

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF KINGS

3  
4 IN THE MATTER OF COMPENSATION  
5 OF COUNSEL FOR PETITIONS FILED  
6 PURSUANT TO PC 1170.18  
7

8  
9 **PROTOCOL FOR THE PROCESSING OF ORDERS**  
10 **FOR COMPENSATION**  
11

12 It has come to the attention of the court that there needs to be established, a clear  
13 protocol for the issuing of orders for attorney compensation in connection with petitions  
14 filed pursuant to California Penal Code Section 1170.18. The procedure of the court for  
15 compensation orders shall be as follows:

16 1. Requests for counsel compensation in connection with a petition filed under  
17 California Penal Code Section 1170.18 shall not be filed by counsel until resentencing,  
18 reclassification, or other final disposition of the matter has occurred. Clerks receiving  
19 premature requests for compensation should reject the submission.

20 2. Orders awarding compensation in connection with a petition filed under  
21 California Penal Code Section 1170.18 shall not be signed by judicial officers until after  
22 resentencing, reclassification, or other final disposition of the matter has occurred.  
23 Premature orders for compensation may be vacated by the court upon discovery.

24 3. Orders awarding compensation in connection with a petition filed under  
25 California Penal Code Section 1170.18 shall be issued in favor of the last attorney  
26 appointed by the court. Any other attorney appearing in connection with the petition shall  
27 be deemed to be specially appearing on behalf of the appointed attorney.

28 4. Where no attorney has been appointed in connection with the petition,  
orders awarding compensation in connection with a petition filed under California Penal  
Code Section 1170.18 shall be awarded only to that attorney who appeared at the final  
hearing in the case at which resentencing or reclassification was granted or denied.

1           5.     Any division of fees between counsel is left to the discretion and contractual  
2 agreements of the attorneys. Absent exceptional circumstances, the court will not issue  
3 more than one order for compensation in connection with a petition filed under California  
4 Penal Code Section 1170.18.

5           6.     Whether an order for compensation in connection with a petition filed under  
6 California Penal Code Section 1170.18 will issue, is matter within the discretion of the  
7 relevant judicial officer. Although the court understands that the County of Kings has  
8 entered into agreements for compensation with certain contracted attorneys, the court is  
9 not a party to such agreements and possesses no obligations under the same. The court  
10 will issue only those orders it believes are appropriate and submitted in good faith.

11           **IT IS SO ORDERED.**

12 Dated: April 10, 2015

13 Thomas DeSantos  
14 Thomas DeSantos  
15 Presiding Judge of the  
16 Kings County Superior Court  
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