

To: Private Assigned Counsel

From: Nancy Bennett, Deputy Chief Counsel, Private Counsel Division
Mike Dsida, Deputy Chief Counsel, Children and Family Law Division
Stan Goldman, Director, Mental Health Litigation Unit

Re: Clarification of spending reductions for FY09 adopted by CPCS

Date: December 12, 2008

The spending reduction measures adopted by the Committee for Public Counsel Services for implementation on 12/1/08 have raised some issues requiring clarification. If additional questions arise which are not answered by this memorandum, please feel free to contact one of us via email to nbennett@publiccounsel.net, mdsida@publiccounsel.net or sgoldman@publiccounsel.net

(1)The Committee voted to eliminate compensation for time and reimbursement for mileage and expenses for the first thirty miles of all trips to and from court, absent a waiver by the appropriate Deputy Chief Counsel or Director of Mental Health Litigation based upon a compelling need for representation in a particular underserved court. This restriction applies to travel to and from court occurring on or after December 1; other case related travel (e.g., for client visits and investigations) continues to be fully compensable.

Please keep in mind that this process is automatic. The E-Bill program will calculate the reductions based on the time and/or mileage that you enter for traveling to court. Please do not reduce your travel time and/or mileage to court prior to submitting your bill or you will risk having it reduced a second time by the E-Bill program. Any request for a waiver must be resolved in advance of the travel and prior to submitting your E-bill.

Further, the 30-mile exclusion of compensation for time and reimbursement for expenses is applicable to travel to and from court proceedings wherever conducted (e.g., courthouse, mental health facility, hospital).

(2)The Committee voted to reduce by 5% the maximum hourly rate that may be billed by most Indigent Court Cost vendors. This reduction would not apply to court reporters, investigators, and summons delivery services. At its meeting on December 10, 2008, the Committee clarified its previous action by including translators among those vendors to whom the 5% reduction would not apply.

Thus, the reduction to the maximum hourly rate applies to all categories of vendors listed in the CPCS Qualifications and Rates Document (link follows), except for private investigators.

http://www.publiccounsel.net/billing_information/expert_qualifications_and_rates/expert_qualifications_and_rates_index.html

The reduction to the maximum hourly rate applies to all bills from those vendors in cases in which the initial motion for funds for the vendor's services was allowed on or after December 1, 2008. The reduction does not apply to vendors when the initial motion for funds was allowed before December 1, 2008 – even if a supplemental motion for that vendor is allowed after that date. If the initial motion was allowed before December 1 and a supplemental motion is allowed after December 1, the vendor must submit a copy of the initial allowed motion, in addition to a copy of the allowed supplemental motion, in order to receive compensation at the original, pre-December 1st maximum hourly rate.

Failure to attach a copy of the original allowed motion along with a copy of the allowed supplemental motion will result in payment at the post-December 1st rate.

(3) The Committee voted to limit the maximum hourly compensation for travel by Indigent Court Cost vendors to the hourly rate that would be paid to assigned private counsel handling a case of the type on which the vendor's services have been engaged, with the proviso that this restriction may be waived if required in an individual case with prior approval by the appropriate Deputy Chief Counsel or the Director of Mental Health Litigation.

The Committee voted to require prior approval by the appropriate Deputy Chief Counsel or the Director of Mental Health Litigation when counsel wishes to retain an expert or other Indigent Court Cost vendor whose one-way travel to the court in which the case is pending will exceed 100 miles.

Experts now must detail their travel hours separately from their service hours and list the miles traveled. Modified payment vouchers will be provided for this purpose and a link to the new Expert Services payment voucher will be added to our Manual. Any waiver of the travel restrictions for vendors must be approved in advance of the travel.

Please forward this information to your experts.

Thank you very much for assisting in our efforts to control costs in this difficult economic period.