



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

JAIME R. ROMÁN
SUPERIOR COURT JUDGE
DEPARTMENT 9

December 26, 2008

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SACRAMENTO, CALIFORNIA 95814
(916) 874-5651

Requests for Funding – 987.9 PC
Explanation of the Process

Overview

I have been designated by Presiding Judge Mize as the judge responsible for all requests for ancillary funding in death cases (987.9 PC funding). The purpose of this memo is to outline the procedures that I will use in reviewing such requests. It is my hope that this explanation will avoid confusion and delay, allowing me to act on your requests in a timely fashion.

I will **NOT** set your request for a hearing unless I am inclined to deny the request, in whole or in part. In other words, a final denial will not occur without giving you the benefit of expressing your position in camera, on the record. Such hearings will take place in whatever court I am working in (presently Department 9, Mon-Fri, 9:00 a.m.- 4:15 p.m.; Department 60, Mon-Thurs: 4:45 p.m.- 7:00 p.m.) at a time and on a date to be coordinated with my Department 9 clerk, Julie Jackson.

There may be situations when a simple phone call to you will resolve an issue or question that I may have. I will attempt to resolve as many issues as possible without disrupting your schedule to participate in a reported hearing.

Format of Requests

Your first request for funding that comes to me needs to contain a brief statement of the facts of the case, the status of the case and the names of all counsel involved in the case. Subsequent requests for funding need not reiterate this information, but must include updated information if the circumstances have changed. I will maintain a secure file on each case – if I need to refresh my memory on the facts of the matter, I can simply look at the initial material (and updates) that you provided.

- A. All requests for funds must include a declaration from counsel that discloses the following information:
- * The type of service being requested (investigator, lab work, travel, etc.)

- * The name of the service provider, and if applicable, a vita or resume of the provider.
- * A detailed description of the services to be provided and the relevance of such work to the defense theory.
- * The number of hours estimated to complete the work, the hourly rate and a general estimate of when the work will be completed. Note that flat fees will not be approved. You also need to include the rate paid to this expert in the past.
- * Requests for travel and/or per diem funds. (Remember that out of state providers must provide justification for hiring such providers, including attempts to secure in state providers).

B. Requests for Supplemental Funding

If your request supplements funding that has already been approved and expended (or about to be expended), your request should include the following information:

- * A copy of any earlier request for funding for the service/provider, to include the earlier declaration submitted in support of such funding.
- * A detailed description of the services provided pursuant to the earlier approved funding and an explanation as to why promised services have not been completed (if that is the case)
- * A detailed description of the new/additional services to be provided and the relevance of such work to the defense theory.

C. All orders for funding are made with the express understanding that in the expenditure of the funds you must comply with all rules, policies and procedures of Conflict Criminal Defenders (CCD). You should not request nor expend funds for services that are or can be provided by CCD (e.g., scanning, etc.) or for services designated non-reimbursable by CCD (i.e. travel time for experts, secretarial services, etc.). For detailed policies and procedures, and services, refer to the CCD website. (www.ppaccd.saccounty.net) or call CCD.

D. Hourly rates for investigators, experts, and other ancillary service providers will conform to CCD's hourly rates for said providers. Hourly rate information for specific providers can be obtained by calling CCD.

Frequently Asked Questions:

1. **Question: Where do I file my papers for such funding?**

Answer: Directly with the Department 9 clerk, Julie Jackson.

2. **Question: Do I need to file copies, and if so, how many?**

Answer: You only need to file an original and three copies. Ms. Jackson will conform copies and return a copy to you.

3. **Question: If I don't provide copies, how does CCD learn about the Judge's order?**

Answer: The Court will issue a sealed minute order and send it to CCD. The originals along with a minute order will be retained (sealed) in a secure location. In addition, the CCD will be provided a copy of the declaration(s) you submit to ensure that services performed and claimed were authorized. These documents are kept in a secure location by the CCD.

4. **Should my documents be filed in a confidential manner?**

Yes, your documents should be sealed and clearly marked **Confidential**. On several occasions in the past, documents arrived unsealed and were found sitting on my predecessor, Judge Cecil's desk, or in a court in-box. These documents are confidential and should be clearly labeled and treated as such by counsel.

5. **What if I incur expenses beyond the authorized level?**

The CCD has gone to great lengths to explain the process to both counsel and to the retained experts and investigators in non-death cases. Although emergency fiscal assistance should be uncommon in death cases, situations may exist that warrant additional unexpected expenditures. If that is the case, your emergency requests should be filed with me just like your "regular" requests. It is the dual role of counsel and the expert/investigator to monitor expenditures and to plan accordingly. Absent extraordinary circumstances, after-the-fact authority will not be approved.