



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: July 10, 2012
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Gary M. Blair 882-4550
Director(s)
Contact Info: Rayna Pinkerton 882-4680; Richard Morgantini 568-3551

SUBJECT: **Renewal of Contract for Provision of Conflict Defense Services**

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form:

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

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 (NCDT) for the period of July 1, 2012 through June 30, 2014 for the amount of \$71,748 per month commencing July 1, 2012.

Summary Text:

The provision of defense counsel for indigent defendants is required under the Constitution, decisional law, and Penal Code section 987. Further, Penal Code section 987.2(b) provides that such services may be provided by a contract with a consortium of attorneys.

Background:

The current contract for the provision of conflict defense services in the north county courts expires at the end of FY 2011-12. The contract needs to be renewed to continue to provide these legally mandated services.

Under the contract system, a consortium of attorneys handles various defense cases in which the Public Defender cannot legally represent the defendant because of a conflict of interest. (These cases are actual legal conflicts and are distinguished from cases in which the Public Defender has declined representation for budgetary reasons). This primarily occurs in multiple defendant cases in which the Public Defender may legally 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 and economies of scale are achieved.

The contract method of providing conflict defense services has resulted in tremendous cost savings since its inception in 1983 in Santa Barbara County compared to the former method of compensating counsel on an hourly basis for each case handled. The court and the county have established contracts, which essentially require the provision of such services on a “flat fee for all case basis.”

The Superior Court has been very satisfied with the quality of service provided by NCDT and wishes to extend the contract for fiscal years 2012-13 through 2013-14.

Fiscal and Facilities Impacts:

The cost for the provision of such services in FY 2012-13 is \$71,748 per month for an annualized amount of \$860,976. This is a 0% increase from the prior fiscal year. This amount will remain the same for two years through fiscal year 2013-14. There are no facilities impacts.

Special Instructions:

Please provide copies of the minute order to: Rayna Pinkerton, Superior Court Chief Financial Officer and to Richard Morgantini, County Administrative Analyst, upon adoption.

Authored by:

Gary M. Blair, Superior Court Executive Officer

cc:

Richard Morgantini, County Executive Office