

**SEPTEMBER 2011 – ADI NEWS ALERT
TO DEPENDENCY WRITS PANEL**

BY
ELAINE A. ALEXANDER, EXECUTIVE DIRECTOR

This alert brings notice of change in the DLG compensation policies for dependency writs. Effective today, September 19, the rate for reading the record will be calculated at \$1.00 per page, rather than hourly.

DLG Policy

Candi Mayes sent ADI this statement:

In order to provide more consistency in the billing process as well as to sustain the viability of the writ program, DLG will be making a change in how we compensate for writ work. Effective Monday, Sept. 19th, 2011 - DLG will pay \$1.00 per page for record review. The rest of the work done on a writ will be compensated at the agreed upon rate of \$85.00 per hour but the record review will change to the \$1.00 per page formula.

The writ work for all Notices of Intent filed on or after September 19, 2011 will be compensated according to this new formula.

Hopefully this change will address the inconsistency issues as well as ensure that this writ program will be successful in the long-term.

The volume of writs has been about twice what we projected, and the number of petitions, as opposed to no-issue letters, has greatly exceeded past experience. This means more services required per case, as well the innovation of appointment of minor's counsel. From both DLG and ADI's point of view, this is a wonderful tribute to the advocacy and skills of our appointed counsel panel, but it has substantial cost implications for DLG, which has a fixed, three-year contract for all services, trials as well as writs. ADI has discussed other cost-savings measures with DLG, which believes this step will address the problem.

Encouragement

We know the new rate is less than panel attorneys are accustomed to receiving for record review under state appellate guidelines. Our long-range goal is to make compensation for writs comparable to that for appeals. But this is DLG's first contract

with the state and is early in the second of the three years of the contract. It is important to the indigent representation system (especially in this fiscal climate) that the organization stay within budget and prove its efficiency, as well as its efficacy.

ADI for a long time has hoped that the attorneys on its panel would regularly handle writs, which are often a crucial stage of the proceedings, and we have made a number of efforts to that end. The work produced by attorneys experienced in appellate law and procedures is qualitatively superior to that of attorneys lacking such a background and ultimately, we think, more cost-effective.

So we sincerely hope counsel will stick with the writs program through these early days, when sacrifices are necessary to ensure the long-range viability of a writs panel system. In the end, if successful, it will be a significant additional source of work and income for dependency panel attorneys and an immense reform that can serve as a model elsewhere.

New Invoice

Attached is a revised invoice form. To avoid having to redo the form and its multiple fields entirely, I modified it to convert the record length into compensable hours, using the \$85/hour rate and \$1.00/page figures.¹ All you do is enter the length of the record. The rest is automatic.

If for some reason your actual time is less than that allowed, please contact me for a different form.

Tips

ADI's dependency staff attorneys, many of who have done writs in the past, have conferred among themselves and consulted some experienced panel attorneys for suggestions on how to cope with the lower rate. Here are some ideas:

Refrain from drafting a statement of facts and case until you know you will be briefing an issue.

Read the RT of the final hearing first, to determine what trial counsel argued, thus preserved, and the particulars of the court's ruling. Reserve for in-depth review

¹Basically, the number of pages times \$1.00, divided by \$85.

the portions of the record relevant to the issues raised at the hearing (including, usually, the relevant portions of the social workers' reports).

Review the record reasonably quickly to get a sense of the facts. Concentrate on matters most likely to give rise to issues, such as the reunification plan and the court reports to see if the necessary services were provided or offered.

Skim the detention report because it will rarely have anything pertinent to the later issues in the case.

We invite panel attorneys to contact ADI with other suggestions, not only for more efficient record review, but other ways costs can be contained without loss of quality. Indeed, thoughts on improving the system in general are always welcome.

Thanks for your patience and participation in this sometimes-rough first year. I think it will be worth in the end!