

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LASSEN**

**GENERAL ORDER
2022-19**

**This Order Revokes and Restates in the Entirety
General Order 2017-04**

(1) FEES FOR PRIVATE APPOINTED CONFLICT PUBLIC DEFENDERS.

It has been approximately 5 years since court-appointed conflict defense attorneys for criminal prosecutions where the defendant is indigent received an hourly pay rate increase. The court has determined it is both necessary and equitable to adjust and set new hourly rates for private appointed indigent defense counsel for the following reasons:

- (1) For nearly 5 years the rate paid to private conflict counsel has not been increased, while the average fees charged in the private sector in this community have increased.
- (2) In the past year the number of attorneys willing to accept appointments for conflict public defense has decreased to a level where there are not adequate numbers of available attorneys to meet all the cases to which assignment is necessary. The primary reason provided for declining assignment is inadequate compensation.

On the foregoing, it is hereby ordered that effective for work performed July 15, 2022, private appointed indigent criminal defense and juvenile counsel assigned by the Lassen Superior Court shall be compensated as follows:

For First Degree Murder defense: \$125.00 per hour
For "Three Strike" (25 to Life) defense: \$115.00 per hour
For all other Felony defense: \$100.00 per hour
For all Juvenile Delinquency defense: \$90.00 per hour
For all Misdemeanor defense: \$90.00 per hour
For Writs: \$90.00 per hour
For Civil Contempt: \$90.00 per hour
For Misdemeanor Appeals: \$90.00 per hour

All counsel submitting fee claims shall give due regard in computing the time and amount thereof to the guidance of Penal Code section 987.2, where it is provided that an assigned attorney "...shall receive a reasonable sum for

compensation and for necessary expenses, the amount of which shall be determined by the court...”

Counsel accepting appointment under this fee order shall do so with clear understanding that the court will make an independent determination of the necessity and justification for hours spent and may reduce a claim for hours found not to be reasonably necessary for the representation of the defendant or spent on unfounded motions or procedures. In reviewing fee claims the court will consider the time spent and amount claimed with reference to the following:

1. Customary fees in the locality.
2. Time reasonably required for the matter.
3. Difficulty of the defense.
4. Unusual legal issues dealt with.
5. Degree of professional skill and experience required and exercised by counsel.
6. The professional character, qualification, and standing of the attorney.

Assigned counsel shall submit a COUNTY fee claim for that purpose, with all information requested thereon, only upon completion of the representation, unless prior court authorization for an incremental billing is obtained for good cause.

All request for travel, including but not limited to travel time and mileage, requires pre-approval in writing form from the Presiding Judge. Under no circumstances will travel be paid for absent pre-approval in writing from the Presiding Judge.

2. FEES FOR COUNSEL APPOINTED TO REPRESENT INDIGENT PARTIES IN JUVENILE DEPENDENCY PROCEEDINGS

Court-appointed counsel, other than counsel employed by a public entity, for a parent or minor in any juvenile dependency proceeding shall be compensated as follows:

\$90.00 per hour

Counsel accepting appointments in a juvenile dependency proceeding shall be in compliance with Rule 2 of the Local Juvenile Dependency Rules.

Counsel accepting appointments under this fee order shall do so with clear understanding that the court will make an independent determination of the necessity and justification for hours spent and may reduce a claim for hours found not to be necessary for the purpose of the appointment or spent on unfounded motions or procedures. In reviewing fee claims the court will consider the time spent and amount claimed with reference to the following:

1. Customary fees in the locality.
2. Time reasonably required for the matter.
3. Difficulty of the defense.
4. Unusual legal issues dealt with.
5. Degree of professional skill and experience required and exercised by counsel.
6. The professional character, qualification, and standing of the attorney.

Assigned counsel shall submit a COURT fee claim upon a form provided for that purpose by the Court, with all information requested thereon, only upon completion of the representation, unless prior court authorization for an incremental billing is obtained for good cause.

3. FEES FOR PRIVATE COURT APPOINTED INDIGENT DEFENSE INVESTIGATORS.


The hourly rate the Lassen County Public Defender pays when contracting for investigative services is Fifty-Five Dollars (\$55) per hour.

It is hereby ordered that effective for work performed from July 15, 2022, investigative services for indigent defense rendered pursuant to court authorization by the Lassen County Courts shall be compensated at the rate of Fifty-Five Dollars (\$55) per hour.

Persons accepting assignments under this fee order shall do so with the clear understanding that the court will make an independent determination of the justification and necessity for the hours spent and may reduce a claim for hours found not to be reasonably necessary for the purpose of the assignment.

Indigent defense investigators shall submit a fee claim on a form provided for that purpose by the Court Administrator, with the signature of the attorney retaining the services attesting to the validity of the claim, and with all information requested thereon, only upon completion of the investigation, unless prior court authorization for an incremental billing is obtained by the attorney on behalf of the investigator for good cause.

Dated: July 12, 2022


Mark Nareau
Presiding Judge of the Superior Court