

# CCAP’s LINE-BY-LINE GUIDE FOR WHAT GOES WHERE ON THE CLAIM FORM

## INTRODUCTION FROM CCAP

The purpose of this guide is not intended to repeat general claim guidelines or policies that can be found in the projects’ unified [Statewide Claims Manual](#) – rather its purpose is to provide instruction regarding the correct claim line placement of services and expenses.

To the extent that court-specific policies for compensation may apply, we have also endeavored to include those for the Third and the Fifth District Courts of Appeal in this guide. Ultimately, appointed counsel is expected to know and apply both general and specific claim policies and requirements for court appointed counsel work and the courts you work with and we hope that this guide, together with the Statewide Claims Manual, will assist you in doing so.

Whenever there are questions about compensation in a specific case or policies of a specific court, please consult with the appropriate project.

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## LINES CLAIMING TIME

### Line 1 – Communications with Client & Trial Counsel

#### This Line Includes

- Communications with client (non-habeas attributable)
- Communications with trial counsel (non-habeas attributable)
- Communications with family member when that person is acting as a conduit for client communication

#### This Line Does Not Include

- Communications related to habeas investigation
- Communications that promote attorney-client relationship but are unnecessary to handling the appeal (e.g., contacts with family members to reassure them, with prison officials regarding the client's housing situation, or with the client's attorney in a civil case)
- Communications with family member when that person is not a conduit for client communication – use Line 23

#### Tips

- The guideline total for line 1 is 3.5 hours. If the overall communication exceeds guidelines, include an explanation for the time, including the *quantity of* and *necessity for* communications but without disclosing specific client confidences or adverse consequences of the appeal.

### Line 2 – Record Review

#### This Line Includes

- Review of any judicially noticed materials if it was material that could have been obtained by way of an augment motion or normal record request
- Preliminary hearing pages if relevant to a potentially arguable issue on appeal or relied on for a factual basis of a plea

#### This Line Does Not Include

- Preliminary hearing pages, unless the above exception applies

## Tips

- The guideline for reading Shasta County reporter’s transcripts that have 35 lines per page is based on a JCC-approved adjustment calculation. Include an explanation stating, “Shasta County reporter’s transcript with 35 lines per page.”
- The adjustment calculation is:
  - [total actual RT page] x 1.25 = [adjusted RT page count];
  - adjusted RT count + CT count = adjusted record;
  - adjusted record / 50 pages per hour = adjusted guideline amount

## Line 3 – Extensions of Time

### This Line Includes

- Extension requests

### This Line Does Not Include

- Extension requests included within the body of another motion; these are not necessary and usage is even disfavored by the Third and the Fifth District

## Tips

- JCC form extension requests are accepted by both the Third and the Fifth District and are a time-saver:
  - [Criminal case EOT sample](#);
  - [Dependency case EOT sample](#);
  - [Delinquency/602 case EOT sample](#)

## Line 4 – Motions to Augment the Record

### This Line Includes

- Motions to Augment

### This Line Does Not Include

- Supplemental record requests pursuant to rule 8.340(b) – use Line 5

## Tips

- Include an explanation for necessity of multiple MTAs

## Line 5 – Other Motions (itemize)

### This Line Includes

- Supplemental record requests pursuant to rule 8.340(b)
- Other misc. motions (see a useful billing items list in [APPENDIX A](#))

### This Line Does Not Include

- Motions to Augment – use Line 4
- Motions to Expand Appointment for habeas work – use Line 11
- Errata letters – use Line 24

### Tips

- Itemize if multiple motions filed
- See a useful billing items list in [APPENDIX A](#)

## Line 6 – Client’s First Brief

### This Line Includes

- AOB/*Wende/Phoenix H./Ben C.* briefs
- Client’s respondent’s brief in a People’s appeal
- Time claimed for a draft brief not filed prior to an abandonment

### This Line Does Not Include

- Habeas petition in a stand-alone petition case – use Line 11

### Tips

- Provide a copy of a draft, unfiled brief to the assigned staff attorney
- Provide an explanation for statements that were particularly difficult to draft
- Do not break down time spent issue-by-issue for I issues
- Provide any relevant information regarding the complexity of the arguments that may assist project staff in classifying a briefed issue, especially if not apparent from reviewing the issue as written
- Use of previous briefing includes copying of briefing within the same case for use in another filing such as the reply or a petition

## Line 7 – Unbriefed Issues

### This Line Includes

- Issues that a reasonably experienced appellate lawyer would need to perform work in order to determine if a viable issue existed
- Discrete legal matters researched but deemed not arguable and therefore excluded

### This Line Does Not Include

- Possible questions that you thought about and rejected

### Tips

- Describe each issue in sufficient detail to assist the project staff attorney in assessing its complexity
- For more tips on capturing time as unbriefed issue, read the projects' "[Guidance for Billing Unbriefed Issues](#)."

## Line 8 – Reply Brief

### This Line Does Not Include

- Supplemental reply briefs – use Line 9
- Traverse (petition reply) is billed on Line 16

### Tips

- If the reply brief time spent exceeds the guidelines, provide a comment detailing the complexity to assist project staff in recommending an over-guideline assessment. This can include drafting details that are not apparent from reading the brief.

## Line 9 – Supplemental Briefs

### This Line Includes

- Supplemental opening brief(s)
- Supplemental reply brief(s)
- A draft supplemental brief not filed (explain)
- Supplemental authorities to be cited at oral argument

### This Line Does Not Include

- Motion to file a supplemental brief (opening or reply) – use Line 5

## Tips

- Itemizing supplemental briefs by filing date and time claimed will assist project staff in sorting the time on multiple filings

## Line 10 – Review of Opposing Briefs

### This Line Includes

- Review of opposing party briefs, including their supplemental briefs (usually the AG/County Counsel) – itemize if multiple briefs
- Review of the opening brief in a People’s appeal case
- Review of the reply brief in a People’s appeal case

### This Line Does Not Include

- Respondent’s brief or response in a no-issue-brief case (e.g., *Wende*)
- Co-appellant’s brief – use Line 24
- Amicus curiae brief by others – use Line 24

## Tips

- Itemize multiple filings by date and time claimed to assist the project staff attorney in sorting the time claimed for each

## Line 11 – Habeas Corpus Petitions

### This Line Includes

- When not separate from its related appeal case, all habeas-related work is captured on Line 11 and itemized, including any communications, investigation, the motion to expand the appointment, research, draft work connected to habeas or possible habeas claims, project staff consultation specific to habeas, and the petition itself
- In a stand-alone habeas appointment (i.e., not an expansion from the original appeal case), the petition filed by counsel is captured on Line 11 and all other tasks are captured on the appropriate lines 1-24.
- See a useful billing items list in [APPENDIX B](#).

### This Line Does Not Include

- In a stand-alone habeas appointment (i.e., not an expansion from the original appeal case), all other services are billed on the usual line numbers (e.g., client communication use Line 1, oral argument use Line 17, etc.)

## Tips

- Counsel must move to expand their appointment in order to be compensated for habeas work in both the Third and the Fifth District Court of Appeal
- FOR more tips on capturing time habeas-related time, read the JCCs' guide for "[Billing Habeas Time and Expenses](#)"
- CCAP's authority to recommend compensation for investigation and preparation of a habeas petition is limited to the amount preapproved by the court. If the original preapproved amount will be exceeded for either time or expenses, counsel must seek further preapproval from the court.
- See a useful billing items list in [APPENDIX B](#)

## Line 12 – Petition for Rehearing

### Tips

- Per AIDOAC policy, matter copied from other briefs in the same case should be disclosed in the use of prior briefing statement

## Line 13 – Petition for Review

### This Line Includes

- Time claimed for consideration-only of a petition for review but not drafted

### Tips

- Per JCC policy, the projects' recommendation for time claimed for a review petition may not be transmitted to the JCC until the petition is eligible for *filing* in the California Supreme Court
- Per AIDOAC policy, matter copied from other briefs in the same case should be disclosed in the use of prior briefing statement

## Line 14 – Other Petitions

### This Line Includes

- Petition for writ of mandate
- Petition for writ of certiorari

### This Line Does Not Include

- Petition for writ of habeas corpus



### Tips

- Expansion of the appointment may be required by the Third and Fifth Districts. The amount of time recommended will be limited by the court's order, otherwise a standard of reasonableness will be applied by CCAP
- See a useful billing items list in [APPENDIX C](#)

## Line 15 – Review of Response to Petition

### Tips

- The amount of time recommended may be limited by the court's order for expansion, otherwise a standard of reasonableness is applied

## Line 16 – Reply to Response to Petition

### Tips

- The amount of time recommended may be limited by the court's order for expansion, otherwise a standard of reasonableness is applied

## Line 17 – Oral Argument (itemize)

### This Line Includes

- Time spent preparing for oral argument
- Time spent waiting in court
- Time spent waiting on hold with Court Call for case to be called
- Time spent presenting oral argument
- Request for oral argument
- Waiver of oral argument
- Request to continue
- Request for calendar preference

### This Line Does Not Include

- Time travelling to/from the court – use Line 18
- Supplemental authorities to be cited at oral argument – use Line 9

### Tips

- Itemize if multiple items/tasks are claimed on this line
- Explain unusual time spent

- See a useful billing items list in [APPENDIX D](#)

## Line 18 – Travel (Time)

### This Line Includes

- Travel to/from oral argument
- Requests for preauthorization to travel (other than for oral argument)
- Other travel purposes that have been preauthorized by either CCAP or the court
- Time spent driving point-to-point if it is the most economical means of travel

### This Line Does Not Include

- Travel time when the route is less than 25-miles one way
- Time waiting (e.g., waiting at the airport for a flight to be called)
- Time in-route on public transit (e.g., sitting on a train, plane, or shuttle)

### Tips

- For Third and Fifth District cases, any travel other than for oral argument must be pre-authorized by either CCAP or the court
- CCAP has authority to authorize travel requests that do not exceed \$600; submit requests to the assigned staff attorney for the case
- For travel costs that will exceed \$600, submit to CCAP a preauthorization request addressed to the court; CCAP will file the request along with our recommendation
- Itemize different trips with destination, purpose, and time spent
- The JCC/ACS uses MapQuest (or similar) for a baseline determination of reasonable time and mileage point-to-point. If you encounter unusual actual time, be sure to include an explanation to support it (e.g., heavy traffic or detours)

## Line 19 – Opinion

### This Line Includes

- Multiple opinions received

### This Line Does Not Include

- Time spent considering whether to file a petition for rehearing or review

## Line 20 – Review Superior Court File

### This Line Includes

- Review of court file
- Review of exhibits, whether viewed onsite or otherwise

### This Line Does Not Include

- Travel time – use Line 18 (may require preapproval for Third and Fifth District cases)

### Tips

- CCAP paralegal for assistance with this service is not available at this time

## Line 21 – Consultation with Project

### This Line Includes

- Review of written correspondence with project attorney
- Telephone communication with project attorney

### This Line Does Not Include

- Communication with non-attorney personnel at the project – use Line 22 or 23

## Line 22 – Administrative Tasks

### This Line Includes

- Administrative office tasks such as setting up a client file, preparing tables of contents and authorities, arranging for copies, mailing letters, Truefiling, etc.

### This Line Does Not Include

- Services of paralegals and law clerks (use Expense Line instead)

### Tips

- Project staff cannot recommend time in this category until the final claim per JCC policy
- Do not itemize tasks

## Line 23 – Other Communications

### This Line Includes

- Communications that are case related with: court clerks, court reporters, opposing counsel, co-appellant's counsel, CDCR, etc.

- Review of court orders and notices *if you consider them to be a form of communication to you* (see Tips)

### This Line Does Not Include

- Habeas related communications (use Line 11)

### Tips

- When compiling the Statewide Claims Manual, the projects struggled with billing time for receiving court orders and notices as there were differing views of how such items should be categorized. Thus, if you practice in multiple districts you may find that some projects may require that time for review of court orders and notices be put on a particular line. CCAP will accept your designation for either Line 23 or Line 24 based on your view of the item.
- Itemize communications by person/entity and time claimed (e.g., “Communication with the Attorney General, 0.4 hr.”)
- See a useful billing items list in [APPENDIX E](#)

## Line 24 – Other Services

### This Line Includes

- Review of co-appellant’s briefs (itemize)
- Review of court orders and notices that you do not consider to be a form of communication to you (e.g., filed EOT with a new due date for opposing counsel)
- See a useful billing items list in [APPENDIX F](#)

### This Line Does Not Include

- Habeas related services – use Line 11

### Tips

- For review of non-record pages, provide a page count and description

## LINES CLAIMING EXPENSES

### Photocopy

### This Line Includes

- Printing hardcopy service copies, correspondence, and other necessary copying costs

- Petition for writ of certiorari

### This Line Does Not Include

- Library copying as part of legal research
- Copying the record on appeal
- Copying the trial attorney's file when original has been received

### Tips

- Expenses for copying trial court file material may be charged by clerks at a discounted rate where counsel presents a copy of the appointment order

## Binding

### This Line Includes

- Briefs/petitions filed pre-Truefiling (mandatory start dates: Fifth District: 5/11/2015; Third District: 9/14/2015; Supreme Court: 7/10/2017)
- Petition for writ of certiorari

### This Line Does Not Include

- Service copies

### Tips

- Paper service copies should be stapled without use of taping or binding
- Use of binding should be explained

## Postage/Delivery

### This Line Includes

- Actual expenses incurred for ordinary/first class mail
- Cost of mailing/delivery of transcripts to client at the conclusion of the appeal

### This Line Does Not Include

- Priority or express delivery charges

### Tips

- A short explanation is needed by the JCC when postage and shipping expenses exceed \$50. You can assist us by providing a comment to address the number of served paper-briefs or whether a "large record was shipped to the client."

## Telephone/Court Call

### This Line Includes

- Actual expenses incurred that can be identified as related to the case and not part of a monthly plan
- CourtCall fees for oral argument (Fifth District)

### This Line Does Not Include

- Monthly charge plans
- Local calls

### Tips

- The JCC recommends that counsel retain documentation for all claimed expenses

## Travel (Expenses)

### This Line Does Not Include

- Travel to libraries, post office, or photocopy shop

### Tips

- Preapproval for travel expenses other than to oral argument are required in Third and Fifth District cases
- Mileage is not subject to the 25-mile one way minimum distance limitation
- Reimbursement for mileage is based on *date of appointment* not date of travel. For your convenience, the two policies in effect for mileage are:

Mileage expense	Appointment before 1/1/2017	Appointment on/after 1/1/2017
	48.5 cents per mile	50.0 cents per mile

- Counsel is always expected to travel by the least costly means and engage in only necessary and appropriate travel
- Out-of-state attorneys: Pursuant to JCC/AIDOAC policy, reimbursement is the lesser of actual travel costs and the most economical travel mode computed from the California border

## Court eFiling/eService Fees (“TrueFiling”)

### This Line Includes

- Actual expenses incurred

### This Line Does Not Include

- Itemization

### Tips

- The project staff appreciate a comment that states the number of filings made

## Paralegals & Law Clerks

### This Line Does Not Include

- Administrative services such as making copies, trips to the post office, or time spent TrueFiling

### Tips

- Itemize to indicate the service performed and the amount of time

## Translators

### This Line Includes

- Actual expenses incurred

### Tips

- Prior approval for translator services must be obtained for Third and Fifth District cases
- CCAP is authorized to process translator requests that do not exceed \$300; submit requests to the assigned staff attorney for the case
- For translator costs that will exceed \$300, submit to CCAP a preauthorization request addressed to the court; CCAP will Truefile the request along with our recommendation

## Misc. Fees/Costs

### This Line Includes

- Computer research expense for access to unique materials outside of counsel’s basic plan and is supported by documentation – see AIDOAC policy in [Statewide Claims Manual](#), “Computer Research – Expense”
- Experts other than translators (may require preauthorization)

### Tips

- Prior approval for expert services must be obtained for Third and Fifth District cases; submit to CCAP a preauthorization request addressed to the court; CCAP will Truefile the request along with our recommendation
- Consult with the staff attorney before incurring any extraordinary fees or costs (e.g., computer research, legislative research, copying portions of the record, certified records)



## APPENDICES

### APPENDIX A – LINE 5

#### Line 5 – Misc. Other Motions

##### This Line Includes

- Motion to Unseal Juror Information
- Motion to File Oversized Brief
- Rule 8.340 letter – record omission letter to trial court
- Request for Publication or Depublication
- Incomplete Record Notice
- Motion to Unseal Transcripts
- Motion to File Supplemental AOB
- Fares letter
- Motion to Transmit Exhibits
- Motion to Vacate/Dismiss/Abandon
- Motion to Consolidate
- Motion to Expand Appointment for mandate or cert
- Request for Judicial Notice
- Motion to Settle Record
- Code of Civil Procedure § 909 Motion (new evidence on appeal)
- Motion for Probable Cause
- Motion to File Amended Notice of Appeal
- Motion to Correct Minutes
- Motion to File Late AOB, Reply, Petition, etc.
- Motion to Strike/Replace AOB
- Motion to Unseal Marsden Transcripts
- Motion for Summary Reversal
- Joinder in other party's motion – use the same line as applicable motion
- Motion to Reinstate Appeal and Recall Remittitur

##### This Line Does Not Include

- Errata Letter – use Line 24
- Motion to Augment / Joinder in Augment Motion – use Line 4

- *Sade C./Phoenix H.* Letter – use Line 6
- Notice of Change of Address (client's or attorney's) – use Line 23 (communication to court)
- Motion to Expand Appointment for habeas – use Line 11

## APPENDIX B – LINE 11

### Line 11 – Habeas Corpus Petition (all time when part of the appeal case, not a stand-alone habeas case)

#### This Line Includes

- Motion Expand Appointment for Habeas
- Petition for Habeas Corpus in Court of Appeal (if appointment is expanded first)
- Petition for Habeas Corpus in the Supreme Court (if appointment is expanded first)
- Petition for Habeas Corpus in Superior Court (if appointment is expanded first)
- Habeas investigation – break time down by distinct issue investigated
- IAC investigation – break time down by distinct issue investigated
- Habeas communication discussions with client & trial counsel where the communication is focused on investigation of potential habeas-related facts and/or development of habeas issues
- Habeas communication with others as part of investigation (non-client & trial counsel)
- Project staff attorney primarily habeas-related consultation time
- Obtain/review of trial counsel's file if review is to evaluate potential habeas issues discussed with the client; include a page count and a brief explanation of review purpose

#### This Line Does Not Include

- Communications providing information to the client or trial attorney, such as explaining how a habeas petition works or the reasons for deciding not to file a petition – use Line 1
- Obtain/review of trial counsel's file not related to potential habeas issues discussed with the client – use Line 24

## APPENDIX C – LINE 14

### Line 14 – Other Petitions

#### This Line Includes

- Petition for Writ of Certiorari (U.S. Supreme Court) (if appointment is expanded first)
- Petition for Writ of Supersedeas (if appointment is expanded first)
- Opposition to Writ of Supersedeas (if appointment is expanded first)
- Petition for Writ of Mandate (if appointment is expanded first)
- Petition to Disclose Juvenile Records (unless court treated as a motion)

#### This Line Does Not Include

- Motion for Disclosure of Juvenile Records – use Line 5 (unless court treated as a petition)
- Review of AG's Petition of Review – use Line 15
- Review of People's Petition for Rehearing – use Line 15
- Petition for Review from Denial of Writ of Habeas Corpus – use Line 13

## APPENDIX D – LINE 17

### Line 17 – Oral Argument (itemize each task/time in comment)

#### This Line Includes

- Request for oral argument
- Waiver of oral argument
- Request for calendar preference
- Request to continue oral argument
- Review of court's oral argument solicitation letter
- Preparation for oral argument
- In-court or CourtCall time for presenting argument
- In-court or CourtCall time waiting for case to be called

#### This Line Does Not Include

- Travel time incident to oral argument – use Line 18
- Travel expenses related to oral argument – use Travel Expense line
- Supplemental authorities for use at oral argument – use Line 9

## APPENDIX E – LINE 23

### Line 23 – Other Communications (itemize)

#### This Line Includes

- Attorney General
- County Counsel
- Other party’s attorney (including co-appellant’s counsel, etc.)
- Appellant’s family/significant other – unless exception applies to facilitate communication with client (see below)
- Court of Appeal clerk
- Review of court orders and notices if you consider them to be a form of communication to you
- Superior Court clerk or reporter
- Prison locators
- Probation/parole officer

#### This Line Does Not Include

- Client – use Line 1 or Line 11
- Trial counsel – use Line 1 or Line 11
- Family communication that facilitates difficult communication with the client – instead use Line 1 with an explanation supporting need (e.g., mental health, youth, deaf, etc.)
- Confer with project staff attorney – use Line 21, or if primarily habeas-related consultation time use Line 11

## APPENDIX F – LINE 24

### Line 24 – Other Misc. Services (itemize)

#### This Line Includes

- Obtain/review trial counsel's file (give a page count and a brief explanation for the purpose of review) – use Line 11 if review is to evaluate potential habeas issues discussed with the client
- Review of co-appellant’s brief(s) including AOB, reply, supplemental briefs, petitions – but use Line 10 if opposing counsel (e.g., AG, county counsel)

- Review of court orders and notices that you do not consider to be a form of communication to you (e.g., filed EOT with a new due date for opposing counsel)
- Review AG's/Opposition's motion – but use Line 10 if it's a brief or supplemental brief; use Line 15 if petition; use Line 23 if you consider it to be a form of "communication" to/from AG
- Review exhibits/videotapes, CDs, DVDs, audio
- Review expert witness statements, qualifications (give page count)
- Review competency reports (give page count) – use Line 2 if part of record
- Trial court appearances (may require preapproval, check with staff buddy)
- Review Order to Show Cause
- Review Amicus brief(s)
- Review news coverage (describe relevance to issue – use Line 11 if part of habeas investigation)
- Review police reports (give page count) – use Line 2 if part of record
- Review medical records (give page count) – use Line 2 if part of record
- Review Joint Application and Stipulation for Reversal
- Read pages of transcripts, exhibits sent to counsel by appellant (give page count)
- Redact record per court's order
- Review calendar/docket online
- Review Appellant's Pro Per Habeas Petition
- File Amended NOA
- Technical difficulties with TrueFiling system through no fault of counsel – requires an explanation as to technical issue encountered

### This Line Does Not Include

- Draft unfiled motion – use Line 5 and explain why unfiled
- Visit appellant – use Line 1 or Line 11 for actual communication time, including prison-processing time; use Line 18 for travel time (NOTE: client visits require preapproval)
- Review AG's/Opposition's motions and briefs – use Line 24 if motion; use Line 10 if it's a brief or supplemental brief; use Line 15 if petition; use Line 23 if you consider it to be a form of "communication" to/from AG
- Review of court orders and notices – use Line 23 if you consider it to be a form of "communication" to/from the court

- Review appellant's prior case/opinion – use Line 24 or use Line 2 if made part of current record
- Review social worker reports (give page count); use Line 2 if part of record on appeal
- Review Indian Child Welfare Act (ICWA) notices – use Line 2 if made part of current record on appeal; use Line 7 if evaluating notice for an unbriefed issue
- Locating client by research online database – but use Line 23 if phone communication
- Review of briefs/new case law to determine if oral argument is necessary – use Line 17
- Navigating eClaim or TrueFiling website – use Line 22 if case related
- Copying and binding tasks – use Line 22 if case related
- Motion to Expedite Appeal – use Line 5
- Letter to AG – use Line 23 (“communication”)
- Motions to Dismiss or Abandon – use Line 5
- Ex-parte Motion in Superior Court to correct custody credits – use Line 5
- Draft work on unfiled AOB, before appellant abandons – use Line 6 [submit draft to assigned project staff attorney]
- Draft work on unfiled AOB, before appellant retained counsel – use Line 6 [submit draft to assigned project staff attorney]
- Draft work on unfiled AOB, before court dismisses – use Line 6 [submit draft to assigned project staff attorney]
- Rule 8.340 Motion – use Line 5
- Review of Opinion – use Line 19
- Application for Settled Statement – use Line 5
- Prepare Opposition to Motion to Dismiss – use Line 5
- *Sade C./Phoenix H.* letter or brief – use Line 6
- Motion to Consolidate Briefs – use Line 5
- Call with client's wife or girlfriend – use Line 23 (family communication)
- Obtain/review Superior Court file – use Line 20
- Review trial court's record – use Line 20
- Prepare Minor's Letter Brief – use appropriate Line 6 or 9
- Additional writ work – use the line describing the work (usually requires preapproval)
- Review file/Shepardize cases – use line corresponding with document being filed
- Minor's full brief – use Line 6 if appellant