



ADI CLAIMS TOOLKIT:

STEP-BY-STEP GUIDE TO GETTING YOUR PANEL CLAIMS
PROCESSED EFFICIENTLY AND EFFECTIVELY

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ADI, June 2024

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GETTING PAID: NAVIGATING THE CLAIMS SYSTEMS

Introduction

As a panel attorney, learning how to get paid for your work is just as important as acquiring other skills of your trade. ADI understands that navigating the claims process can be time consuming and even frustrating, so this guide is aimed to help you prepare your claim, avoid delays caused by errors, and get fully compensated for your valuable work.

In addition to this guide, the best—and certainly the most extensive—resource on claims is the Statewide Claims Manual, which is located here: http://www.capcentral.org/claims/statewide_claims_manual.pdf. Counsel is encouraged to review the manual, which is updated periodically. Although the guidelines provide guidance on claims, the ultimate touchstone for compensation is reasonableness. So, compensation above or below the guidelines may be recommended when reasonable based on the necessity and quality of the work.

I. The Basics

- a. To receive compensation for your work on an appointed case, you must submit a claim for payment through an electronic portal maintained by the project overseeing the case. When you join the panel, the project provides a username and temporary password for the portal.
- b. The rate for assisted cases, including modified assisted cases is \$110 an hour for appointments starting July 1, 2022. The rate for independent cases is \$120 an hour or \$130 an hour where the record exceeds 3,000 pages, or the case was a criminal jury trial, and the client was sentenced to LWOP or was convicted of murder or other qualifying offense.

II. When to submit the claim

- a. Pre-AOB. Counsel may file a supplemental/early interim pre-AOB claim only where: the record exceeds 1500 pages or counsel has been waiting for an augmented or corrected record for more than 90 days. For pre-AOB early interim claims, counsel may only claim time for the time spent on reviewing the record (Line 2) – all other time and expenses can be billed on the interim claim after the AOB is filed.

- b. AOB. Counsel may submit an interim claim after the AOB is filed, unless it is a no-issues brief.¹
- c. Reply brief. Counsel may file an interim claim for the first time after the reply brief is filed, or if counsel has already filed an interim claim after the AOB, a supplemental interim claim. The only additional time claimed on a post-ARB supplemental interim claim should be the time spent drafting the reply brief (Line 8) and time spent reviewing the opposing brief (Line 10).
- d. Opinion. A final claim can be submitted at the end of the case after all foreseeable services have been completed. For ADI's claim system, once the opinion issues, payment can be recommended only on a final claim.

III. Where to submit the claim

- a. The claims portal can be accessed on the home page of ADI's website. Detailed instructions for creating and submitting a claim, and an explanation for the guidelines are included in this toolkit and posted on the [ADI website](#).

IV. What happens next

- a. After a claim is submitted through the applicable electronic portal, the projects make a recommendation for payment and transmit the claim to the Judicial Council of California (JCC). Once claims are authorized by the JCC, they are sent to the state Controller for the issuance of a check. At the interim stage, 5% of the recommended amount for attorney services is held back as protection against inadvertent overpayment. The holdback is paid with the final claim. Expenses, however, are paid in full as recommended at the post-AOB stage. Some final claims are randomly selected for audit by the Appellate Indigent Defense Oversight Advisory Committee (AIDOAC). After a claim is submitted to the JCC by the project, the timeline for payment of claims under \$10,000 is 10 business days, and 10 to 15 business days for claims exceeding \$10,000.

¹ For a no-issues brief, only a final claim is filed. A final claim may be filed either (1) 30 days after filing the no-issue brief, or (2) after the opinion/dismissal, whichever comes first.

V. Helpful Tips

- a. Do not self-cut. Do not claim less time than you actually spent, even if it is over guidelines. It is possible ADI would have considered that time reasonable, but once cut, we cannot consider it.
- b. Do not bill to the maximum guideline if you did not actually spend that time on the task. If it appears that the hours claimed are inflated to conform to the guideline (i.e. the work-product does not support the guideline time) ADI will be forced to cut the hours claims and it could cause the claim reviewer to question the veracity of other time billed.
- c. Always provide an explanation for claims exceeding guidelines. All claims over guidelines must be supported by an explanation. If a claim is submitted without the required explanation, the reviewer will be required to contact you for an explanation, which will cause delay in processing and getting paid.
 - i. The explanation should be succinct and adequately justify the time claimed. Do not just copy and paste your billing records into the explanation field. Instead, provide an easy-to-understand reason for the time claimed so that it is simple to distill and justify to the JCC.
- d. If uncertain about where to claim something, contact ADI before submitting the claim. This should prevent unnecessary delay in processing the claim and ultimately, getting paid.
- e. You can provide additional information about the case in the general notes field. At the end of the claim there is a notes field where you can enter any unusual information that you think should be considered. For example: the appeal was consolidated with another case or was transferred from a different court of appeal or division.

Line by Line Guide for “Hours Worksheet”

| Line | Category | Instructions | Tips |
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| 1 | Communication | <p><u>Guideline</u> = 3.5</p> <p>If over guideline, provide short, clear explanation to help staff attorney make recommendation.</p> <p><u>Includes:</u> Non habeas related communication with client and trial counsel; Communication with any person acting as a conduit for client.</p> | <p>Bill your actual time. This is an area where ADI can justify time over guidelines if the time spent was reasonable.</p> <p>Common factors that can justify high levels of communication include:</p> <ul style="list-style-type: none"> • A complex appeal or procedural history • Long or incomplete records • Duration of the appeal • Client with numerous questions/active involvement • Client who is unable to read/write/has mental health disorder or cognitive deficit • Client who was pro per in trial court • Difficulty locating client or unanticipated delays in responses • Ongoing parallel developments in the trial court <p>The higher the claimed time is over guidelines, the more detailed the explanations should be.</p> |

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| | | | <p><u>Examples:</u></p> <ul style="list-style-type: none"> • 15 letters & calls with client and 2 emails with counsel. • Client took active interest in appeal, requiring numerous responsive letters. • Substantial communication with trial counsel was necessary to resolve problems with appellate record and to address ongoing developments in trial court. <p>It is helpful if, in the explanation, you refer to yourself as “counsel” as opposed to “I.” It saves the project time because the project changes the explanation you provide to reflect “counsel” when the claim is transmitted to the JCC and AIDOAC.</p> |
| 2 | Record review | <p><u>Guideline</u> = 50 pages per hour.</p> <p><u>Includes:</u> Review of judicially noticed transcripts, which could have been obtained by way of an augment motion or record correction request.</p> <p>Review of other transcripts should be claimed on line 11 for habeas work, line 20 for exhibits, or line 24 for transcripts not included</p> | <p>Only in very rare circumstances will time over guidelines be recommended for record review. An exception to the 50 pages/hour might be made for dense, predominantly single-spaced or convoluted records.</p> <p>Provide a detailed explanation if you claim over guidelines explaining why your case is one of the rare exceptions to the general rule.</p> |

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| | | in the official record and not judicially noticed. | |
| 3 | Extensions of time | <p><u>Guideline</u> = 0.5 hr.</p> <p>Enter number of standalone extensions for direct appeal.</p> <p>EOTs as part of augment are claimed in augment motion category.</p> | <p>If your extension is substantially similar to prior extensions, .5 hour may not be justifiable.</p> <p>It is extremely rare to obtain compensation over guidelines.</p> |
| 4 | Motion to augment and incorporated EOT | <p><u>Guideline</u>= 1.5 hrs.</p> <p>8.320/8.340 record correction/omission letter does not go on this line – it belongs on line 5.</p> | <p>If the motion to augment is lengthy, time over guidelines may be justified if you provide an explanation. For example, the motion requests 10 items or includes obtaining the augmented materials from counsel or the court and attaching them to the motion.</p> <p>In the same vein, the guideline of 1.5 hrs. may not be reasonable if the augment was short or included only 1 or 2 simple items.</p> |
| 5 | Other motions | <p><u>Guideline:</u> There are no “guidelines” for these tasks, but time claimed must be reasonable for the motion prepared.</p> <p><u>Includes:</u> record correction letter (rule 8.340(b), etc), motions, replies & opposition to motions filed by other parties.</p> | <p>CCAP’s Line by Line Guide has an extensive list of common items claimed on this line.</p> <p>Common Other Motions:</p> <ul style="list-style-type: none"> • 8.320/8.340 record correction/omission letters • <i>Fares</i> letters • Judicial Notice motions • Motions to transmit exhibits |

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| | | <p>If not filed, please explain and send copy to ADI.</p> <p>OA waiver is claimed on line 17.</p> <p>Motions related to habeas are claimed on line 11.</p> | <ul style="list-style-type: none"> Abandonment motions <p>Provide itemized breakdown if multiple motions are filed.</p> <p><u>Example:</u> record correction letter 0.5 hour; credits correction letter 1.2 hours; request for judicial notice 0.9 hour; abandonment 0.2 hour.</p> |
| <p>6</p> | <p>Client's first brief</p> | <p><u>Guidelines for statement of case and facts</u> = half the time for record review, up to 10 hours.</p> <p><u>Guidelines for AOB/client's first brief</u> = up to 13.5 hours for a complex issue. Please provide any explanation that might help classify the issues.</p> <p>If brief was unfiled (e.g., because client abandoned or retained a new attorney), email draft to claims processor. Partially briefed issues should be claimed in Line 7, and statement of case & facts claimed in this category.</p> <p>If a brief is stricken and replaced, the time for issues in stricken brief that were removed</p> | <p>Do not provide a breakdown of time spent on statements or individual issues.</p> <p>The Project can recommend time over the guidelines for both the statements and arguments. The ultimate test is reasonableness – what an experienced attorney would find reasonably necessary.</p> <p>Common factors that are considered:</p> <ul style="list-style-type: none"> Particularly novel issue New or changing area of law Significant out of state research <p>If you are over guidelines, provide the Project with an explanation to help make the recommendation. If certain factors are not apparent from the briefing (like out-of-state research), include this information in the explanation.</p> <p><u>Examples:</u> “The record in this case was 3000 pages and charged</p> |

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| | | <p>should be claimed in Line 7 and explained.</p> | <p>appellant with 5 counts occurring on 3 separate dates. The evidence was voluminous and included the testimony of numerous experts. Drafting the statements was a difficult and arduous task.”</p> <p>“Argument I challenges the denial of a motion to suppress and requires discussion of four separate exceptions to the warrant requirement. The argument includes discussion of law relevant to each of the four exceptions and the facts related to each exception, as well as a detailed analysis of prejudice resulting from the error.”</p> <p>It is helpful to review the Project’s comments in the tagged claim in the hours worksheet, so you know the type of information the Projects need.</p> |
| <p>7</p> | <p>Unbriefed issues</p> | <p><u>Guideline:</u> The test for each issue is reasonableness.</p> <p><u>Includes:</u> Time for <i>Anders</i> issues</p> <p>Enter each unbriefed issue individually. Do not combine multiple unbriefed issues.</p> <p>Provide brief description of each issue & list cases</p> | <p>The more information you provide to the project by articulating the work you have done, the more likely the project can approve the time.</p> <p>If you spend more than 2.5 hours researching a single issue or 10.0 hours cumulatively researching all unbriefed issues, you should provide a clear and concise explanation. Citations to cases and statutes reviewed may be helpful.</p> <p>If you completed a substantial portion of the argument before rejecting it, you may be required to</p> |

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| | | <p>and statutes reviewed, if any.</p> <p>For confidential issues, write, “Explained in confidential memo to project” and email copy to staff attorney or processor.</p> | <p>provide a draft of the argument to the project and explain what happened.</p> <p>Do not disclose any adverse consequence in your explanation. Instead, you may state, “confidential issued discussed with the project” or something to that effect.</p> |
| 8 | Reply Brief | <p><u>Guideline</u> = 1/3 hours of time awarded for AOB.</p> <p>If over guideline, provide short, clear explanation to help staff attorney make recommendation.</p> <p><u>Includes:</u> Reply and Supplemental Reply Briefs</p> <p>If claiming time for reply and supplemental reply, itemize for each.</p> | <p>The Project can recommend time over the guidelines for both the statements and arguments. The ultimate test is reasonableness – what an experienced attorney would find reasonably necessary.</p> <p>Common factors that are considered:</p> <ul style="list-style-type: none"> • Opposing counsel raised an issue not briefed in the AOB (e.g. forfeiture) • A new cases was decided or some other development occurred after the AOB was filed • There was a need to review multiple new authorities cited in the response • Reply brief includes citations to new cases • Research not reflected in the brief <p>The higher the claimed time is over guidelines, the more detailed the explanations should be.</p> |

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| | | | <u>Example:</u> “ARB took additional time because AG argued forfeiture as to four of the issues.” |
| 9 | Supplemental Brief | <p><u>Guideline</u> = Same as AOB/first brief</p> <p>Motion for leave to file supplemental brief is claimed in Line 5.</p> <p>Itemize each supplemental brief in comments if more than one filed.</p> | <p>As with the AOB, the Project can recommend time over the guidelines for both the statements and arguments. The ultimate test is reasonableness – what an experienced attorney would find reasonably necessary.</p> <p>If you are over guidelines, provide the Project with an explanation to help make the recommendation.</p> |
| 10 | Review of Opposing Brief | <p><u>Guideline</u> = 2.5 hours for each opposing brief.</p> <p><u>Includes:</u> All opposing briefs (except if related to habeas).</p> <p>Itemize if you review more than one.</p> <p>Review of opposing party’s motions is recommended in Line 24.</p> | <p>The project may recommend more or less than the guidelines depending on the length and complexity of the opposing brief.</p> |
| 11 | Petition: Habeas Corpus | <p><u>Guideline</u> = 12 hrs.</p> <p><u>Includes:</u> All time related to the habeas petition.</p> <p>List fees and expenses related to habeas; the fees should also be</p> | <p>Habeas work may require expansion of the appointment or preapproval in some districts. Check with the project.</p> <p>All hours and expenses must be itemized to be compensated.</p> <p><u>Hours Example:</u></p> |

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| | | <p>claimed on expenses worksheet.</p> | <p>3.1 hrs. -communication with client and trial counsel re: habeas (include # and length of letters and phone calls)</p> <p>2.4 hrs. -Investigation, including (list steps taken)</p> <p>5.8 hrs. -research and draft habeas petition (with brief description)</p> <p>2.1 hrs. -draft review petition from habeas denial</p> <p><u>Expenses Example:</u></p> <p>\$15.00 -photocopy petition (totaling 150 pages)</p> <p>\$25.25 -postage for petition</p> <p>If no petition is ultimately filed, explain the issue researched or investigated.</p> |
| 12 | Petition: Rehearing | <p><u>Guideline</u> = 6.0 hrs.</p> <p><u>Includes:</u> answer to other party’s petition for rehearing.</p> <p>Itemize if more than one.</p> | <p>The project may recommend payment above or below the guidelines depending on the complexity and number of issues and the use of prior briefing.</p> |
| 13 | Petition: Review (or answer) | <p><u>Guideline</u> = 10.0</p> <p><u>Includes:</u> answer to other party’s petition for review.</p> <p>Itemize if more than one.</p> | <p>The project may recommend payment above or below the guidelines depending on the complexity and number of issues and the use of prior briefing.</p> <p>Common factors that are considered:</p> <ul style="list-style-type: none"> • Simple versus Novel issue |

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| | | | <ul style="list-style-type: none"> • Case with little versus many issues <p>You must disclose the use of prior briefing in the PFR and should point out original material. Example: "original material is on pages 1-6, 18, 20, 24, 26-30."</p> |
| 14 | Petition: Other | <p><u>Guideline</u> = reasonableness</p> <p><u>Includes</u>: petitions for writ of mandate, prohibition, or supersedeas and oppositions that you wrote.</p> <p>Itemize if more than one.</p> | Expansion of the appointment may be required in certain districts. Check with the project. |
| 15 | Review of Response to Petition | <p><u>Guideline</u> = reasonableness</p> <p><u>Includes</u>: review of opposition to petitions for writ of mandate, prohibition, or supersedeas filed by opposing parties.</p> | |
| 16 | Petition: Reply to Response | <p><u>Guideline</u> = 1/3 of hours awarded for the petition.</p> <p><u>Includes</u>: Preparing reply to opposition to petition for writ of mandate, prohibition, or supersedeas.</p> | |

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| <p>17</p> | <p>Oral Argument</p> | <p><u>Guideline</u> = 7.5 hours</p> <p><u>Includes:</u> All time spent preparing for and presenting OA</p> <p>Itemize each task and time spent.</p> | <p>The project may recommend payment above or below the guidelines depending on reasonableness.</p> <p>Common Examples of OA time:</p> <ul style="list-style-type: none"> • Reviewing the case before asking or waiving oral argument. • Preparing new authorities letter related to OA. • Completing request for OA or waiver. • Preparing for OA, presenting argument, and wait time in court. <p>If you claim over guidelines, provide an explanation. <u>Example:</u> “7.5 hours preparing for oral argument. The case raised 6 legally and factually complex issues. To prepare, counsel reviewed all the briefings totaling 250 pages and conducted research to determine if any new applicable cases had been decided. .5 hour waiting in court and .7 hour arguing.”</p> |
| <p>18</p> | <p>Travel</p> | <p><u>Includes:</u> Travel time for trips longer than 25 miles one way for routine case related purposes, including travel to oral argument, to visit a client in custody, IF approved, to</p> | <p>Time is compensable where the distance exceeds 25 miles one-way from counsel’s office, and where counsel cannot reasonably work on the case while traveling.</p> <p>Any travel done other than to attend oral argument should be pre-approved by the project. For example, if you need to review the</p> |

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| | | <p>review the superior court file.</p> <p>Time on a plane or train when you could be working generally is not compensable as travel.</p> <p>Itemize each task and time spent.</p> | <p>superior court file but live out of area, consult with the project before making the trip to receive pre-approval.</p> <p>Common Examples of Travel:</p> <ul style="list-style-type: none"> • Time to travel to COA for oral argument • Time to travel to airport/train station and to check in and wait <p>Itemize time: <u>Example</u>: “Driving 26 miles to airport: 0.5 hour; Security and boarding: 1 hour; Take off and landing: 0.3 hour; Airport to court: 0.6 hour.”</p> |
| 19 | Review Opinion | <p><u>Guideline</u> = 1.5 hrs. after a substantive brief or .2 hrs. after a no-issue brief.</p> <p><u>Includes</u>: Review of tentative, final, or opinion after remand, and dismissal or abatement order.</p> | <p>The recommendation will consider what is reasonable given the length and content of the opinion. Whether additional filings occurred is also relevant.</p> |
| 20 | Review Superior Court File | <p><u>Includes</u>: Reviewing contents of court file or exhibits, including viewing exhibits off-site or provided to your office by trial counsel</p> | |
| 21 | Consult with Project | <p><u>Guideline</u> = 2.0 hrs. for assisted cases, 4.0 hrs. for independent cases.</p> | |

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| | | <p><u>Includes:</u> Consulting project staff attorneys, including preparation of Wende memos.</p> <p>Time consulting with project support staff is billed on line 23.</p> | |
| 22 | Admin Tasks | <p><u>Guideline</u> = 1 hr. max</p> <p>Billed on final claim only. No explanation required.</p> <p><u>Includes:</u> communication with non-attorney project staff on administrative tasks such as acceptance of case offer, compensation claim questions etc.</p> | <p>This will routinely be billed on every final claim.</p> <p>Projects cannot approve time more than 1.0 hour even with an explanation.</p> |
| 23 | Other Communication | <p><u>Includes:</u> ALL non-client/trial counsel communication AND review of routine court, AG, and other party filings, aside from the opinion and briefs</p> | <p>CCAP's Line by Line Guide has an extensive list of common items claimed on this line.</p> <p>Common Examples of Other Communication:</p> <ul style="list-style-type: none"> • Opposing counsel (below and on appeal) • Court clerks (Superior Court and COA) • Custodial Officials (jail, probation, parole) • Client relatives |

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| | | | <ul style="list-style-type: none"> • Co-appellant counsel • ICWA representatives • Amici • Translators • Non-attorney project staff on non-admin tasks such as transmission of record, client contacts and location • Change of address notices sent/received for client or counsel • Court notices/orders • AG EOT's, augments, motions for judicial notice, record correction, etc. (and communications related to these matters) • Preparing and reviewing a new authorities letter if not related to OA (ADI only) <p>Itemize time: <u>Example</u>: "3 AG communications 0.2 hour; 4 AG filings 0.4 hour; review 4 court orders 0.4 hour; 3 co-counsel calls 0.7 hour."</p> |
| 24 | Other Services | <p><u>Includes</u>: Other services that can't reasonably be claimed on another line</p> <p>f.</p> | <p>CCAP's Line by Line Guide has an extensive list of common items claimed on this line.</p> <p>Common Examples of Other Services:</p> <ul style="list-style-type: none"> • Reviewing co-appellant's briefs |

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| | | | <ul style="list-style-type: none"> • Reviewing supplemental briefs personally filed by the client • Reviewing non-appealing minor’s briefs • Reviewing trial counsel's file for a non-habeas reason. • Reviewing judicially noticed materials that could not have been obtained by way of an augment motion or normal record request. • Reviewing non-habeas transcripts of prior or other appeals that have not been incorporated into the official transcripts of the current appeal, through augment or judicial notice motion. (Should Include page count in explanation.) • Researching legal matters outside of the appeal when necessary • Registering for online docket notifications and checking the docket • Redacting transcripts or other documents prior to sending to client. <p>Itemize time: <u>Example</u>: “Review client's pro per habeas 0.4 hour; review AG's informal response 0.4</p> |
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| | | | hour; review client's informal reply 0.2 hour.” |
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Line by Line Guide for “Expense Worksheet”

| Line | Category | Instructions | Tips |
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| 1 | Photocopying | <p><u>Guideline</u> = actual cost of copying up to .10 cents per page</p> <p><u>Includes:</u> printing and copying necessary documents</p> <p>Enter number of pages copied in 'Qty' field.</p> <p>Do not combine with binding.</p> | <p>Given electronic filing, copying expenses are expected to be minimal. If you are unsure whether you will be compensated, contact the Project <i>before</i> copying the item.</p> <p><u>When you only possess an electronic record:</u></p> <ul style="list-style-type: none"> The actual cost for printing a copy of the transcript for the client will be reimbursed only if: (1) counsel requested a printed copy and the superior court denied the request (or has a standing policy for only providing electronic copies), and (2) the client is unable to receive the record electronically. The expense should be claimed on Line 10 “misc. expenses” of the Expenses Worksheet. (See the Statewide Claims Manual (“Printing a Digital Record”) for the most updated policy and more thorough explanation.) <p>Please explain significant expenses (which should be pre-approved).</p> |
| 2 | Binding | <p>Professional binding (e.g., velo or spiral binding) of briefs and petitions that could not be filed electronically is compensable.</p> <p>Use of velo or spiral binding of paper service</p> | <p>Given electronic filing requirements, compensation for binding is very rarely recommended. For instance, when a long habeas petition/exhibits must be bound.</p> |

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| | | copies is not compensable. Use the least expensive alternative, staples or binder clips. | |
| 3 | Postage | <p><u>Guideline</u> = \$50 max.</p> <p><u>Includes:</u> standard first-class postage and shipping costs for mailing letters, briefs, transcripts</p> | <p>Must explain postage exceeding \$50.</p> <p>Include a generalized itemized list.</p> <p><u>Example:</u> "Cost includes sending record to client (\$28) and postage to mail briefs and general correspondence."</p> |
| 4 | Telephone | All case-related long distance telephone expenses. | <p>Monthly charges and local calls are not compensable.</p> <p>Collect calls from clients are compensable.</p> |
| 5 | Total Travel Expense | <u>Includes:</u> All travel expenses, including personal car mileage, meals, lodging, transportation & parking. | <p>Travel for non-routine purposes requires pre-approval.</p> <p>ADI requires that you submit receipts (for airfare, hotel, other relatively high expenses) at the time of the claim.</p> <p>Travel expenses are not subject to the minimum 25-mile limitation.</p> <p>Rates for lodging and meals are capped and vary by location. Please consult Appendix E of the Statewide Claims Manual for updated guidelines.</p> <p>Travel expenses should be itemized.</p> |

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| | | | <p><u>Example:</u> 44 miles to and from airport \$22.00; Lunch \$9; Hotel \$108; Shuttle \$45; Airport parking \$22.</p> |
| 6 | If Total Travel Expense includes mileage, indicate the miles and claimed amount | <p>Enter all mileage driven by personal car and explain in comments.</p> <p>Mileage cost must also be included in the amount claimed on line 5 and explanation included in comments on Line 5.</p> | |
| 7 | Ct eFile/eServe Fees | <p><u>Includes:</u> TrueFiling Costs</p> <p>Include the number of separate filings.</p> | <p>TrueFiling costs are either \$7.50 or \$10.50</p> <p>Itemize your costs by # of filings.</p> <p><u>Examples:</u> “2 EOTs and AOB at \$7.50 each”; “ARB at \$10.50”; “3 documents TrueFiled @ \$10.50 each”</p> <p>Electronic filing of a petition for review on the California Supreme Court is deemed service on the Court of Appeal (Cal. Rules of Court, Rule 8.500 (f)(1)), and an additional service copy is unnecessary; the TF fee in this circumstance might not be compensated.</p> |
| 8 | Paralegal/Clerk | <p><u>Guideline:</u> \$25 per hour and time spent must be reasonable.</p> <p>Itemize time in comments to</p> | <p>An explanation for all time is required.</p> <p>Paralegal/Clerk time is expected to reduce the time an attorney must spend on the same task. Therefore, if an attorney is over guidelines for a task, no paralegal/clerk time will be approved.</p> |

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| | | <p>indicate service performed and to which it is related (AOB, RB, etc.).</p> <p>Does <u>not</u> include administrative services, such as making copies, scanning the record, trips to the post office, or time spent TrueFiling. Also, no time is compensable for preparation of Table of Contents.</p> | |
| 9 | Interpreter | <p><u>Guideline</u> = \$30 per hour and expenses must be reasonable</p> <p>Itemize actual expenses incurred.</p> | <p>An explanation for all time is required. <u>Example</u>: "Translation expenses at \$xx.xx per hour."</p> <p>In the Fourth District, any expenses exceeding \$900 require court approval.</p> <p>Translation of lengthy documents such as briefs is not compensable.</p> <p>Retain invoices and receipts to submit at the time of the claim.</p> |
| 10 | Miscellaneous Expenses | Any expense that does not fit into another category. | Retain invoices and receipts for submission as required at time claim. |

| | | | |
|--|--|--|---|
| | | | <p><u>Common Misc. Expenses:</u></p> <ul style="list-style-type: none"> • Printing a digital copy of the record, see line 1 comments for the steps counsel must take to receive reimbursement. This category is not subject to the \$.10/per page photocopy limitation, so claim the actual amount. • Computer research requiring access to unique materials outside of a basic fee plan (CA and Supreme Court cases). Itemize research by task to which it is related (AOB, RB, etc.). • Legislative history research done by a specialized service. Itemize by task to which it is related (AOB, RB, ARB, etc.). Check with the project to see if it has material for distribution. Explain need for the materials. <p>In the Fourth District, expenses over \$900 require an order from the Court of Appeal for compensation.</p> |
|--|--|--|---|

What to Expect If Your Claim Gets Cut

ADI values the hard work done by our panel attorneys and strives to work with counsel to achieve full compensation for the time and expenses claimed. Nonetheless, sometimes the Project must cut the submitted claim due to guidelines set by the JCC and by which we must abide. If this happens, the following can be expected:

Prior to the project transmitting its claim recommendation to the JCC, a project staff attorney will notify the panel attorney if there is a proposed cut of more than five hours that is also 10% or more of the total hours claimed. The panel attorney may then discuss the proposed cut at this level with the project staff attorney.

(See Statewide Claims Manual (“Notice to Attorney of Proposed Cut”.)

Creating a Claim in CMS+

To Begin: Click on the “CLAIMS” tab at the top of the screen

- Select the type of claim and click “New Claim” (e.g. Early Interim, Interim, Supplemental Interim, Final, Supplemental Final.)
- Enter the case number & click “Search”. A list of your appointed cases will appear. Click “Create” to begin.

From this point, the program will lead you through 13 steps necessary to complete your claim. The steps are listed below, with brief summaries.

Important Navigation Tip: As you progress through the steps, you can click “Save and Continue” to proceed to the next step, or “Save and Return” to see the checklist of steps. This feature enables you to stop work on the claim, log out, then later pick up where you left off.

For more detailed information on each step, please see the detailed handout – Creating a Claim in CMS+.

Step 1: Case Information Screen

- This screen request general case information, such as the name of the client, type of case, type of appointment, etc. Drop down menus are provided.
- The information is pre-populated by information in ADI’s files. As always, be sure to check the pre-populated information for accuracy.

Step 2: Milestones and Superior Courts Information

- Throughout CMS+, you can use the + sign to add information, the pencil icon to edit, or the trash can to delete.

Step 3: Sentence or Other Disposition Screen

- Add the dispositions/sentences.

Step 4: Counts of Conviction

- The JCC has specific rules for entering subdivisions where code sections are combined. “Subdivision” is limited to the last subdivision listed in the code section. For example, if you have Penal Code 664(a)/288.2(b)(2), “Section” = 664(a)/228.2 and “Subdivision” = (b)(2).

Step 5: Transcripts Screen

- Enter the “Pages Read”. The guideline calculation will be based upon the total pages read (e.g. line 2, record review is based on the total pages read, not the total page count).
- If the Preliminary Hearing Transcript was not read, be sure to deduct the page count from the Clerk’s Transcript

Step 6: Hours Worksheet:

- Enter the claimed hours and add comments for any time claimed over the guidelines.

Step 7: Use of Previous Briefing:

- Declare any use of previous briefing in this step.

Step 8: Use of Associate Counsel Worksheet:

- Be sure to claim any use of associate counsel in this step. Claim all of your own hours first and only then any associate counsel hours actually included in the amount entered for Step 6.

Step 9: Expense Worksheet

- Car Travel: must be separately explained on line 6. Indicate the number of miles traveled (e.g. 70 miles) in “Quantity” and the amount claimed (e.g. \$33.95).

Step 10: Summary and Calculations:

- The rate and totals are automatically calculated. Contact ADI if the rate is incorrect.

Step 11: Additional Comments and Notes

Step 12: Signature Page (Step 12)

- Select the correct Vendor Site ID

Step 13: Submit Claim

- You can print the claim by clicking the link “Print the Claim.”
- When ready to submit, enter the password you use to log into the panel portal, and click “submit”.

This message will appear when the claim has been successfully submitted to ADI:

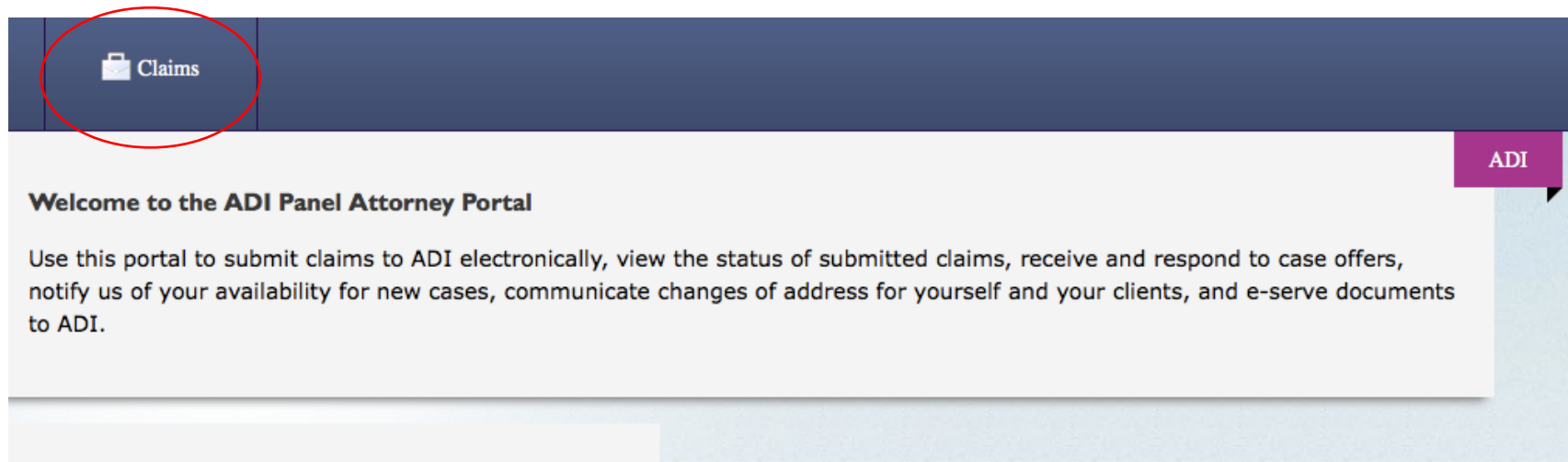


Correcting Submitted Claims

If you need to correct a claim after it's been submitted, notify ADI. ADI will unsubmit the claim.

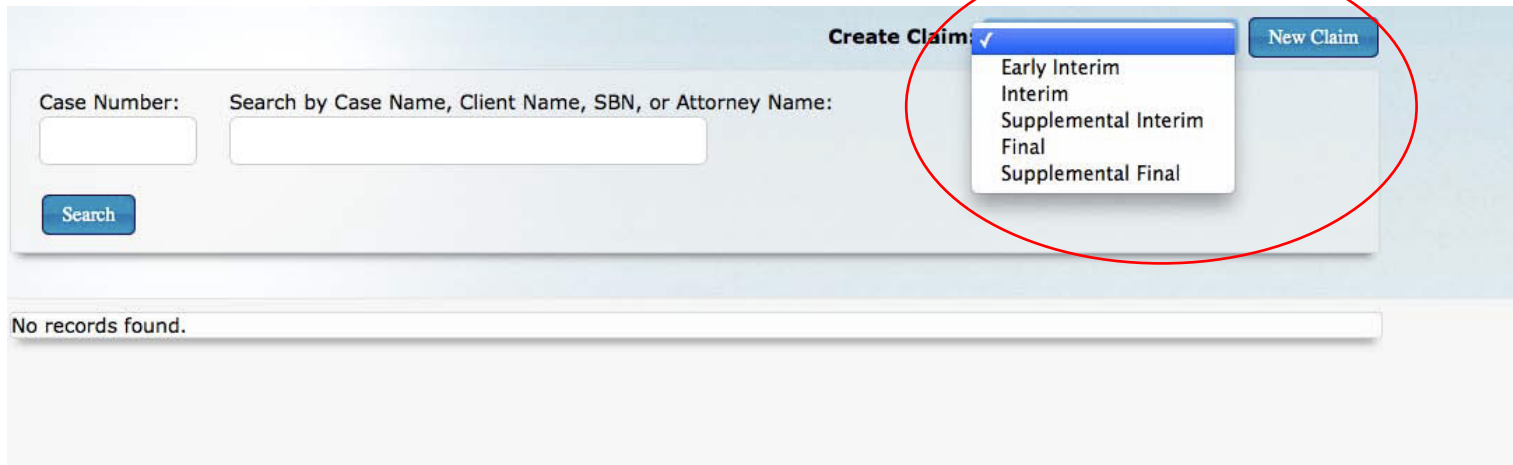
Creating a claim in CMS+

Click on the "CLAIMS" tab at the top of the screen¹



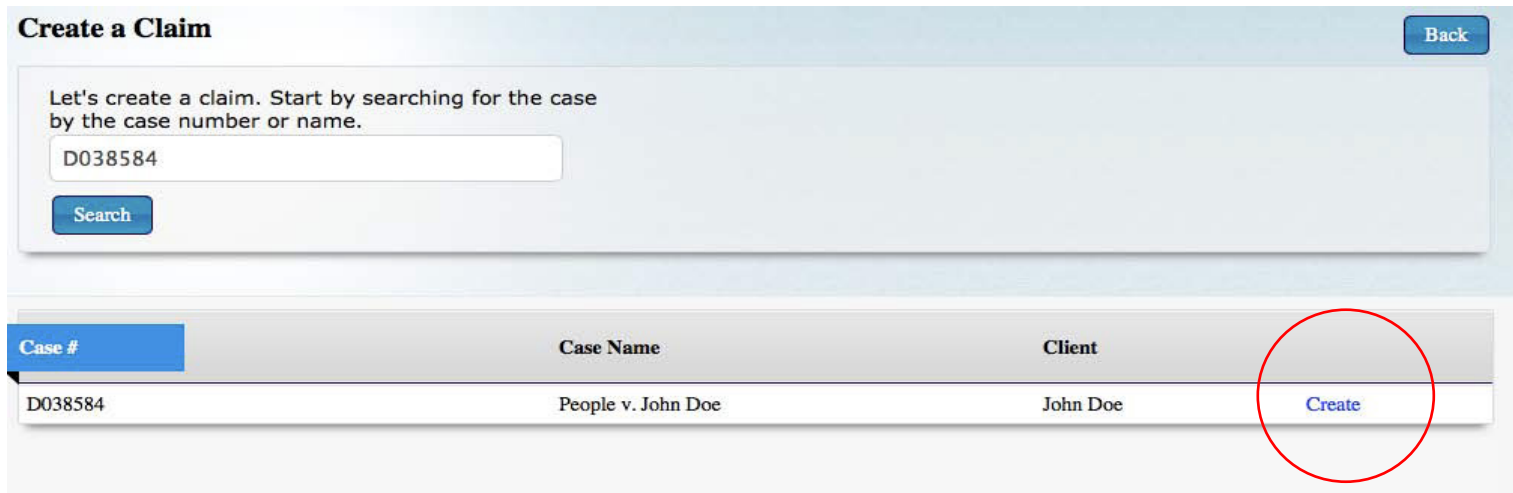
¹ Screenshots were taken from the original handout drafted in 2014 when CMS+ was launched. Minor changes were made to the system since that date. Where relevant, they are highlighted in this handout.

Select the type of claim and click "New Claim"



The screenshot shows a web interface for creating a claim. At the top right, there is a 'Create Claim:' label with a dropdown arrow and a 'New Claim' button. The dropdown menu is open, showing five options: 'Early Interim', 'Interim', 'Supplemental Interim', 'Final', and 'Supplemental Final'. Below this, there are two input fields: 'Case Number:' and 'Search by Case Name, Client Name, SBN, or Attorney Name:'. A 'Search' button is located below the first input field. The text 'No records found.' is displayed in a white box below the search area.

Enter the case number & click "Search". A list of your appointed cases will appear. Click "Create" to begin.



The screenshot shows the 'Create a Claim' form. At the top right, there is a 'Back' button. Below it, there is a text box with the instruction: 'Let's create a claim. Start by searching for the case by the case number or name.' Below this text box is an input field containing 'D038584' and a 'Search' button. Below the search area, there is a table with the following data:

| Case # | Case Name | Client | |
|---------|--------------------|----------|--------|
| D038584 | People v. John Doe | John Doe | Create |

Case Information Screen (Step 1) – Case #D038584

This screen will pre-populate the information ADI has on file.

Case Information Screen (Step 1) - Case# D038584 Cancel

| | | | | |
|---|---|---|---|--|
| First Name | Middle | Last Name | Case Type | Type |
| <input type="text" value="John"/> | <input type="text"/> | <input type="text" value="Doe"/> | <input type="text" value="CRIMINAL"/> | <input type="text" value="A-Appellant"/> |
| Appt. Type: | District | Division | Trial County | |
| <input type="text" value="INDEPENDENT"/> | <input type="text" value="D-4th district"/> | <input type="text" value="1st division"/> | <input type="text" value="SAN DIEGO COUNTY"/> | |
| Trial Court | Briefing Status | Strikes: | | |
| <input type="text" value="Jury Trial"/> | <input type="text" value="Normal Brief"/> | <input type="text" value="None"/> | | |
| Termination Type: | Minor? | Client Relation | Reference Type: | |
| <input type="text" value="None"/> | <input type="checkbox"/> | <input type="text" value="Defendant"/> | <input type="text"/> | |
| Complexity Type: | 1538.5 Motion? | People's Appeal? | | |
| <input type="text" value="B-Sentence of at least 5 but less than 10 years for trie"/> | <input type="checkbox"/> | <input type="checkbox"/> | | |

Special Fields:

“Termination Type”: In most cases, “None” will apply.

- Other options within the dropdown menu include:
 - A – Abandoned prior to briefing
 - D – Dismissed prior to briefing
 - R – Replaced prior to briefing
 - T – Transferred prior to briefing
- If none of these apply, check “None.”
- Note: “Null/Undetermined/Legacy (U)” is no longer used.

“Client Relation” (i.e. Client Relationship):

- DEF-Defendant for most adult criminal cases
- JUV-Juvenile for most juvenile delinquency cases,
- In a dependency case, options include FA-Father, MO-Mother, MIN-Minor, FST-Foster Parents, GP-Grandparents.
- For LPS cases, there’s an option for LPS-Conservatee.
- Catch-alls: UNK-Unknown and OTH-Other.

“Reference Type”: No need to complete this section, it will be pre-populated based on ADI’s information, if applicable.

“People’s Appeal”: Check this box if it is a People’s appeal. This applies only to adult and juvenile criminal cases. In all other types of cases, do not check the box.

Review the drop down menus and make corrections, if necessary. Click “Save and Continue” to proceed to the next step. Click “Save and Return” if you want to go to the checklist (see below).

Claim Progress

[Step 1](#)

Case Info

complete

[Step 2](#)

Milestones

incomplete

[Step 3](#)

Sentence

incomplete

[Step 4](#)

Charges

incomplete

[Step 5](#)

Transcripts

incomplete

[Step 6](#)

Hours

incomplete

[Step 7](#)

Briefing

incomplete

[Step 8](#)

Counsel

incomplete

[Step 9](#)

Expenses

incomplete

[Step 10](#)

Summary

incomplete

[Step 11](#)

Notes

incomplete

[Step 12](#)

Signature

incomplete

[Step 13](#)

Print/Submit

incomplete

You can move between Steps 1 through 13 by clicking on the blue links (e.g. "Step 1", "Step 2", etc.) However, you cannot submit the claim until you've completed each step.








Milestones and Superior Courts (Step 2)



Navigation throughout CMS+

- Add: click the + sign on the right side of the screen.
- Edit: click the pencil.
- Delete: click the trash can.

For example, to add a milestone, click the + sign and the pop up window below on the left will appear. Use the drop down menu (options displayed below on the right) to select the milestone & enter the date. “Action” is a required field for Opinion/Final Order Date and Oral Argument.

Milestones and Superior Courts (Step 2) - Case# D038584 Cancel

| Milestones | Date | Action | Notes | |
|-----------------------|-----------|---|-------|---|
| Notice of Appeal Date | 7/12/2014 |   | |  |
| Record Filed Date | 7/31/2014 |   | | |
| AOB Filed Date | 9/10/2014 |   | | |

| Court # | Court | Is Primary? | |
|-----------|--|-------------|---|
| SCN029583 | San Diego North County Court (SCN, NJ) | False |   |

Save and Continue Save and Return

Add ✕

Milestones

Date

Action

Notes



Save

AOC Milestones

- ✓
- AOB Filed Date
- Habeas Corpus filed date
- Notice of Appeal Date
- Opinion/Final Order Date
- Oral Argument Date
- Other petitions filed Date
- Petition for Rehearing filed Date
- Petition for Review filed Date
- Petition Reply Brief
- Record Filed Date
- Remittitur Date
- Reply Brief Date
- Review Granted Date
- Supplemental Brief Date

Sentence or Other Disposition Screen (Step 3)

If you click the pencil, a pop-up screen will appear to edit the information, see below.

| Sentence or Other Disposition Screen (Step 3) - Case# D038584 | | | | | Cancel |
|---|--------|----------|------|----------------|---|
| Years | Months | Quantity | Type | Disposition |  |
| | | | | CRIM-PROBATION |  |

Edit ✕

Years

Months

Quantity

Type

Other Disposition

Enter the correct information, and click “Update.”

(“Other Disposition” is a required field.)

Counts of Conviction (Step 4)

Rule for combined code sections: Penal Code 664(a)/288.2(b)(2) - Section: 664(a)/288.2 Subdivision: (b)(2)

Counts of Conviction Screen (Step 4) - Case# D038584

Cancel

| Code | Section | Subdivision | Degree | # of Counts | Description | |
|------|---------|-------------|--------|-------------|------------------------|--|
| PC | 666/484 | (a) | | 1 | Petty theft with prior | |
| PC | 211 | | 2 | 1 | Robbery | |

Save and Continue
Save and Return

Transcripts Screen (Step 5)

Transcripts Screen (Step 5) - Case# D038584

Cancel

RT-Reporter

CT-Clerk

OT-Other

PT-Prelim

| Type | Category | Received | Volume | Pages Read | Pages Total | Comments | |
|----------|-------------|-----------|--------|------------|-------------|----------|--|
| Original | PRELIMINARY | 8/5/2014 | 1 | 0 | 50 | | |
| Original | CLERKS | 8/5/2014 | 1 | 350 | 400 | | |
| Original | REPORTERS | 9/12/2014 | 2 | 800 | 800 | | |

Save and Continue
Save and Return

***A page count will only appear if the record was originally sent to ADI.

If you want to add or edit a transcript, click the + (to add) or pencil (to edit), and the following pop up box will appear:

Add [Close]

Normal Clerks Transcript includes Preliminary Hearing Transcript.

Transcript Received
9/12/2014 7 [Calendar]

Type
Original [Dropdown]

Category
CLERKS [Dropdown]

Volumes
[Text Box]

Pages Read
[Text Box]

Pages Total
[Text Box]

Comments
[Text Area]


Save

JCC Guidelines for Transcript Page Counts:

1. Clerk's Transcript page count includes the Preliminary Hearing Transcript. (For example, in Division One, where the Preliminary Hearing is bound separately, the Clerk's Transcript page count includes the separately bound preliminary hearing transcript.)
2. "Pages Read" is now a required field. The guideline calculation will be based upon the total pages read (e.g. line 2, record review is based on the total pages read, not the total page count).
3. If the Preliminary Hearing Transcript was not read:
 - a. The Preliminary Hearing Transcript "Pages Read" = 0.
 - b. The Clerk's Transcript "Pages Read" should not include the Preliminary Hearing Transcript.
 - c. See example above: Clerk's Transcript, Pages Read = 350, Total Pages = 400; Preliminary Hearing Transcript, Pages Read = 0, Total Pages = 50.
4. If you read the preliminary hearing transcript, you must provide a comment. (See below.)

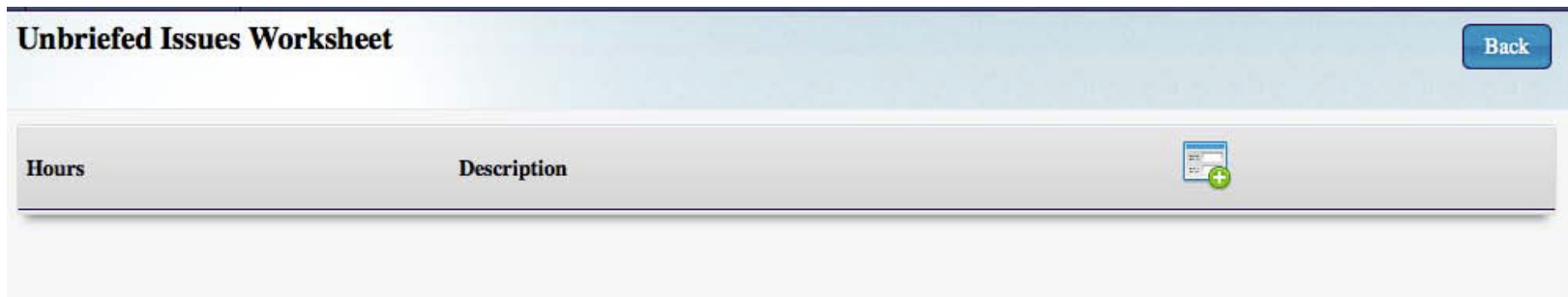
Hours Worksheet (Step 6)

Enter the claimed hours and add comments for any time claimed over the guidelines.

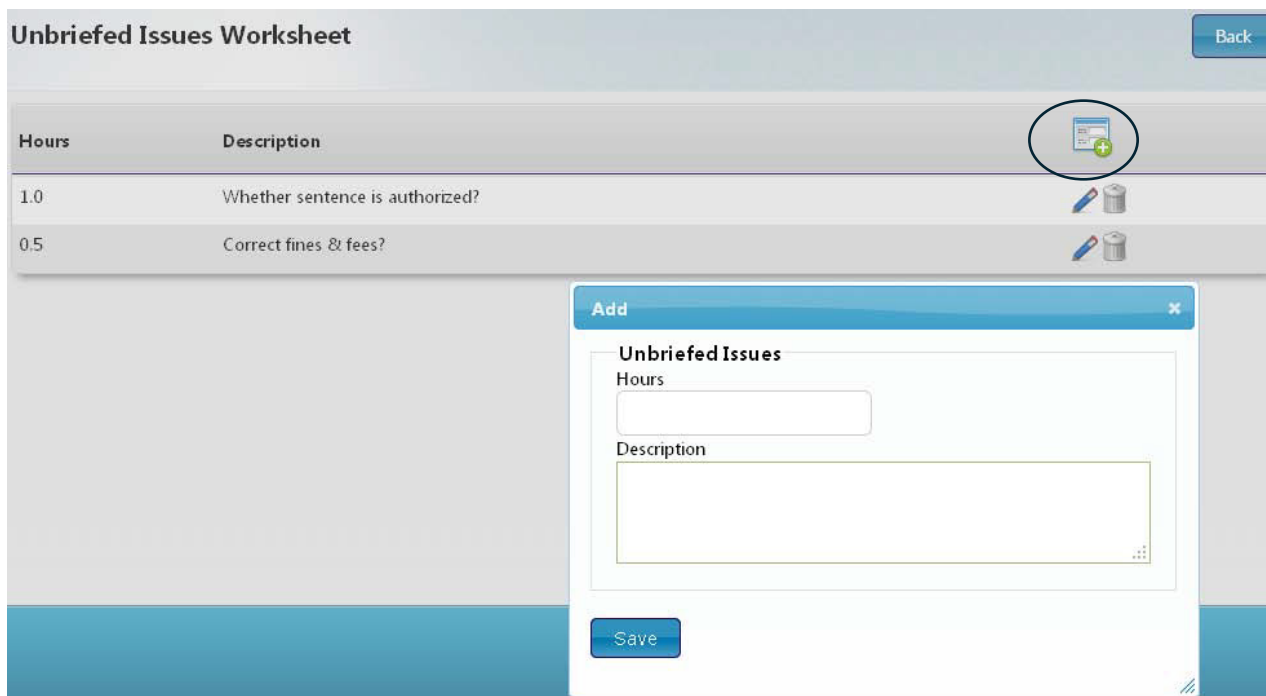
| Item | Guidelines | | | Interim | | Notes |
|---|-----------------------------------|-----------------|-----------------------------------|-----------------------------------|-------|--|
| | Guidln Variable | Guidln Constant | Guidln Total | Claim | Recom | |
| 1. Communication | <input type="text" value="1"/> | 3.5 | <input type="text" value="3.50"/> | <input type="text" value="5.0"/> | | <input type="text" value="6 letters to the client, 5 letters from the client, two phone calls with trial counsel"/> |
| 2. Time for Review of Record | <input type="text" value="1150"/> | 50 pages/hr | <input type="text" value="23"/> | <input type="text" value="20.0"/> | | <input type="text"/> |
| 3. Extension(s) of Time | <input type="text" value="1"/> | 0.5 | <input type="text" value="0.5"/> | <input type="text" value=".5"/> | | <input type="text"/> |
| 4. Motions to Augment | <input type="text" value="1"/> | 1.5 | <input type="text" value="1.5"/> | <input type="text" value=".5"/> | | <input type="text"/> |
| 5. Other Motions | <input type="text"/> | | <input type="text" value="0"/> | <input type="text" value=".5"/> | | <input type="text" value="Rule 8.320(b) letter"/> |
| 6. Client's first brief | <input type="text"/> | | <input type="text" value="0"/> | <input type="text" value="40.0"/> | | <input type="text"/> |
| 7. Unbriefed Issues  | <input type="text"/> | | <input type="text" value="0"/> | <input type="text" value="1.0"/> | | <input type="text" value="Whether the trial court erred in failing to give lesser included offense of grand theft?;Whether the trial court properly awarded pre-sentence custody credits?;Whether the trial court properly calculated fines & fees?"/> |

Unbriefed issues

- Click on the pencil on Line 7, and the following screen will appear:



To add unbriefed issues, click the + sign:



Use of Previous Briefing (Step 7)

Use of Previous Briefing (Step 7) - Case# D038584 Cancel

The Court does not wish to discourage the use of "recycled" material from previous briefing or other sources. However, it has directed that use of such material should be considered in determining reasonable compensation for briefs and other documents

For any issue in any brief or petition for which you are claiming compensation, did you substantially copy brief bank material or other materials from arguments previously briefed by you or another attorney?

YES NO

If your answer is "YES", briefly describe for each such issue what material you used and what new work you performed. You may add any additional explanation you wish.

Save and Continue Save and Return

Use of Associate Counsel Worksheet (Step 8)

Use of Associate Counsel Worksheet (Step 8) - Case# D038584 Cancel

Does the time for which you are claiming compensation in the Hours Worksheet (Step 6) include hours worked by Associate Counsel (defined as any attorney besides the specific individual appointed by the Court in this case, whether or not from the same firm)?

Yes No

Save and Continue Save and Return

Expense Worksheet (Step 9)

Car Travel: must be separately explained on line 6. Indicate the number of miles traveled (e.g. 70 miles) and the amount claimed (e.g. \$33.95).

| Guidelines | | Interim | | | | |
|---|----------------------------------|------------------------------------|------------------------------------|------------------------------------|-------|---|
| Item | Qty | Constant | Amount | Claim | Recom | Notes |
| 1. Photocopying | <input type="text" value="150"/> | <input type="text" value="0.100"/> | <input type="text" value="15.00"/> | <input type="text" value="15.00"/> | | <input type="text"/> |
| 2. Binding | | <input type="text"/> | <input type="text" value="0"/> | <input type="text" value="20.00"/> | | <input type="text"/> |
| 3. Postage | | <input type="text"/> | <input type="text" value="0"/> | <input type="text" value="35.00"/> | | <input type="text"/> |
| 4. Telephone | | <input type="text"/> | <input type="text" value="0"/> | <input type="text"/> | | <input type="text"/> |
| 5. Total Travel Expense | | <input type="text"/> | <input type="text" value="0"/> | <input type="text" value="33.95"/> | | <input type="text" value="Travel to superior court to view exhibits."/> |
| 6. If Total Travel Expense includes mileage, indicate the miles and claimed amount. | <input type="text" value="70"/> | <input type="text" value="0.485"/> | <input type="text" value="33.95"/> | <input type="text" value="33.95"/> | | <input type="text" value="Travel to superior court to view exhibits."/> |

Summary and Calculations (Step 10)

The rate and totals are automatically calculated. Contact ADI if the rate is incorrect.

Summary and Calculations (Step 10) - Case# D038584

Cancel

(1) Confirm the Hourly Rate on this page. To make changes, contact the appellate project.

(2) Final claims paid by the State are still subject to audit and possible payment adjustment by AIDOAC.

Rate: \$

| | Interim | |
|-----------------------|------------|-----------|
| Guidelines | Claimed | Recommend |
| Dates: | | |
| HOURS | | |
| Totals | 68.30 | |
| @95.00 | 68.30 | |
| SubTotal(\$) | 6488.50 | |
| 95% Interim(\$) | | 6164.07 |
| EXPENSES | | |
| SubTotal(\$) | 103.95 | |
| TOTALS | | |
| | 6592.45 | |
| 95% Interim + Expense | \$6,268.03 | |
| 5% Holdback | \$324.42 | |
| Cut | 0 | |
| Less Previous | \$0.00 | |
| Payment | \$6,268.03 | |

Save and Continue
Save and Return

Additional Comments and Notes (Step 11)

Additional Comments and Notes (Step 11) - Case# D038584

Cancel

Please enter any additional comments or notes that you would like submitted with your claim.

Save and Continue

Save and Return

Signature Page (Step 12)

This is automatically completed based on ADI's information. To make changes, contact ADI.

"AOC Unique ID" is now "Vendor Site ID". Select the correct Vendor Site ID.

Signature Page (Step 12) - Case# D038584

Please carefully check all pre-entered information, including spelling and numbers, are correct.

Company

First Name

Middle Name

Last Name

Email

Business Phone
 ext:

State Bar #
109385

AOC Unique ID

Submit Claim (Step 13)

You can print the claim by clicking the link "Print the Claim."

When ready to submit, enter the password you use to log into the panel portal, and click "submit".

Submit Claim (Step 13) - Case# D038584

[Cancel](#)

To complete the claim process.....

1. [Print the claim.](#)
2. Review and confirm the accuracy of the claim.
3. Sign and date the claim. You must sign the paper claim on the last page below the "penalty of perjury" declaration. CCP section 1010.6(a)(2)(B) requires you to retain the signed copy for possible future examination.
4. Submit the claim.

If you certify under penalty of perjury that the statements in the claim are true and correct, type your password in the box below and press the submit button.

Password

NOTE: Final claims paid by the State are still subject to audit and possible payment adjustment by AIDOAC.

NOTE: Mistakes? If you discover one before the Project has "gathered" the claim, call the Project to determine whether the claim may be "unsubmitted."

[Submit Claim](#)

This message will appear when the claim has been successfully submitted to ADI:

Congratulations

[Done](#)


You've successfully submitted a claim for D038584

Viewing the Status of Submitted Claims

To view a list of submitted claims, and the status, click on the “CLAIMS” tab:

Case Number:

Search by Case Name, Client Name, SBN, or Attorney Name:

| ID | Case # | Client | Type | Submitted | Attorney | Tagged |
|-------|---------|----------|---------|-----------|-------------------------|---|
| 82310 | D038584 | John Doe | Interim | 9/12/2014 | HILLARY R. CLINTON - A1 |  |

The “Tagged” date is the date the claim was transmitted to the AOC.

You can also elect to have an e-mail notification which will be sent approximately 5 days after the claim has been submitted to the Judicial Counsel Staff. This is done during the registration process, and can be updated through the panel portal if you wish to change your preferences.

Correcting Submitted Claims


If you need to correct a claim after it's been submitted, notify ADI. ADI will unsubmit the claim.

Return to the "CLAIMS" tab, and click the pencil next to the claim to make corrections. Proceed through each of the steps, then type in your password and submit.

Create Claim:  [New Claim](#)

Case Number: Search by Case Name, Client Name, SBN, or Attorney Name:

[Search](#)

| ID | Case # | Client | Type | Submitted | Attorney | Tagged |
|-------|---------|----------|---------|-------------|-------------------------|---|
| 82310 | D038584 | John Doe | Interim | Unsubmitted | HILLARY R. CLINTON - A1 |   |