



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

### POLICY FOR EXPERT WITNESS LIST FOR PHYSICIANS, PSYCHIATRISTS, AND PSYCHOLOGISTS FOR CRIMINAL CASES

#### I. Purpose:

The Superior Court of California, County of San Diego (court), maintains a Court-Approved List of Expert Witnesses for Physicians, Psychiatrists, and Psychologists (EWL) (SDSC Form #ADM-217B) for criminal cases that contains the names of those individuals who have met the criteria established by the court to be included on this list. The individuals on the list may be appointed by a judicial officer to assist parties in criminal court proceedings where required by law or as a judicial officer deems necessary. This policy provides guidelines for the establishment, maintenance, appointment, and removal from this list and only applies to experts appointed by the court in criminal proceedings. Separate policies are in place for other case-types.

#### II. Selection and Evaluation:

##### A. Application:

An individual who wishes to be placed on the court's EWL must complete and submit a written application to the Presiding Judge, or his or her designee, that provides the following information:

1. Cover letter making request.
2. Expert Witness List for Physicians, Psychiatrists, and Psychologists Agreement form (SDSC Form #ADM-217A) signed by the applicant.
3. Copies of current professional certifications and licenses.
4. Curriculum Vitae - including a complete education and work history.
5. Proof of malpractice insurance.
6. Disciplinary or suspension proceedings affecting any professional certification or license.
7. Criminal convictions or current filed criminal allegations against the applicant, except if unavailable by law.
8. Malpractice judgments or current malpractice lawsuits or claims against the applicant, except if unavailable by law.

##### B. Minimum Qualifications:

The following minimum qualifications are required to be appointed to and remain on the court's EWL. The applicant must:

1. Be qualified in professional ability, ethics, knowledge, experience, skill, and diligence, to assume appointments and properly discharge duties to the court.
2. Be a graduate from an accredited school, have required certifications, and be licensed by the State of California, with no disciplinary actions pending.
3. Have five years of post-doctorate experience.

##### C. Requirements for Individuals Appointed to the EWL:

If appointed to the EWL, an individual must:

1. Adhere to all court policies, rules, and procedures.
2. Provide prompt written notification of any criminal or malpractice convictions or allegations made against the individual, except convictions or allegations unavailable by law.
3. Ensure that all reports created and services provided to the court shall conform to the professional standards of care required in the applicable field, as well as all other applicable laws and guidelines.

##### D. Inclusion on List:

The decision whether to include an applicant on the court's EWL is within the sole discretion of, and subject to approval by, the Presiding Judge, or his or her designee. The decision regarding an applicant is final. Written notice of that decision will be mailed to the applicant. No explanation or formal evaluation is required.

##### E. Appointment Process:

The court maintains an EWL of who may be appointed by a judicial officer to assist parties in criminal proceedings, where required by law or as a judicial officer deems necessary. The EWL will be distributed and made available to all judicial officers, who will have the final discretion on individual appointments.

### III. **Removal and Active Status:**

#### A. **Removal:**

The EWL is maintained for the convenience and effective administration of the court. Individuals on the EWL, or appointed from it, serve at the pleasure of the court, and may be removed at any time by the Presiding Judge, or his or her designee. Such removal may be made without cause, notice, or explanation. If practical, written notification of removal will be provided.

#### B. **Active Status:**

In order to remain in an active status on the EWL, every year individuals must provide the court with an update of his or her curriculum vitae, proof of malpractice insurance, and proof that professional certifications and licenses remain current. Failure to provide this information by the individual's one-year anniversary date and on that date every year thereafter, will result in removal from the EWL. An individual removed in this manner may reapply in accordance with stated guidelines.

### IV. **Fee Schedule and Payment.**

#### A. **Fee Schedule:** The fee schedule for court-appointed experts from the EWL is as follows.

1. **General Fee:** Experts appointed by the court from the EWL are entitled to a general fee of expert compensation at the rate of \$600.00 for all court-ordered exams.
2. **Extraordinary Supplemental Compensation:** Appointed experts required to review extensive documentation, perform interviews, and/or prepare documentation over and above that normally required under provision 1.a of this fee schedule, may petition the court for supplemental compensation at a rate not to exceed \$100 per hour.
  - i. Extraordinary supplemental compensation must be pre-approved by the court-wide Criminal Supervising Judge, who is assigned to the Central Division. To apply for pre-approval, the expert must submit an affidavit specifying the type of documents to be reviewed, interviews to be performed, and/or documentation to be prepared, and estimating the amount of time necessary.
  - ii. When petitioning for supplemental compensation, the expert must submit proof of pre-approval, along with an affidavit specifying the documents actually reviewed, interviews actually performed, and/or documentation actually prepared, and the actual time spent, to the court-wide Criminal Supervising Judge, who is assigned to the Central Division. No petition for supplemental compensation will be granted unless the appointed expert received pre-approval.
  - iii. The decision whether to grant pre-approval or a petition for supplemental compensation is within the sole discretion of the court.
3. **Court Testimony and Preparation Fees:** An expert called to testify in reference to court-ordered exams should be compensated at a rate not to exceed \$150.00 per hour. The attorney or agency requesting such testimony will compensate the expert at this rate unless otherwise required by law. The expert will submit invoices directly to the attorney or agency.
4. **Fee Schedule Alterations:** At anytime, without notice, the court may alter this fee schedule for services provided under this policy, from that point forward.

#### B. **Payment:** The appointed expert will submit all invoices for payment of fees to the court's Administrative Services Department within 30 days following the date of the last service rendered or the conclusion of the proceedings, whichever is later. The invoice must set forth the type of services provided, along with the specific dates and times, and include a copy of the court order of appointment made prior to the date services were rendered. If supplemental compensation is being claimed, a copy of the court order approving the expense(s) must be submitted as well.

Invoices should be sent to the following address:

San Diego Superior Court  
Attn: Administrative Services  
330 West Broadway, Room 357  
San Diego, CA 92101

### V. **No Contract of Employment Created.**

This Policy for the San Diego Superior Court's Expert Witness List For Physicians, Psychiatrists, and Psychologists for criminal cases does not create any contract of employment, express or implied, or any rights in the nature of a contract.