

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

1. PANEL MEMBERSHIP

- a. The Psychiatrist & Psychologist Committee ("the Committee") maintains a panel of psychiatrists, psychologists, and neuropsychologists who are available for appointment to assist parties in court proceedings in criminal, probate, and mental health.
- b. The Committee also maintains panels of psychiatrists and psychologists who are available for appointment in juvenile dependency cases, juvenile justice cases, and juvenile justice competency matters (Juvenile Panel). The panels are distinct although there may be overlapping membership.
- c. Lists of the members of the respective panels are available online at <https://www.lacourt.org/division/juvenile/JV0118.aspx> and <https://www.lacourt.org/division/criminal/CR0035.aspx>.

2. CORE COMPETENCIES AND APPLICATION PROCESS

- a. To be considered for either or both panels, a psychiatrist, psychologist, or neuropsychologist must apply to be included on the panel and meet the following minimum criteria:
 - i. Demonstrate knowledge of forensic psychiatry or psychology and professional ability, ethics, and diligence to properly discharge their duties to the court.
 - ii. If applying for the Juvenile Panel, they must demonstrate a knowledge of juvenile justice and/or juvenile dependency issues.
 - iii. Education, Licensure and Minimum Professional Experience
 1. Psychiatrists must have graduated from an accredited medical school and be licensed by, and in good standing with, the Medical Board of California.
 2. Psychologists and neuropsychologists must have a doctorate degree and be licensed by, and in good standing with, the California Board of Psychology.

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

iv. Committee Assessment and Determination

1. Committee members will review each application, and interview eligible applicants to determine whether they demonstrate knowledge of forensic psychiatry or psychology and possess the professional ability, ethics, and diligence to discharge their duties to the court properly.
2. Committee members have the discretion to determine what applicants to include on the Panel(s). Inclusion on the panel is not an entitlement.
3. The Committee will communicate its decision to every applicant and its decision is final and not subject to appeal.

3. CONDITIONS OF PANEL MEMBERSHIP

- a. As a condition of being included on the Panel(s), psychiatrists, psychologists, and neuropsychologists¹ must:
 - i. Comply with these policies and procedures.
 - ii. Perform their services solely for the compensation rates in the Professional Appointee Court Expenditure (PACE) schedule, as the Court may revise from time to time.
 - iii. Panel members must notify the Chair of the Committee promptly of any change in address, telephone number, and email address. They may do so by emailing PsychPanel@LACourt.org.
 - iv. Panel members must notify the Chair of the Committee 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. They may do so by emailing PsychPanel@LACourt.org.

¹ The Committee establishes specific compensation rates for neuropsychologists.

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

- v. Panel members must notify the Chair of the Committee immediately of any changes with regards to their California license to practice as a psychiatrist or psychologist. Failure to do so may result in immediate removal from the Panel. They may do so by emailing PsychPanel@LACourt.org.
- vi. The Committee may develop and promulgate additional criteria for appointment to the Panel(s).

4. APPOINTMENT OF PANEL MEMBERS

- a. A panel member may be appointed from the Psychiatrist-Psychologist Panel on the motion of counsel or on the Court's own motion under Evidence Code section 730.
- b. Juvenile Panel Expert Appointments
 - i. The attorney who requested the appointment, or an attorney directed by the Court, will submit an Order Appointing Expert form if in Juvenile Dependency Court, or submit a proposed Order of Appointment if in Juvenile Justice Court.
 - ii. In Juvenile Dependency Court, the panel member should receive the following items:
 - 1. Copy of the appointing minute order; and
 - 2. Copy of the "Order Appointing Expert – 730EC" (LASC DEP 014).
- c. The panel member should receive a copy of the signed order and appointing minute order before commencing any work on the case.

5. CONTENT OF REPORTS

- a. All reports shall, at a minimum:
 - i. State the case name and number, and the name of the person being evaluated.
 - ii. State whether the Panel member interviewed the person being evaluated ("subject of evaluation") and whether the interview occurred in person or virtually.

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

iii. Describe

1. the documents the Panel member reviewed regarding the subject of evaluation or the case,
2. the symptoms the subject of the evaluation reported,
3. the objective symptoms the Panel member observed, and
4. any tests the Panel member performed on the subject of evaluation and their results.

iv. Reflect the assessment of the subject of the evaluation and, if possible, include a diagnosis based on the operative version of the Diagnostic and Statistical Manual of Mental Disorders (DSM) at the time of the evaluation. If the Panel member is unable to diagnose the subject of the evaluation, the Panel member should explain the reason a diagnosis is not possible.

- b. Reports addressing competency to stand trial prepared pursuant to Penal Code section 1369, must conform with Rule 4.130(d)(2) of the California Rules of Court. Both psychiatrists and psychologists must address the issue of treatment with antipsychotic medication as specified in Penal Code section 1369(a)(2).
- c. Juvenile Panel members performing competency to stand trial assessments under Welfare and Institutions Code section 709 must follow the [Competency to Stand Trial Protocol](#) issued by the Presiding Judge of the Juvenile Court.
- d. Panel members submitting reports that fail to conform to these criteria may forfeit full compensation for their services and be subject to removal from the Panel.

6. EVALUATION OF PANEL MEMBERS

- a. Panel members have no entitlement to be included in or to remain on the Panel.
- b. Judicial officers with concerns about the performance of a Panel member are asked to submit complaints about Panel members to the Chair of the Committee by emailing PsychPanel@LACourt.org.
- c. The Committee may evaluate Panel members to determine whether they will remain on the Panel.

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

- d. When evaluating Panel member performance, the Committee will consider the following factors, to the extent relevant, along with any other salient information:
 - i. Has the Panel member interviewed the subject?
 - ii. Has the Panel member prepared and timely filed a report?
 - iii. Do the Panel member's reports, testimony, and other work reflect professional competence, ethical conduct, and diligence?
 - iv. Has the Panel member spent an appropriate amount of time with each subject of evaluation to support the analysis/diagnosis?
 - v. Has the Panel member interviewed the subject of evaluation promptly?
 - vi. Has the Panel member been available to testify in court, arrived at the designated time, and demonstrated appropriate familiarity with the case?
 - vii. Have allegations of professional misconduct against the Panel member been substantiated or has the Panel member's license been suspended?
 - viii. Has the Panel member been available and responsive to counsel and responsive to communications from the court?
 - ix. Has the Panel member engaged in conduct that reflects poorly on the profession and/or judicial system?
- e. Panel members serve at the pleasure of the court and may be removed from the panel with or without cause.

7. COMPENSATION OF PANEL MEMBERS

- a. To be compensated for their services, Panel members must be appointed by the court prior to the date the Panel member renders services on a case. Panel members are responsible for verifying that the court has made such an order before performing services for which they seek compensation.
- b. Psychiatrists and psychologists shall be compensated for evaluations and for court testimony according to the appointee compensation rates reflected in the governing [PACE schedule](#). Neuropsychologists shall be paid at the hourly rates the Committee approves.
- c. The PACE schedule provides a flat fee to be paid for evaluations conducted by psychiatrists and psychologists in criminal, juvenile, mental health, and probate cases, including guardianships, conservatorships, and decedent's estates. The flat fee represents the market rate for a typical evaluation. Except in extraordinary circumstances, rates exceeding those in the PACE schedule should not be

SUPERIOR COURT OF LOS ANGELES COUNTY

POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

authorized.

- d. An expedited fee shall be paid for all adult evaluations performed on or after April 1, 2023, in the amount specified in the PACE schedule, if the evaluation report is submitted to the court and/or counsel within 14 days, including weekends and holidays, of the date of appointment. Delays in the expert receiving the appointment order, or challenges such as obtaining necessary materials or gaining access to interview a person, do not affect the 14-day time frame.
- e. Where an evaluation requires substantially more than a typical amount of work, including cases involving voluminous records review, the court may authorize payment above the PACE schedule flat fee, to be paid on an hourly basis at the hourly rate specified in the PACE schedule. The order approving extraordinary fees must reflect the basis for the deviation from the PACE schedule, and a maximum fee to be paid for any work to be compensated at an hourly rate.
- f. The PACE schedule dictates compensation in all cases unless counsel establishes the existence of exceptional circumstances that warrant deviation from those rates. If counsel claims exceptional circumstances exist, counsel must obtain a court order to that effect 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.
- g. Panel members will not be reimbursed for travel time to and from court locations and detention facilities, waiting time, gasoline, parking fees, telephone calls, printing costs, copying costs, postage, or any other incidental fees.

8. CLAIMS FOR FEES

- a. Panel members must submit claims for fees in the Court's ePACE (Professional Appointee Court Expenditure) [portal](#). Panel members are expected to familiarize themselves with and follow ePACE instructions.
- b. Panel members must submit their PACE claims within 90 days from the last date of service. ePACE will provide three (3) late claim warnings to each claimant per case. The fourth and any subsequent late claim by a claimant on an individual case will be reduced by 50% for claims submitted beyond 90 days from the last date of service. Claims not submitted before 180 days after the last date of service will be denied for

SUPERIOR COURT OF LOS ANGELES COUNTY
POLICIES AND PROCEDURES FOR PSYCHIATRIST & PSYCHOLOGIST PANEL

payment.

9. SUSPENSION OR REMOVAL FROM PANEL

Panel members serve at the discretion of the court and the Committee may suspend or remove them from the Panel at any time without a showing of cause. If the Committee is considering suspending or removing a panel member, the Committee will notify the panel member of the basis for the potential suspension or removal and invite them either to appear before the Committee or submit written materials addressing the basis for the potential suspension or removal. The Committee's decision is final and not subject to appeal.

10. All communications with the Committee, including applications and notices specified in these Policies and Procedures, should be directed to PsychPanel@LACourt.org.