

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA  
COURT SERVICE VENDOR RATE FEE SCHEDULE – RESPONSIBILITY FOR PAYMENT

Updated: May 28, 2015

CASE TYPE SERVICE CATEGORY	APPLICABLE CODE SECTION	STANDARD RATE FUNDING SOURCE CLAIM INFORMATION
<b>INDIGENT ADULT CRIMINAL  DEATH PENALTY  CAPITAL FELONY</b>	<p><b>PC§ 987.9 (a)</b> (a) In the trial of a capital case or a case under subdivision (a) of Section 190.05, the indigent defendant, through the defendant’s counsel, may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense. The application for funds shall be by affidavit and shall specify that the funds are reasonably necessary for the preparation or presentation of the defense. The fact that an application has been made shall be confidential and the contents of the application shall be confidential. Upon receipt of an application, a judge of the court, other than the trial judge presiding over the case in question, shall rule on the reasonableness of the request and shall disburse an appropriate amount of money to the defendant’s attorney. The ruling on the reasonableness of the request shall be made at an in camera hearing. In making the ruling, the court shall be guided by the need to provide a complete and full defense for the defendant.</p> <p><b>*PC §987.9 Funds requested by the Office of the Public Defender should be paid out of the Public Defender’s County Fund and must be stated on the order.</b></p>	<p><b>\$125/hour only during</b> such time which the Court and the Defense Attorney are notified by the District Attorney (or Attorney General) that the prosecution is seeking the punishment of death. <b>\$100/hr</b> <b>\$50/hr travel time</b> <b>\$0.34/mile one way only, IF</b> the round trip mileage exceeds 60 miles <b>County Funded Court Administered Or Public Defender Fund*</b></p>
<b>INDIGENT ADULT CRIMINAL MISD. &amp; FEL.</b>	<p><b>PC§ 987.2</b> (a) In any case in which a person, including a person who is a minor, desires but is unable to employ counsel, and in which counsel is assigned in the superior court to represent the person in a criminal trial, proceeding, or appeal, the following assigned counsel shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county:</p> <p>(3) In a case in which the court finds that, because of a conflict of interest or other reasons, the public defender has properly refused.(4) In a county of the first, second, or third class where attorneys contracted by the county are unable to represent the person accused.</p>	<p><b>County Funded Conflict Defense Court Administered \$100/hr</b> <b>\$50/hr travel time</b> <b>\$0.34/mile one way only, IF</b> the round trip mileage exceeds 60 miles <i>Not Applicable to the Public Defender</i></p>
<b>CONFLICT DEFENSE ATTORNEYS  CONTRACTED</b>	<p><b>PC§ 987.2 (b)</b> (b) The sum provided for in subdivision (a) may be determined by contract between the court and one or more responsible attorneys after consultation with the board of supervisors as to the total amount of compensation and expenses to be paid, which shall be within the amount of funds allocated by the board of supervisors for the cost of assigned counsel in those cases.</p>	<p><b>Flat Rate Contract for Criminal Defense</b> County Funded Court Special Services <b>Required to represent up to 5 co-defendants</b></p>

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<p><b>CONFLICT DEFENSE ATTORNEYS</b></p> <p><b>ASSIGNED PRIVATE COUNSEL</b></p>	<p><b>PC §972.2 (d)</b> (d) In a county of the first, second, or third class, the court shall first utilize the services of the public defender to provide criminal defense services for indigent defendants. In the event that the public defender is unavailable and the county and the courts have contracted with one or more responsible attorneys or with a panel of attorneys to provide criminal defense services for indigent defendants, the court shall utilize the services of the county-contracted attorneys prior to assigning any other private counsel. Nothing in this subdivision shall be construed to require the appointment of counsel in any case in which the counsel has a conflict of interest. In the interest of justice, a court may depart from that portion of the procedure requiring appointment of a county-contracted attorney after making a finding of good cause and stating the reasons therefore on the record.</p>	<p><b>\$100/hr</b> <b>\$50/hr travel time</b> <b>\$0.34/mile one way only, IF</b> the round trip mileage exceeds 60 miles</p> <p><b>County Funded Court Special Services Administered by Court</b></p>
<p><b>INVESTIGATORS</b></p>	<p><b>PC§ 987.2 (f)</b> (f) In any case in which counsel is assigned as provided in subdivision (a), that counsel appointed by the court and any court-appointed licensed private investigator shall have the same rights and privileges to information as the public defender and the public defender investigator. It is the intent of the Legislature in enacting this subdivision to equalize any disparity that exists between the ability of private, court-appointed counsel and investigators, and public defenders and public defender investigators, to represent their clients. This subdivision is not intended to grant to private investigators access to any confidential Department of Motor Vehicles’ information not otherwise available to them. This subdivision is not intended to extend to private investigators the right to issue subpoenas.</p>	<p><b>\$60/hr</b> <b>\$30/hr travel time</b> <b>\$0.34/mile one way only, IF</b> the round trip mileage exceeds 60 miles</p> <p><b>County Funded Court Special Services Administered by Court</b></p>
<p><b>FAMILY LAW MINOR CHILD CUSTODY / VISITATION</b></p>	<p><b>FL§ 3150</b> (a) If the court determines that it would be in the best interest of the minor child, the court may appoint private counsel to represent the interests of the child in a custody or visitation proceeding, provided that the court and counsel comply with the requirements set forth in Rules 5.240, 5.241, and 5.242 of the California Rules of Court.</p>	<p><b>\$100/hr \$50/hr travel time</b> <b>\$0.34/mile one way only, IF</b> the round trip mileage exceeds 60 miles</p> <p><b>Court Funded</b></p>
<p><b>Medical / Psychological Evaluations</b></p>		
<p><b>MENTAL COMPETENCY</b></p> <p><b>CRIMINAL ADULT MISD. &amp; FEL.</b></p>	<p><b>PC §1367, PC §1368, PC §1369, PC §1370</b> <b>PC §1368</b> (a) If, during the pendency of an action and prior to judgment, or during revocation proceedings for a violation of probation, mandatory supervision, postrelease community supervision, or parole, a doubt arises in the mind of the judge as to the mental competence of the defendant, he or she shall state that doubt in the record and inquire of the attorney for the defendant whether, in the opinion of the attorney, the defendant is mentally competent. If the defendant is not represented by counsel, the court shall appoint counsel. At the request of the defendant or his or her counsel or upon its own motion, the court</p>	<p><b>\$425 – Per Evaluation and Report</b></p> <p><b>Testimony:</b> <b>\$100/hour</b> for Preparation, Travel, Wait Time, and Testimony Evaluations and Testimony are <b>Court Funded</b></p>

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	<p>shall recess the proceedings for as long as may be reasonably necessary to permit counsel to confer with the defendant and to form an opinion as to the mental competence of the defendant at that point in time. <b>Pursuant to the Opinion of the Attorney General, No. 03-902, May 13, 2004 under these Penal Code Sections, “such expert evidence is “for the court’s own use” (Rule 810, subd. (d), Function 10) as part of “court operations” (§77200) payable by the state.”</b></p>	
<p><b>INSANITY DEFENSE</b></p> <p><b>CRIMINAL ADULT MISD. &amp; FEL.</b></p>	<p><b>PC §1026, PC § 1027(a)</b> <b>PC § 1027(a)</b> (a) When a defendant pleads not guilty by reason of insanity the court shall select and appoint two, and may select and appoint three, psychiatrists, or licensed psychologists who have a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders, to examine the defendant and investigate his or her mental status. It is the duty of the psychiatrists or psychologists selected and appointed to make the examination and investigation, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. The psychiatrists or psychologists appointed by the court shall be allowed, in addition to their actual traveling expenses, those fees that in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial.</p>	<p>Evaluation fees vary due to the complexity of the case and history of the defendant \$100/hr Not to Exceed Amount is recommended (generally range from \$900 - \$3,000) <b>County Funded</b> <b>Public Defender Fund</b> <b>District Attorney Fund</b> Court Administered County Fund <b>only If</b> Represented by a conflict defense attorney, or for the Court’s own needs</p>
<p><b>EXPERT WITNESSES</b></p> <p><b>CRIMINAL ADULT MISD. &amp; FEL.</b></p>	<p><b>EC § 730</b> When it appears to the court, at any time before or during the trial of an action, that expert evidence is or may be required by the court or by any party to the action, the court on its own motion or on motion of any party may appoint one or more experts to investigate, to render a report as may be ordered by the court, and to testify as an expert at the trial of the action relative to the fact or matter as to which the expert evidence is or may be required. The court may fix the compensation for these services, if any, rendered by any person appointed under this section, in addition to any service as a witness, at the amount as seems reasonable to the court. Nothing in this section shall be construed to permit a person to perform any act for which a license is required unless the person holds the appropriate license to lawfully perform that act. <b>EC § 731</b> (a) (1) In all criminal actions and juvenile court proceedings, the compensation fixed under Section 730 shall be a charge against the county in which the action or proceeding is pending and shall be paid out of the treasury of that county on order of the court. (2) Notwithstanding paragraph (1), if the expert is appointed for the court’s needs, the compensation shall be a charge against the court.</p>	<p>Expert Witness Fees Vary Fixing an hourly rate and a Not to Exceed Amount is highly recommended</p> <p><b>County Funded</b> <b>Public Defender Fund</b> <b>District Attorney Fund</b> Court Administered County Fund <b>only If</b> Represented by a conflict defense attorney <b>Unless</b> ordered for the Court’s own needs, then it is <b>Court funded</b></p>

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<p><b>LEWD AND LASCIVIOUS ACTS - SUSPENSION OF SENTENCE</b></p>	<p><b>PC § 288.1</b> Any person convicted of committing any lewd or lascivious act including any of the acts constituting other crimes provided for in Part 1 of this code upon or with the body, or any part or member thereof, of a child under the age of 14 years shall not have his or her sentence suspended until the court obtains a report from a reputable psychiatrist, from a reputable psychologist who meets the standards set forth in Section 1027, as to the mental condition of that person.</p> <p><b>Pursuant to the Opinion of the Attorney General, No. 03-902, May 13, 2004, “The report of the defendant’s mental condition is ordered by the court to serve its purposes in determining whether or not the defendant’s sentence should be suspended. The report assists the court in performing its judicial role. It is not ordered by the prosecution or the defense to assist them in performing their duties. Accordingly, the report represents “court-ordered forensic evaluations and other professional services (for court’s own use)” (Rule 810, subd. (d), function 10) to be paid by the state as part of “court operations” (§ 77200).</b></p>	<p>Evaluation Fees may vary due to the complexity of the case and history of the defendant.</p> <p><b>\$100/hr</b> A Not to Exceed Amount is recommended (approx. \$2,500)</p> <p><b>Court Funded</b></p>
<p><b>JUVENILE COMPETENCY</b></p>	<p><b>W&amp;I § 709</b> (a) During the pendency of any juvenile proceeding, the minor’s counsel or the court may express a doubt as to the minor’s competency. A minor is incompetent to proceed if he or she lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against him or her. If the court finds substantial evidence raises a doubt as to the minor’s competency, the proceedings shall be suspended. (b) Upon suspension of proceedings, the court shall order that the question of the minor’s competence be determined at a hearing. The court shall appoint an expert to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor’s competency. The expert shall have expertise in child and adolescent development, and training in the forensic evaluation of juveniles, and shall be familiar with competency standards and accepted criteria used in evaluating competence. The Judicial Council shall develop and adopt rules for the implementation of these requirements.</p>	<p><b>Evaluation:</b> \$425 flat rate</p> <p><b>Testimony:</b> <b>\$100/hour</b> for Preparation, Travel, Wait Time, and Testimony</p> <p>Evaluations and Testimony are <b>Court Funded</b></p>