

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

319



FROM: Executive Office

SUBMITTAL DATE:
June 29, 2004

SUBJECT: Indigent Defense Contracts for FY 2004-05

RECOMMENDED MOTION: That the Board of Supervisors renew the attached contracts with three attorney groups for the provision of indigent defense attorney services in Fiscal Year 2004-05.

BACKGROUND: Defense attorneys from the private sector are appointed by the Court when the Public Defender's Office has a conflict of interest, such as in multiple defendant cases. While the Court sometimes appoints individual attorneys, it has proven to be more reliable and cost effective to contract with attorney groups for these services. The current contracts, for representation of indigents in criminal, juvenile, and probate cases, were awarded after a careful and thorough bid process two years ago. The initial contracts were for 21-months, and allowed for two annual renewals. These would be the first renewals.

The attorney groups under contract are Criminal Defense Lawyers, Juvenile Defense Panel, Barbara M. Brand Esq., and Vanderbrug and Rupp. The contract with Vanderbrug and Rupp was amended last February and is not due to expire until November 30, 2004. The other three expire June 30, 2004. (continued)

Kathryn Field, Principal Management Analyst

FINANCIAL DATA

Current F.Y. Total Cost:	\$ 7,505,814	In Current Year Budget:	yes
Current F.Y. Net County Cost:	\$ 7,505,814	Budget Adjustment:	no
Annual Net County Cost:	\$ 7,340,020	For Fiscal Year:	2004/05

SOURCE OF FUNDS: Indigent Defense Budget

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

County Executive Office Signature

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.47 of 9/24/02 | **District:** ALL | **Agenda Number:**

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

3.8

Background, continued

The three contracts total \$7,340,020 (attorney fees and expenses), which, overall, is a slight decrease from the current year's contract costs. Juvenile attorney fees have risen, primarily due to caseload increases resulting from a new requirement for additional monitoring of minors in California Youth Authority facilities. Investigative expense payments have been reduced, where possible, to minimize this additional burden.

In addition, a new provision included in the Criminal Defense Lawyers contract addresses the current declarations of unavailability from the Public Defender's Office. Any cases in which the Public Defender is unavailable due to overload are to be itemized on monthly supplemental billings and paid at a per-case rate.

These contracts were finalized after preparation of the Proposed Budget, so the costs of Public Defender overload were not included in the Indigent Defense budget. After the first quarter, it should be possible to better estimate the additional cost likely to result from the Public Defender's unavailability. A conservative estimate of the additional cost is \$175,000 per month for about three months. The actual cost will depend on Court actions, and the Public Defender's ability to hire experienced attorneys to fill openings in that office.