

**Superior Court of California
County of Riverside**

Court Policy Memorandum (Administrative) #C.10.9

Dated: June 10, 2013

TO: Judges and Court Commissioners
Executive Officer/Clerk

FROM: Mark A. Cope, Presiding Judge

SUBJECT: Medical Examiners and Mental Health Experts

APPLICABILITY: Countywide

REFERENCE: May 13, 2004 opinion by the California Attorney General
(87 Ops. Cal. Atty. Gen. 62 (2004))
May 5, 2005 Memorandum from the Administrative Office of
the Courts' Office of the General Counsel

SUPERSEDES: Court Policy Memorandum dated May 29, 2012

Court Appointment

The court appoints medical examiners and/or mental health experts for reports or testimony as provided by law. When the need for this arises, the court will appoint from the approved list of Medical Examiners/Mental Health Experts for the Riverside Superior Court. The court may, for good cause, appoint an expert not on the list.

When the court appoints a medical examiner/expert, the court shall provide/mail the Notice of Appointment to the appointed individual. Counsel may provide additional information to the examiner/expert without involving the court.

If the court makes an order for an interpreter to be present at the evaluation, the medical examiner/expert shall submit an invoice for the interpreter along with the pertinent bill and payment shall be made in accordance with the rates established by the state and trial court. Interpreter invoices sent separately to the court (independent of the examiner invoice) will not be paid.

Payment/Invoicing

The examiner/expert shall provide the court-ordered report, three copies of the report, the Notice of Appointment form, and a completed copy of the Medical Examiner/Mental Health Expert Payment Voucher to the court location where the report was originally ordered. All applicable portions of the voucher must be completed in order for payment to be remitted in a timely manner.

Travel and other incidental costs are included in the total authorized amount as identified for each type of service/exam as outlined in this policy. Any other costs must be pre-approved by the judicial officer in advance of the service.

For submission of documents to the requesting court, locations and addresses may be found on the court website at: <http://riverside.courts.ca.gov/address.shtml>.

Court staff shall make the appropriate entries in the case management system indicating that the report was received and shall then forward the invoice and Notice of Appointment to the Fiscal Services unit. No further judicial approval is needed, beyond the original order, unless there is a discrepancy in either the type of service rendered, the type of report ordered, and/or the amount of the invoice versus the fee schedule and/or original order of the court.

Unless otherwise directed by the court, invoices received over the amount(s) listed in this policy and not pre-approved by the judicial officer will be reduced accordingly. If payment is authorized by the court at an amount higher than that listed in this policy, the examiner/expert must attach a copy of the court's minute order authorizing the higher amount.

Fee Schedule

A 2004 opinion by the California Attorney General delineates the responsibility for costs incurred under certain statutes. All evaluations not included in this opinion shall be paid by the appropriate entity as identified by statute.

A review of this policy and fee schedule shall be performed each January for any applicable changes. The amounts reflected below are the maximum allowed without additional approval by the judicial officer.

Code Section	Type of Evaluation	Responsible Entity	Not To Exceed
PC 1368/1369/1370	Competency	Court	\$400 (psychiatrists) \$300 (psychologists)
PC 288.1	Lewd Acts	Court	\$250
PC 1026/1027	Not Guilty by Reason of Insanity	County	\$300
PC 2962/2970	Mentally Disordered Offender	County	\$525
WIC 5303.1	Civil Commitment	Court	\$300
WIC 3050/3051	Narcotics Addict – Criminal	Court	\$250
WIC 3102	Narcotics Addict – Civil	Court	\$250
WIC 6600	Sexually Violent Predator	County	\$1,800
WIC 370	Juvenile Dependency	County	\$450
WIC 709	Juvenile Delinquency – Minor's Competency	Court	\$400 (psychiatrists) \$300 (psychologists)

EC 730	Juvenile Dependency	County	\$600
EC 1017	Mental Competency/Sanity Examination	County	\$600
Other- Miscellaneous			
Court Appearance – Testimony Half Day or Less (less than 4 hours)		County or Court*	\$300
Court Appearance – Testimony Full Day (4 hours or more)		County or Court*	\$500
Extraordinary Circumstances (e.g., extensive research, review and preparation) ¹ Requires prior approval of judicial officer.			\$90/hour \$125/hour
Out-of County Expert. Requires prior approval of judicial officer.			Reimbursement for travel costs (mileage, hotel, meals and other incidentals) reimbursed at AOC-approved rate(s).

Examiner Unable to Perform Exam

In the event a court-ordered medical examination cannot be performed for reasons that are beyond the control of the examiner/expert (e.g., defendant uncooperative, client no-show), the examiner/expert may be compensated at the court-approved or a reduced rate, as approved on a case-by-case basis by the judicial officer depending on the individual circumstances present. The Examiner should document the relevant circumstances in the invoice.

Court Hearing Postponed – Payment for Expert Testimony

In the event the expert appears for testimony and the hearing is postponed without sufficient notice being provided, the expert may be compensated at the court-approved or a reduced rate, as approved on a case-by-case basis by the judicial officer depending on the individual circumstances present. The Expert should document the relevant circumstances in the invoice.

Testimony

The court is required to pay for the testimony expenses of those experts who prepared the reports required by statute, but only when an expert is testifying in a hearing that the court is required to conduct (AOC Opinion “Payment of Court-Ordered Forensic Examinations”, dated May 5, 2005.) Fees for an expert who is called to testify in a

¹ In cases of extreme complexity, seriousness of charge, or other extraordinary circumstances, if extensive research and/or trial preparation is required, additional medical expert fees may be approved at the rate of up to \$90/hour. For Board-certified professional in specialty field, fees may be approved at the rate of up to \$125/hour.

hearing that the court is not required to conduct shall be borne by the relevant party (e.g., prosecution or defense).

Medical Examiner / Mental Health Expert List

The Medical Examiners/Mental Health Expert List expires each December 31st. Examiners/experts should submit a current application form and updated curriculum vitae annually. The examiner/expert shall also submit confirmation that they are in good standing with the appropriate California licensing board. First-time applicants shall also provide a writing sample for review. Updated lists will be submitted for review and approval by the applicable judicial advisory committee and Court Executive Committee. Upon approval, the list will be distributed along with the most current version of this policy/fee schedule.

Effective: Immediately

/s/

MARK A. COPE
Presiding Judge