

APPOINTMENT OF PSYCHIATRISTS/PSYCHOLOGISTS

The following are the Psychiatric Subcommittee Policy and Procedures regarding appointment of psychiatrists and psychologists in criminal proceedings and procedures to be followed by Panel members. Please note the addition of Section E on the last page, regarding Content of Reports.

A. PANEL MEMBERSHIP:

1. The Superior Court Psychiatric Subcommittee ("the Committee") maintains a Panel of psychiatrists and psychologists ("the Panel") who are available for appointment to assist the parties in all criminal proceedings, including those proceedings pending in Department 95. This Panel is distinct from the Juvenile Panel, although there may be overlapping membership. A list of the Panel members shall from time to time be distributed to judicial officers hearing criminal cases.
2. Except in highly unusual cases, all appointments of psychiatrists and psychologists should be made from the Panel.
3. The membership of the Panel will be determined by the Committee.
4. To become a member of the Panel, a psychiatrist or psychologist should apply in the manner indicated and meet the following minimum criteria:
 - a. Psychiatrists and psychologists must be qualified from the standpoint of professional ability, ethics and diligence to assume appointments and to properly discharge their duties to the court. They must also demonstrate a knowledge of forensic medicine.
 - b. Psychiatrists must have graduated from an accredited school, be board-certified and be licensed by the State of California, and must have five years of post-doctorate experience.
 - c. Psychologists must hold a doctorate degree and be licensed by the State of California and must have five years of post-doctorate experience.
 - d. Psychiatrists and psychologists must agree to adhere to all policies and procedures, including the fee schedule set forth herein.
 - e. Psychiatrists and psychologists must agree to interview subjects at all jail facilities.
 - f. Psychiatrists and psychologists must notify the Chair of the panel immediately of any changes in address, telephone numbers, email address, and fax numbers. Failure to do so may result in removal from the panel.
 - g. Psychiatrists and psychologists must notify the Chair of the panel immediately of any changes with regards to their California license to practice as a psychiatrist or psychologist. Failure to do so may result in removal from the panel.

- h. Psychiatrists and psychologists must notify the Chair of the panel immediately of any disciplinary charges pending against them, and/or any disciplinary action taken against them, with regards to their California license to practice as a psychiatrist or psychologist.
- i. Psychiatrists and psychologists shall apply to be on the Panel by filling out the Panel questionnaire and sending it together with a resumé to the Chair of the Committee. A psychologist or psychiatrist must be interviewed by the Committee before being placed on the Panel. The decision of the Committee regarding the interviewee shall be final and shall be communicated to the applicant.

If the applicant is placed on the Panel, the applicant shall be sent a copy of these policies and procedures. All new Panel members will be on probation for a period of one year.

- j. The Committee, at its discretion, may permit psychiatrists or psychologists who have been on the Panel for a substantial period of time to be placed on an emeritus list. Individuals on such list may take occasional cases after being contacted in advance regarding their willingness to take such cases. Such doctors shall abide by the fee schedule and other applicable rules.
 - k. The committee may from time to time develop and promulgate additional criteria for appointment to the Panel.
5. A Panel member may be evaluated by the Committee from time to time to determine whether he or she should continue to be on the Panel. Judicial officers should refer complaints about Panel members to the Chair of the Committee and should document such complaints. When evaluating Panel members, the Committee should consider the following factors:
- a. Has the Panel member interviewed the subject and prepared and filed a report in a prompt and timely manner?
 - b. Do the Panel member's reports, testimony and work reflect appropriate non-biased professional ability and competence?
 - c. Has the Panel member spent an appropriate period of time with each subject?
 - d. Has the Panel member promptly interviewed subjects at jail facilities?
 - e. Has the Panel member been available to effectively testify in court and been prompt in arriving at the designated time?
 - f. Has the Panel member followed the committee's fee schedule when requesting payment for services rendered?

6. Panel members serve at the pleasure of the Court and may be placed on the Panel, suspended or removed from the Panel at any time without the Court having to show cause. Panel members have no right to appear before the Committee, and no right to counsel, at a removal or suspension hearing. The panel members may submit written material for consideration by the Committee.
7. Members of the panel may not initiate any mass communication directed to the Public Defender's Office, The Alternate Public Defender's Office, The District Attorney's Office, the City Attorney's Office, and/or any member of the bar panel.

B. PAYMENT OF PANEL MEMBERS:

1. A member of the Panel shall be paid the sum of \$500 for the preparation of the report.
2. If a Panel member is requested to testify in court, he or she shall be paid \$250 for a half-day or fraction thereof and \$400 for more than a half-day and up to a full day for time actually spent in court, either waiting or testifying.
3. The above fee schedule should be followed in all cases unless exceptional circumstances exist. If counsel or a Panel member feels such exceptional circumstances do exist, **counsel** should obtain approval from the judicial officer **prior** to the Panel member performing any services. It is the responsibility of the Panel member to verify that such an order has been made prior to performing such services.
4. No fee will be paid by the Court to a Panel member unless counsel has obtained an order appointing the Panel member **prior** to the date the services are rendered by the Panel member. Before performing services, the Panel member should verify that such order has been made. If the Panel member is to be paid a fee in excess of the fee provided for in the schedule, the Panel member should verify that such order has been made.

Fees in excess of the normal fees for Panel members are not appropriately requested or granted except in extraordinary cases. These additional fees are paid at \$150 per hour. The appointing court decides how many additional hours are appropriate based upon the statement of counsel. If the order does not set out a specific maximum fee above that provided for in the schedule, the Panel member should have counsel apply to the Court immediately for a nunc pro tunc order to designate such specific maximum fee; otherwise, the normal fee provided for in the schedule will be paid. **Orders which do not set a ceiling on fees will be treated as orders for normal fees.**

5. Panel members will not be reimbursed for travel time to and from court locations and detention facilities, waiting time, gasoline, parking fees, local telephone calls, duplicating costs, postage or any other incidental fees. Panel members may be reimbursed for necessary long distance telephone calls when properly documented and itemized.

C. CLAIMS OF PANEL MEMBERS FOR FEES:

1. All claims of Panel members for fees shall be made on the current form available for this purpose.
2. One declaration shall be filed for each appointment. The Panel members shall set forth the nature of the services performed and the dates thereof with reasonable particularity on the declaration form. The declaration must be complete as to all details and should not request a fee greater than that provided for in the fee schedule, unless it has been specifically authorized in advance by the Court via a written order. Incomplete declarations will be returned for amendment and resubmission.
3. Declarations must be submitted to the judge or commissioner before whom the trial was held or the case otherwise determined. Ordinarily, the judicial officer who presided at the last proceeding will set the fee. Whenever necessary, the judicial officer setting the fee should consult other judicial officers who were involved in the case concerning the services rendered by the Panel member in the case.
4. Declarations should be submitted within 30 days following the date of the last service rendered or the conclusion of proceedings, whichever is later. Declarations deemed incomplete by the Court and returned to a Panel member for additional information must be resubmitted to the Court within two weeks after it was received by the Panel member. Attaching the order of appointment will expedite the payment of bills from Panel members.

D. PANEL USAGE:

1. Judicial officers may utilize the Panel in any manner which appears appropriate. Judicial officers are encouraged to select individuals from the Panel list for appointment and to rotate appointments.
2. Judicial officers shall promptly send out letters appointing psychiatrists and/or psychologists and should make sure that such letters request all information which is sought.
3. Judicial officers should promptly sign all orders authorizing the payment of fees.

E. CONTENT OF REPORTS:

All reports shall, at a minimum, set forth whether the defendant has been interviewed, the documents reviewed by the Panel member regarding the defendant or the case, the subjective symptoms, objective symptoms, any tests performed, the test results, an analysis and a diagnosis as set forth in DSM-V (five-axes with ICD-9-CM codes and a diagnosis for each axis). If the Panel member cannot diagnose the defendant in this manner, please explain why you cannot.

Panel members submitting reports which do not conform to these criteria may not be paid for their services.

This requirement was added as a result of Panel members submitting reports with no diagnostic information whatsoever in serious cases.