

Board of Parole Hearings
Panel Attorney Program Guide for the Parole Suitability Hearing Process

<p>Purpose</p>	<p>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 with attorney representation at state expense if they cannot afford to retain a private attorney for a hearing before the Board.</p> <p>Panel attorneys serve at the discretion of the Board; they are not employees of the Board.</p> <p>Upon approval as an active attorney by the Board, panel attorneys shall provide competent and professional legal services to their client. The Panel Attorney Program is designed to provide, on average, up to 13 clients who will be scheduled for a parole hearing during a one-week period.</p>
<p>Attorney Panels</p>	<p>The Board has grouped the 35 existing adult prisons located throughout California including inmates assigned to the Sacramento Central Office (SACCO) into 16 attorney panels based on their geographic proximity (i.e., the prisons in each panel are generally within a one-hour drive of each other). The 16 attorney panels are identified on pages 8 and 9.</p> <p>Within each panel, two lists of attorneys will be maintained by the Board – a list of “active” attorneys and a list of “standby” attorneys. The active attorney list is for attorneys who are currently being assigned clients. The standby list is for attorneys who have applied to be on the active attorney list and who meet the minimum qualifications of a standby panel attorney, but who are not currently being assigned clients because the panel is full.</p> <p>The Board shall periodically re-calculate the number of active attorneys needed for the panels based on the average number of hearings scheduled for each panel. The Board will adjust the number of active attorneys for each panel accordingly. If the average number of scheduled hearings decreases such that fewer active attorneys are needed for a particular panel, an active attorney will be moved to the standby list. If additional panel attorneys are needed, an attorney from the standby list will be moved to the active list.</p> <p>Attorneys may apply for as many panels as they choose, but will only be approved to serve on one active panel at a time; with some limited exceptions at the discretion of the Board. An attorney may at any time request to be removed or added to another panel by writing the Board. An attorney on a standby list may at any time be moved to the active list.</p>
<p>Active Panel Attorney Minimum Qualifications</p>	<p>Active attorneys must meet the following minimum qualifications at all times:</p> <ul style="list-style-type: none"> A1. Maintain a current and active license to practice law in California; A2. Be in good standing with the California State Bar, including compliance with Rule 9.9.5 of the California Rules of Court; A3. Maintain malpractice insurance;

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	<p>A4. Have documentation of a symptom-free tuberculin skin test and evaluation within the past year;</p> <p>A5. Be able to pass the security screening necessary for entrance into each of the prisons on the attorney’s panel;</p> <p>A6. Meet the dress code requirements for entrance into each prison during every visit;</p> <p>A7. Sign and submit the Panel Attorney Information and Certification Form annually (see page 10);</p> <p>A8. Open and maintain an account with the Board’s Disability & Effective Communication System (DECS) (DECS is a comprehensive repository of information related to each inmate’s disabilities and effective communication needs);</p> <p>A9. Acquire and maintain (at the attorney’s expense) all hardware/software necessary to access DECS;</p> <p>A10. Open and maintain a Blackberry Workspaces (previously known as “WatchDox”) account (or equivalent secure, file-sharing software used by the Board) by registering an email address for access to electronic hearing files; panel attorneys are to provide at their own expense all hardware/software necessary to maintain access to the secure, file-sharing software used by the Board, and</p> <p>A11. Have recent experience representing inmates in the parole suitability hearing process or have observed at least three parole hearings before accepting an assignment to represent clients as an active panel attorney.</p>
<p>Standby Panel Attorney Minimum Qualifications</p>	<p>Standby attorneys must meet the following minimum qualifications at all times:</p> <p>B1. Maintain a current and active license to practice law in California; and</p> <p>B2. Be in good standing with the California State Bar, including compliance with Rule 9.9.5 of the California Rules of Court.</p> <p>Standby attorneys who are approved to move to an active panel attorney list will have one month to demonstrate compliance with the active panel attorney minimum qualifications listed above and complete required on-line training.</p>
<p>Panel Attorney Training Requirements</p>	<p>C1. In addition to the minimum qualifications listed above, active panel attorneys must complete all required training session(s) conducted by the Board’s designee.</p>
<p>Panel Attorney Expectations</p>	<p>The following are minimum expectations for adequately representing a client as an active panel attorney:</p> <p>D1. The panel attorney is required to conduct a minimum of three hearing preparation meetings with their client, and comply with the timing requirements listed below. One of the three required hearing preparation meetings must be conducted in person, and any other visits may be conducted in person, via confidential legal telephone call, or via confidential videoconference. Determining which of the three required hearing preparation meetings is conducted in person shall be at the panel attorney’s</p>

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	<p>discretion. The Board will make a client's central file available to the panel attorney at the time of case assignment, so the panel attorney has access prior to any and all client meetings;</p> <p>D2. The panel attorney shall review their client's central file and have an initial hearing preparation meeting with their client within 30 calendar days of accepting the case; the average length of the initial hearing preparation meeting shall be one to two hours; if the client is expected to receive a Comprehensive Risk Assessment (CRA) prior to their scheduled hearing, the initial hearing preparation meeting shall be not less than two hours long and the panel attorney shall spend a minimum of one hour preparing their client for the CRA interview; in the unusual event a panel attorney is assigned a case less than 60 days before the hearing, the panel attorney shall review the client's central file and conduct an initial hearing preparation meeting with their client as soon as possible. Preparing the client for a CRA interview may include explaining what a CRA is, its purpose, its importance, and how it is used in the parole hearing process; explaining the process, how the interview will be conducted, and topics that will likely be covered; discussing any prior risk assessments or psychological evaluations; and preparing the client to address potential topics of discussion during the interview;</p> <p>D3. The panel attorney shall conduct a second hearing preparation meeting with each client either (1) at least 60 days prior to the client's scheduled hearing date or (2) within two weeks of the Comprehensive Risk Assessment (CRA) being finalized under section 2240 of title 15 of the California Code of Regulations, whichever date is later; in the unusual event a panel attorney is assigned a case less than 60 days before the hearing, the panel attorney shall conduct this hearing preparation meeting before the hearing;</p> <p>D4. The panel attorney shall have a third hearing preparation meeting with their client prior to the scheduled hearing date; the average length of this hearing preparation meeting shall be one to two hours, and the timing of the meeting shall be at the panel attorney's discretion; in the unusual event that a panel attorney is assigned a case less than 60 days before the hearing, the panel attorney shall review the client's central file and conduct this hearing preparation meeting before the hearing;</p> <p>D5. The panel attorney must be familiar with each client's rights under the Americans with Disabilities Act (ADA) and their needs for reasonable accommodations under the ADA in DECS in advance of each hearing preparation meeting; the attorney shall also document in DECS what accommodations, if any, were provided to the client during the attorney's hearing preparation meetings with the client; a panel attorney shall document in DECS if no accommodations were necessary;</p> <p>D6. If the panel attorney's client is identified in DECS as needing a sign language interpreter, the panel attorney shall use a sign language interpreter when communicating with the client during hearing preparation meetings and at the hearing; panel attorney shall notify the Scheduling Unit at BPHLiferAnalyst@cdcr.ca.gov to make arrangements to secure a sign language interpreter if their client is in need of a sign language interpreter;</p>
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- D7. The panel attorney shall use the Board's telephonic foreign language interpreter service to communicate with a client during all hearing preparation meetings when needed to establish effective communication;
- D8. The panel attorney shall not rely on written communications with a client (a) who is under CDCR's Developmental Disability Program with a designation in DECS as DD1, DD2, or DD3, (b) under CDCR's Mental Health Services Delivery System at the Enhanced Outpatient Program, Mental Health Crisis Bed, or Intermediate Care Facility level of care; (c) in a licensed Psychiatric Inpatient Program under the care of CDCR or the Department of State Hospitals; (d) designated as having a learning disability or vision impairment in DECS, or (e) has a Test of Adult Basic Education of 4.0 or lower;
- D9. The panel attorney shall raise appropriate and timely objections through the BPH ADA Compliance Unit prior to a hearing or to the hearing panel at the time of the hearing regarding the client's need for reasonable accommodation under the ADA; the panel attorney may submit a timely grievance to the Board if the attorney believes the client did not receive reasonable accommodation as required under the ADA during the client's hearing;
- D10. If the panel attorney encounters logistical problems meeting and communicating with a client or obtaining access to relevant documents, including the CRA, the panel attorney shall immediately notify Board staff at BPHLiferAnalyst@cdcr.ca.gov and shall make all reasonable efforts to resolve the problem in advance of the hearing;
- D11. While the California Department of Corrections and Rehabilitation (CDCR) follow state guidelines in order to help reduce the spread of COVID-19, all attorneys visiting a CDCR facility are required to comply with the institution COVID-19 procedures (including testing and wearing personal protective equipment);
- D12. The panel attorney shall physically appear in person with their client for all scheduled hearings on or after Monday, December 6, 2021, unless any of the exceptions in D13 apply, and arrive one hour prior to the hearing if a COVID-19 test is required, allow sufficient time for parking, entry into the institution, walking to the hearing room; and, making prearrangements with the institution to meet with your client prior to the start time of the hearing, this provision does not apply if the panel attorney's client knowingly, intelligently and voluntarily waives the physical appearance of the panel attorney;
- D13. For all hearings, the panel attorney is required to be physically present with the inmate at the institution unless any of the following apply: (1) the inmate waives physical presence of the attorney, (2) the inmate waives their own right to attend the hearing, (3) the inmate refuses to attend the hearing, or (4) circumstances beyond the control of the inmate's attorney. Per the *Armstrong* Remedial Plan II, the following inmates are not allowed to waive the physical presence of their attorney:
- All inmates presently receiving treatment at CDCR's Mental Health Services Delivery System at the Enhanced Outpatient Program,

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	<p>Mental Health Crisis Bed, Intermediate Care Facility, or Acute Care Facility levels of care;</p> <ul style="list-style-type: none">• All inmates identified by CDCR as part of the department's Developmental Disability Program; and• All inmates with a learning disability, including inmates with a Test of Adult Base Education (TABE) score of 4.0 or below. <p>D14. Per BPH RN 21-05E Proceedings Conducted in Person and by Videoconference Emergency Regulations, the Board shall determine whether a proceeding is conducted in person or by video conference. (Cal. Code of Regs, tit. 15, §§ 2050-2063.) For hearings that the board has pre-determined to require an in-person hearing under section 2054, the panel attorney, acting on behalf of the inmate, may submit a written request for a videoconference hearing at least 100 days prior to the hearing. The request shall explain why an in-person hearing is not necessary and affirm that, to the best knowledge of the panel attorney, an in-person proceeding is not necessary for the hearing officers to establish effective communication with the inmate. (Cal. Code of Regs, tit. 15, § 2055.) If the Board approves the request, the hearing will be conducted by videoconference, and no participants will attend the hearing in person with the hearing panel. The panel attorney is still required to be physically present with the inmate at the institution for the hearing unless any of the exceptions in D13 apply;</p> <p>D15. Executive Order N-36-20 temporarily suspended the good cause requirement for waivers and postponements. Once the executive order is rescinded, the good cause requirement will be reinstated as outlined in California Code of Regulations, title 15, section 2253. For hearings scheduled to occur on or after Monday, December 6, 2021, a signature by the inmate for a waiver or postponement will no longer be required on the BPH Form 1003. However, the panel attorney will still be required to sign the form and select any applicable attestations;</p> <p>D16. The panel attorney shall remain available for the entire hearing day;</p> <p>D17. If there is an emergency that delays or prevents a panel attorney from appearing timely for a hearing, the panel attorney shall immediately notify Board staff via email at BPHLiferAnalyst@cdcr.ca.gov or by phone at (916) 445-4072;</p> <p>D18. The panel attorney shall have valid state or federal government-issued identification upon arrival to the institution; if the panel attorney experiences problems entering an institution on the day of a hearing, the attorney shall immediately notify Board staff via email at BPHLiferAnalyst@cdcr.ca.gov or by phone at (916) 445-4072;</p> <p>D19. The panel attorney may be assigned a client currently housed outside a CDCR institution, (example: county jail, medical or out-of-state facility, etc.) but scheduled for a parole hearing. The panel attorney is required to contact the client and provide the client information regarding the parole hearing process and options for moving forward with the scheduled hearing.</p> <p>D20. If, after the client's scheduled hearing, the client's case is referred for en banc review by the full Board at a monthly executive Board meeting, the panel attorney shall provide representation at such proceedings, including</p>
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	<p>appearance at those proceedings, whether in person or via telephone or videoconference.</p>
<p>Additional Panel Attorney Expectations</p>	<p>The following are additional expectations for panel attorneys:</p> <ul style="list-style-type: none"> E1. The panel attorney shall behave in a competent and professional manner at all times with Board staff, institution staff, and all hearing participants; E2. The panel attorney shall wear professional attire at parole hearings; E3. The email address listed on the Panel Attorney Information and Certification Form (page 10) is the email of record for the attorney that will be used for all written communications from the Board, including panel and client assignments; it is the panel attorney’s responsibility to notify the Board of a change in the panel attorney’s email address; E4. The panel attorney shall respond to an offer of a panel assignment from the Board within three business days; if the panel attorney declines the assignment or fails to respond within three business days, the Board will consider it a request for a voluntary suspension (see below). E5. The panel attorney shall cooperate with the Board or its designee to verify compliance with panel attorney minimum qualifications, expectations, and training requirements; E6. The panel attorney shall not permit another attorney, including other panel attorneys, to represent a client assigned by the Board to the panel attorney; E7. The panel attorney shall promptly notify the Board if the panel attorney is arrested, charged, or convicted of a misdemeanor or felony in any jurisdiction; E8. The panel attorney shall submit invoices as required for all clients assigned by the Board.
<p>Confidentiality Agreement</p>	<p>A panel attorney is legally and ethically bound to use the information contained in any documents provided by the Board for the sole purpose of representing their client through the parole suitability hearing process. A panel attorney is prohibited from distributing the documents or disclosing their contents to anyone who is not directly involved in representing the panel attorney’s client in the parole suitability hearing process. Failure to protect the confidentiality of documents received from the Board will result in the panel attorney being referred to the Executive Officer to determine whether the panel attorney will continue to be assigned cases as an active panel attorney.</p>
<p>Referrals to the Executive Officer</p>	<p>Failure to meet any of the minimum panel attorney qualifications, expectations, or training requirements shall result in referral to the Executive Officer to determine whether the panel attorney will continue to be assigned cases.</p> <p>The Board and/or its designee may collect data concerning the outcome of scheduled hearings, use surveys, interview inmates and others, observe hearings, and review hearing transcripts to determine the level and quality of representation provided by a panel attorney.</p>

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	<p>A panel attorney who is (a) referred to the California State Bar for alleged misconduct by any state or federal judge or the Board's Chief Counsel or (b) arrested, charged or convicted of a misdemeanor or felony shall be referred to the Executive Officer to determine whether the panel attorney will continue to be assigned cases.</p>
Voluntary Suspension	<p>A voluntary suspension is a request by an active panel attorney to not be assigned cases for a period of one to four weeks. A panel attorney may request a voluntary suspension no more than three times during a calendar year (January 1 through December 31). Requests for a voluntary suspension from a panel attorney must be submitted in writing and include a specific start and end date. In addition, if a panel attorney declines the assignment of a panel or fails to respond within three business days to a panel assignment, the Board will consider it a request for a one-week voluntary suspension (see E4 above).</p>
Payment	<p>All panel attorney payments must be requested using the Board's Panel Attorney Invoice, available on the Board's website at https://www.cdcr.ca.gov/bph/attorney-overview/ (see BPH form 1076). Panel attorneys shall scan and submit one invoice per assigned client via email to BPAccountingLiaison@cdcr.ca.gov.</p> <p>Incomplete invoices will not be processed.</p> <p>Panel attorneys shall certify the services they rendered to each assigned client by placing their initials next to the appropriate "Description of Services Performed." Panel attorneys shall also identify dates of completion and duration of interviews.</p> <p>Panel attorneys will be paid a flat rate of \$900 for each client assigned by the Board and accepted by panel attorney after July 1, 2021 whose case they complete. For all hearings assigned by the Board and accepted by the panel attorney prior to June 30, 2021, panel attorneys will be paid a flat rate of \$750 for each client assigned to them whose case they complete. A case is completed when a scheduled hearing results in a waiver, stipulation, postponement, continuance, grant of parole, or denial of parole, and, when necessary, the full Board reviews the case en banc at a monthly executive board meeting, if applicable. Panel attorneys who are unable to represent their assigned client through completion of the case may receive a pro-rated fee for services at the discretion of the Executive Officer or designee.</p> <p>Invoices shall not be submitted until the client's case is completed.</p> <p>In order to ensure timely payment, invoices shall be submitted within six months of completing all hearing-related work for a client.</p>

Panel Listing with Cities

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Panel #1

- Pelican Bay State Prison (PBSP): Crescent City, CA

Panel #2

- High Desert State Prison (HDSP): Susanville, CA
- California Correctional Center (CCC): Susanville, CA

Panel #3

- California Medical Facility (CMF): Vacaville, CA
- California State Prison, Solano (SOL): Vacaville, CA

Panel #4

- San Quentin State Prison (SQ): San Quentin, CA

Panel #5

- Folsom State Prison (FSP): Represa, CA
- California State Prison, Sacramento (SAC): Represa, CA
- Mule Creek State Prison (MCSP): Ione, CA
- Sacramento Central Office (SACCO): Rancho Cordova, CA

Panel #6

- California Health Care Facility (CHCF): Stockton, CA
- Sierra Conservation Center (SCC): Jamestown, CA

Panel #7

- Valley State Prison (VSP): Chowchilla, CA
- Central California Women's Facility (CCWF): Chowchilla, CA

Panel #8

- Correctional Training Facility (CTF): Soledad, CA
- Salinas Valley State Prison (SVSP): Soledad, CA

Panel #9

- Pleasant Valley State Prison (PVSP): Coalinga, CA
- California Substance Abuse Treatment Facility (SATF): Corcoran, CA
- California State Prison, Corcoran (COR): Corcoran, CA
- Avenal State Prison (ASP): Avenal, CA

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Panel #10

- North Kern State Prison (NKSP): Delano, CA
- Kern Valley State Prison (KVSP): Delano, CA
- Wasco State Prison (WSP): Wasco, CA
- California Correctional Institution (CCI): Tehachapi, CA

Panel #11

- California Men's Colony (CMC): San Luis Obispo, CA

Panel #12

- California City Correctional Facility (CAC): California City, CA
- California State Prison, Los Angeles County (LAC): Lancaster, CA

Panel #13

- California Institution for Men (CIM): Chino, CA
- California Institution for Women (CIW): Corona, CA
- California Rehabilitation Center (CRC): Norco, CA

Panel #14

- Ironwood State Prison (ISP): Blythe, CA
- Chuckawalla Valley State Prison (CVSP): Blythe, CA

Panel #15

- Calipatria State Prison (CAL): Calipatria, CA
- California State Prison, Centinela (CEN): Imperial, CA

Panel #16

- Richard J. Donovan Correctional Facility (RJD): San Diego, CA

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Panel Attorney Information and Certification Form

PLEASE TYPE OR PRINT LEGIBLY

I agree to all of the terms described in the Panel Attorney Appointment Program Guide (consisting of 7 pages) as well as the reimbursement rates described therein. I acknowledge the Board of Parole Hearings 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

Driver's License Number

Date of Birth

Office Telephone Number

Cellular Number

E-mail Address

Business Address (available to inmate clients and the Board of Parole Hearings):

Please indicate below which panel groupings you are interested in applying:

Panel #	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
<i>Check all that apply</i>																

Note: If currently active on a panel and do not wish to make any changes, please leave above blank.

Initials _____