



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: June 20, 2017

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 \$4,800,000 for fiscal year 2017-18 and in an amount not to exceed \$5,000,000 for fiscal year 2018-19 to continue to provide mandated criminal conflict defense and other legal services for the period July 1, 2017 through June 30, 2019.

FISCAL IMPACT:

Costs are budgeted for fiscal year 2017/18 in General Fund Budget Unit 0248 – Conflict Defense Services, administered by the County Administrator. The proposed contract includes an amount not to exceed \$4,800,000 for fiscal year 2017-18 and an amount not to exceed \$5,000,000 for fiscal year 2018-19 to continue to provide mandated criminal conflict defense and other legal services

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

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/20/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
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 20, 2017

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

ABSTAIN: Candace Andersen, District II
Supervisor

By: Rolanda Hartfield, Deputy

Contact: Timothy Ewell,
925-335-1036

cc:

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 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, but may include other cases in which the Public Defender and Alternate Defender are unavailable.

The contract

BACKGROUND: (CONT'D)

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, 2019. The proposed contract maintains the current rate structure in fiscal year 2017-18 and increases rate by 4% in fiscal year 2018-19. The increase will be built into the FY 2018/19 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, 2017 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.