

NEWPORT HARBOR BAR ASSOCIATION

CRIMINAL PANEL QUALIFICATIONS AND APPLICATION

QUALIFICATIONS FOR PANEL ATTORNEYS: A Criminal Referral Panel has been created by the Newport Harbor Bar Association to meet the needs of criminal defendants who do not qualify for the Orange County Public Defender. Attorneys will offer reduced fees and, if necessary, a payment plan for defendants determined to be quasi-indigent. The criteria for becoming a member of the quasi-indigent criminal panel are as follows:

1. Member in good standing with the State Bar of California (proof must be include with application);
2. Member in good standing with the Newport Harbor Bar Association for six months prior to application for the panel;
3. Main office maintained in Orange County;
4. Maintain proof of current professional malpractice insurance in the minimum amount of \$100,000/\$300,000 with the Panel Chair at all times;
5. Five years' experience practicing law, plus being defense counsel of record to a conclusive ruling on at least:
 1. Five (5) trials to a verdict,
 2. Five (5) written and oral motions to suppress evidence,
 3. Five (5) written and oral motions to strike prior convictions,
 4. Ten (10) preliminary hearings,
 5. Two (2) written and oral 995 motions to dismiss cases;
6. Only one (1) one attorney from any given law firm may be on the criminal referral panel at any one time (you shall not refer cases to other attorneys);
7. Attend at least six (6) meetings of the Newport Harbor Bar Association per year, and support the annual special event for the year;
8. Pay \$150 non-refundable application fee and after the first year an additional \$150 per year for administrative costs to Newport Harbor Bar Association;
9. Agree to promptly return all inquiries regarding representation; agree to give a free consultation; and also accept cases for reduced fee and, if necessary, a payment plan for those who qualify as quasi-indigent defendants;
10. Practice ethically and show civility to the bench, colleagues, and clients;
11. Complete this Application and Agreement (five pages) sign and return with supporting documents and fees.

FEES: Each qualified panel attorney agrees to accept any misdemeanor or felony case, so long as the defendant can pay a reasonable down payment, and the attorney will provide a payment plan as agreed upon by the client and attorney for the balance of the fee. In most cases, the attorney will expect payment in full within a 90-day period. If the defendant is quasi-indigent, each attorney will agree to charge fees at the following rates:

1. Misdemeanor Fee Schedule

- a. Type "A" misdemeanor: This category encompasses most misdemeanor single count complaints, such as crimes that carry no mandatory minimum custody time or registration requirement.
 - i. Fee up to trial: \$1,500 maximum
 - ii. Trial fees per day: \$750 maximum
- b. Type "B" misdemeanor: This category encompasses those misdemeanors where there is a mandatory jail or registration (such as 314, 647.6), crimes with mandatory probation conditions of an extended nature or aggravating factors such as domestic violence, multi-count or multi-victim cases.
 - i. Fees up to trial: \$2,500 maximum
 - ii. Trial fees per day: \$1,000 maximum
- c. Probation Violations
 - i. \$1,000 maximum

2. Felony Fee Schedule

- a. Type "A" Felonies: single count complaints alleging low-grade felonies, such as possession of drugs, receiving stolen property, commercial burglary, and car theft (carry no more than 3-year maximum prison term and no mandatory minimum).
 - i. Fees for services up to filing of an Information: \$3,500 maximum
 - ii. Trial fees: to be determined by individual clients and attorneys.
- b. Type "B" felonies: this category includes serious felonies, complaints alleging prison priors, 3-strike cases. Fees in this category will be determined by the individual client and attorney.

PROCEDURE: A list of panel attorneys will be given to and distributed by all courts. After the court has determined that the defendant does not qualify for the public defender, the list can be given to the defendant. Any given defendant will not be limited to the names listed on the handout, as they will always have access to attorneys in the legal community at large.

Attorneys on the list may have offices from within the Harbor Justice Center District or from any other judicial district in Orange County. This flexibility allows the defendant to choose an attorney who is either close to where he lives, works, or is close to the Harbor Justice Center.

There will be a maximum of twelve (12) qualified lawyers on the panel at any given time, and a waiting list will be established for attorneys seeking admission to the panel, based the date received. Each of the first twelve panel members will is assigned a random number. All applications received after the first panel, will be assigned a number next in line based upon the date the application was received. They will then be placed on waiting list, starting with number 13. Panel members will be rotated twice a year based upon the number assigned. (For example: 3 new members then number 1, 2 & 3 will drop off for the next rotation. No additional new applicants then, for the next rotation 4, 5, & 6 drop off, 7-15 stay on, and 1, 2 & 3 come back on.) (Another example: no new members, Numbers 1-12 will be rotated by roll of the dice based upon original number assigned.)

Panel member is responsible to make sure the panel Chairperson is kept up to date on the Panel member's information including reporting any discipline to the Chairperson within ten (10) days charges being filed, regardless of outcome. Panel member is obligated to ensure that copy of malpractice insurance is current with Chairperson. NHBA has not obligation to remind the Panel member of any compliance issues.

The Board of Directors of the Newport Harbor Bar Association will appoint a Chairperson to lead a committee to review qualifications, performance, and adherence to requirements and address any concerns that the judges of Harbor Justice Center may have regarding the panel or its members. The current panel Chairperson is Linda A. Iannelli.

The Board of Directors shall determine whether a potential panelist meets or has maintained the necessary requirements, and make any necessary decisions with respect to the criminal panel, by a vote of a majority of the sitting members of the Board.

FOR THOSE WHO WISH TO BE LISTED AS OFFERING SERVICES IN A FOREIGN LANGUAGE:

I certify that either I or a member of my permanent staff is fluent in writing, and speaking the following language(s) _____.

NEWPORT HARBOR BAR ASSOCIATION

CRIMINAL PANELIST APPLICATION

Please complete this application (please print or type) and return it with your \$150.00 non-refundable application fee by check made payable as follows:

Newport Harbor Bar Association
CRIMINAL PANEL
c/o Linda A. Iannelli
5160 Birch St., Suite 210
Newport Beach, CA 92660

Panel Membership: NEW / Renewal (please circle one)

Name: _____

State Bar No.: _____ **Year of Admission:** _____

Firm Name: _____

Address: _____

City: _____ **State:** CA **Zip Code:** _____

Work Number: _____ **Fax Number:** _____

Email Address (Mandatory): _____

Area(s) of Practice: _____

State Bar Certified Specialist (Specify) _____

Other Bar Association Affiliations: _____

DECLARATION OF PANEL MEMBER:

I declare:

- I am a Member in good standing with the State Bar of California (attach copy of State Bar Card);
- I am a Member in good standing with the Newport Harbor Bar Association for the six months prior to my application for the panel (copy attached);
- I maintain my main office in Orange County;
- I have attached proof of current professional malpractice insurance in the minimum amount of \$100,000/\$300,000 and agree to update the N.H.B.A. of changes to said insurance within 10 days of them becoming effective (copy attached);
- I have at least five years' experience practicing law, plus being defense counsel of record to a conclusive ruling on at least:
 - Five (5) trials to a verdict,
 - Five (5) written and oral motions to suppress evidence,
 - Five (5) written and oral motions to strike prior convictions,
 - Ten (10) preliminary hearings,
 - Two (2) written and oral 995 motions to dismiss cases;

- I will be the one (1) attorney from my law firm on the criminal referral panel at this time and I will not refer inquiries from this list to another attorney;
- I agree to attend at least six (6) meetings of the Newport Harbor Bar Association per year, and support the annual special event for the year;
- I have enclosed my \$150 non-refundable application /administrative fee with this application made payable to the Newport Harbor Bar Association;
- I agree to give a free consultation; and also accept cases for reduced fee and, if necessary, a payment plan for those who qualify as quasi-indigent defendants;
- I agree to return all inquiries from the panel promptly;
- I agree to keep NHBA apprised of my current malpractice insurance;
- I agree to comply with the terms and conditions of this agreement and be regulated in accordance therewith by the NHBA;
- I agree to practice ethically and show civility to the bench, colleagues, and clients;
- I agree to return all phone inquiries from persons who contact my office from this list promptly;
- I understand that I am not entitled to nor expect any preferential treatment from the bench or court staff merely by being included on this list;
- I understand that being included as a panel attorney is subject to the approval of the current board of directors of the Newport Harbor Bar Association and may be removed as a panelist at any time; and
- I understand that the list of names will be rotated so as not to establish any type of preference.

I declare under penalty of perjury in accordance with the laws of the State of California that I meet the qualifications as set forth above and agree to terms and conditions of participation. I agree to adhere to the above fee schedule for quasi-indigent. Enclosed is my completed written Application and Agreement together with all required documents and related fees.

DATE _____

(Print name)

(Signature)

OFFICIAL USE ONLY: (3/5/2013 12:51 AM)

SBC Recvd. _____ Insur. Recvd. _____ \$\$ Recvd. _____
 Application Verified: _____ NHBA membership verified: _____
 Vetted to BOD: _____ Responses: _____
 Vetted to HJC Judges: _____ Responses: _____
 BOD Meeting Approval: _____ Panelist published: _____