



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 14, 2009  
Placement: Administrative  
Estimated Tme:  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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**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**

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** Select\_Other

As to form: Select\_Concurrence

**Recommended Actions:**

Approve and sign an extension for the provision of conflict defense (alternate Public Defender) services in the south county Superior Court to Criminal Defense Associates (CDA) for the period of July 1, 2009 through June 30, 2014 for the amount of \$65, 311 per month commencing July 1, 2009.

**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 south county courts expires at the end of FY 2008-09. 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 CDA and wishes to extend the contract for fiscal years 2009-10 through 2013-14.

**Fiscal and Facilities Impacts:**

The cost for the provision of such services in FY 2009-10 is \$65,311 per month for an annualized amount of \$783,731. This amount will remain the same for three years through fiscal year 2011-12. Commencing in the fourth year (FY 2012-13), it shall be subject to an annual CPI adjustment. 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