

Santa Clara County Public Defender's Office

In 2006-2007, the Board of Supervisors for Santa Clara County directed its Management Audit Division to initiate an audit of their Public Defender and Indigent System to determine the most cost effective way of processing indigent legal defense services. They engaged the Harvey M. Rose Accountancy Corporation in this study (attached) and found that a full cost savings could be realized with the addition of Alternate Public Defender or ADO.

Santa Clara County has three means of processing or helping indigent clients under the Public Defender's Office; PD, ADO, IDO.

PD = Public Defender. This is the least expensive and normal process of representation for indigent services. If the PD has a conflict i.e.; they represent both, represented the case before, etc., it is passed to the ADO.

ADO = Alternate Public Defender. This is the second least expensive process of representation for indigent services. It is in the same office, but is ethically walled off so the PD & ADO cases do not cross over. If the ADO has a conflict then it goes to the IDO.

IDO = Independent Defense Office. This is the most expensive process of representation for indigent services. It is a conflict panel of private attorneys that is coordinated through Santa Clara County's County Counsel office and accepts cases at discounted rates.

Qualifying Clients

Either the Courts or the Public Defender's office can prequalify a client. The Public Defender's office is the agency responsible for prequalifying in Santa Clara County. They have a staff of intake interview paralegals that does the assessment and the prequalifying.

Collection of Fees

Santa Clara County collects two separate fees.

1. Santa Clara County charges an intake fee of \$25 (currently before the State legislators requesting an increase to \$50). This fee can be assessed for adult cases in accordance with Penal Code 987.5, and juvenile cases under a different penal code. However, the fee must be approved by the Board of Supervisors through resolution. The Public Defender's Office collects these fees and turns it over to the Controller's office.

2.. If at the end of the case the client is assessed attorney fees by the Court, it is collected by the Department of Revenue (DOR), the same office that collects probation fines and fees.

Resource: Nancy Brewer/Santa Clara County Asst. Public Defender *408) 299-7102*
[http://www.sccgov.org/portal/site/cob/agencychp?path=%2Fv7%2FClerk%20of%20the%20Board%20of%20Supervisors%20\(DEP\)%2FManagement%20Audit%20Division](http://www.sccgov.org/portal/site/cob/agencychp?path=%2Fv7%2FClerk%20of%20the%20Board%20of%20Supervisors%20(DEP)%2FManagement%20Audit%20Division)

Audit Report: Management Audit of the Office of the Public Defender and Indigent Defense System