

FILED
Superior Court of California
County of Los Angeles

MAR 15 2022

Sherri R. Carter, Executive Officer/Clerk of Court
By: A. Esparza, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IN RE COURT-APPOINTED COUNSEL IN)
THE MENTAL HEALTH DIVISION OF)
THE LOS ANGELES SUPERIOR COURT)
STANDING ORDER OF THE PROBATE
AND MENTAL HEALTH SUPERVISING
JUDGE

The Los Angeles County Superior Court has established a court-wide policy of adopting cost-effective plans for the appointment of attorneys, in order to ensure public resources are used for maximum benefit in the administration of justice and allocated in a manner that promotes access to justice and provides a forum for the fair and expeditious resolution of disputes. The authority for establishing this policy in the Mental Health Department has been delegated by the Presiding Judge to the Supervising Judge of the Probate and Mental Health Division.

Attorneys are appointed in all the case types assigned to the Mental Health Department pursuant to Rule 2.7(c) of the Los Angeles Superior Court Local Rules. The appointment and compensation of attorneys in matters that arise from criminal cases are governed elsewhere and are consequently not addressed in this order. In these matters, appointed attorneys include Office of the Public Defender, and in case of conflict, the Alternate Public Defender and Indigent Criminal Defense Attorney (“ICDA”) Panel attorneys pursuant to Penal Code § 987.2.

In matters brought under the Lanterman-Petris-Short (“LPS”) Act where a conflict is declared

1 by the Public Defender, the court must appoint private counsel. *See* Welfare and Institutions Code
2 (“WIC”) §5276 (Petitions for Writ of Habeas Corpus from Detention for Involuntary Treatment for
3 Mentally Disordered Persons), WIC § 5346(c) (Petitions for Assisted Outpatient Treatment) and WIC
4 § 5365 (Petitions for Conservatorship for Gravely Disabled Persons.) The appointment of counsel in
5 these cases shall be from the Court-Appointed Counsel Panel established pursuant to Rule 4.124 of the
6 Los Angeles Superior Court Local Rules. The panel will be used for appointments in both Probate and
7 Mental Health LPS matters. Additionally, attorneys appointed to assist private conservators pursuant
8 to Welfare and Institutions Code 5370.1 shall also be appointed from the Court-Appointed Counsel
9 Panel.
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11 The compensation of Court-Appointed Counsel Panel attorneys in the Mental Health
12 Department shall be governed by this order as follows:

- 13 1. On cases in which the Court has determined that the party does have the ability to pay for
14 counsel, the hourly rate that the attorney may charge the client shall not exceed \$250.
- 15 1. Effective April 1, 2022, on cases in which the court has determined that the party does not
16 have the ability to pay for counsel, the attorney will be compensated through the Los
17 Angeles County Professional Appointee Court Expense (PACE) program. The hourly rate
18 for a court-appointed attorney through the Court’s approval shall not exceed \$150. The
19 \$150 per hour rate is applicable for work performed on or after April 1, 2022.
- 20 2. In LPS Conservatorship cases in which an attorney is appointed to assist the private
21 conservator, the services for reappointment petitions shall not exceed 10 hours except as
22 otherwise authorized by the court.
- 23 3. If payment is requested by any counsel who has received combined compensation of
24 \$150,000 or more in any fiscal year (July 1 to June 30), PACE will notify the Supervising
25 Judge of the Probate and Mental Health Division.
- 26 4. Requests for additional compensation by court-appointed counsel shall be submitted in
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1 writing and must include the total amount previously approved for the attorney on the
2 case, as well as establish good cause for the additional compensation. The Court may
3 award additional compensation upon competent evidence of good cause. Requests for
4 additional fees and costs shall be made on the Request by Court-Appointed Counsel or
5 Expert for Payment of or Authorization for Additional Time or Expenses form.
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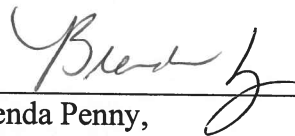
- 7 5. It is the responsibility of Court-appointed counsel to fully apprise the Court at every
8 hearing of the status of all fees incurred. Failure to do so may impact the amount of the fee
9 awarded.
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11 This order supersedes the existing general order dated June 10, 2019.
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13 GOOD CAUSE APPEARING, IT IS SO ORDERED
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15 DATED:

3/15/2022



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17 Hon. Brenda Penny,
18 Supervising Judge of Probate and Mental Health
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