

AUGUST 2011 – ADI NEWS ALERT TO DEPENDENCY WRITS PANEL

BY

ELAINE A. ALEXANDER, EXECUTIVE DIRECTOR

This alert brings notice of change in the Invoice form used to submit compensation claims and a few changes or clarifications of policy.

Invoice

We have added a page to the [Invoice](#) form, in order to assist DLG in assessing claims. One part asks if the attorney has previously handled any appeals in the case or had contacts with the case before being assigned to the writ proceeding. A second part is a variation on the familiar recycling form used by the Administrative Office of the Courts. It asks the attorney to identify and quantify materials in filed documents that were substantially copied from previous briefing, by that attorney or another. Please include this third page with *every* Invoice, whether or not there has been a previous appeal or recycled materials have been used.

Receipts for expenses

DLG has determined that receipts will not be necessary if they are not typically available for a particular expense and the attorney explains directly on the Invoice. For example, the attorney can put, in the Explanation column, “in-house copy machine at \$0.10 per page,” “personal car usage at \$0.485 per mile,” etc.

Visits with minor clients

Because of the very tight timelines with writs, in most cases a visit with the minor by the writ attorney will not be feasible or necessary. Please consult the DLG trial attorney about the most recent visit and any need for follow-up. If, after this consultation, you are still unsure whether to visit, contact the assigned ADI staff attorney.

Disposition of record

If the attorney believes the record may be of use in a subsequent appeal, the panel attorney should retain it until the appeal is concluded. Presumptively, the same attorney(s) will be selected for the appeal, but if for some reason the same attorney cannot be selected, ADI will provide direction on where to send it. If the attorney does not judge it

useful to retain the record, the attorney should dispose of the record in the same way as if it had been an appeal. DLG suggests:

Adult clients: At the conclusion of the writ process, the writ attorney should send a letter to an adult client informing him or her that the record is available. If the client is in custody, the letter should direct the client to contact the trial attorney regarding the advisability of having the record sent into a correctional facility. The letter should inform the client that if there is no response within 45 days of the date of the letter, the record will be destroyed. If the client does respond within 45 days and requests the record, the writ attorney should send it and bill DLG for the cost of the postage. If the client does not respond within 45 days, then the writ attorney should destroy the record in its entirety, in a manner consistent with confidentiality.

Minor clients: We suggest that minor's counsel either destroy the transcripts or return them to DLG. DLG has indicated that, in the rare case when a minor actually asks for them, it would take responsibility for obtaining a replacement.

These changes are being posted on the ADI dependency writ web pages:

http://www.adi-sandiego.com/dependency_writs.html

http://www.adi-sandiego.com/typical_dependency_writ.html