



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: Superior Court
Department No.: 025
For Agenda Of: 07/27/10
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Gary M. Blair Superior Court Executive Officer
882-4550
Rayna Pinkerton Chief Financial Officer
882-4680

SUBJECT: Renewal of Contract for North County Conflict Defense Services

Recommended Actions:

That the Board of Supervisors:

1. Approve and execute a contract 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, 2010 through June 30, 2012 for the annual amount of \$860,976.

Background:

The current contract for the provision of conflict defense services in the north county courts covered services through the end of FY 2009-10. The Contractor has agreed with the County and the Court to renew conflict defense services for two more fiscal years at the same cost for each year as for FY 2009-10.

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. However, 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 and the County have established contracts for conflict defense 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 Judges have been entirely satisfied with the quality of services provided by Conflict Defense contractors, and proposes to continue these contracts with this contractor, for fiscal years 2010-11 through 2011-12.

Performance Measure:

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. The contractor is required to handle conflict cases as defined in the proposed contract on a “flat fee for all services” basis and submit monthly caseload reports showing each new assigned case and the disposition of cases previously assigned by the Court.

Fiscal and Facilities Impacts:

The cost for the provision of such services in FY 2009-10 was \$860,976. The annual amounts for FY 2010-11 and FY 2011-12 will be the same amount for each year as FY 2009-10 (\$860,976). 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.

Attachments:

Proposed Contract and Exhibit A (Standard Indemnification and Insurance Provisions)

Authored by:

Gary Blair, Superior Court Executive Officer.

Concurrence:

County Administrator
County Counsel
Risk Management
Auditor as to Form

cc:

Richard Morgantini, County Executive Office