

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

532



**FROM:** Purchasing and Fleet Services Dept.

**SUBMITTAL DATE:**  
February 27, 2014

**SUBJECT: AMEND THE AGREEMENTS WITH THE LAW OFFICES OF BARBARA M. BRAND AND JUVENILE DEFENSE PANEL (JDP), TO PROVIDE LEGAL INDIGENT DEFENSE CRIMINAL SERVICES FOR RIVERSIDE COUNTY. DISTRICTS – ALL [ATTORNEY FEES \$11,215,605, TRUST FUND \$744,000]**

**RECOMMENDED MOTION:** That the Board of Supervisors:

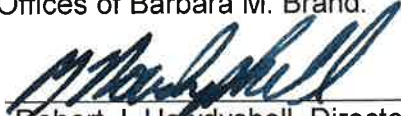
1. Approve and Authorize the Chairman of the Board to sign the amendments for the indigent defense contracts with adjustments of rates effective March 1, 2014 for Barbara Brand and March 24, 2014 for JDP and with five (5) one year extensions in the following annual amounts:  
Law Offices of Barbara M. Brand - \$1,853,496 and JDP - \$538,425.

**BACKGROUND:**

**Summary**

On February 25, 2014 a formal request was made to accept an offer of a 7-1/2% reduction in attorney fees for the contract with Virginia Blumenthal and Criminal Defense Lawyers for a five (5) year extension. In addition, a request was made to accept an offer for a 5% reduction in attorney fees with no change to the trust fund in exchange for a three (3) year extension for the Law Offices of Barbara M. Brand.

(Continued on Page 2)

  
Robert J. Howdyshell, Director  
Purchasing and Fleet Serv. Dept.

FORM APPROVED COUNTY COUNSEL  
BY: Pamela J. Walls 3/3/14 DATE  
PAMELA J. WALLS Departmental Concurrence

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ -58,109	\$ 2,391,921	\$ 11,959,605	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY   
Stephanie Persi

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 3-28 on 2/25/2014 | District: | Agenda Number:

**3-22**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: AMEND THE AGREEMENTS WITH THE LAW OFFICES OF BARBARA M. BRAND AND  
JUVENILE DEFENSE PANEL (JDP), TO PROVIDE LEGAL INDIGENT DEFENSE CRIMINAL  
SERVICES FOR RIVERSIDE COUNTY. DISTRICTS – ALL [ATTORNEY FEES \$11,215,605, TRUST  
FUND \$744,000]**

**DATE: February 27, 2014**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary (continued)**

The Board accepted the offer from Virginia Blumenthal and Criminal Defense Lawyers. However, they entertained a request for a two week continuance for the offer from Barbara M. Brand.

Barbara M. Brand has accepted the 7-1/2% attorney fee reduction and the signed contract amendment is attached. During the public process that was taking place, JDP, who has a separate contract for Juvenile Indigent Defense, voluntarily offered to match the reductions being offered by Virginia Blumenthal and Criminal Defense Lawyers. The contract amendment is attached for their attorney fee reduction and a five (5) year extension. The effective date for the JDP agreement is modified to March 24, 2014 to accommodate full months since their anniversary date is currently November 23, 2014. Thereby, we can make all of the Indigent Defense contracts co-terminate.

Both vendors have agreed to make the rate reductions this month as indicated so the County can benefit from their offer of reduced rates. Attachment A is a table showing the contract changes.

**Point of Clarification**

Virginia Blumenthal and CDL – Cover all western Riverside County Adult Indigent Defense.

JDP – Covers all western Riverside County for Juvenile Indigent Defense.

Barbara Brand – Covers the Desert and Blythe for Adult and Juvenile Indigent Defense.

The action taken on February 25, 2014 approved the rate change and a five (5) year extension for Virginia Blumenthal and CDL resulting in a \$4,413,334 savings to the county over the five (5) years extension and early rate reduction.

Today's agenda item is requesting similar approval for Barbara M. Brand and JDP with the same reduction of attorney rate of 7.5% resulting in a \$967,484 savings to the county over the five (5) years and early rate reduction.

If these two contract extensions are approved, the total aggregate savings for all four (4) contracts for the entire term will be \$5,380,818.

**ATTACHMENT A**

Table Showing Contract Changes

**APPROVED AT THE BOARD 2/25/2014 & 3/11/2014 REQUEST**

**NEGOTIATED NEW CONTRACT VALUES**

		Contract Extension					TOTAL FOR 5 YEAR EXTENSION
		Year 1	Year 2	Year 3	Year 4	Year 5	
Virginia B	Early Contract Amendment	\$1,131,667					
	Attorney Fees	\$3,145,000	\$3,145,000	\$3,145,000	\$3,145,000	\$3,145,000	\$15,725,000
CDL	Trust Fund	\$83,333	\$250,000	\$250,000	\$250,000	\$250,000	\$1,250,000
	Attorney Fees	\$709,166	\$2,127,499	\$2,127,499	\$2,127,499	\$2,127,499	\$10,637,495
Barbara Brand	Trust Fund	\$83,333	\$250,000	\$250,000	\$250,000	\$250,000	\$1,250,000
	Attorney Fees	\$585,832	\$1,757,496	\$1,757,496	\$1,757,496	\$1,757,496	\$8,787,482
JDP	Trust Fund	\$32,000	\$96,000	\$96,000	\$96,000	\$96,000	\$480,000
	Attorney Fees	\$130,849	\$485,625	\$485,625	\$485,625	\$485,625	\$2,428,125
Sub Total	Trust Fund	\$14,227	\$52,800	\$52,800	\$52,800	\$52,800	\$264,000
	Attorney Fees	\$2,557,514	\$7,515,620	\$7,515,620	\$7,515,620	\$7,515,620	\$37,578,102
TOTAL	Trust Fund	\$212,893	\$648,800	\$648,800	\$648,800	\$648,800	\$3,244,000
		\$2,770,407	\$8,164,420	\$8,164,420	\$8,164,420	\$8,164,420	\$40,822,102

**TOTAL NEGOTIATED SAVINGS**

		Contract Extension					TOTAL SAVINGS FOR EARLY REDUCTION & 5 YEAR EXTENSIONS
		Year 1	Year 2	Year 3	Year 4	Year 5	
Virginia B	Early Contract Amendment	\$85,000					
	Attorney Fees	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$1,360,000
CDL	Trust Fund	\$76,667	\$230,000	\$230,000	\$230,000	\$230,000	\$1,226,667
	Attorney Fees	\$57,500	\$172,500	\$172,500	\$172,500	\$172,500	\$920,000
Barbara Brand	Trust Fund	\$56,667	\$170,000	\$170,000	\$170,000	\$170,000	\$906,667
	Attorney Fees	\$47,500	\$142,500	\$142,500	\$142,500	\$142,500	\$760,000
JDP	Trust Fund	\$0	\$0	\$0	\$0	\$0	\$0
	Attorney Fees	\$10,609	\$39,375	\$39,375	\$39,375	\$39,375	\$207,484
Sub Total	Trust Fund	\$0	\$0	\$0	\$0	\$0	\$0
	Attorney Fees	\$200,609	\$609,375	\$609,375	\$609,375	\$609,375	\$3,247,484
TOTAL	Trust Fund	\$133,333	\$400,000	\$400,000	\$400,000	\$400,000	\$2,133,333
		\$333,943	\$1,009,375	\$1,009,375	\$1,009,375	\$1,009,375	\$5,380,818

**COUNTY OF RIVERSIDE  
AMENDMENT NO.3 TO THE  
INDIGENT DEFENSE AGREEMENT  
WITH  
LAW OFFICE OF BARBARA M. BRAND**

**CONTRACTOR:** Law Office of Barbara M. Brand  
Contract Term: February 1, 2011 through June 30, 2014  
Effective Date of Amendment: March 1, 2014

The Agreement between Riverside County, herein referred to as COUNTY and Law Office of Barbara M. Brand, herein referred to as ATTORNEYS, is amended as follows:

1. On page 3 of the Agreement, amend Section 2 the "Term of Performance":  
To amend all reference to the Term of Performance from expiration of June 30, 2014 to a Term of Performance of Board Approval through June 30, 2019, renewed in one-year increments, unless terminated as specified in Section 9 TERMINATION. All other terms of the Term of Performance in the Agreement shall apply.
2. On page 9 of the Agreement, amend Section 7 the "COMPENSATION";  
Monthly rate shall be \$146,458 (one hundred forty six thousand four hundred fifty eight dollars). Annual amount shall be \$1,757,496 (one million seven hundred fifty seven thousand four hundred ninety six dollars dollars)
3. On page 9 of the Agreement, amend Section 8 the "EXPENSES";  
Monthly rate shall be eight thousand dollars (\$8,000). Annual amount shall be ninety six thousand dollars (\$96,000).
4. All other terms and conditions of the Agreement are to remain unchanged.

**IN WITNESS WHEREOF**, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

**County**

Board of Supervisors  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92501

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Chairman of the Board

Date: \_\_\_\_\_

**Attorneys**

Law Office of Barbara M. Brand  
82-500 Highway 111, Suite 5  
Indio, CA 92201

By: Barbara Brand

Name: Barbara Brand

Title: Owner

Date: 2-26-14

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] 3/5/14  
PAMELA J. WALLS DATE

RFP# EOARC-019  
BOS agenda # & Date: 3.13 on 2/01/2011  
Form #116-311 Revision Date: 04/21/09

**COUNTY OF RIVERSIDE  
AMENDMENT NO.7 TO THE AGREEMENT  
WITH  
JUVENILE DEFENSE PANEL**

**CONTRACTOR:** Juvenile Defense Panel  
Contract Term: November 24, 2009 through November 23, 2014  
Effective Date of Amendment: Upon Board of Supervisor approval

The Agreement between Riverside County, herein referred to as COUNTY and Juvenile Defense Panel, herein referred to as ATTORNEYS, is amended as follows:

1. On page 2 of the Agreement, amend Section 2 the "Term of Performance":  
To amend all reference to the Term of Performance from expiration of November 23, 2014 to a Term of Performance of Board Approval through June 30, 2019, renewed in one-year increments, unless terminated as specified in Section 9 TERMINATION. All other terms of the Term of Performance in the Agreement shall apply.
2. On page 5 of the Agreement, amend Section 6 the "COMPENSATION";  
To amend reference to the maximum annual contract cost to \$485,625 (four hundred eighty five thousand six hundred twenty five dollars) at a monthly rate of \$40,468.00 (forty thousand four hundred sixty eight dollars).
3. On page 6 of the Agreement, Section 8 the "EXPENSES";  
The maximum annual payment for expenses is fifty two thousand eight hundred dollars (\$52,800). The monthly rate is four thousand four hundred dollars (\$4,400).
4. On page 5 of the Agreement, amend Section 7.1 the "NEW FILINGS";  
Case range shall be unlimited for the Agreement. No minimum or maximum to benchmarks.
5. On page 14 of the Agreement, amend Section 23 the "PERIODIC REVIEW";  
Section 23 will be removed from the Agreement and Section 24 "NOTICES" will become Section 23. Case range shall be unlimited for the Agreement.
6. All other terms and conditions of the Agreement are to remain unchanged.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to execute this Amendment.

**County**

Board of Supervisors  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92504

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Chairman of the Board

Date: \_\_\_\_\_

**Attorneys**

Juvenile Defense Panel  
30111 Technology Drive, Suite 160  
Murrieta, CA 92563

By: Michael Burns

Name: MICHAEL F. BURNS

Title: ATTORNEY / CEO

Date: 2/27/14

FORM APPROVED COUNTY COUNSEL

BY: Pamela J. Walls 3/3/14  
PAMELA J. WALLS DATE