



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 21-413

Board Meeting Date: 6/8/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Michael P. Callagy, County Manager
Iliana Rodriguez, Deputy County Manager
Subject: Agreement for Indigent Legal Representation Services

RECOMMENDATION:

Adopt a resolution authorizing an agreement with the San Mateo County Bar Association (SMCBA) for indigent legal defense and other services provided by the Private Defender Program (PDP) for the period of July 1, 2021 through June 30, 2023, in an amount not to exceed \$43,966,291 for services.

BACKGROUND:

In 1963, the United States Supreme Court's decision in *Gideon v. Wainwright* established that any person accused of a crime who is too poor to employ an attorney has a constitutional right to the free appointment of counsel. Since 1968, the County's mandated indigent legal representation services has been provided by the Private Defender Program (PDP) through a contract with the San Mateo County Bar Association (SMCBA). The current two-year agreement with the SMCBA expires on June 30, 2021. The contract amount for Fiscal Year 2021-22 is \$21,648,544 and \$22,317,747 for Fiscal Year 2022-23.

DISCUSSION:

This agreement will supersede the current agreement expiring on June 30, 2021. The agreement includes the addition of the following three positions:

- Assistant managing attorney position to help with oversight and training of attorneys.
- Supervising Social Worker to act as a liaison with the Courts and Forensic Mental Health team in the jail and attorneys to assist in formulating mental health treatment plans.
- Executive Administrative Assistant to assist with collecting and reporting data, as well as overseeing discovery.

On September 20, 2016, your Board approved recommendations from the County Manager and County Controller to institute financial controls and management oversight. The PDP has developed

various management and financial reports which are submitted monthly to the County Manager's Office. The Controller has conducted a review of the Private Defender Program, and based on the most recent review for the period of January 1, 2020 through December 31, 2020, the PDP has complied with the contract requirements.

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, safe, and prosperous 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 by the United States Constitution.

FISCAL IMPACT:

This new two-year agreement includes payment for services provided during the period of July 1, 2021 through June 30, 2023, for an amount not to exceed \$43,966,291. This amount has been included in the Recommended Budget.