



PROMOTING JUSTICE SINCE 1877

RULES FOR INVESTIGATORS

1. General Information

All investigators hired by attorneys to perform investigation (or other services stated herein) in court appointed cases have agreed to the Alameda County Bar Association’s (ACBA) Court Appointed Attorneys Program (CAAP or The Program) rates for compensation. In order to ensure prompt processing of your invoices, you will be required to comply with the following guidelines and procedures.

It is the attorney’s responsibility to read/review discovery, develop a theory of defense in a case, and, if investigation is needed, communicate specific tasks to the investigator that need to be done in order to discover the viability of the defense. This is not to discourage suggestions and input from the investigator, but a reminder that the attorney is responsible for making decisions with respect to what investigation is, or is not, to be done. These decisions are not to be delegated to an investigator.

All investigative work must be pre-approved by CAAP. In general, services performed by an investigator which were not authorized (e.g., service was not requested by attorney or service performed before investigation request was approved) will not be paid. Exception will be made for circumstances in which it is impractical to wait for authorization from the Program. In those circumstances, reimbursement will be decided on a case-by-case basis. Investigators are expected to use the most efficient and least costly means of communications with attorneys, third parties, etc. (e.g., fax service of SDT, phone call to attorney vs. driving to attorney’s office).

Investigators shall only send or deliver redacted discovery to the defendant that the attorney has reviewed for redaction and approved.

2. Investigator Invoices

Time spent on each activity shall be described in detail (i.e., reviewing pages 1 – 25, 26 – 74 pages of discovery, conference with client in jail, witness interview, etc.). Each activity shall be listed separately on the invoice. All interviews must identify each witness by name, initials or a number and state where the interview took place by listing the location (block or intersection). Block billing is not permitted.

The Program will not accept terms such as: “organize file,” “computer search,” “research to verify & obtain information,” “read, annotate & digest,” “prepare reports,” etc. without further explanation.

Investigators that bill at various intervals during the case must submit separate and distinct invoices for each billing submitted.

Investigators must bill in tenths (.1) of an hour.

.05 – 3 mins.	.55 – 33 mins.
.10 – 6 mins.	.60 – 36 mins.
.15 – 9 mins.	.65 – 39 mins.
.20 – 12 mins.	.70 – 42 mins.
.25 – 15 mins.	.75 – 45 mins.
.30 – 18 mins.	.80 – 48 mins.
.35 – 21 mins.	.85 – 51 mins.
.40 – 24 mins.	.90 – 54 mins.
.45 – 27 mins.	.95 – 57 mins.
.50 – 30 mins.	1.0 – 1 hr.

When billing travel expenses (time, mileage), list the starting location and the destination location for each trip. Use address block/or street intersection if confidentiality is necessary.

3. Investigator Compensation

CAAP pays for the following investigative tasks at the rate of \$86.00 hour.

A. Billable Investigative Tasks

Upon being retained by an attorney to work on a case, the investigator shall be paid for the following assigned activities directly related to investigative tasks:

- 1) Meet/communicate with attorney;
- 2) Review of pertinent discovery including but not limited to: police reports, statements, court records, as required to complete assigned investigative tasks. Investigators are expected to accept receipt of discovery from panel members via fax, mail, messenger service or electronic transmissions (scans). This excludes all tasks referred to in Section 3B (Billable Non-Investigative Tasks);
- 3) Meet/communicate with defendant;
- 4) Locate witnesses and serve subpoenas concurrent with interviews of witnesses;
- 5) View crime scene and take photographs and diagrams;
- 6) Perform background and record searches on defendant and potential witnesses;
- 7) Service of subpoenas – Investigator will be compensated for preparing subpoenas and S.D.T.s (except for the attorney’s declaration). Investigator will be paid reasonable fees for service of subpoenas;
- 8) Coordinate and transport of witnesses for court appearances with prior approval;
- 9) Prepare reports of witness interviews;
- 10) Testify as a witness. The Program will pay for a maximum of one hour, per session, of standby time at the court waiting to testify except under extraordinary circumstances;
- 11) Travel time to and from assigned investigative tasks; and
- 12) Prepare exhibits for trial.

B. Billable Non-Investigative Tasks

These tasks may be performed by an investigator and are reimbursable at the rate of \$18.00 per hour unless otherwise indicated. Pre-authorization is required. The following tasks are billable non-investigative tasks:

1) Audio/Video Files

- a. Editing/Redacting Files—Before submitting the materials to an investigator or other persons for redaction, attorneys must review CDs/DVDs and indicate what redaction is necessary; and
- b. Creating MP3s—extracting audio and creating MP3 files is billable at \$25 per disc.

2) Clothing

- a. Purchasing clothing for in-custody defendants as instructed by attorney (one hour maximum); and
- b. Delivery of clothes, during trial, is limited to one time per week (two hour maximum).

C. Non-Billable Investigative Tasks

Investigators’ time will not be compensated for the following activities:

- 1) Clerical tasks including but not limited to: preparation of invoices, faxing, photocopying, routine delivery/pick-up of documents or discovery, preparing and mailing documents, scanning or downloading documents/photographs, etc.;
- 2) Investigative tasks not requested by the attorney;
- 3) Reading preliminary hearing (PX) or trial transcripts without prior approval of the attorney and CAAP;
- 4) Summarizing police reports or other discovery for the attorney;
- 5) Time/mileage in attending PX or trial sessions (when not testifying) without prior authorization of the Program;
- 6) Time/mileage claimed for the pickup, copying and return of case files to attorney's offices except in cases involving voluminous documents, tapes, CD/DVDs and only with prior approval of the Program. Investigators are expected to accept receipt of discovery from panel members via fax, mail, messenger service or electronic transmission (scans);
- 7) Pickup and/or delivery of materials, including but not limited to redacted discovery from or to the attorney's office, DA's office, court etc.; and
- 8) Messenger services-- Investigators are not to serve as messengers. Attorneys are required to use a messenger service for "urgent matters" –filing documents, delivering documents, etc.

4. Mileage

CAAP reimburses mileage at the rate of \$0.67 a mile.

Investigators will not be compensated for investigation and/or travel related expenses for investigation outside Alameda County except for the following counties (S.F., Contra Costa, Santa Clara and San Mateo) without prior approval of the Program.

5. Expenses

Invoices that list expenses (i.e. copying, parking, postage, clothing purchases, etc.) must include an original receipt. Copies will not be accepted for reimbursement.

Investigators will be reimbursed for the following expenses:

- A. CDs/DVDs;
- B. Photocopies (\$.10/page). Photocopy jobs exceeding 500 copies must be taken to a photocopy shop for duplication. Reimbursement will be made at actual cost not to exceed \$.10/copy;
- C. Photographs developed in-house (\$.17/photo);
- D. Parking;
- E. Agency photocopy fees (e.g., courts, hospitals, etc.);
- F. Record check expenses (e.g., DMV, social security, etc.);
- G. Clothing purchased for in-custody defendants as instructed by attorneys (\$50 maximum); and
- H. Postage (first class mail is preferred).

Normal overhead costs of maintaining an office are not allowable expenses for reimbursement including but not limited to: telephone charges inside the 510 area code and collect calls from in or out of custody clients, clerical and messenger services, fax charges, and office supplies.

6. Miscellaneous Provisions

Out-of-county Investigators

Out-of-county investigators performing services in Alameda County may bill for time and mileage as though their office was located at the attorney's (hiring the investigator) office address or the Alameda County line whichever is closest to the final destination. Out of county investigators will not be compensated for travel time/mileage from their office to perform investigative services within Alameda County.

Use of Multiple Investigators

The Program will not pay for more than one investigator or employee of the investigator to perform the same task at the same time (i.e. sending two investigators to interview a witness) without prior approval of the attorney.

The Program will not pay for multiple investigators to review the same discovery or case file.

**PLEASE CONTACT THE ATTORNEY WHO RETAINED YOU IF YOU HAVE
QUESTIONS OR CONCERNS ABOUT BILLING PROCEDURES OR THE STATUS OF
PAYMENT.**