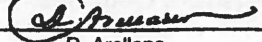


FILED
Superior Court of California
County of Los Angeles

JUN 10 2019

Sherri R. Garter, Executive Officer/Clerk
By  Deputy
D. Arellano

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

IN RE PROBATE DIVISION'S COURT-)
APPOINTED COUNSEL PANEL)
[PROBATE CODE SECTIONS 1470 AND)
1471])
)
)
)

AMENDED STANDING ORDER OF THE
PROBATE AND MENTAL HEALTH
SUPERVISING JUDGE

A Court-wide policy has been established 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. [See Cal. Rules of Court, Rule 7.1101 and Pen. Code sec. 987.2] Pursuant to the responsibility of the Presiding Judge through California Rule of Court, Rule 7.1101 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 Probate Division pursuant to California Rule of Court, Rule 7.1101.

The Probate Code requires the appointment of counsel for a proposed conservatee under certain circumstances. [Prob. Code sec. 1471.] In other cases, the Court may appoint counsel where the proposed conservatee is not otherwise represented by counsel and the appointment of counsel would be helpful to the resolution of the matter or is necessary to protect the proposed conservatee's interests. [Prob. Code sec. 1470(a).]

1 In guardianship proceedings, the Probate Code provides that the Court may appoint counsel for
2 a proposed ward if the proposed ward is not otherwise represented by counsel and the appointment of
3 counsel would be helpful to the resolution of the matter or is necessary to protect the proposed ward's
4 interests. [Prob. Code sec. 1470(a).]

5 As a condition of accepting or continuing any Court-Appointed Counsel Panel appointment to
6 represent a proposed conservatee, conservatee, proposed ward, ward or other individual, counsel must
7 agree to the policies set forth in this order as follows:

- 8 1. The hourly rate for cases in which the Court determines that the adult client or his/her
9 estate, or a minor client's parent(s) or the minor's estate has no ability to pay, shall not
10 exceed \$125.
- 11 2. The hourly rate for cases in which the Court determines that the adult client or his/her
12 estate, or minor client's parent(s) or the minor's estate has sufficient assets to pay, shall not
13 exceed \$250, except in cases involving unusual problems requiring extraordinary expertise.
- 14 3. Except as otherwise authorized by the Court, services for Court-appointed attorneys related
15 to a petition for appointment of a guardianship shall not exceed 12 hours.
- 16 4. Except as otherwise authorized by the Court, services for court-appointed attorneys related
17 to a petition for appointment of a limited conservatorship shall not exceed 12 hours. Except
18 as otherwise authorized by the Court, services for Court-appointed attorneys related to a
19 petition for appointment of a general conservatorship shall not exceed 12 hours for
20 appointments and 10 hours for reappointments.
- 21 5. On cases in which the Court has determined that the adult client or his/her estate, or a
22 minor client's parent(s) or the minor's estate has no ability to pay his/her counsel and the
23 County of Los Angeles is ordered to pay for such services, appointed attorneys shall be
24 compensated through the Professional Appointee Court Expense, herein referred to as
25 PACE, program.
 - 26 a. If payment is requested by any counsel who has received compensation for Probate
27 Code 1470 and 1471 appointments (including reappointments) in an amount of
28

1 more than \$100,000 for any fiscal year (July 1 to June 30), PACE will notify the
2 Supervising Judge of the Probate and Mental Health Division.

3 b. If payment is requested by any counsel who has received combined compensation
4 for (1) Probate Code 1470 and 1471 appointments (including reappointments) and
5 (2) Family Code section 3153(b) (minor’s counsel) in an amount of more than
6 \$150,000 for any fiscal year (July 1 to June 30), PACE will notify the Supervising
7 Judge of the Probate and Mental Health Division.

8 c. Requests for additional compensation by court-appointed counsel shall be
9 submitted in writing and must include the total amount previously approved for the
10 attorney on the case, as well as establish good cause for the additional
11 compensation. The Court may award additional compensation upon competent
12 evidence of good cause. Requests for additional fees and costs shall be made on the
13 Request by Court Appointed Counsel or Expert for Payment of or Authorization for
14 Additional Time or Expenses form.

15 d. It is the responsibility of court-appointed counsel to fully apprise the Court at every
16 hearing of the status of all fees incurred. Failure to do so may impact the amount of
17 the fee awarded.

18
19 This amended standing order supersedes the amended standing order dated January 11, 2019.

20 GOOD CAUSE APPEARING, IT IS SO ORDERED.

21 DATED:

22 06/10/19

23 

24 _____
25 DAVID J. COWAN
26 Supervising Judge, Probate and Mental Health
27 Divisions
28