Chief Executive Officer (CEO), in coordination with the Public Defender and Alternate Public Defender, to report back to the Board in September with an analysis of the Professional Appointee Court Expenditures (PACE) System related to expert witnesses and investigators and to explore the feasibility of establishing a panel of Family Law lawyers in an effort to create a flat fee that the County pays them. Below is a status report of our efforts to date.

In order to respond to the questions presented in the motion, the CEO requested expert witness and investigator data over a three-year period from PACE. The Los Angeles County Superior Court is currently collecting the requested data. However, as previously noted by the Auditor-Controller in their June 15, 2010, audit report, PACE is an antiquated system and the effort to obtain this information is a very labor (manual) intensive process. Please note that to improve the ability to retrieve data in the future, we are recommending, in our Supplemental Changes, the allocation of $350,000 for the Los Angeles County Chief Information Officer to evaluate PACE and recommend improvements and/or replacement of the system.

With respect to the creation of a panel of Family Law lawyers, our office continues to research this matter. We have contacted other counties and jurisdictions within and outside of the State to determine how they currently handle Family Law issues. Based on our limited research, many courts do not provide this service and have indicated that

they refer individuals to non-profits or self-help centers. Additionally, we are working with representatives from the Los Angeles County Bar Association's Indigent Criminal Defense Appointment (ICDA) Program to discuss the feasibility and cost effectiveness of establishing a panel of Family Law lawyers. ICDA is in the process of developing a proposal of how such a panel might be established. However, it is estimated that this effort will take approximately 60 days to complete.

Finally, as indicated in the June 15, 2010, Auditor-Controller's report, the Presiding Judge over Family Law has taken steps to also contain costs by establishing guidelines for the payment of fees, setting the attorney compensation hourly rate at $125 per hour and $100,000 per fiscal year, and requiring claims to be submitted for payment within 90 days of the date the services were rendered. It is too soon to estimate the impact of these changes, but we will be monitoring these expenditures on a monthly basis.

Following our review of the requested expert witness and investigator data and ICDA's proposal, we will report back to the Board with our findings and recommendations on or before November 19, 2010.

WTF:BC:JAW
SW:NM:cc

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Alternate Public Defender
Chief Information Office
Public Defender
Superior Court

PACE.Fmly Law.Admin Memo.062910.bm.092010

County of Los Angeles
CHIEF EXECUTIVE OFFICE
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
http://ceo.lacounty.gov

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

April 15, 2011

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: William T Fujioka
Chief Executive Officer

ANALYSIS OF THE PROFESSIONAL APPOINTEE COURT EXPENDITURES SYSTEM RELATED TO EXPERT WITNESSES AND INVESTIGATORS AND CREATION OF A FAMILY LAW PANEL (ADMINISTRATIVE MEMO, AGENDA OF JUNE 29, 2010)

On June 29, 2010, your Board instructed the Chief Executive Officer (CEO), in coordination with the Public Defender and Alternate Public Defender, to report back in September, 2010 with an analysis of the Professional Appointee Court Expenditures (PACE) system related to expert witnesses and investigators and whether there is an effort to create a panel of Family Law lawyers to reduce costs or create a flat fee that the County pays them. A status report on our progress was provided to your Board on September 20, 2010, and a briefing was provided to Board Deputies on February 16, 2011. Also during this period, our Office requested additional time to perform these tasks due to the complexity of the issues under analysis. The results of our review are continued herein.

Our analysis relating to the PACE is based on data from Fiscal Year (FY) 2008-09 through FY 2009-10.

ANALYSIS RELATED TO THE PACE SYSTEM

Which experts are being paid the most?

The maximum daily rate as set by the Court for experts was $3,000, while the maximum hourly rate was $500 for the same period. A review to determine which types of experts were being paid the most revealed the following:

- There are two different types of expert testimony that receive the $3,000 daily rate:

  1) **Neurology/Neuropsychology expert with professional doctorate degree (PhD):** A total of 41 claims, none of which included expert testimony, were paid at the $3,000 daily rate.

2) **Obstetrics/Gynecology expert with a medical degree (MD):** A total of 33 claims, only two of which included expert testimony, were paid at the $3,000 daily rate.

- There are two different classes of experts that received the $500 hourly rate:

1) **Child Abuse expert with a medical degree (MD):** A total of 37 claims, only 16 of which included the $500 hourly rate.

2) **Accident Reconstruction expert with a professional doctorate degree (PhD):** A total of one claim, which was not billed at the $500 hourly rate.

<u>Which doctors are paid more than those on the approved list of doctors since there are experts being used who are not on the approved list?</u>

- There are two types of compensation systems for those psychiatrists and psychologists on the approved list of doctors.

1) The compensation rates for the approved panel of psychiatrists and psychologists performing evaluations only (based on a September, 2008 Court order) are as follows:

a. A flat rate of $500 for a basic evaluation.

b. A $150 per hour rate for additional time needed to complete work on more complicated cases (authorized by the Court in advance).

2) Our analysis revealed that compensation for psychiatrists and psychologists often exceed the above rates when the doctor's involvement in the case is an "Expert Witness" with the authority to provide Court testimony. To qualify as an Expert Witness in Court, an application must be submitted by the doctor and all applications must be reviewed and approved by the Superior Court's Panel of Experts.

- The compensation rate is based on the rate shown in the approved Panel of Expert Witnesses list or determined at the time of Court appointment. "Experts" in similar fields may use different rates of compensation because of their experience and/or involvement in the case. For example, one expert included on the approved panel charges $280 per hour and/or $3,000 for a full-day testimony. Another expert with similar expertise charges $200 per hour. In both instances, expert witnesses' compensation is higher than those rates available for expert witnesses on the approved panel of psychiatrists and psychologists.

What is the total amount being paid to experts not on the list?

Defense attorneys often use expert witnesses in various fields (e.g. neurology, firearms, fingerprint, gangs, etc.) for discovery of evidence in building a defense for their clients. Counsel must show the existence of reasonable probability that an expert would be of assistance to the defense and that the denial of expert assistance would result in a fundamentally unfair trial. Judges have the discretion to approve or deny the request for an expert witness.

- There are three separate panels containing various experts for: 1) investigation services, 2) psychiatric and psychology services, and 3) other specialty services (e.g. accident reconstruction, toxicology, blood (DNA), etc.) During FY 2007-08 through FY 2009-10, the following amounts were paid to providers on approved panels and not on approved panels:

Fiscal Year 2007-08 through Fiscal Year 2009-10			
Providers	**Amount Paid**	**# of Cases***	**Average Reimbursement Per Case**
On Approved Panel	$ 12,280,792	12,857	$ 955.18
Not on Approved Panel	$ 6,827,028	9,507	$ 718.11
Total	$ 19,107,820	22,364	N/A

** Note that approximately 2,700 cases are in both the approved and not approved case count.*

The above analysis shows 57 percent of cases requiring expert services used providers on approved panels and the average payment per case was $955. The remaining cases (43 percent) requiring expert services used providers not on the approved panels and the average payment per case was $718.

How often are numerous experts of the same type appointed to the same case? In other words, how often are there more than two psychologists appointed to the same case?

From the period of FY 2007-08 through FY 2009-10, PACE identified 19,585 cases where at least one appointed expert was used on the case. From these cases, the system showed 483 of the 19,585 cases (2.4 percent) had appointed multiple experts. Since the PACE system does not have the ability to track the type of experts appointed, a manual sampling of fifteen cases (3 percent) were selected for review to determine if multiple experts of the same type (i.e. psychologist, private investigator, transcriptions, etc.) had been appointed. The review disclosed seven of the 15 cases (47 percent) appointed multiple experts of the same type.

Based on the above, for the three-year period, it is estimated that only 227 cases (483 x 47 percent) had appointed multiple experts of the same type. However, when applied to the total number of cases, the analysis shows that overall only 1.1 percent of the cases (227 of 19,585) using experts appointed multiple experts of the same type.

Whether it would be more cost effective if private investigators were paid on work performed rather than hours worked? For example: a fixed rate for serving subpoenas.

The current Panel of Licensed Investigators is reimbursed at $32 per hour (based on a January, 2006 Court order) and represents various areas of expertise (e.g. robbery, narcotics, computer sex crimes, gangs, etc.) The following provides examples for why a fixed rate reimbursement methodology could not be easily applied to investigative services:

- The level of expertise, the complexity of the case, the scope of work, and the timeframe necessary to properly perform an investigation are unique from case to case.
- The indeterminate nature of an investigation makes it difficult to know in advance any additional unforeseen requirements needed to complete an investigation.
- A fixed rate may discourage some investigators from competing on the panel. As a result, only the lowest bidder(s) – not necessarily the most qualified – would make it to the panel and therefore the quality of investigative services needed may not be sufficient to provide appropriate legal representation. Consequently, the Court must be mindful of a defendant's claim of insufficient legal representation because the most qualified expert was not provided for his defense.

In contrast to the above, a fixed rate reimbursement methodology is better suited for situations where the work to be performed is fairly predictable with a prearranged scope of work, a consistent time frame for completing the work, and a comparable finished work product.

CREATION OF A FAMILY LAW PANEL TO REDUCE COSTS OR CREATE A FLAT FEE

At the time that this question was posed by your Board, there was no effort underway to create a panel of Family Law attorneys. However, subsequent to that date, staff from this Office met with members of the Los Angeles County Bar Association (LACBA) and the Los Angeles Superior Court on numerous occasions to explore the feasibility and cost effectiveness of establishing a Family Law Panel. LACBA developed a preliminary proposal to demonstrate how such a panel would work. This information was shared with the Family Law Court to obtain input. While it appears that establishment of a panel would possibly be feasible, this proposal would require additional work to more firmly set procedures and to determine whether or not there would indeed be a costs savings and efficiencies. A copy of the preliminary proposal is attached for convenience.

COMPARISON TO OTHER COUNTIES:

Our analysis of this matter included an attempt to perform a comparison of Los Angeles County to other counties in the State. It was during this exploration that we discovered these costs are not covered in all counties in the same manner. Some counties pay these costs directly. However, in other counties the State is responsible. These differences are attributable to how

costs were classified during the development of the Maintenance of Effort under the Trial Court Funding Act. The explanation is provided below:

Minor's Counsel

Minor's Counsel is an attorney appointed by the Court to represent the child or children in a particular case. Once an attorney is appointed by the Court, the Court may also order the county to pay the fees if the parents qualify as indigent under the court's financial guidelines. The Trial Court Operations (TCO) Indigent Defense Budget provides funding for the Family Law expenditures which includes minor's counsel fees and non-custody dispute matters such as adoptions, abandonment, and child abduction. Expenditures for Minor's Counsel account for approximately 85 percent of the total Family Law expenditures.

Family Law Statute

The existing statutory provisions pertaining to the responsibility for payment of Minor's Counsel are conflicting. Under the Family Code § 3153(b), the County must pay for Court appointed Minor's Counsel in the event the parties are not financially able to do so (Attachment I). However, in 1997, the State shifted Trial Court funding from the various counties to the State. As indicated in Government Code §§ 77200, 77201, the Legislature specified that the State assume sole responsibility for funding "Court operations," and that no county shall be responsible for funding such operations (Attachment I & II). The term Court operations is defined in Government Code section 77003, which includes Court appointed counsel in visitation and custody proceedings as defined under Family Code § 3150 (Attachment II). Thus, pursuant to the aforementioned Government Code sections, the State is responsible for payment of Court appointed Minor's Counsel. However, when the Legislature enacted these provisions of the Government Code, the State did not repeal the provisions in the Family Code which specified that the County is responsible for funding these services. These two statutory schemes are obviously in direct contradiction with each other. The statutory contradiction has caused inconsistencies throughout the Courts. For example, the Counties of Los Angeles, Ventura, and Orange provide funding for Minor's Counsel costs directly. While other Counties, such as the County of San Diego, do not. San Diego Superior Court funds Minor's Counsel costs directly from its own budget.

In Los Angeles County, these costs remained County costs after the 1997 Trial Court Funding Act. Under the Act, each county could contest whether various costs should be included in calculating its annual Maintenance of Effort (MOE) payment. Some counties included the base year cost of court appointed Minor's Counsel as trial court operations costs, to be included in their annual MOE payments to the State. Other counties, including Los Angeles County, did not include the cost of Minor's Counsel as a Court operation cost, and continued to pay such costs directly. However, Los Angeles County was able to receive partial reimbursement of our costs from the Court through Court collections.

A December 16, 1997, memorandum from the Los Angeles County Auditor-Controller classified the costs of Court appointed Minor's Counsel as a County responsibility, not to be included in the MOE calculation as a Court operations cost (Attachment III).

By not including the base year costs of court appointed Minor's Counsel in its annual MOE payment under the Trial Court Funding Act, the County reduced its payment by approximately $1.5 million a year. However, Minor's Counsel costs increased from those base year costs to $5.7 million in FY 2009-10. If we had included this cost in the MOE, the amount would have remained at $1.5 million with the State being responsible for any increase in costs.

Should the County take the position that the Government Code provisions supersede the Family Code, it is unclear whether the State or the Court would pursue legal action against the County. On the one hand, there is inconsistency throughout the State with regards to which statutory scheme other counties follow. Thus, our position would be consistent with several other counties throughout the State, none of whom have faced legal challenges. On the other hand, in 1997 when Trial Court funding shifted to the State, the Legislature established a specific dollar amount each county had to contribute to the State in support of Trial Court funding. These dollar amounts were based on the amount expended by each county for Court operations during FY 1994-95, as reported in their annual MOE. Los Angeles County did not include the cost of Minor's Counsel as an amount expended for Court operations for FY 1994-95 or any other year thereafter. Thus, to take the position that the State is responsible for Trial Court funding for Minor's Counsel at this point in time would be out of step with our FY 1994-95 reporting requirements, which means we have been underfunding our contribution to the State for several years.

There are several possible outcomes that could arise as a result of litigation. First, because the two California Code provisions are in direct conflict with each other, it is just as likely as not that the Court will rule against the County. Moreover, even if the Court does rule that the funding of Minor's Counsel is a State responsibility, there is the possibility that such a ruling would be paired with a ruling that the County must offset any savings by contributing an equal amount to the State for failing to report Minor's Counsel costs as expenditures in FY 1994-95. This is a remote possibility because Government Code section 77201 specifies that with limited exception the amounts counties are required to remit to the State shall not be increased in subsequent years. Moreover, the same section provides a mechanism for a Court to challenge a county's reported costs for FY 1994-95, but Courts had to present such challenges no later than February 15, 1998. In sum, there is potential risk of exposure in the form of litigation costs should the County take the position that funding of Minor's Counsel is a State obligation, and it is uncertain what the outcome of litigation would be.

Another option is to work with the California State Association of Counties (CSAC) to resolve the conflict between the Family and Government Codes through legislative action. The County would need to proceed with caution because it is unclear at this point whether the Legislature would resolve the conflict in the County's favor or by clarifying that funding Minor's Counsel is a State responsibility.

Court's Effort to Mitigate Minors' Counsel Cost Increases

In response to the Board motion, concerns regarding payments for Court-appointed counsel for minors in high-conflict proceedings for child custody and visitation were identified. In such cases it may be difficult to discern the child's best interests through the representations of parents or their counsel (indeed, the high rate of unrepresented parents in such cases exacerbates the challenges). Thus, the law provides for the appointment of counsel to represent the child's best interests (Family Code § 3150). Judicial officers indicate that Court appointed Minor's Counsel is an important tool to provide a voice for these children who cannot speak for themselves, and to ensure that children in high conflict family law cases receive appropriate programs and treatment. The efforts of Minor's Counsel to investigate, gather evidence concerning the child's circumstances, and present admissible evidence concerning those circumstances are often material in helping judicial officers make custody and visitation orders that avoid further family conflict and, in some cases, may help avoid exposing children to circumstances that would put them at risk of entering the dependency system.

In other areas of Court-appointed counsel, quality representation and availability of counsel are enhanced by appropriate cost control. In FY 1994-95 (the base year used for calculating the County's annual MOE payments to the State in support of trial court operations costs under the 1997 Trial Court Funding Act), costs were $1.5 million. In FY 2009-10, the costs were $5.7 million (Attachment IV). In response to County concerns about cost growth, the Superior Court developed other cost containment programs, including the use of attorney panels and limitations on fees. In response to the County's concern regarding cost increases, the Superior Court developed the following:

- A low fixed hourly rate, not to exceed $125 per hour;
- Limits on total annual compensation;
- Requirement of timely submission of claims to smooth out disbursements and to provide judicial officers more opportunity to monitor and control costs;
- Guidelines on the number of hours that can be compensated;
- Enhanced revenue collection procedures to recover these county costs where feasible.

These are the cost-control mechanisms that an attorney panel, standard contract, or attorney firm would implement as well. The Court rejected the use of a flat, per-case fee due to the wide variability in services required. In addition, the Court has instituted training on the use of Minors' Counsel for judicial officers who are new to family law and periodically review family law judicial officers' best practices to reduce the cost to the county of appointed counsel.

These measures have proven effective in reducing the annual Minor's Counsel costs from a high of $5.7 million (FY 09-10) to a projected $3.8 million for the current fiscal year.

RECAP OF ANALYSIS

There are maximum rates set for different types of expert witnesses. The witness must meet certain criteria before qualifying to claim these rates. While maximum rates are set for testimony, not all experts charge the maximum. Rates charged vary, based upon numerous factors such as experience and area of expertise.

While it appears that the establishment of a Family Law Panel is feasible, we cannot state with certainty that savings can be achieved or that it will be more efficient. A preliminary proposal does provide an example of how such a panel might operate, but more analysis of the plan would be necessary for successful implementation.

It was also revealed during this analysis that the costs of Minor's Counsel are not consistently handled across all counties. These differences are attributable to a conflict in the law and the decisions of the counties as to whether to include said costs in the base for calculating the MOE. If said costs were included in the base, the State is responsible for all amounts incurred above the amount identified for these costs at the time the MOE was established. If a county elected to not include this cost in their MOE calculation, the county is responsible for all costs associated with Minor's Counsel.

FURTHER ACTION

Our Office will work with County Counsel and the Auditor-Controller to explore our options on obtaining a change in the MOE in an effort to transfer the responsibility for these costs to the State as provided for by law.

We will also continue to monitor the Court's efforts at reducing costs as prescribed above. Further, we will continue to work with the Courts to find other avenues for mitigating this cost. Should you have any questions, please do not hesitate to contact Deputy Chief Executive Officer Jacqueline A. White, Public Safety, at (213) 893-2374.

WTF:JW:DC:ef

Attachments

c: Executive Office, Board of Supervisors
Auditor-Controller
County Counsel

Attachment I

California Family Code Section 3153

(a) If the court appoints counsel under this chapter to represent the child, counsel shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. Except as provided in subdivision (b), this amount shall be paid by the parties in the proportions the court deems just.

(b) Upon its own motion or that of a party, the court shall determine whether both parties together are financially unable to pay all or a portion of the cost of counsel appointed pursuant to this chapter, and the portion of the cost of that counsel which the court finds the parties are unable to pay shall be paid by the county. The Judicial Council shall adopt guidelines to assist in determining financial eligibility for county payment of counsel appointed by the court pursuant to this chapter.

California Family Code Section 3150

a) If the court determines that it would be in the best interest of the minor child, the court may appoint private counsel to represent the interests of the child in a custody or visitation proceeding, provided that the court and counsel comply with the requirements set forth in Rules 5.240, 5.241, and 5.242 of the California Rules of Court.

(b) Upon entering an appearance on behalf of a child pursuant to this chapter, counsel shall continue to represent that child unless relieved by the court upon the substitution of other counsel by the court or for cause.

California Government Code Section 77200

On and after July 1, 1997, the state shall assume sole responsibility for the funding of court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007. In meeting this responsibility, the state shall do all of the following:

(a) Deposit in the Trial Court Trust Fund, for subsequent allocation to or for the trial courts, all county funds remitted to the state pursuant to Section 77201 until June 30, 1998, pursuant to Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to Section 77201.3, thereafter.

(b) Be responsible for the cost of court operations incurred by the trial courts in the 1997-98 fiscal year and subsequent fiscal years.

(c) Allocate funds to the individual trial courts pursuant to an allocation schedule adopted by the Judicial Council, but in no case shall the amount allocated to the trial court in a county be less than the amount remitted to the state by the county in which that

court is located pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201 until June 30, 1998, pursuant to paragraphs (1) and (2) of subdivision (b) of Section 77201.1 from July 1, 1998, until June 30, 2006, inclusive, and pursuant to paragraphs (1) and (2) of subdivision (a) of Section 77201.3, thereafter.

(d) The Judicial Council shall submit its allocation schedule to the Controller at least five days before the due date of any allocation.

California Government Code Section 77003

(a) As used in this chapter, "court operations" means all of the following:

(1) Salaries, benefits, and public agency retirement contributions for superior court judges and for subordinate judicial officers. For purposes of this paragraph, "subordinate judicial officers" includes all commissioner or referee positions created prior to July 1, 1997, including positions created in the municipal court prior to July 1, 1997, which thereafter became positions in the superior court as a result of unification of the municipal and superior courts in a county, and including those commissioner positions created pursuant to former Sections 69904, 70141, 70141.9, 70142.11, 72607, 73794, 74841.5, and 74908; and includes any staff who provide direct support to commissioners; but does not include commissioners or staff who provide direct support to the commissioners whose positions were created after July 1, 1997, unless approved by the Judicial Council, subject to availability of funding.

(2) The salary, benefits, and public agency retirement contributions for other court staff.

(3) Those marshals and sheriffs as the court deems necessary for court operations.

(4) Court-appointed counsel in juvenile court dependency proceedings and counsel appointed by the court to represent a minor pursuant to Chapter 10 (commencing with Section 3150) of Part 2 of Division 8 of the Family Code.

(5) Services and supplies relating to court operations.

(6) Collective bargaining under Sections 71630 and 71639.3 with respect to court employees.

(7) Subject to paragraph (1) of subdivision (d) of Section 77212, actual indirect costs for county and city and county general services attributable to court operations, but specifically excluding, but not limited to, law library operations conducted by a trust pursuant to statute; courthouse construction; district attorney services; probation services; indigent criminal defense; grand jury expenses and operations; and pretrial release services.

(8) Except as provided in subdivision (b), other matters listed as court operations in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) However, "court operations" does not include collection enhancements as defined in Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

77201.1. (a) Commencing on July 1, 1997, no county shall be responsible for funding court operations, as defined in Section 77003 and Rule 10.810 of the California Rules of Court as it read on January 1, 2007.

(b) Commencing in the 1999-2000 fiscal year, and each fiscal year thereafter until the 2006-07 fiscal year, each county shall remit to the state in four equal installments due on October 1, January 1, April 1, and May 1, the amounts specified in paragraphs (1) and (2). For the purpose of determining the counties' payments commencing in the 2006-07 fiscal year, and each fiscal year thereafter, the amounts listed in subdivision (a) of Section 77201.3 shall be used in lieu of the amounts listed in this subdivision.

(1) Except as otherwise specifically provided in this section, each county shall remit to the state the amount listed below, which is based on an amount expended by the respective county for court operations during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda	$ 22,509,905
Alpine	-
Amador	-
Butte	-
Calaveras	-
Colusa	-
Contra Costa	11,974,535
Del Norte	-
El Dorado	-
Fresno	11,222,780
Glenn	-
Humboldt	-
Imperial	-
Inyo	-
Kern	9,234,511
Kings	-
Lake	-
Lassen	-
Los Angeles	175,330,647
Madera	-
Marin	-
Mariposa	-
Mendocino	-
Merced	-
Modoc	-
Mono	-
Monterey	4,520,911
Napa	-
Nevada	-
Orange	38,846,003
Placer	-
Plumas	-
Riverside	17,857,241
Sacramento	20,733,264
San Benito	-
San Bernardino	20,227,102
San Diego	43,495,932
San Francisco	19,295,303
San Joaquin	6,543,068

San Luis Obispo	-
San Mateo	12,181,079
Santa Barbara	6,764,792
Santa Clara	28,689,450
Santa Cruz	-
Shasta	-
Sierra	-
Siskiyou	-
Solano	6,242,661
Sonoma	6,162,466
Stanislaus	3,506,297
Sutter	-
Tehama	-
Trinity	-
Tulare	-
Tuolumne	-
Ventura	9,734,190
Yolo	-
Yuba	-

(2) Except as otherwise specifically provided in this section, each county shall also remit to the state the amount listed below, which is based on an amount of fee, fine, and forfeiture revenue remitted to the state pursuant to Sections 27361 and 76000 of this **code**, Sections 1463.001, 1463.07, and 1464 of the Penal **Code**, and Sections 42007, 42007.1, and 42008 of the Vehicle **Code** during the 1994-95 fiscal year:

Jurisdiction	Amount
Alameda	$ 9,912,156
Alpine	58,757
Amador	265,707
Butte	1,217,052
Calaveras	310,331
Colusa	397,468
Contra Costa	4,486,486
Del Norte	124,085
El Dorado	1,028,349
Fresno	3,695,633
Glenn	360,974
Humboldt	1,025,583
Imperial	1,144,661
Inyo	614,920
Kern	5,530,972
Kings	982,208
Lake	375,570
Lassen	430,163
Los Angeles	71,002,129
Madera	1,042,797
Marin	2,111,712
Mariposa	135,457
Mendocino	717,075
Merced	1,733,156
Modoc	104,729
Mono	415,136
Monterey	3,330,125
Napa	719,168

Nevada	1,220,686
Orange	19,572,810
Placer	1,243,754
Plumas	193,772
Riverside	7,681,744
Sacramento	5,937,204
San Benito	302,324
San Bernardino	8,163,193
San Diego	16,166,735
San Francisco	4,046,107
San Joaquin	3,562,835
San Luis Obispo	2,036,515
San Mateo	4,831,497
Santa Barbara	3,277,610
Santa Clara	11,597,583
Santa Cruz	1,902,096
Shasta	1,044,700
Sierra	42,533
Siskiyou	615,581
Solano	2,708,758
Sonoma	2,316,999
Stanislaus	1,855,169
Sutter	678,681
Tehama	640,303
Trinity	137,087
Tulare	1,840,422
Tuolumne	361,665
Ventura	4,575,349
Yolo	880,798
Yuba	289,325

(3) Except as otherwise specifically provided in this section, county remittances specified in paragraphs (1) and (2) shall not be increased in subsequent years.

(4) Except for those counties with a population of 70,000 or fewer on January 1, 1996, the amount a county is required to remit pursuant to paragraph (1) shall be adjusted by the amount equal to any adjustment resulting from the procedures in subdivisions (c) and (d) of Section 77201 as that section read on June 30, 1998, to the extent a county filed an appeal with the Controller with respect to the findings made by the Department of Finance. This paragraph shall not be construed to establish a new appeal process beyond what was provided by Section 77201, as that section read on June 30, 1998.

(5) A change in statute or rule of court that either reduces the bail schedule or redirects or reduces a county's portion of fee, fine, and forfeiture revenue to an amount that is less than (A) the fees, fines, and forfeitures retained by that county, and (B) the county's portion of fines and forfeitures transmitted to the state in the 1994-95 fiscal year, shall reduce that county's remittance specified in paragraph (2) of this subdivision by an equal amount. This paragraph is not intended to limit judicial sentencing discretion.

(6) In the 2005-06 fiscal year, the amount that the County of Santa Clara is required to remit to the state under paragraph (2) shall be reduced as described in this paragraph, rather than as described in subdivision (b) of Section 68085.7. It is the intent of the Legislature that this paragraph have retroactive effect.

(A) For the County of Santa Clara, the remittance under this subdivision for the 2005-06 fiscal year shall be reduced by an amount equal to one-half of the amount calculated by subtracting the budget reduction for the Superior Court of Santa Clara County for that fiscal year attributable to the reduction of the counties' payment obligation from thirty-one million dollars ($31,000,000) pursuant to subdivision (a) of Section 68085.6 from the net civil assessments received in that county in that fiscal year. "Net civil assessments" as used in this paragraph means the amount of civil assessments collected minus the costs of collecting those civil assessments, under the guidelines of the Controller.

(B) The reduction under this paragraph of the amount that the County of Santa Clara is required to remit to the state for the 2005-06 fiscal year shall not exceed two million five hundred thousand dollars ($2,500,000). If the reduction reaches two million five hundred thousand dollars ($2,500,000), the amount the county is required to remit to the state under paragraph (2) of subdivision (a) of Section 77201.3 in each subsequent fiscal year shall be eight million four hundred sixty-one thousand two hundred ninety-three dollars ($8,461,293).

(C) This paragraph does not affect the reduction of the annual remittance for the County of Santa Clara as provided in Section 68085.2.

(7) Notwithstanding the changes to the amounts in paragraph (2) made by Section 68085.7 or any other section, the amounts in paragraph (2) shall not be changed for purposes of the calculation required by subdivision (a) of Section 77205.

(c) This section is not intended to relieve a county of the responsibility to provide necessary and suitable court facilities pursuant to Section 70311.

(d) This section is not intended to relieve a county of the responsibility for justice-related expenses not included in Section 77003 which are otherwise required of the county by law, including, but not limited to, indigent defense representation and investigation, and payment of juvenile justice charges.

(e) County base year remittance requirements specified in paragraph (2) of subdivision (b) incorporate specific reductions to reflect those instances where the Department of Finance has determined that a county's remittance to both the General Fund and the Trial Court Trust Fund during the 1994-95 fiscal year exceeded the aggregate amount of state funding from the General Fund and the Trial Court Trust Fund. The amount of the reduction was determined by calculating the difference between the amount the county remitted to the General Fund and the Trial Court Trust Fund and the aggregate amount of state support from the General Fund and the Trial Court Trust Fund allocated to the county's trial courts. In making its determination of whether a county is entitled to a reduction pursuant to paragraph (2) of subdivision (b), the Department of Finance subtracted from county revenues remitted to the state, all moneys derived from the fee required by Section 42007.1 of the Vehicle Code and the parking surcharge required by subdivision (c) of Section 76000 of this code.

(f) Notwithstanding subdivision (e), the Department of Finance shall not reduce a county's base year remittance requirement, as specified in paragraph (2) of subdivision (b), if the county's trial court funding allocation was modified pursuant to the amendments to the allocation formula set forth in paragraph (4) of subdivision (d)

of Section 77200, as amended by Chapter 2 of the Statutes of 1993, to provide a stable level of funding for small county courts in response to reductions in the General Fund support for the trial courts.

(g) In any fiscal year in which a county of the first class pays the employer-paid retirement contribution for court employees, or other employees of the county who provide a service to the court, and the amounts of those payments are charged to the budget of the courts, the sum the county is required to pay to the state pursuant to paragraph (1) of subdivision (b) shall be increased by the actual amount charged to the trial court up to twenty-three million five hundred twenty-seven thousand nine hundred forty-nine dollars ($23,527,949) in that fiscal year. The county and the trial court shall report to the Controller and the Department of Finance the actual amount charged in that fiscal year.

Attachment III

COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 603
LOS ANGELES, CALIFORNIA 90012
PHONE: (213) 974-8321 FAX: (213) 617-8106

ALAN T. SASAKI
AUDITOR-CONTROLLER

December 16, 1997

TO: Debbie Lizzari
Deputy Executive Officer

FROM: Patrick T. McMahon, Chief
Accounting Division

SUBJECT: **AB233 CONVERSION**

AB233 becomes effective January 1, 1998. This requires changes in the way courts are accounted for within the County. The following is the process that will be implemented to accomplish the changes.

CAPS Funds and Organizations

Currently, all courts and court costs are accounted for within one CAPS fund, V97. Effective January 1, 1998, each court will have its own separate fund. Except for the Mandatory Court Expense organization and the Collection Enhancement organization, the organization numbers for each court will be the same as those currently in use for each court in V97. The Mandatory Court Expense organization will no longer be used. The Collection Enhancement Expense organization is discussed below. Attachment I is the new fund numbers and, for illustration purposes, the level I organization code for each court.

Only State responsible charges should be made to the new funds. In regards to County responsible charges, each court will have its own budget unit in the County General Fund to charge these costs. The organization codes for each court are included in Attachment II. Also included in Attachment II are level 2 organization codes for Collection Enhancement which will be a County responsibility. These organization codes for Collection Enhancement are the same as those used previously in V97.

Attachment III is the minor object codes that should be charged to the General Fund including those that ISD and the PACE system will charge. All other ISD and PACE charges will be made to the new State responsible funds.

All revenue receipts must be deposited to the General Fund organizations. If a court receives a new grant or other somewhat unusual type of receipt, they should consult with the Auditor-Controller's Accounting Division to resolve whether the revenue should be deposited to the State or County responsible organization.

Transition

Payment Voucher

The courts should not enter any payment vouchers into CAPS after December 24, 1997. This is to allow time for the Auditor-Controller to make processing changes. The Auditor-Controller will notify the courts when payment processing can resume. We estimate that this notification will be made on or before January 8, 1998. As discussed below, some changes will be made to encumbrance and line numbers. Be sure to use these revised numbers.

Encumbrances

The Auditor-Controller will move DSO balances for which the courts are the receiver of services to the new court funds. Because a portion of the remaining balances may represent County responsible costs, the individual courts will have to request the Auditor's Accounting Division to reduce them by the County responsible amount.

For DSO's where the courts are the provider of service, new DSO's will have to be established by sending new DSO's to the Auditor-Controller's Accounting Division.

Commitment balances will be cancelled in V97 and established in the new court funds as current encumbrances by the Auditor-Controller. Encumbrance numbers will remain the same except an "A" will be added at the end.

The individual courts are responsible for changing current year encumbrances for contracts and purchase orders. To do this, they need to cancel the remaining balance on the first line of the encumbrance and enter in the existing organization code and fund number V97. Next, they need to enter the remaining balance on line 2 and put in the organization code of their new fund. In the rare instance where the encumbrance represents a County responsible cost, they should use their General Fund organization. No fund number needs to be entered on line 2. The Auditor-Controller will notify the courts when this process can begin. We anticipate the notification will be given on January 6, 1998. Encumbrance numbers should remain unchanged.

Payments can be made against June 30, 1997 accounts payable without any changes. Do not enter in the fund number. The charges will automatically be charged to the V97 prior year accounts.

Revenues

Any deposits after December 31, 1997 should be made to the County responsible organizations regardless of when the revenue was earned. Revenue transfers from trust funds after December 31, 1997 should also be made to the County responsible organizations. The CRDF process remains unchanged, except for the revisions you should have already received.

Payroll

No changes to payroll are necessary. The Auditor-Controller will redirect the charges to the State organization and the County responsible Collection Enhancement organization. Local Judicial employee benefits will be initially charged to the State responsible organization but moved monthly by the Auditor-Controller to the County responsible organization.

ISD

ISD charges submitted by December 15, 1997 will be processed by the Auditor-Controller by December 31, 1997 if a rejection notice has not been received. If a court decides o reject a charge after that date, the Auditor-Controller will reverse the charge.

Approval Process

Courts will be responsible for approving expenditures to both their State and County responsible organizations. Current procedures and authorized approvers will remain in effect. If a presiding judge wishes to change a court's authorized signers, the judge should notify the Auditor-Controller's Accounting Division.

Budgets

No budget will be entered into CAPS for the State responsible units until the amounts are determined. We anticipate this will occur in February 1998. In the meantime, the Auditor-Controller will relax controls so that financial operations can continue.

Budget adjustments for State responsible charges no longer need the approval of the Board of Supervisors. They should be signed by the designated court representative and sent to the Auditor-Controller's Accounting Division.

Budget adjustments for County responsible charges will continue to require the Board of Supervisors' approval.

Sheriff Billings

While the Sheriff has not billed the courts in the past, the costs have been included in the State reports and the new State revenue includes reimbursement for these costs. Accordingly the Sheriff will be billing the courts for costs incurred after December 31, 1997.

We anticipate some problems may occur during this transition, and the Auditor-Controller will work with the various courts to correct any mistakes. For questions regarding encumbrance processing, contact Jerry Kril at (213) 974-8326. Other transition questions can be directed to Pat McMahon at (213) 974-8321.

Your cooperation in these matters is greatly appreciated.

JL:PTM:ck
Attachments (3)
7:AB233

ATTACHMENT I

COURT FUNDS & ORGANIZATION CODES

COURT NAME	FUND	ORG CODE LEVEL 1
SUPERIOR COURT	C11	19991
ALHAMBRA MUNICIPAL COURT	C12	10460
ANTELOPE MUNICIPAL COURT	C13	10465
BEVERLY HILLS MUNI COURT	C14	10470
BURBANK MUNICIPAL COURT	C15	10475
CITRUS MUNICIPAL COURT	C16	10480
COMPTON MUNICIPAL COURT	C17	10485
CULVER MUNICIPAL COURT	C18	10490
DOWNEY MUNICIPAL COURT	C19	10495
EAST L A MUNI COURT	C20	10500
GLENDALE MUNICIPAL COURT	C21	10505
INGLEWOOD MUNICIPAL COURT	C22	10510
LONG BEACH MUNI COURT	C23	10515
LOS ANGELES MUNI COURT	C24	10520
LOS CERRITOS MUNI COURT	C25	10525
MALIBU MUNICIPAL COURT	C26	10530
NEWHALL MUNICIPAL COURT	C27	10535
PASADENA MUNICIPAL COURT	C28	10540
POMONA MUNICIPAL COURT	C29	10545
RIO HONDO MUNICIPAL COURT	C30	10550
SANTA ANITA MUNI COURT	C31	10555
SANTA MONICA MUNI COURT	C32	10560
SOUTH BAY MUNICIPAL COURT	C33	10565
SOUTHEAST MUNICIPAL COURT	C34	10570
WHITTIER MUNICIPAL COURT	C35	10575
MUNI CRTS EXP-PLANNING & RSRCH	C36	15188
MUNICIPAL COURTS EXPENSE-OTHER	C37	15189
MUNI CRTS EXP-DATA PROCESSING	C38	15191

ATTACHMENT II

GENERAL FUND COURT ORGS

COURT NAME	LEVEL 1	COLLECTIONS ENHANCEMENT LEVEL 2
SUPERIOR COURT	15161	29042
ALHAMBRA MUNICIPAL COURT	15162	14562
ANTELOPE MUNICIPAL COURT	15163	14582
BEVERLY HILLS MUNI COURT	15164	14602
BURBANK MUNICIPAL COURT	15165	14622
CITRUS MUNICIPAL COURT	15166	14643
COMPTON MUNICIPAL COURT	15167	14662
CULVER MUNICIPAL COURT	15168	14682
DOWNEY MUNICIPAL COURT	15169	14702
EAST L A MUNI COURT	15170	14722
GLENDALE MUNICIPAL COURT	15171	14742
INGLEWOOD MUNICIPAL COURT	15172	14762
LONG BEACH MUNI COURT	15173	14782
LOS ANGELES MUNI COURT	15174	16303
LOS CERRITOS MUNI COURT	15175	14952
MALIBU MUNICIPAL COURT	15176	14972
NEWHALL MUNICIPAL COURT	15177	14992
PASADENA MUNICIPAL COURT	15178	15012
POMONA MUNICIPAL COURT	15179	15032
RIO HONDO MUNICIPAL COURT	15180	15052
SANTA ANITA MUNI COURT	15181	15072
SANTA MONICA MUNI COURT	15182	15092
SOUTH BAY MUNICIPAL COURT	15183	15104
SOUTHEAST MUNICIPAL COURT	15184	15127/15133
WHITTIER MUNICIPAL COURT	15185	15152
MUNI CRTS EXP-PLANNING & RSRCH	15186	N/A

ATTACHMENT III

UNALLOWABLE TRIAL COURT EXPENDITURES

EXPENDITURE	MOBJ/SOBJ	DESCRIPTION
CRIMINAL INDIGENT DEFENSE	3541	ATTY-CRIMINAL-NO PUBLIC DEFNDR
PACE	3542	ATTY-CRIMINAL-CONFLICT OF INT
PACE	3543	ATTY-CRIMINAL-OTHER
PACE	3544	ATTY-JUVENILE-CONFLICT OF INT
	3547	ATTY-JUVENILE-NO PUBLIC DEFNDR
PACE	3661	INDIGENT DEFEND INVESTIGATION
	3755	ATTY-MNTL HLTH-NO PUBLIC DEFNDR
PACE	3756	ATTY-MNTL HLTH-CONFLICT OF INT
	3759	ATTY-MNTL HLTH-OTHER
FACILITY CHARGES	3664	CONSTRUCT AND REAL PROP
	3665	INTERNAL SERVICES DEPT
	3674	PMD FACILITIES CONSULTANT
	3872	OTHER FACILITIES OPS
ALL MINOR OBJECTS UNDER	20W	RENTS & LEASES-BLDG & IMPRVMNTS
ALL MINOR OBJECTS UNDER	60C	BUILDINGS & IMPROVEMENTS
	4697	RENT-A-JUDGE FACILITIES
	5214	INDIRECT - RENTAL EXPENSES
		(UTILITIES EXP & ISD - GENERAL)
OTHER	2007	CIVIC CENTER PARKING FEE
	2345	WITNESS FEE/TRANSPORTATION-NON EXPERT
	2662	MAINT BUILDING & IMPROVEMENT
ISD	2663	ALTERATIONS & IMPROVEMENT
	2665	ALTERATIONS & IMPROVEMENT - CONTRACT
	2672	BUILDING MAINTENANCE SERVICES
	2693	FACILITIES MAINTENANCE - NON CONTRACT
	2704	GARDENING SUPPLIES
	2705	GLASS
ISD	2708	GROUNDS MAINTENANCE
	2712	HEATING & AIR CONDITIONING
ISD	2746	PARKING SERVICES
	2754	PLUMBING SUPPLIES
ISD	2762	REPAIRS & MINOR CHANGES
	2782	SIGNS
	2786	SPECIAL JOBS
	2787	COMMUN SPECIAL REQUESTS
	2790	SPRINK SYSTEM - HARDWARE & SUPPLIES
	2814	WATER METER REPAIR PARTS
PACE	3533	ATTY-CIVIL-OTHER
	3534	ATTY-CIVIL-NO PUBLIC DEFNDR
PACE	3540	ATTY-CIVIL-CONFLICT OF INT
PACE	3545	ATTY-FAMILY LAW
PACE	3546	ATTY-PROBATE
PACE	3630	DOCTOR - CIVIL
PACE	3632	DOCTOR - CRIMINAL
PACE	3634	DOCTOR - JUVENILE DELINQUENCY
PACE	3635	DOCTOR - JUVENILE DEPENDENCY
PACE	3636	DOCTOR - MENTAL HEALTH
PACE	3653	EXPERT WITNESS - FAMILY LAW
PACE	3654	EXPERT WITNESS - PROBATE
PACE	3655	EXPERT WITNESS - JUV DELINQUENCY
PACE	3656	EXPERT WITNESS - JUV DEPENDENCY
	3658	EXAM EXPERTS
PACE	3660	EXPERT WITNESS - CRIMINAL
	3662	EXPERT WITNESS - CIVIL
PACE	3712	LABORATORY TESTS
	3742	MEDICAL LAB SERVICE
	3835	REPORTER TRANSCRIBER - GRAND JURY
	5215	INDIRECT - BLDG USE ALLOWANCE
	5216	INDIRECT - PSP-PROBATION
ALL MINOR OBJECTS UNDER	55B	SUPPORT & CARE OF PERSONS

LOS ANGELES SUPERIOR COURT
SUMMARY OF FAMILY LAW EXPENDITURES IN ECAPS OBJECT CODE #3545 (ATTY-FAMILY LAW)
FISCAL YEARS 2007-08 THROUGH 2010-11

Attachment IV

	FY 2007-08			FY 2008-09			FY 2009-10			FY 2010-11			
Description	**# of Cases**	**# of Claims**	**Amount Authorized**	**# of Cases**	**# of Claims**	**Amount Authorized**	**# of Cases**	**# of Claims**	**Amount Authorized**	**# of Cases**	**# of Claims**	**Amount Authorized YTD (Jul-Mar)**	**Estimated Actuals**
Family Law Attorney - Minor's Counsel (1)	1,447	2,482	$3,805,294	2,066	3,419	$5,542,049	2,259	3,927	$5,687,979	1,551	2,773	$2,935,557	$3,750,076
Family Law Attorney - Other Matters (2)	508	711	708,760	396	528	651,809	317	500	712,759	265	355	524,661	699,548
TOTAL- Family Law Attorney (PACE)	**1,955**	**3,193**	**$4,514,054**	**2,462**	**3,947**	**$6,193,858**	**2,576**	**4,427**	**$6,400,738**	**1,816**	**3,128**	**$3,460,218**	**$4,449,624**

Notes:

(1) Represents children in custody disputes between two biological parents - case types include Divorce, Paternity, Domestic Violence and DA Paternity/Child Support (limited to custody matters).

(2) Non-custody dispute matters requiring representation, governed by Family Law Statue - case types include Adoption and Abandonment cases handled in Juvenile Court Operations and Habeas Corpus (child abduction), RESL (out-of-State/County transferred to Los Angeles Superior Court jurisdiction) and DA Paternity/Child Support.

Attachment V

LOS ANGELES COUNTY BAR ASSOCIATION

AMENDED PROPOSAL FOR FAMILY LAW PANEL

1. Goal: To create a Family Law Panel of lawyers for court-appointment to represent minor children where the Court determines that it would be in the best interest of the minor children.

2. How the Panel will Function:

a.) Initially to create a data base of qualified attorneys including a detailed profile of each attorney including categories such as location, language skills, gender, special expertise and any other criteria suggested by the Court.

b.) Court officer would fill out a form outlining the desired criteria for a case based on the "best interest of the child" which would be sent to the LACBA Panel.

c.) Drawing from the data base, LACBA would select a list of lawyers who meet the required criteria and select the lawyer at the top of the rotation list of lawyers meeting the criteria.

In situations where no lawyer meets the specific qualifications required to serve the best interest of the minor child, the appointing Court would be permitted to appoint an attorney not on the Panel.

d.) The lawyer selected would be contacted, advised of the appointment, notified of the case information and would contact the appointing court. The court would be advised of the appointment within 1-2 days of the request.

e.) The rotation list would insure that the case appointments would be evenly spread among the panel lawyers.

f.) A Qualifications Committee would oversee attorney compliance with the experience, training and education requirements set out in California Rules of Court 5.242. Each year, as part of a renewal of membership on the panel, each lawyer would be required to present proof of compliance with those requirements.

g.) An Investigative Committee would monitor billing practices, questions of attorney competence, and any other issue and/or complaint raised by the Court. Complaints either made by the Court or made to the Court would be handled through this committee. A procedure would be put in place to insure that any investigation was timely and fair.

h.) Bills for services would be submitted to the appointing Court and after acceptance forwarded to PACE for processing and payment. In the event there was an issue regarding the billing prior to submission to PACE, the Court may request that the Panel investigate the billing. The Panel would not have the power to change a judicial officer's order but only to investigate and report its findings.

3. Benefit to the Courts:

a.) Free Courts from administrative duties involving appointment, review, and monitoring of attorneys appointment to represent minor children pursuant to Family Code sections 3150-3153. Taking over those duties would free the Courts to handle calendars and otherwise complete the work of the Court.

b.) Eliminate the $100,000.00 yearly cap, thereby allowing Courts to continue to appoint the most qualified lawyers. The rotational system of appointment of lawyers would insure that the cases were spread among the entire panel eliminating the fear that a few lawyers would dominate the appointments. The Panel computer system would be set up to monitor the number of appointments, the money earned by each lawyer, and any other anomalies which might occur. The Supervising Judge would be relieved of monitoring and enforcing the annual $100,000 cap.

c.) Would increase communication between courts (information regarding lawyers, etc. would be provided to all courts).

d.) The Panel would be available to handle problems – billing issues and competence issues will be referred by the Courts to the Panel for review and investigation.

e.) The Panel would be available to assist the Judges with specific appointments should their be a question about the availability of an attorney with specific skills.

f.) Panel would be a source of responsibility – both Court and County would have an immediate party to contact when an issue arose.

4. Benefit/Cost to County:

a.) Reduce hourly rate to $100, saving County approximately $1,000,000.00 annually.

b.) Improve oversight of lawyers in terms of qualifications, training, continuing education, and billing practices.c.) Funding for panel would derive from a per case fee payable by the Panel attorney to LACBA at no cost to the County

d.) An administrative fee would be required from the County to set up and maintain a staff and operations equipment to operate the program.

This is a preliminary proposal. Significant additional research and investigation is necessary in order to present a final proposal. As such, this is being submitted to give the reader an outline of what a final proposal would entail