



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: March 28, 2017

Subject: AMENDMENT TO CONTRACT WITH CONTRA COSTA BAR FOR CRIMINAL CONFLICT DEFENSE SERVICES

RECOMMENDATION(S):

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract amendment with the Contra Costa County Bar Association to increase the payment limit by \$1,300,000 to a new payment limit of \$4,950,000 for the continued provision of criminal conflict defense services, with no change to the term of July 1, 2016 through June 30, 2017.

FISCAL IMPACT:

\$1,300,000, 100% County General Fund.

BACKGROUND:

Since 1983, the County has contracted with the Contra Costa County Bar Association for the provision of conflict defense services. The original contract was 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 conflict cases. The cases referred to the Bar Association generally represent multiple co-defendant cases in which the Alternate Defender's Office can represent only one co-defendant.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/28/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
Supervisor

RECUSE: Candace Andersen, District II
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: March 28, 2017

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

By: Rolanda Hartfield, Deputy

Contact: Timothy Ewell,
925-335-1036

cc:

BACKGROUND: (CONT'D)

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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. 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.

The current contract with the Bar Association covers the two-year period of July 1, 2015 through June 30, 2017. The payment limit for fiscal year 2016/17 is currently \$3,650,000. The proposed contract amendment will increase the payment limit by an additional \$1,300,000 in fiscal year 2016/17 to reflect costs associated with increased attorney caseloads referred by the Public Defender or Alternate Defender.

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 the County will remain obligated to pay the Bar for cases assigned and still in progress. The appointment and payment of independent attorneys for new conflict cases that cannot be handled by the Alternate Defender's Office will revert to the court-appointed method used prior to the Bar Association contract. All active and new criminal and delinquency conflict cases will be referred to the courts for appointment of defense counsel with the County fiscal responsible for all costs involved.