



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: June 9, 2015

Subject: CONTRACT WITH CONTRA COSTA COUNTY BAR ASSOCIATION FOR PROVISION OF
CRIMINAL CONFLICT DEFENSE SERVICES

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract with the Contra Costa County Bar Association in an amount not to exceed \$3,650,000 per fiscal year to continue to provide mandated criminal conflict defense and other legal services for the period July 1, 2015 through June 30, 2017.

FISCAL IMPACT:

Costs are budgeted for fiscal year 2015/16 in General Fund Budget Unit 0248 – Conflict Defense Services, administered by the County Administrator. The proposed contract includes an increase of \$150,000 to the annualized payment from the prior year based on the trend of increased referrals from the Public Defender's Office.

BACKGROUND:

Since 1983, the County has contracted with the Contra Costa County Bar Association for the provision of conflict defense services. The County developed the Criminal Conflicts Program with the Bar in response to the escalating cost of conflict defense services under the old system of court-appointed counsel. Subsequently, in FY 1991/92, the Public Defender created an Alternate Defender's Office to handle some of the conflict cases. The

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/09/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 9, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Chris Heck, Deputy

Contact: Timothy Ewell,
925-335-1036

cc:

cases referred to the Bar

BACKGROUND: (CONT'D)

Association generally represent multiple co-defendant cases in which the Alternate Defender's Office can represent only one co-defendant, but may include other cases in which the Public Defender and Alternate Defender are unavailable.

The contract with the Bar Association for conflict defense services includes only the costs associated with representing criminal and delinquency cases referred to the Bar Association through a written affidavit of conflict by the Public Defender and the Alternate Defender. Additionally, the County is required to pay for legal services in juvenile immigration cases. In prior years, the contract also provided for legal representation in juvenile dependency cases. County-provided juvenile dependency services were terminated by the Superior Court in July 2008.

Approval of the contract allows the Bar Association to continue providing services through June 30, 2017. The proposed contract increases hourly service rates and certain administrative costs. In addition, the annual payment limit has been increased by \$150,000, from \$3.5 million to \$3.65 million to reflect the current trend of increased case referrals by the Public Defender's Office. This increase has been built into the FY 2015/16 budget.

CONSEQUENCE OF NEGATIVE ACTION:

Payment of criminal conflict attorney services is a mandated County cost. If the recommended action is not approved, the contract with the Bar Association will terminate as of June 30, 2015 and the County will continue to be obligated to pay the Bar for cases previously assigned to the Bar and still in progress. The appointment and payment of private attorneys for new cases in which the Public Defender and Alternate Defender are not available will revert to the court-appointed method used prior to the Bar Association contract -- a less efficient and more costly alternative. All active and new criminal and delinquency conflict cases will be referred to the courts for appointment of defense counsel.

CHILDREN'S IMPACT STATEMENT:

No impact.