



NEWS ALERT

July 1, 2022

TOPICS

COVID-19 Claims Policies
Extended

End-Of-The-Year Claim Delay

Panel Rate Increase

NEW ADI Confidential Site –
Coming soon

MCLE Announcements

Practice Tips

DEAR PANEL MEMBERS,

Several updates on claims as well as ADI's new confidential website and other announcements.

COVID-19 Special Early Interim & Supplemental Interim Claims – Extended to the End of 2022

Under these policies, the JCC will continue to permit the following additional claims:

Early interim claims pre-AOB when (1) the record is over 1,500 pages long or (2) the augmented or corrected record has not been filed for 90 days. Counsel may only claim time for line 2, record review.

Supplemental interim claims after the filing of a reply brief. Counsel may claim additional time for the respondent's brief (line 10) and preparation of the reply brief (line 8).

End-of-the-Year Claim Payment Delay

Fiscal year 2021-2022 claims: The JCC will continue to pay these claims. These are claims where the appointment ordered date is on or before June 30, 2022.

Fiscal year 2022-2023 claims: These are cases with appointment ordered dates of July 1, 2022 or later. These claims will be processed by ADI and transmitted to the JCC. The JCC will hold the claims until (1) the DCACS system is updated for the next fiscal year and (2) the budget is signed. The JCC estimates it will take until mid-July to update the DCACS system.

Panel Rate Increase in Fiscal Year 2022-2023

The final state budget for this fiscal year includes an hourly increase of \$15 for all tiers. Thus, appointments ordered on July 1, 2022 or later will be paid at \$110/hour for assisted cases, \$120/hour for most independent cases, and \$130/hour for upper tier independent cases.

NEW ADI Confidential Site – Coming Soon

In the coming months, ADI will be moving our MCLE resources and sensitive practice articles to a new, confidential site hosted on Microsoft SharePoint. (The Office of the State Public Defender (OSPD) also uses SharePoint for their resources, so if you use OSPD's resources, this will feel familiar.) Access to the ADI confidential site will require an existing or new Microsoft account.

ADI is seeking volunteers to help us test the registration process & site. If you are interested in participating, please contact our [SharePoint Registration Team](#). If the testing goes well, the soft launch will be August. Stay tuned!

All material will remain on the public website until we've completed the registration process.

MCLE Announcements

The Art of Storytelling in Dependency Appeals, July 20th at noon. A one-hour experimental program format, offering 30 minutes of MCLE credit and 30 minutes as an open forum for all participants to share thoughts and insights on persuasive brief writing. It's hosted by ADI's newest dependency staff attorney, Elena Min.

Practice Tips

- We've noticed some delays in electronic research providers updating the status of recent cases. We recommend checking the Court of Appeal's website to check if cases have been granted review.
- *People v. Flores*, No. A164257, was certified for partial publication on February 24, 2022. Flores argued, among other things, that his case should be remanded for re-sentencing in light of Senate Bill No. 567. The Court of Appeal concluded any error was harmless because "the jury would have found true at least one aggravating circumstance." (Slip Opn., p. 11.) The Supreme Court denied review on June 15, 2022, but note Justice Liu's concurring statement calling into question the principle that only "a single aggravating circumstance is legally sufficient to make the defendant eligible for the upper term" in light of SB No. 567.

As always, please reach out to me if you have any questions, concerns, or suggestions.

Lynelle

