FILED
Superior Court of California
County of Los Angeles

AUG 13 2024

David W. Slayton, 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 DEPARTMENT OF THE LOS ANGELES SUPERIOR COURT

AMENDED STANDING ORDER

RE MENTAL HEALTH DEPARTMENT'S COURT-APPOINTED COUNSEL

The Los Angeles County Superior Court has established a courtwide policy of adopting cost-effective plans for the appointment of attorneys, 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 Divisions.

Attorneys are appointed in all the case types assigned to the Mental Health Department pursuant to Rule 2.13(b) of the Los Angeles Superior Court Local Rules. The appointment and compensation of attorneys in matters that arise from criminal cases or cases under the Community Assistance, Recovery and Empowerment (CARE) Act are governed by authority found elsewhere and, as a result, are not addressed in this order.

In matters brought under the Lanterman-Petris-Short ("LPS") Act where a conflict is declared by the Public Defender, the court must appoint private counsel. *See* Welfare and Institutions Code ("WIC") § 5276 (Petitions for Writ of Habeas Corpus from Detention for Involuntary Treatment for Mentally Disordered Persons), WIC § 5346(c) (Petitions for Assisted Outpatient Treatment) and WIC § 5365 (Petitions for Conservatorship for Gravely Disabled Persons.) The appointment of counsel in these cases shall be from the Court-Appointed Counsel Panel established pursuant to Rule 4.124 of the

Los Angeles Superior Court Local Rules. The panel will be used for appointments in both Probate and Mental Health LPS matters. Additionally, attorneys appointed to assist private conservators pursuant to WIC § 5370.1 shall also be appointed from the Court-Appointed Counsel Panel.

The compensation of Court-Appointed Counsel Panel attorneys in the Mental Health Department shall be governed by this order as follows:

1. On cases in which the Court has determined that the party does have the ability to pay for counsel, the hourly rate that the attorney may charge the client shall not exceed $250.
2. On cases in which the court has determined that the party does not have the ability to pay for counsel, the attorney will be compensated through the Los Angeles County Professional Appointee Court Expense (PACE) program. The hourly rate for a court-appointed attorney through the Court's approval shall not exceed the rate established in General Order 2024-GEN-007-00 (currently $165) or as superseded by a future General Order. The $165 per hour rate is applicable for work performed on or after July 1, 2024.
3. In LPS Conservatorship cases in which an attorney is appointed to represent the conservator, the Clerk of the Court is given authority to review, approve and process PACE claims for reappointment services up to 15 hours each calendar year until conservatorship is terminated.
4. If payment is requested by any counsel who has received combined compensation of $200,000 or more in any fiscal year (July 1 to June 30), PACE will notify the Supervising Judge or designee of the Probate and Mental Health Divisions.
5. Requests for additional compensation by court-appointed counsel shall be submitted in writing and must include the total amount previously approved for the attorney on the case, as well as establish good cause for the additional compensation. The Court may award additional compensation upon competent evidence of good cause. Requests for additional fees and costs shall be made on the Request by Court-Appointed Counsel for Authority to Perform Additional Hours of Service form (LASC PRO 025).

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

IT IS HEREBY ORDERED that this Standing Order supersedes order number 2024-SJ-001-00, is effective immediately, and is to remain in effect until otherwise ordered by the Probate and Mental Health Supervising Judge and/or Presiding Judge.

DATED: 8/13/24

BRENDA PENNY
Supervising Judge, Probate and Mental Health Divisions