



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

June 9, 2009

TO: Superior Court Criminal Judges
FROM: Honorable James M. Mize, Presiding Judge
SUBJECT: Public Defender/Conflict Criminal Defender – New Flat Fee Schedule

Included in Table 1 below is the recommended flat fee schedule for court appointed counsel costs submitted by Sacramento County. It is recommended that the new flat fee schedule be in effect on or after the following date: **Monday, October 6, 2008.**

The schedule is based on the maximum allowable attorney fees for legal services provided to indigent clients without a judicial hearing for costs incurred and is dependant upon the stage in which the case concludes:

TABLE 1

Level of Case at Disposition	Flat Fee
Misdemeanor Case before PTC	\$ 64
Misdemeanor Case to PTC	\$ 381
Misdemeanor Case after PTC	\$ 1,143
Felony Case to SCR	\$ 508
Felony Case post SCR	\$ 2,096
Felony Case through Trial	\$ 3,175

This schedule **only** applies to defendants who are represented by the Public Defender or Conflict Criminal Defenders for the following cases: 1) misdemeanor **OR** 2) felony where the defendant is **not** sentenced to a state prison, CRC or other state facility¹. The fees apply to any disposed case including convictions, dismissals and acquittals. If cases are joined, the fee is only imposed one time and does not attach to each case.

It is recommended that at the time of arraignment, the Judicial Officer will provide the following advisements:

¹ Penal Code section 987.8(g)(2)(B) suggests that “a defendant sentenced to state prison shall be determined not to have a reasonably discernible future financial ability to reimburse the costs of his or her defense”.

“You have a right to be represented by an attorney. If you cannot afford an attorney, one will be appointed to represent you. At the conclusion of your case, a hearing may be held to determine your ability to pay for the attorney services. If it is determined that you have the ability to pay for these services, attorney fees will be assessed.”

At the conclusion of a case, the court shall impose the attorney fees according to the schedule, dependent upon the stage in which the case concludes.

If a defendant disputes his ability to pay, an opportunity through counsel to present documentary evidence and argument in regard to income and expenses will be afforded the defendant.

If the defendant disputes these flat fees OR the court in its discretion does not choose to follow the schedule, the defendant with counsel is entitled to a full evidentiary hearing to determine the actual cost of the legal services incurred by the county. A continuance will be required to obtain evidence of the costs.