



BOARD OF PAROLE HEARINGS



Panel Attorney Appointment Program Effective January 1, 2017

Purpose: The purpose of this program is to comply with California Code of Regulations Title 15, section 2256, which requires the Board of Parole Hearings (Board) to provide inmates and parolees with attorney representation at State expense if they cannot afford to retain a private attorney at their Board hearing. The Panel Attorney Appointment Program (Program) shall be administered in a transparent, evenhanded, and standardized way.

Upon appointment by the Board, panel attorneys shall provide competent and professional legal services to all inmates and parolees seeking representation at State expense. The Program is designed to provide, on average, one week per month of panel assignments to each attorney on the active group of each panel.

**Attorney
Panels:**

The Board grouped the 35 existing adult prisons and two state hospitals (Atascadero and Patton) located throughout the State into 15 attorney panels based on their geographic proximity to each other (i.e., the prisons in each panel are generally within a three hour drive of each other). The 15 panel groupings are identified on page 7 with a corresponding map on page 8.

Within each panel, three groups shall be maintained by the Board – the first group includes the names of “inactive” attorneys, the second group includes “standby” attorneys and the third group includes “active” attorneys. The “standby” group shall be the same number of attorneys as the active group.

The Board shall periodically calculate the number of active attorneys needed for each panel by adding one attorney for every 65 proceedings conducted at each facility, with one additional attorney assigned to accommodate absences (see page 7).

In the event of increases or decreases in the calculated number of hearings, the Board has discretion to adjust the number of active attorneys. For example, if the number of hearings decreases on one of the panels, the last hired active attorney will return to standby status in the number one position. Thereafter, the last two attorneys in the standby position will reenter the top of the inactive list.

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Candidates may apply for as many panels as they choose, but shall only participate on three active panels at one time. An attorney may, at any time, request to be removed or added to a panel by writing the Board.

Inactive Attorney Minimum

Qualifications: All future candidates (whether first time applicants or candidates re-applying following removal from a panel) shall be added to the end of the inactive group, in the same order their application is post-marked attention "Scheduling Unit: Panel Attorney Appointment" or received via email at "BPH-AttorneyScheduling@cdcr.ca.gov." To be added to the inactive group on one or more panels, candidates must submit the following to the Board:

- (1) A current resume;
- (2) Proof of "active" status and "good standing" with the California State Bar (a copy of said information from the <http://calbar.ca.gov/> website will suffice); and
- (3) A signed copy of the Panel Attorney Participation Form (see page 11) indicating acceptance of all the Program terms and which panels are of interest.

Standby Attorney Minimum

Qualifications: Standby attorneys are those who the Board identified may become an active attorney in the near future. Before becoming an active attorney, standby attorneys must complete all the following minimum qualifications.

I. Must Be Completed Within 1 Month of Written Notification of Activation:

- (1) Proof of "active" status and "good standing" with the California State Bar (a copy of said information from the <http://calbar.ca.gov/> website will suffice);
- (2) Provide proof of malpractice insurance;
- (3) Provide documentation of symptom free tuberculin skin testing and evaluation;
- (4) Meet the necessary requirements to be eligible for entrance to each of the panels' facilities; and follow all institution and state hospital dress code requirements; (Note: Attorneys are required to provide proof of an influenza vaccine or wear a protective mask when entering state hospitals.)
- (5) Sign and submit the Panel Attorney Participation Form (page 11); and

Panel Attorney Appointment Program

- (6) Observe a minimum of three hearings since written notification of activation:
 - Attorneys on Panels 1-13: Three Parole Consideration Hearings
 - Attorneys on Panels 14-15: Three Mentally Disordered Offender Hearings (one Annual, one Placement, one Certification)

II. Must Be Completed Annually (Generally Held Each September):

- (7) Attend the Attorney Orientation in full (four hours regarding parole proceeding processes and four hours regarding the Americans with Disabilities Act). (Note: Attorneys on Voluntary Suspension are not excused from training.)

Failure to complete all minimum qualifications within the time prescribed for each will result in removal from the standby group and return to the bottom of the inactive group.

Active Attorney Minimum

Qualifications: Active attorneys may represent inmates and parolees at proceedings by satisfying the below minimum qualifications on an annual basis:

- (1) Proof of “active” status and “good standing” with the California State Bar (a copy of said information from the <http://calbar.ca.gov/> website will suffice);
- (2) Provide annual proof of malpractice insurance;
- (3) Provide annual documentation of symptom free tuberculin skin testing and evaluation;
- (4) Meet the necessary requirements to be eligible for entrance to each of the panels’ facilities; and follow all institution and hospital dress code requirements;
- (5) Attend the annual Attorney Orientation in full (four hours regarding parole proceeding processes and four hours regarding the Americans with Disabilities Act), generally held each September;
- (6) Annually sign and submit the Panel Attorney Participation Form (page 10);
- (7) Open and maintain an account in the Board’s Disability & Effective Communication System (DECS) database. The DECS database is a comprehensive repository of information related to each inmate’s disabilities. Attorneys are to provide at their own cost, all hardware/software enabling access to this database information; and

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- (8) Open and maintain a "Watchdox" account by registering an email address for access to electronic proceeding files. Attorneys are to provide at their own cost, all hardware/software enabling access to this database information;

Failure to satisfy all minimum qualifications will result in immediate removal from the active group and return to the bottom of the inactive group.

Attorney

Expectations: When a panel attorney is offered an appointment by the Board and he/she declines, or fails to respond within three business days of the contract date and time, regardless of the reason, Board staff shall document this occurrence. When an attorney declines an appointment a second time on the same panel in one calendar year, Board staff shall notify the attorney in writing reminding them if they decline an appointment again on that particular panel before the end of the calendar year, regardless of the reason, they will be immediately removed from that panel. In the event an attorney declines an appointment a third time on the same panel in one calendar year, regardless of the reason, Board staff shall remove the attorney from the specific panel and notify the attorney of said action. The attorney may apply again following the procedures outlined in this Program.

A panel attorney shall review the client's central file in advance of a scheduled hearing; A panel attorney shall meaningfully consult with the client at least 45-days prior to a scheduled hearing and shall discuss, at a minimum, any relevant risk assessments, the client's parole plans, and the client's disciplinary history. If a panel attorney encounters any logistical problems meeting and communicating with the client, or obtaining access to relevant documents, the panel attorney shall immediately notify Board staff at BPHLiferAnalyst@cdcr.ca.gov, and shall make all reasonable efforts to resolve the problem(s) with institution and Board staff in advance of the hearing. A panel attorney shall appear for the scheduled hearing on time and shall remain available for the entire hearing day; A panel attorney shall conduct himself or herself in a competent and professional manner at all times (including professional attire), and with all Board and institution staff and hearing participants. Failure to meet any of these expectations shall result in referral to the Executive Officer to determine whether the attorney shall be removed from one or all Board panels.

A panel attorney shall review the client's potential ADA needs via DECS in advance of the first client contact, and shall document in DECS the accommodations provided to the client during the contact. A panel attorney shall utilize a sign language interpreter when communicating with the client, if DECS identifies an sign language interpreter is needed. A panel attorney shall utilize a foreign language interpreter when communicating with the client, when needed to establish effective communication. A panel attorney shall raise appropriate and timely objections to the hearing panel regarding the client's ADA needs, and

Panel Attorney Appointment Program

submit a timely post-hearing grievance to the Board if the attorney believes the client's ADA rights were violated. Panel attorneys shall not rely on the use of written communications with any client who participates in the Developmental Disability Program (designated DD1, DD2, or DD3), Mental Health Services Delivery System (designated EOP, MHCB, DMH, DSH, ICF, PIP, or ACUTE), or who is designated Learning Disabled (DNL), Blind (DPV) or Vision-Impaired (DSV), or with a Test of Adult Basic Education (TABE) Score of 4.0 or lower. Failure to meet any of these expectations shall result in referral to the Executive Officer to determine whether the attorney shall be removed from one or all Board panels.

If a panel attorney is referred to the California State Bar for alleged misconduct by any state or federal judge or the Chief Counsel of the Board, the attorney shall be suspended from all Board panels during the pendency of the action. If a panel attorney is disciplined by the California State Bar, they shall be permanently removed from all Board panels.

If a panel attorney is charged with a felony crime in any jurisdiction, the attorney shall promptly notify the Board of said charges and be suspended from all Board panels during the pendency of the action. If a panel attorney is convicted of a felony in any jurisdiction or fails to timely report felony charges to the Board, they shall be permanently removed from all Board panels. If a panel attorney is charged with or convicted of a misdemeanor crime in any jurisdiction, the attorney shall promptly notify the Board of said charges or conviction. The Executive Officer shall determine whether the attorney shall be removed from one or all Board panels on a temporary or permanent basis.

In the event an attorney fails to qualify for entrance to a facility, the attorney shall be suspended from the specific panel(s) for up to three months in order to resolve the matter with the facility. If the matter is not resolved after three months, the attorney shall be permanently removed from the specific panel. The attorney may apply again following the procedures outlined in this Program.

Involuntary Suspension:

Active and standby attorneys may be involuntarily suspended for a period of time determined by the Board for failure to satisfy the minimum qualifications (reflected on pages 2 and 3) by the deadline and may result in change of status and placement to the bottom of the inactive group.

Voluntary Suspension:

An active attorney may request to be suspended for no less than four weeks, and no more than six months within a 12-month period, from all panels for good cause, as determined by the Executive Officer. Requests must be in writing and include a specific start and end date. If more than six months are requested the attorney's name will be removed from the active list and placed at the bottom of the inactive list. (Note: Voluntary suspension does not relieve the attorney from meeting any minimum qualifications, including training.)

Panel Attorney Appointment Program

Invoicing: Invoices are available on the Board's website at: http://www.cdcr.ca.gov/BOPH/Attorney_Resources/Invoicing.html (see BPH forms 1076-Lifer and BPH 1076-MDO on pages 9 and 10). Attorneys shall submit one invoice for each proceeding with an original signature in blue ink. Incomplete invoices shall be returned to the attorney.

Attorneys shall certify which services they rendered by placing their initials next to the appropriate "Description of Services Performed." Attorneys will only be paid for the services described on the invoice, which represents a flat rate fee for all expenses incurred by the attorney in representation of their client.

Invoices shall not be submitted until all related work is completed for each proceeding or the fiscal year closes. Ordinarily, a single proceeding concludes when the Board's decision on the matter becomes final. However, if a proceeding is continued or postponed for more than six months then the matter shall be considered completed for purposes of invoicing.

In order to ensure timely payment, invoices should not be submitted later than six months after the Board's decision.

Panel Attorney Appointment Program

BPH Panel Groupings by Location

Effective January 1, 2017
(Including MDO Panels)

INSTIT	HRGS IN PAST 12 MONTHS	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S
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INSTIT	HRGS IN PAST 12 MONTHS	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S
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INSTIT	HRGS IN PAST 12 MONTHS	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S
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PANEL #1	PBSP	55	1	2
Total		55	1	2

PANEL #6	VSP	80	2	6
	CCWF	66	2	6
Total		146	4	12

PANEL #11	CIM	56	1	3
	CIW	54	1	3
Total		110	2	6

PANEL #2	HDSP	48	1	2
	OCC	0	1	2
Total		48	2	4

PANEL #7	CTF	195	3	5
	SVSP	60	1	5
Total		255	4	10

PANEL #12	ISP	31	1	5
	CVSP	142	3	5
Total		173	4	10

PANEL #3	CMF	92	2	9
	SOL	235	4	9
	SQ	130	2	9
Total		457	8	18

PANEL #8	PVSP	27	1	11
	SATF	107	3	11
	COR	70	2	11
	NKSP	4	1	11
	WSP	15	1	11
	KVSP	58	1	11
	ASP	98	2	11
Total		379	9	11

PANEL #13	CAL	35	1	5
	CEN	35	1	5
	RJD	70	2	5
Total		140	4	15

PANEL #4	FOL	139	3	7
	SAC	50	1	7
	MCSP	61	1	7
	SACCO	21	1	7
Total		271	6	21

PANEL #9	CMC	225	4	5
Total		225	4	5

PANEL #14	ASH	419	4	5
Total		419	4	5

PANEL #5	CHCF	130	2	4
	SCC	11	1	4
	DVI	44	1	4
Total		185	3	12

PANEL #10	CCI	62	1	4
	CAC	0	0	4
	LAC	72	2	4
Total		134	3	12

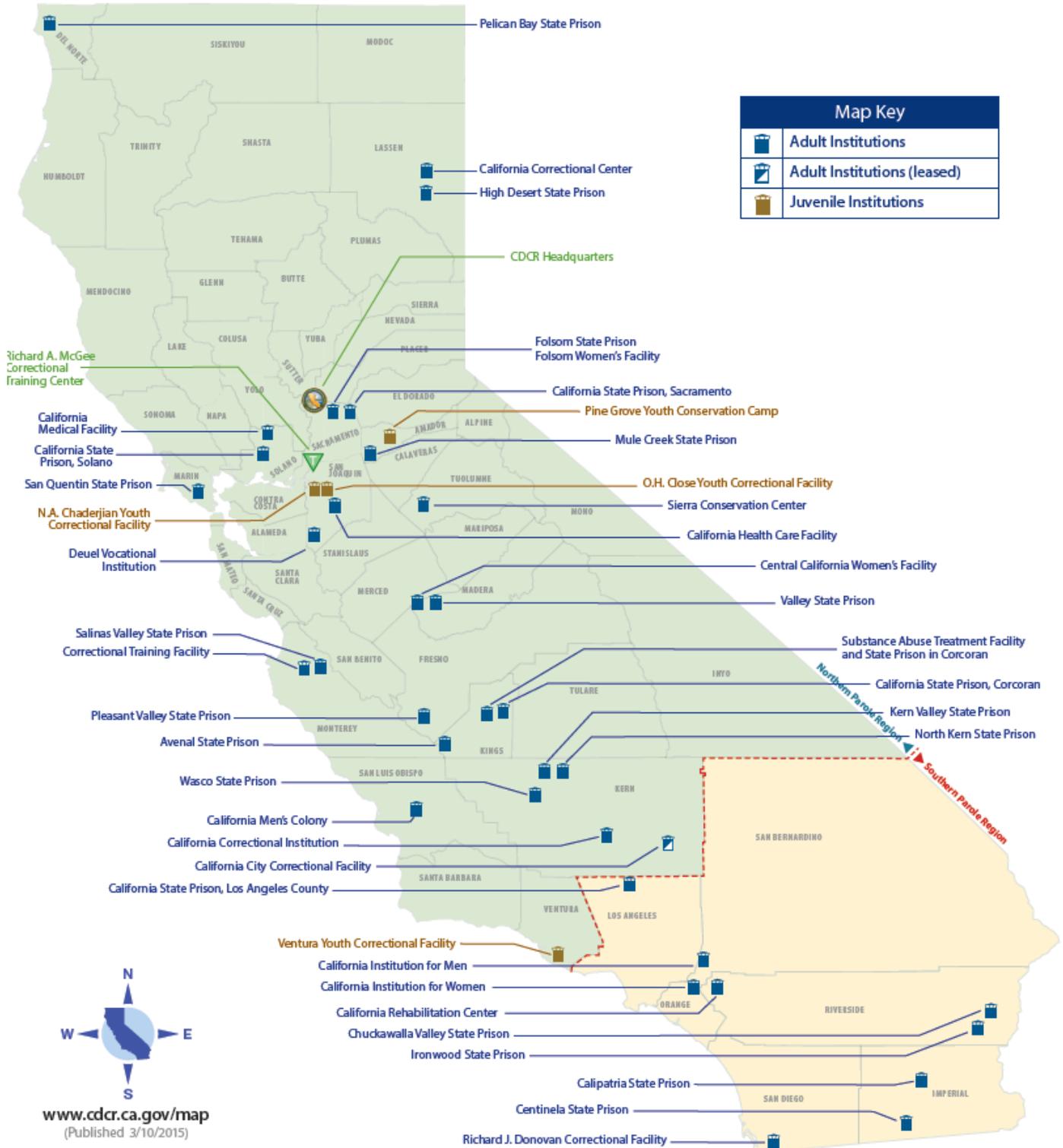
PANEL #15	PSH	54	1	3
Total		54	1	3

Formula	< 65 hrs	1	131 - 195 hrs	3
	66 - 130 hrs	2	> 196 hrs	4

LIFER HEARING TOTALS			
Totals	2578	53	68
MDO HEARING TOTALS			
Totals	473	5	8



Map of California's Correctional and Rehabilitation Institutions



Panel Attorney Appointment Program

ATTORNEY INVOICE
Statement of Services Rendered

HEARING DISPOSITION

Send Invoice to: BOARD OF PAROLE HEARINGS P.O. BOX 4036 SACRAMENTO, CA 95812-4036 Attn: Accounting Liaison Unit	INMATE: _____ CDCR No: _____ LOCATION: _____ SCHEDULED DATE AND TIME OF HEARING: _____
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REIMBURSEMENT RATE	DESCRIPTION OF SERVICES PERFORMED	INITIAL BELOW TO CONFIRM SERVICES PERFORMED
\$25.00	ATTORNEY APPOINTMENT	_____initials
\$50.00	REVIEW OF BOARD PACKET, DECS AND LEGAL RESEARCH	_____initials
\$75.00	CENTRAL-FILE REVIEW	_____initials
\$75.00	CLIENT INTERVIEW	_____initials
\$175.00	PERSONAL APPEARANCE AT THE HEARING	_____initials
\$100.00	EN BANC MEETING: PERSONAL APPEARANCE	_____initials
\$50.00	EN BANC MEETING: WRITTEN SUBMISSION (WITHOUT APPEARANCE)	_____initials

I certify by my initials above that each service was rendered and acknowledge the reimbursement rate represents the maximum compensation which can be received for each type of service. I also certify I am duly licensed to practice before all courts of the State of California and that I am an active member of the State Bar of California.

	TOTAL BILLING	
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***Please be sure to submit invoice with an original signature, in *blue* ink.**

ATTORNEY AT LAW (SIGNATURE)*	NAME	S.S. NUMBER#	DATE
		STATE BAR#	
ADDRESS NO. & STREET	<input type="checkbox"/> <i>Change of address</i>	CITY	STATE ZIP

DEPARTMENTAL APPROVAL		
SIGNATURE	TITLE	DATE

Panel Attorney Appointment Program

MENTALLY DISORDERED OFFENDERS ATTORNEY INVOICE

Statement of Services Rendered

HEARING DISPOSITION

Send Invoice to: BOARD OF PAROLE HEARINGS P.O. BOX 4036 SACRAMENTO, CA 95812-4036 Attn: Accounting Liaison Unit	INMATE NAME: _____ CDCR No: _____ LOCATION: _____ SCHEDULED DATE AND TIME OF HEARING: _____ HEARING TYPE: _____
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REIMBURSEMENT RATE	DESCRIPTION OF SERVICES PERFORMED	INITIAL BELOW TO CONFIRM SERVICES PERFORMED
\$40.00	ATTORNEY APPOINTMENT, REVIEW OF BOARD PACKET, DECS AND LEGAL RESEARCH	_____initials
\$30.00	CENTRAL-FILE REVIEW (Certification Hearings Only)	_____initials
\$40.00	CLIENT INTERVIEW	_____initials
\$50.00	PERSONAL APPEARANCE AT THE HEARING, APPEAL "POST APPEAL DETERMINATION", ADMINISTRATIVE APPEAL, OR COURT WRITING.	_____initials

<i>I certify by my initials above that each service was rendered and acknowledge the reimbursement rate represents the maximum compensation which can be received for each type of service. I also certify I am duly licensed to practice before all courts of the State of California and that I am an active member of the State Bar of California.</i>	TOTAL BILLING	
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***Please be sure to submit invoice with an original signature, in blue ink.**

ATTORNEY AT LAW (SIGNATURE)*	NAME	S.S. NUMBER#	DATE
		STATE BAR#	
ADDRESS NO. & STREET	<input type="checkbox"/> Change of address	CITY	STATE ZIP

DEPARTMENTAL APPROVAL

SIGNATURE	TITLE	DATE
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Panel Attorney Appointment Program

PANEL ATTORNEY PARTICIPATION FORM

I agree to all of the terms described in the 2017 Panel Attorney Appointment Program (consisting of 10 pages) as well as the reimbursement rates described therein (see BPH Invoice Form 1076 and 1076-MDO). I acknowledge the Board has not made an offer of employment or a guarantee of appointment and failure to meet or maintain the terms described in the Program may result in removal from one or all panels.

Printed Name

CA State Bar Number

Signature

Date

Social Security Number

Date of Birth

Driver's License Number

Office Telephone Number

Cellular Number

E-mail Address

New Applicants Only

(Do not complete this section if you are already an active, standby, or inactive attorney.)

Panel #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Check all that apply															

Use the panel groupings located on page 6 to determine which panel(s) you wish to be added to the bottom of the inactive group. Place a check mark in the box indicating your panel preference.

Current - Active / Standby / Inactive Attorneys

Panel #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Check all that apply															

In an effort to improve our attorney list rotation, use the panel groupings located on page 6 to determine which panel(s) you **no longer** wish to be on. Place a check mark in the box indicating your panel preference.