

**PIERCE COUNTY DEPARTMENT OF ASSIGNED COUNSEL
PANEL APPLICATION
PAYMENT POLICIES AND PROCEDURES**

I. PERSONAL

NAME _____ E-MAIL _____

ADDRESS _____ ZIP _____

TELEPHONE _____ CELLULAR PHONE _____

LAW FIRM _____

DATE ADMITTED TO PRACTICE IN WASHINGTON _____ BAR NO. _____

MEMBERSHIPS IN OTHER BAR ASSOCIATIONS _____

REFERENCES: _____

II. EXPERIENCE

YEARS EXPERIENCE OF PRACTICING LAW _____

BRIEF DESCRIPTION OF CRIMINAL PRACTICE: _____

	<u>Adult</u>	<u>Juvenile</u>
Number of Felony Defendants/Respondents you have represented:	_____	_____
	<u>Jury</u>	<u>Bench</u>
Number of Felony trials:	A _____	_____
	B (Violent) _____	_____
	B _____	_____
	C _____	_____
Number of Misdemeanor Defendants/Respondents you have represented:	_____	_____
	<u>Jury</u>	<u>Bench</u>
Number of Misdemeanor trials:	_____	_____
Approximate number of Continuing Legal Education (CLE) hours attended devoted to criminal law practice in the last two years (See Section IV.C).		_____

Please briefly describe your experience with Class A Felony cases and/or Homicide cases: _____

Please briefly describe your experience with civil practice areas referenced in this application: _____

III. PLEASE DESCRIBE ANY LIMITATIONS OR CONDITIONS PRECEDENT TO RECEIVING APPOINTMENTS:

IV. DEPARTMENT OF ASSIGNED COUNSEL PAYMENT POLICIES AND PROCEDURES

A. PANELS AND FEE SCHEDULES (PLEASE INDICATE IN WHICH AREAS YOU ARE WILLING AND QUALIFIED TO ACCEPT APPOINTMENTS) SEE ATTACHMENT A.

1. Payment for attorney services in **MISDEMEANOR CASES** shall be at **\$60.00** per hour; **\$120.00** minimum payment; **\$1,000.00** non-trial maximum; **\$2,000.00** trial maximum payment.

I am willing to accept court appointments for Misdemeanor Cases and am qualified pursuant to Indigent Defense Standards 14.2 (B-K). YES NO

2. Payment for attorney services in **CLASS B OR C FELONIES** shall be paid at **\$70.00** per hour; **\$175.00** minimum payment; **\$1,500.00** non-trial maximum; **\$3,400.00** trial maximum payment.

I am willing to accept court appointments for Class B or C Felonies and am qualified pursuant to Indigent Defense Standards 14.2 (B-K). YES NO

3. Payment for attorney services in **CLASS A FELONIES**, Three-Strike felonies and Two-Strike sex felonies shall be paid at **\$90.00** per hour; **\$250.00** minimum payment; **\$2,500.00** non-trial maximum; **\$10,000.00** trial maximum payment.

I am willing to accept court appointments for Class A Felonies and am qualified pursuant to Indigent Defense Standards 14.2 (B-K). YES NO

4. Payment for attorney services in **CLASS A+** (Aggravated Murder/Death Penalty) shall be paid at **\$150.00** per hour for lead counsel and **\$110.00** per hour for co-counsel with final payment subject to review in all cases by the DAC Advisory Board who shall make a final and binding decision regarding final payment.

I am willing to accept court appointments for CLASS A + Felonies and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

I am currently qualified by the Washington State Supreme Court's Capital Counsel Panel for Appointment to Death Penalty litigation at the trial level.

YES NO

5. POST CONVICTION

- a) Restitution, revocation reviews and other post conviction matters will be paid at the rates specified above applicable to crime classification. No post conviction matter should be undertaken by appointed counsel except on request of the DAC Director. Maximum payment will be **\$400.00** unless otherwise agreed to by the Director.
- b) Reference Hearings: In the event appointment of counsel is required pursuant to RAP 16.12, 16.13, and/or 16.15(g), the fee schedule applicable in that section herein regarding trials for the class of felony/crime at issue. E.g., if the underlying crime at issue for the reference hearing is a class A felony, then the class A felony trial fee schedule applies subject to the Advisory Board review provisions.

I am willing to accept court appointments for Post Conviction matters and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

6. Payment for attorney services in **JUVENILE OFFENDER** proceedings are listed below:

- a) Misdemeanor and Gross Misdemeanor: **\$60.00** per hour; **\$120.00** minimum payment **\$1,000.00** maximum payment. **\$2,000.00** trial maximum payment.

I am willing to accept court appointments for Juvenile Misdemeanor cases and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

- b) Class B and C Felonies: **\$65.00** per hour; **\$175.00** minimum payment; **\$1,000.00** non-trial maximum; **\$2,000.00** trial maximum payment.

I am willing to accept court appointments for Juvenile Class B and C Felonies and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

- c) Class A Felonies: **\$80.00** per hour; **\$200.00** minimum payment; **\$1,500.00** non-trial maximum; **\$4,000.00** trial maximum payment.

I am willing to accept court appointments for Juvenile Class A Felonies and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

- d) Declination Proceedings: **\$80.00** per hour up to a **\$4,000.00** maximum payment.

I am willing to accept court appointments for Declination Proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

- e) Class B+(JRA Commitment): **\$70.00** per hour; **\$200.00** minimum payment; **\$1,000.00** non trial maximum; **\$2,000.00** maximum.

I am willing to accept court appointments for Juvenile Class B+ Cases and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

7. Payment for attorney services in **JUVENILE DEPENDENCY** proceedings are listed below:
a) Contested Fact Finding Proceedings **\$60.00** per hour up to **\$660.00**
b) All other Hearings (e.g., dependency review hearings) **\$60.00** per hour up to **\$420.00**

I am willing to accept court appointments for Dependency Proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

8. Payment for attorney services in **TERMINATION OF PARENTAL RIGHTS** proceedings shall be **\$65.00** per hour up to a maximum of **\$4,000.00**.

I am willing to accept court appointments for Termination Proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

9. Payment for attorney services representing **CHILDREN IN JUVENILE DEPENDENCY** proceedings and **CHILDREN IN EXTENDED FOSTER CARE** proceedings are listed below:
a) Contested Fact Finding Proceedings **\$60.00** per hour up to **\$660.00**
b) All other Hearings (e.g. dependency review hearings) **\$60.00** per hour up to **\$420.00**

YES NO

10. Attorney services for **APPEAL FROM COURTS OF LIMITED JURISDICTION** shall be paid at a rate of **\$70.00** per hour up to a maximum of **\$1,750**.

I am willing to accept court appointments for Appeals from Courts of Limited Jurisdiction and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

11. Attorneys appointed to represent **CIVIL COMMITMENT** proceedings at Western State Hospital are paid at a rate of **\$60.00** per hour up to a ceiling of **\$600.00** per case hearing, plus a per diem of **\$400.00** per day of trial, up to three days of trial, subject to Advisory Board review upon request. Additionally, any attorney appointed to provide representation for a full day of Western State Hospital Civil Commitment docket shall be paid a fixed fee of **\$400.00** for that day's docket.

I am willing to accept DAC court appointments for Civil Commitment proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

12. Attorneys appointed to represent in **TRUANCY, AT RISK YOUTH** and **CHINS** proceedings are paid at a rate of **\$65.00** per hour for the morning and afternoon dockets. Detention reviews on non-hearing days are paid at a rate of **\$65.00** per hour, up to a maximum of **\$260.00**.

I am willing to accept DAC court appointments for Truancy, ARY's and Chins proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

13. Payment for attorney services in **FAMILY SUPPORT CIVIL CONTEMPT** proceedings are listed below:
- a) Initial Show Cause Proceedings **\$60.00** per hour up to **\$720.00**
 - b) All other Review Hearings **\$60.00** per hour up to **\$420.00**

I am willing to accept DAC court appointment of Civil Contempt proceedings and am qualified pursuant to Indigent Defense Standards 14.2 (B-K).

YES NO

B. PAYMENT POLICIES AND PROCEDURES

1. Within 45 days of a case's final resolution or other event requiring payment, the court appointed private attorney shall submit a petition for fees to DAC's Director on a form to be provided by DAC with each case it assigns. The Director shall promptly review the petition for fees and authorize payment according to the Department's policies and procedures and/or present the petition to the DAC Advisory Board for a final decision regarding payment. Petitions for payment submitted in excess of 6 months of case final resolution, will not be satisfied absent extraordinary circumstances.
2. All itemized costs, for which reimbursement is requested, which exceed \$75.00 must have the prior written authorization of the Director.
3. A receipt should accompany requests for reimbursement or other documentation showing the expenses incurred. This includes, but is not limited to, all psychiatric, psychological and polygraph examinations and investigative costs. Authorization for Professional Services forms are normally included in the files sent by DAC to panel attorneys and are available on request.
4. **ATTORNEYS MAY REQUEST ADVISORY BOARD REVIEW OF THEIR PETITION FOR FEES BY** mailing a letter to the Director requesting review by the DAC Advisory Board and pending review the attorney may accept reduced payment without waiver of the right to review. Upon receipt of a letter requesting review the Director shall cause the review to be on the agenda of the next scheduled Advisory Board meeting. The Director may inform the requesting attorney of the time and place of the Board meeting at which the review will be considered and an attorney shall have the right to present his/her position to the Board in person upon his/her request to be present. The Board shall make a

decision regarding the request and the attorney shall be notified of the Board's decision within 10 days in a manner prescribed by the Board. In the event the Board increases the amount be paid to the attorney, the Director shall immediately authorize such payment and request that the Pierce County Department of Budget and Finance issue payment.

5. **THE DAC ADVISORY BOARD SHALL HAVE AUTHORITY TO REVIEW** any and all actions of the Director regarding payment of fees upon request of the Department Director or an attorney requesting payment.
6. **THE DAC ADVISORY BOARD SHALL HAVE FINAL AUTHORITY REGARDING INTERPRETATION OF DAC's FEE SCHEDULES.** The Board may, in its discretion, reduce or increase fees upon consideration of the following: (1) the nature of the charge; (2) the ultimate disposition; (3) the number of counts; (4) the number of defendants; (5) the experience of counsel; (6) the adequacy of the petition for fees submitted; (7) the necessity of the pre-trial motions and preparations; (8) the recommendation and comments (if any) of the court(s) regarding attorney performance; (9) the ability of the Department to pay; and, (10) other fact enumerated in applicable case law and statutory authority.

7. AGREEMENT

THE UNDERSIGNED AGREES AND RECOGNIZES that work performed through DAC by appointment of the court is work in the public service and, as such involves some donations to time and effort for the public good. The undersigned understands that he/she will be compensated for services on any DAC appointment at less than the usual hourly fee in the Tacoma-Pierce County legal community or other means of compensation for legal work. The undersigned agrees that the fee schedule devised by the Director and the DAC Advisory Board on fees for certain circumstances, shall constitute a fair and reasonable fee structure. The undersigned agrees that before accepting any assignment from DAC he/she shall be obligated to become familiar with the existing fee schedules and fee limitations, and that his/her acceptance of any appointment shall constitute a knowing and voluntary willingness to be bound thereby. In the event there is a dispute as to the operation or interpretation of the DAC fee schedule, or as to any other questions concerning service as appointed counsel to DAC, the undersigned agrees that such dispute may be finally settled by the Pierce County Department of Assigned Counsel Advisory Board under such rules and procedures as the Board may deem appropriate. The undersigned further agrees to comply with all payment policies, rules and payment decisions as adopted by the DAC Advisory Board. The undersigned has reviewed the attached DAC Payment Policies and Procedures and agrees to the terms and conditions.

C. TRAINING

THE UNDERSIGNED AGREES to attend Washington State Office of Public Defense (OPD) approved defense training at least 7 hours per calendar year, on contractor's own time and at contractor's expense. (All DAC, WDA, WACDL, WSBA, & OPD approved training for defense subject matter related to case specific appointment meets OPD's criteria for approved defense training.)

STANDARDS FOR PUBLIC DEFENSE SERVICES

I have reviewed the Washington State Bar Association Standards for Indigent Defense Services and am conversant with the requirements contained therein. I agree to comply with the applicable standards and further agree to submit quarterly Certification of Appointed Counsel of Compliance with Standards required by CrR 3.1/CrRLJ 3.1/JuCR 9.2 to DAC as a precondition of case appointment and case retention.

DATE

SIGNATURE

NOTICE:

Malpractice insurance is required for Pierce County Department of Assigned Counsel panel participation. Please attach a summary copy of your coverage when submitting this application.

Please submit your application with proof of malpractice insurance to our email, fax, or mailing address:

Email: pcassgn Counsel@piercecoun tywa.gov

FAX: (253) 798-6715

USPS: Pierce County Assigned Counsel

Attn: Michael Kawamura

949 Market Street, Suite 334

Tacoma, WA 98402

* Provided VIA Email

- Certification of Appointed Counsel Pursuant to Supreme Court Order No. 25700-A-1035
- Standards for Indigent Defense
- Memorandum regarding State Indigent Defense Standards, dated September 9, 2013
- Performance Guidelines for Criminal Defense Representation