

MEMORANDUM OF UNDERSTANDING

DATE: August 23, 2013

RE: FORENSIC EVALUATOR FEES & PAYMENT

The Santa Clara County Superior Court, District Attorney Office, Public Defender Office, Alternate Defender Office, and Independent Defender Office agree to the following rules for payment of forensic evaluator.

I. EVALUATION & REPORT PREPARATION FEES

1. Non-cooperating clients – Occasionally clients refuse to cooperate, for example refusing to meet with the doctor. If the doctor is unable to prepare a written report and render an opinion, due to the client's non-cooperation, then the court will pay the doctor at an hourly fee rate. On the other hand, if the doctor is able to prepare a written report and render an opinion, in spite of the client's non-cooperation, then the court will pay the doctor the traditional full report fee.

II. TESTIMONIAL FEES

1. Evidence Code 1017 and privately retained doctors will be paid by the office that calls them to testify.
2. Doctors appointed by the court for competency evaluations (Penal Code 1367 & 1368) and not guilty by reason of insanity evaluations (Penal Code 1026) will be paid as follows:
 - a. If the doctor testifies, the court will pay for the first full day of testimony. Any additional testimonial time will be paid by the office/party that calls the doctor.
 - b. If the doctor appears at court ready to testify or has cleared his/her schedule in order to be available to testify, *but* does not testify then the office that subpoenaed the doctor will pay him/her.
 - c. A doctor's travel expenses and testimony preparation time will not be independently reimbursed, and are implicitly included in their testimonial fee.
 - d. Consultation time with an attorney in preparation of testifying will be paid by the office/party that consulted with the doctor.

3. Non-court appointed doctors (i.e. state hospital evaluators) - Commonly these are the doctors that prepare competency restoration reports or annual placement reports. The court will not be responsible for any of the doctor's fees, including but not limited to travel or lodging expenses.

Russ Pichon

Superior Court Judge
Presiding - Criminal Division
Hon. R. Pichon

Date: 10/2/13

Paul Tondreau

Superior Court Judge
Presiding - Juvenile Delinquency Division
Hon. P Tondreau

Date: 10/2/13

Jeff Rosen

Jeff Rosen
District Attorney Office

Date: 10/4/13

Molly O'Neal

Molly O'Neal
Public Defender Office

Date: 10/3/13

David Epps

David Epps
Alternate Defender Office

Date: 10/2/13

James Gleason

James Gleason
Independent Defense Counsel Office

Date: 10-4-13