



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager



Date: May 7, 2013
Board Meeting Date: June 4, 2013
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: John L. Maltbie, County Manager
Subject: Agreement with the Private Defender Program

RECOMMENDATION:

Adopt a Resolution authorizing an agreement with the San Mateo County Bar Association for Private Defender Program services for the term of July 1, 2013 through June 30, 2015, in an amount not to exceed \$34,652,916; unless amended under the terms of the Agreement.

BACKGROUND:

The County is obligated to provide legal representation for those persons accused of crimes and subject to certain civil proceedings who are determined by the courts to be indigent and thus entitled to the appointment of counsel at public expense. Through a contractual agreement with the County, the San Mateo County Bar Association (Association) has been providing legal counsel through its Private Defender Program (PDP) to all financially eligible persons since 1968.

The Association is the contracting agency and manages its PDP consistent with the terms of the agreement. It is unique in that its carefully screened attorneys who serve on the PDP panel are not employees, but are independent private attorneys who accept appointments to represent persons determined financially eligible by the courts. Attorneys are compensated by the Association at rates established for various types of appearances in the judicial process.

The County thus avoids the considerable expense of having to enter into additional contracts for legal services in conflict of interest situations, and since the PDP panel attorneys are responsible for maintaining their own offices, the contractual arrangements avoids the costs associated with a traditional public defender office, such as facility costs and employee benefits. The current one-year agreement is scheduled to expire June 30, 2013.

DISCUSSION:

Under the new two-year agreement, the Association will continue to provide legal services for all financially eligible persons entitled to a court-appointed counsel. The Association will provide representation in criminal cases, juvenile cases, mental health cases, and certain civil and miscellaneous cases. Attorneys will appear at all arraignment calendars, drug court calendars, probable cause hearing calendars, and all other calendars as requested by the Superior Court. The Association will continue to provide, within 60 days of the end of the second and fourth quarter of FY 2013-14 and FY 2014-15, the names of all attorneys who represented clients during that quarter. Attorney-client confidentiality will be carefully observed in all reports furnished to the County under this and other provisions of the contract. Annually the Association will report to the County on its efforts to provide sufficient training of all attorneys accepting cases and shall evaluate the performance of all attorneys. The actual evaluations will be confidential, but reported by number and results to the County.

The Association will have an experienced attorney on duty on each business day to receive feedback about the performance of PDP attorneys. Any complaints will be processed in accordance with a written procedure which is specified in the contract. The number and nature of all such complaints as well as their disposition will be reported annually to the County. The Association shall continue to maintain caseload information and report the results to the County on a monthly basis. The Association recognizes the importance of community outreach efforts and will work closely with the Court and the County to ensure that successful outreach programs are provided to the citizens of San Mateo County.

The agreement includes all provisions that are required by County ordinance and administrative memoranda, including but not limited to insurance, hold harmless, non-discrimination, equal benefits, and the contractor jury service policy. County Counsel has reviewed and approved the Agreement and Resolution as to form.

Approval of this Agreement contributes to the Shared Vision 2025 outcome of a Healthy Community by ensuring that all residents of San Mateo County, regardless of their socio-economic standing, receive competent legal representation in the court of law as provided for by the United States Constitution.

PERFORMANCE MEASURE(S):

Measure	FY 2012-13 Estimate	FY 2013-14 Projected
Superior Court Cases*	1,854	1,900
Municipal Court Cases**	14,684	15,000
Lanterman Petris Short Act Cases	618	625
Juvenile Dependency Cases***	582	625
Juvenile Delinquency Cases	1,662	1,665
Total Case Counts	18,782	19,815

Number of Training Seminars	21	21
Client Complaints:		
-Relationship Issues	80	90
-Performance Issues	10	14

*This category includes Superior and Municipal Court civil cases, such as contempt's, paternity, probate, etc.

**This category includes an increase in projected probation violations and parole hearings in FY 2013-14 due to AB109 Public Safety Realignment.

FISCAL IMPACT:

The new two year agreement will increase the contract amount by \$337,205; or 2% in FY 2013-14 and \$257,962; or 1.5% in FY 2014-15, for a total increase in Net County Cost of \$595,167. The County will compensate the Association a total of \$17,197,477 for services rendered during FY 2013-14 and \$17,455,439 for services rendered during FY 2014-15. The new contract amounts will be included in the FY 2013-14 and FY 2014-15 Recommended Budget.