

Court-Appointed Appellate Counsel

July 13, 2006

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**Date**

July 13, 2006

**Action Requested**

Please Review

**To**

Court-Appointed Appellate Counsel

**Deadline**

N/A

**From**

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Administrative Director of the Courts

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Hon. Herbert I. Levy, Chair  
Appellate Indigent Defense Oversight  
Advisory Committee (AIDOAC)

Marcia M. Taylor, Director  
Appellate and Trial Court Judicial Services  
Division

**Subject**

Hourly Rate Increase for Appointment on or  
after July 1, 2006

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This memo will update you on the status of our efforts to obtain funding from the Legislature for an increase in compensation for court-appointed counsel.

As we indicated in our memo of September 30, 2005, announcing the \$5 hourly increase, we submitted a budget request to the Legislature last fall to secure funding for an additional \$10 per hour increase. The Governor included in his original budget that was released in January provisions that would have applied the state appropriations limit (SAL) to the judicial branch, enabling the state to increase the hourly rates by \$10. The continuing application of the SAL to the branch budget would have provided stability and predictability for the appointed counsel program, with additional annual funding that could be used to make adjustments to address increases in workload as well as adjustments to the hourly rates as necessary to maintain fair and competitive compensation. Unfortunately, the Legislature did not support applying SAL to the judiciary this year, so that funding source was not available to us.

The Legislature did provide, pursuant to negotiations between the Administrative Office of the Courts (AOC) and the state Department of Finance, an increase to the appointed counsel budget in the form of the "price book" increase (a 3.1 percent increase to our operating budget), and directed that this increase "is to provide funding for up to a \$10 per hour increase in

compensation at all three levels of appointed counsel.” While the amount of this price book increase is less than the funding necessary to cover the ongoing costs of a \$10 increase and increased costs of the appellate projects, we are hopeful that the Legislature will provide additional funding to meet these costs in future years, either in the form of the price book increase, SAL, or a budget change proposal.

**Hourly compensation rate**

We are very pleased to inform you that, with the support of the Chief Justice, the Administrative Presiding Justices (APJs), and the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC), effective with appointments made on or after July 1, 2006, the hourly compensation rates for court-appointed counsel will be increased by \$10, to \$80/\$90/\$100. The table below shows the progress made in the past 12 months to increase panel compensation.

<b>Type of case</b>	<b>Prior to 10/1/05</b>	<b>Eff. 10/1/05</b>	<b>Eff. 7/1/06</b>	<b>Net percentage change</b>
Assisted	\$65	\$70	\$80	23%
Independent	\$75	\$80	\$90	20%
Violent felonies	\$85	\$90	\$100	17%

These changes, in addition to the restoration of guidelines for reading the record and performing administrative tasks made in October 2004, have had the welcome effect of substantially increasing the compensation per case for panel attorneys.

In closing, on behalf of the Chief Justice, the Judicial Council, the APJs, and AIDOAC, we would again like to take this opportunity to thank each of you for the continuing dedicated public service you provide to your clients, our system of justice, and the California courts.

cc: Hon. Ronald M. George, Chief Justice of California  
Administrative Presiding Justices  
Appellate Court Clerk/Administrators  
Members of the Appellate Indigent Defense Oversight Advisory Committee  
Appellate Project Directors  
AOC Directors