

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 6/16/05  
**Department Name:** Superior Court  
**Department No.:** 025  
**Agenda Date:** 6/28/05  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Gary M. Blair, Superior Court Executive Officer  
Superior Court

**STAFF CONTACT:** Rebekah Peake (x2860)  
Administrative Analyst

**SUBJECT:** Extension of Contract for North County Conflict Defense Services

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## RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve and sign an extension for the provision of conflict defense (alternate Public Defender) services in the north county Superior Court to North County Defense Team for the period of July 1, 2005 through June 30, 2007 for the annual amount of \$760,404. commencing July 1, 2005.

## ALIGNMENT WITH BOARD STRATEGIC PLAN:

This recommendation is primarily aligned with:

Goal II Community Health and Safety; and  
Goal III Organizational Effectiveness

## EXECUTIVE SUMMARY AND DISCUSSION:

The current contract for the provision of conflict defense services in the north county courts expires at the end of FY 2004-05.

Under the contract, a consortium of attorneys handles various defense cases in which the Public Defender cannot legally represent the defendant because of a conflict of interest. This primarily occurs in multiple defendant cases in which the Public Defender may only represent one defendant. The contractor is required to represent up to five (5) co-defendants in a given conflict case. Secondary conflicts are avoided because the various attorneys in the consortium are in separate law firms, with separate offices and records. Economies of scale in representation are also achieved, to the benefit of the represented parties, the Court and the County.

This contract method of providing Conflict Public Defense services has resulted in major cost savings in Santa Barbara County, since its inception in 1983, as compared to the former method of compensating counsel on an hourly basis for each case. The Court has established contracts that essentially require the provision of such services on a “flat fee for all services” basis, with only very limited exceptions permitted. The Superior Court has been entirely satisfied with the quality of services provided by Conflict Public Defense contractors, for several years now, and proposes to continue these contracts with this contractor, for fiscal years 2005-06 and 2006-07.

**MANDATES AND SERVICE LEVELS:**

Penal Code §987.2 requires the appointment of counsel at county expense in criminal cases and juvenile cases in which the defendant is unable to employ counsel. It also provides that the reasonable sum for compensation and for necessary services may be determined by contract between the court and one or more responsible attorneys after consultation with the board of supervisors as to the total amount of compensation and expenses to be paid.

**FISCAL AND FACILITIES IMPACTS:**

The cost for the provision of such services in FY 2005-06 is \$63,367 per month for an annualized amount of \$760,404. The annual amount for 2006-07 will be based upon the 2005-06 amount, adjusted by a standard annual Consumer Price Index factor as determined and published by the United States Department of Labor. There are no anticipated County facilities impacts from Board Approval of this contract.

**SPECIAL INSTRUCTIONS:**

Please provide the Superior Court Executive Officer with a conformed copy of the Board Minute Order and of this contract, following execution by the Board. Thank you.

**CONCURRENCE:**

County Administrator  
County Counsel  
Risk Management

