

246

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



FROM: Executive Office

SUBMITTAL DATE:
March 5, 2008

SUBJECT: Amendments to Indigent Defense Contracts - Adult

RECOMMENDED MOTION: That the Board of Supervisors approve the attached amendments to the existing contracts with Criminal Defense Lawyers and Barbara Brand, Esq., and authorize the chairman to sign the amendments on behalf of the Board.

BACKGROUND: The existing contracts with the general partnership Criminal Defense Lawyers, and attorney Barbara Brand, provide for legal services to indigent adults as directed by the Court when the Public Defender has a conflict preventing representation. These panels handle criminal cases in Riverside, mid-county, and Indio.

In August, 2007, in an effort to streamline the criminal courts, representatives of the Judicial Council of California began meeting with representatives from county justice departments and the conflict panels. This committee, called the Riverside Criminal Backlog Reduction Initiative Working Group, developed a model for criminal caseflow that is designed to encourage earlier resolution of (continued)

Kathryn Field, Deputy County Executive Officer

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 365,000	In Current Year Budget:	no
	Current F.Y. Net County Cost:	\$ 365,000	Budget Adjustment:	no
	Annual Net County Cost:	\$ 0	For Fiscal Year:	07-08

SOURCE OF FUNDS: General Fund Contingency	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: Bill Luna

County Executive Office Signature

Dept'l Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.: 3.4 of 7/17/07 | District: all | Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3.7

cases by replacing some existing trial courts with what are termed "calendar" courts. At present, the calendar courts hear both old and new matters and determine how cases should proceed. The proposed change would divert cases to several more specialized calendar courts, depending on the age and type of each case, and encourage resolution of cases through discussion with judges. This restructuring is to be implemented in Riverside, Southwest and Indio on March 17, 2008.

The Working Group recognized early that the conflict panels, consisting of independent sub-contractors (many working on a part-time basis), would have less flexibility in staffing these additional calendar courts than would the DA's or Public Defender's teams of attorneys. Normally, the indigent defense contractors are paid to handle a pre-determined number of cases in a fiscal year, and there are provisions for additional compensation if the case range is exceeded. In this situation, however, the number of cases is not expected to increase -- although the speed of resolution should. Staffing the added calendar courts with full-time attorneys represents a material change to the current business model of the conflict panels, accompanied by increased costs. Acknowledging this, in October the Working Group encouraged all members of the committee to support additional county funding for the conflict panels.

County Counsel prepared and approved the attached amendments. They include provisions for suspending the additional payments to the panels should the backlog reduction effort be changed or discontinued. The Indigent Defense budget will require an amendment in the Third Quarter Report to accommodate these additional costs of approximately \$110,000 per month.