



CHAMBERS OF
DAVID S. WESLEY
SUPERVISING JUDGE

CRIMINAL DIVISION
The Superior Court
LOS ANGELES, CALIFORNIA 90012

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CRIMINAL JUSTICE CENTER
210 WEST TEMPLE STREET
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May 25, 2004

TO: All Judicial Officers Assigned to Criminal
FROM: Judge David S. Wesley *DSW*
SUBJECT: **NEW PACE PROCEDURES**

The Court has recently received a large number of complaints regarding delayed payment for court appointed experts and attorneys. A review of the "PACE" program has provided us with information that we believe requires us to try some new procedures to insure expeditious payment of experts and lawyers.

Our recent review has determined that approximately eleven PACE employees process between 5,000 to 7,000 claims a month. These claims come from Criminal, Civil, Family Law, Probate, Mental Health, Dependency, Delinquency, Interpreters, and more. It presently takes 45 to 60 court days to process a claim.

We are going to start with a revision of the procedures we use to process claims for appointments in the Criminal Courts, and then review the results before implementing similar changes in other courts. The changes we are proposing will require attorneys, experts and the courts to implement new procedures. These changes will be effective June 15, 2004.

DSW:jm

Attachments

c: Judge William Pounders, Chair, Experts Committee
Commissioner Paul Enright, Chair, Psychiatrist/Psychologist Committee
Karl Henry, ICDA
Pat Lake, Criminal Courts Bar
Randy Later, LACCDIA

NEW PACE PROCEDURES FOR JUDGES

In order to reduce the processing time on PACE claims, the court is implementing several procedural changes. Please familiarize yourself with these new procedures. They will take effect in their entirety on June 15, 2004.

1. All PACE claim forms will initially be mailed directly to the court where the services were last performed and NOT to PACE. This means there will be no exception report attached to the claim. You may review and sign the claim form and it will then be forwarded to PACE. If there is an exception found by PACE, it will be returned to the court for further review.
2. If the court reduces the amount claimed on its initial review of the claim form, PACE will still enter in all of the claimed services at the processing stage, but PACE will approve only the amount as ordered by the court. This will allow PACE to preserve the entire detail of services for further review if required.
3. When a claim is returned to the courtroom because an exception has been identified by PACE, the court has the discretion to reduce the amount previously approved by crossing it out and entering a new amount, and initialing above the amount, or leaving the original amount to stand and initialing above the amount and dating to indicate it has been reviewed, which notifies PACE that it has been reviewed, and then send it back to PACE. (Please note that 60% of all claims have no exceptions and, therefore, you will not be getting a large number of returned claims after your initial review.)
4. PACE claims should be received by the court within 90 days of the last service performed. All claims received more than 90 days after services were performed will now be subject to a 50% reduction in fees. Each Judge will be free to apply this entire 50% reduction or any amount up to 50% they deem appropriate on a case by case basis.
5. All PACE claim forms will be signed by the receiving court within 10 days of its receipt by the court, and returned via county messenger to PACE within three days of the court's approval of the claim. If a judge is on extended leave or vacation, PACE forms are to be signed by the Site or Supervising Judge and processed within 10 days.
6. When a PACE claim is denied in its entirety by the Court, the claim must be sent to PACE to complete the processing by updating the PACE system to indicate the action taken by the Court and the reason, if any, for denial of the claim.

NEW PACE PROCEDURES FOR ATTORNEYS

1. Attorneys and experts will submit all PACE claims to the Court where services were last performed and NOT directly to PACE. ALL claims must be accompanied by a self-addressed, stamped envelope. Failure to include the self-addressed, stamped envelope will result in rejection of the claim.
2. PACE requests that attorneys not combine limited jurisdiction claims and unlimited jurisdiction claims on the same form. Please submit two separate claim forms.
3. Claims submitted to PACE for processing must be typed, or **printed legibly**. Any claim form that is illegible in any part will be rejected in its entirety. (Note that every illegible claim delays processing of hundreds of claims and this is no longer acceptable.)
4. ICDA attorneys must clearly indicate the case level on the Declaration and Order re Fees form and on the Appointment Order. Any mistake or inconsistency will result in rejection of the claim. (PACE will no longer be contacting attorneys to make corrections.)
5. PACE claims must be received by the Court within 90 days of the last service performed. All claims received more than 90 days after services were performed will now be subject to a reduction in fees of up to 50%.
6. PACE claim status inquiries can be made at 213-974-2541 or 213-974-7583 from 7:30 - 9:30 a.m. Monday - Friday. No calls will be accepted or returned if they are not made during those hours.

Clerical Procedures - Payment of Professional Court Appointees

I. Introduction

Payment for doctors, attorneys, investigators, experts and other professional appointees is processed through the automated Professional Appointee Court Expenditure System called **PACE**. This system provides information at every stage of the payment process; from appointments and claim received dates to services rendered and warrant issues. The system is used countywide by both limited and general jurisdiction courts.

Clerical procedures are already established regarding the processing of appointment and payment orders on PACE claims. Recently, the court has received a large number of complaints regarding the delayed payment for court appointed experts and attorneys. After reviewing the existing procedures, the court has developed a new set of guidelines regarding the processing of PACE Payment Orders.

Effective June 15, 2004, new procedures will be implemented in criminal cases that will expedite the payment process. After the new procedures have been implemented, the results will be reviewed before the process is expanded to areas of litigation. (Note that the clerical procedures on the original appointment order and the TCIS entry have not changed.)

II. Procedures for Processing Payment Claims

A. All PACE claims must be submitted within **ninety (90) days** of the last service performed, and must be mailed or delivered to the court where the services were last performed. All claims received more than ninety (90) days after services were last performed will now be subject to a 50% reduction in fees.

B. The Judicial Assistant must verify that submitted claims for payment consist of the following items:

- Appointment Order
- Declaration and Order Re Fees for All Court Appointments
- Detail of Services
- Self-addressed, stamped envelope

If the declarant submitting the claim did not include all of the above items, or if the forms are not typed or legibly hand-written, the claim must be rejected and returned to the requestor immediately. (Use the self-addressed, stamped envelope for this purpose - if no self-addressed, stamped envelope is included, mail the CLAIM packet

to the submitting party.) A sample reject form (Attachment #1) is attached for your use.

C. Judicial Officer Review

The claim must then be submitted to the Judicial Officer for review. If a Judicial Officer is on extended leave or vacation, the Judicial Assistant is directed to deliver the PACE claim to the Site or Supervising Judge for review. The Judicial Officer has **ten days** to review and sign the PACE claim.

If the PACE claim package was received late, the Judicial Officer will be free to make a 50% reduction on the amount ordered, or any amount up to 50% he/she deems appropriate on a case-by-case basis.

- D. Once the Judicial Officer has signed the PACE claim, the Judicial Assistant is directed to remove the signed **blue copy** of the Declaration and Order Re Fees and place it in the case file as proof of submission. **Do not file-stamp this copy.**

The Judicial Assistant is then directed to mail the entire PACE claim package (four items as stated above) within **three days** to the PACE Office at:

PACE Management
320 W. Temple, Room 25
Los Angeles, CA. 90012

E. PACE Staff

The PACE Office staff will review the PACE claim. If there are no exceptions, the PACE staff will process the payment and return the **pink copy** to a designated individual at each court location for distribution to the proper courtroom. (See #G below.) The **green copy** of the claim must be removed from the PACE packet by the declarant for his/her record prior to submitting the CLAIM to the court for review, as proof that the claim was submitted.

If there is an exception, PACE staff will submit the Exception report on top of the Declaration & Order and return it to the designated person in the Clerk's Office, for distribution to the proper courtroom.

F. RETURN AFTER EXCEPTION

Submit the returned documents to the Judicial Officer for review. Once the Judicial Officer has reviewed the PACE claim and made the required adjustments, he/she must initial all changes. Within

three (3) days, the Judicial Assistant must forward all documents to the PACE Office for processing.

G. TCIS Entry

Once the **pink copy** of the Declaration is returned to the Court, the Judicial Assistant or designee will file stamp the form and make the appropriate docket-line entry in TCIS:

"Declaration and Order for Payment of (Expert/Attorney) Fees in the amount of \$_____ to (Name of Expert/Attorney) is filed this date, serial number xxxxxx."

The Judicial Assistant or designee will then place the filed **pink copy** in the criminal case file and remove and discard the **blue copy** of the PACE claim.

H. Return to PACE after Exception

Once the Court has made the order and initialed any changes, return all copies of the Declaration to PACE staff. They will make distribution as indicated above.

III. Declaration Copy Distribution:

- a. GREEN Declarant's copy
- b. BLUE After it has been signed by the Court, to be placed in the court file by the Judicial Assistant as proof of submission
- c. YELLOW When an exception has been identified, the yellow copy will be retained at the PACE office until the claim is returned from the court after being reviewed
- d. PINK Used for TCIS entry, file-stamped and placed in the court file as proof of payment

PACE REJECT LETTER

Your documents are being returned for the following reasons:

- One of the following items is missing:
 - Appointment Order
 - Declaration and Order re: Fees for All Court Appointments
 - Detail of Services
 - Self-addressed, stamped envelope

- The form is not legible. It must be typed or legibly hand-written.

- Other Issues: _____

John A. Clarke, Executive Officer/Clerk

By _____ Deputy Clerk

Return the corrected/completed documents directly to:

Court Name: _____
Department/Division: _____
Court Address : _____

