



Public Comment #33  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>  
BOS RCVD 3/8/21

**Public Comment re 3/9/21 Agenda Item #21-0340**

1 message




Adam Clark <acclark@eldoradolaw.com>  
To: "edc.cob@edcgov.us" <edc.cob@edcgov.us>  
Cc: Robin Lowe <rlowe@eldoradolaw.com>, Callie Cambridge <ccambridge@eldoradolaw.com>

Mon, Mar 8, 2021 at 2:36 PM

Please see attached letters which are being submitted as my public comment regarding Agenda Item #21-0340. Thank you for your attention to this matter.

AC

**3 attachments**

-  **210308 Letter to S. Novasel (FINAL).pdf**  
13284K
-  **210301 Letter to J. Hidahl (FINAL).pdf**  
210K
-  **210308 Letter to J. Hidahl (FINAL).pdf**  
3051K

# EI DORADO LAW

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March 8, 2021

El Dorado County Board of Supervisors  
Supervisor Sue Novasel  
330 Fair Lane  
Placerville, CA 95667

Re: Indigent Defense Panel (IDP)  
Board of Supervisors Agenda Item #21-0340

Supervisor Novasel:

I would like to thank you for taking the time to meet with me on Friday March 5, 2021, regarding BOS Agenda Item #21-0340, the creation of an Alternate Public Defenders' Office (hereinafter APD'S Office), in El Dorado County.

During our meeting, we discussed the issues which I addressed in my initial letter to Supervisor Hidahl dated March 1, 2021, a copy of which was provided to your staff and will be submitted as a public comment in anticipation of the March 9, 2021, board meeting.

In addition to the issues addressed in my letter to Supervisor Hidahl, I also discussed with you, some concerns I had about the proposed ordinance creating the APD'S Office. Specifically, I noted that the ordinance states that the purpose of the APD'S Office is to accept cases where the Public Defender's Office (hereinafter PD'S Office) is unable to represent a client due to a legal conflict or "unavailability".

As I shared with you, the reference to "unavailability" is troublesome on several levels.

First, the APD'S Office as described in the Alternate Public Defender Resolution (hereinafter Resolution) posted with the March 9 agenda will be very lean, and I expect it will have insufficient attorney staffing to support the legitimate case load it will receive from the PD'S Office. I am concerned that this situation will be exacerbated if the APD'S Office is required to take additional cases which should be handled by the PD'S Office but are being transferred to the APD'S office due the to "unavailability" of counsel.

Letter to Supervisor Novasel

March 8, 2021

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During our meeting I shared with you that historically there has been an issue with the PD'S Office conflicting out of cases where there is interpersonal conflict between a Public Defender client and the Deputy Public Defender representing them. These cases are frequently reassigned to the IDP on the eve of trial, which creates delays for both the court, the prosecution and the client, who is typically insisting on having a time not waived trial. While this has become far less common over the course of the last five years, it still happens occasionally and leaving the term "availability" in the Resolution creates a gray area which could lead to a resurgence of this issue.

For this reason, from my point of view, the appointment of the APD'S Office should be binary. Cases should only be assigned to the APD'S Office if there is a legal conflict which prevents the PD'S Office from handling the matter. If there is an insufficient number of Deputy Public Defenders to handle the cases referred to the PD'S Office, the appropriate remedy is to increase the size of the PD'S Office. Shifting that case load to the APD'S Office will most likely over burden what will already be a very impacted staff.

Finally, during our meeting I discussed with you the fact that the IDP can, in most cases, handle up to six co-defendants in a case, which is significantly more than the one co-defendant the APD'S Office will be able to handle. After I made that comment, I referenced a table prepared by Kimberly Hunt, a South Lake Tahoe IDP Attorney, in which she calculates the number of multiple conflict cases handled by the IDP in FY2019. Pursuant to your request I have attached Ms. Hunt's table to this letter for your review as Item 1.

The table breaks this issue up into two columns. The first column, titled "Multi IDP Conflict" reflects the total number of cases per quarter where more than one of the co-defendants in an assigned case was represented by an IDP attorney. The second column, titled "3rd + level conflict" reflects the total number of cases involving IDP attorneys where an IDP attorney is representing a 3rd level or higher conflict.

Ms. Hunt has also prepared a 2<sup>nd</sup> chart, which is attached hereto as Item 2, that also focuses on FY2019. As reflected in Item 2, there were 55 3<sup>rd</sup> level conflicts in FY2019 and 88 cases where more than one of the co-defendants in an assigned case was represented by an IDP attorney.

Letter to Supervisor Novasel  
March 8, 2021  
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Ms. Hunt's conclusion, which I agree with, is that the costs to the County for private counsel to be appointed on these matters will be a significant variable cost that the County will be forced to pay from the general fund if the IDP is dissolved and replaced by the APD'S Office.

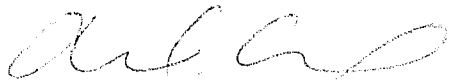
Ms. Hunt's analysis assumes that there will be 55 3<sup>rd</sup> level conflicts which will require 10 to 20 hours per case to resolve. The low end of that estimate, \$38,500, is a very conservative estimate. Given the number of multiple defendant cases with serious felony charges, such as murders, assaults, and robberies, a more accurate estimate is that each case would require on average 20 attorney hours to resolve at an annual cost to the County of \$77,000 per year.

This is an important issue for the board to consider because 3<sup>rd</sup> level conflicts will be conflicted out of the APD'S Office and will create an additional expense to the County over and above the projected \$1.3 million budgetary line item allocated for the creation of APD'S Office.

While I certainly agree that creating the APD'S Office could be beneficial to the County, I am concerned that the current proposal will understaff the APD'S Office, and that the other collateral costs that the County will continue to pay to replace the IDP will exceed the benefits created by having an APD'S Office. I believe that a more cost-effective solution for the County to address the concerns expressed in the January 26, 2021, board meeting, is to keep the IDP in place with modifications along the lines suggested in my previous letter to Supervisor Hidahl dated March 1.

Thank you for giving me the opportunity to speak with you last week, I appreciate the time and attention that have given to this issue.

Respectfully,



ADAM C. CLARK  
Attorney at Law

ITEM 1

GENERAL FUND - SUPERIOR COURT MOE (July 1, 2019 to June 30, 2020)

Type	Case No.	Case Name	IDP Attorney	Off Panel IDP	Public Defender	Other Attorney/Type	Source	Actual Amount	IDP Cost	Off Panel IDP	PD Cost	Non-Criminal Cost
Type:			Count:	Count:	Count:	Count:		Subtotal:	Subtotal:	Subtotal:	Subtotal:	Subtotal:
4300 Professional Services			7	0	0	0		7,312.50	7,312.50	0.00	0.00	0.00
4313 Legal Services			43	11	0	48		273,639.17	253,253.61	10,686.36	0.00	9,699.20
4315 Contract: Legal Attorney			0	0	0	0		753,384.00	753,384.00	0.00	0.00	0.00
4317 Criminal Investigation			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4320 Transcription			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4321 Miscellaneous Trial			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4323 Psychiatric Medical Services			5	1	41	9		35,496.00	4,550.00	6,100.00	28,405.00	0.00
Breakdown			0	0	0	0		1,173,647.89	1,066,516.96	0.00	0.00	0.00
Breakdown							4261 - postage	68.3		0		
Breakdown							4300 - professional &	\$7,312.50	\$7,312.40			
Breakdown							4313 - legal services	\$273,639.17	\$263,939.97			
Breakdown							4315 - Contract Legal Attorney	\$753,384.00	\$753,384.00			
Breakdown							4317 - criminal investigation	\$23,654.34	\$22,961.84			
Breakdown							4320 - transcription	\$26,011.58	\$681.25			
Breakdown							4321 - miscellaneous trial	\$13,687.50	\$13,687.50			
Breakdown							4323 - psychiatric medical services ("some cases unidentifiable)	\$75,690.50	\$4,550.00			
							Non IDP Costs	107,130.93				

ITEM 2

Q3 2019 to Q2 2020	CASE NO.	CASE NAME	ATTORNEY	2nd Level Conflicts	3rd Level Conflict
				88	55
P13CRM1003	P13CRM1003	GERLACH, JONATHAN	D. Brooks	1	1
P14CRF0331	P14CRF0331	DAVIS, DAVE	D. Cramer	1	
P14CRF0331	P14CRF0331	VAN ATTA, JAMES	M. VanDerVijver	1	1
P15CRM0018	P15CRM0018	WEAVER, VICKI	D. Brooks	1	1
P15CRM0018	P15CRM0018	WEAVER, VICKI	A. Clark	1	
P17CRF0480	P17CRF0480	TORRES, DONNA	D. Cramer	1	
P17CRF0480	P17CRF0480	BOLIN,	M. VanDerVijver	1	1
P17CRM0370	P17CRM0370	HILTABRAND, SCOTT	A. Clark	1	
P17CRM0370	P17CRM0370	MCDERMONT, STEVEN	A. Clark		
		MCDERMONT	MVD	1	1
P17CRM0370-2	P17CRM0370-2				
P17CRM0901	P17CRM0901	FARIAS, JESSICA	D. Cramer	1	
P17CRM0901	P17CRM0901	GARCIA, BENJAMIN	D. Cramer	1	
P17CRM1000	P17CRM1000	FARIAS, JESSICA	D. Cramer	1	
P17CRM1000	P17CRM1000	GARCIA, BENJAMIN	D. Cramer	1	
P18CRF0218	P18CRF0218	GLASS, CRYSTAL	A. Clark	1	
P18CRF0218	P18CRF0218	ZELLNER,	D. Cramer	1	1
P18CRF0470	P18CRF0470	ROENFELDT, DANIEL	D. Cramer	1	
P18CRF0470	P18CRF0470	YOUNG,	E. Davenport	1	1
P18CRM0429	P18CRM0429	JOLIN,	J. Clark	1	
P18CRM0429	P18CRM0429	LOCKART, APRIL	A. Clark	1	1
P18CRM0508	P18CRM0508	WEHE, JOANNE	D. Cramer	1	
P18CRM0508	P18CRM0508	WEHE, JOANNE	A. Clark	1	1
P19CRF0033	P19CRF0033	KIMZEY,	D. Cramer	1	
P19CRF0033	P19CRF0033	KIMZEY,	M. VanDerVijver	1	1
P19CRF0061	P19CRF0061	DORAME, TESS	D. Brooks	1	
P19CRF0061	P19CRF0061	GRAVES, PAULA	E. Davenport	1	1
P19CRF0099	P19CRF0099	EWEN, JASON	M. VanDerVijver	1	
P19CRF0099	P19CRF0099	OROSCO, ANGELEQUE	E. Davenport	1	1
P19CRF0125-3	P19CRF0125-3	PADILLA	JC	1	2
P19CRF0148-1	P19CRF0148-1	RUSSO	AW	1	1
P19CRF0152-2	P19CRF0152-2	SWENSSON	AW	1	1
P19CRF0198	P19CRF0198	BREWER, ERIC	M. VanDerVijver	1	
P19CRF0198	P19CRF0198	KREMER, JUSTIN	E. Davenport	1	1
P19CRF0224	P19CRF0224	CHAMIZO,	D. Cramer	1	
P19CRF0224	P19CRF0224	GILKEY, KEVIN	D. Brooks	1	1
P19CRF0247	P19CRF0247	LAMAR, JASON	E. Davenport	1	1



P19CRF0279	P19CRF0279	MAGNES, BRANDON	E. Davenport	1	
		MAGNES	MVD	1	1
P19CRF0279-1	P19CRF0279-1				
P19CRF0319	P19CRF0319	SHAEFER, FRANKLIN	L. London	1	
		BUSH, GREGORY	DC	1	1
P19CRF0319-2	P19CRF0319-2	PATRICK			
P19CRF0325	P19CRF0325	BRADLEY,	D. Cramer	1	
P19CRF0325	P19CRF0325	BRIDGEMAN, ZACHARY	D. Brooks	1	1
P19CRF0328	P19CRF0328	GROVE, JACQUELINE	E. Davenport	1	1
P19CRF0368	P19CRF0368	NAZARETA, JONATHAN	J. Clark	1	1
		EMERSON	DC	1	1
P19CRF0384-1	P19CRF0384-1				
P19CRF0416-2	P19CRF0416-2	KING, TH	JC		
P19CRF0442-1	P19CRF0442-1	VASQUEZ- OROZCO, JUAN	L. London	1	
P19CRF0442-2	P19CRF0442-2	MORALES,	E. Davenport	1	1
P19CRF0442-3	P19CRF0442-3	<i>Ross, Christopher</i>	A. Weiner	1	1
P19CRF0446	P19CRF0446	WHEDBEE, AMIE	D. Brooks	1	
P19CRF0446-1	P19CRF0446-1	WHEDBEE	AW	1	1
P19CRF0529	P19CRF0529	GERLACH, JONATHAN	D. Brooks	1	
P19CRF0529	P19CRF0529	KRAGEL, JESS	L. London	1	1
P19CRF0529	P19CRF0529	WEBB	A. Weiner	1	1
P19CRM0257	P19CRM0257	GERACI, JUSTIN	A. Clark	1	
		MACINNES	JC	1	1
P19CRM0257-1	P19CRM0257-1				
P19CRM0466	P19CRM0466	WRZENSKI, KEVIN DEAN	J. Clark	1	
P19CRM0466	P19CRM0466	COOLEY, GABRIELLE	A. Clark	1	1
P19CRM0828	P19CRM0828	SCHMUCKER, ALEXANDER	A. Clark	1	
		STETSON	MVD	1	1
P19CRM0828-1	P19CRM0828-1				
P19CRM0882	P19CRM0882	SPRIGGS,	E. Davenport	1	1
P19CRM0882	P19CRM0882	SPRIGGS,	A. Clark	1	
P20CRF0006	P20CRF0006	MORTENSON, RICHARD	D. Cramer		
P20CRF0006	P20CRF0006	HARLOW,	D. Brooks	1	1
P20CRF0006	P20CRF0006	HARLOW, KATHERINE	E. Davenport	1	1
		HARLOW	AW	1	1
P20CRF0006-2	P20CRF0006-2				
P20CRF0067	P20CRF0067	MCHATTEN,	D. Cramer	1	
P20CRF0067	P20CRF0067	LEE, SHANNON	D. Brooks	1	1
P20CRF0135	P20CRF0135	CHAPMAN	AW	1	
P20CRF0135-1	P20CRF0135-1	YEARY	JC	1	1
PC20190063	PC20190063	SHROPSHIRE, RYAN	D. Brooks		

S16CRF0021	S16CRF0021	MUZIO, VANESSA	K. Hunt	1	1
S16CRF0048	S16CRF0048	ADAMS, ANDREW	E. Davenport	1	1
S16CRF0048	S16CRF0048	VACARRO, DION	E. Davenport	1	1
S17CRF0158-2	S17CRF0158-2	OHARE, DONALD	K. Hunt	1	1
S18CRF0003	S18CRF0003	COOK, J.	M. VanDerVijver	1	
S18CRF0003	S18CRF0003	COOK, THOMAS	E. Davenport	1	1
S18CRF0141	S18CRF0141	AST, MORGAN	L. London		1
S18CRM0087	S18CRM0087	SHAEFER,	L. London	1	
S18CRM0197	S18CRM0197	GILL, RYAN	K. Hunt	1	1
S19CRF0052	S19CRF0052	MEYER, CHRISTOPHER	L. London	1	1
S19CRF0188	S19CRF0188	PARDO, RAMON	K. Hunt		1
S20CRF0002	S20CRF0002	MENDEZ,	K. Hunt	1	
S20CRF0002	S20CRF0002	JAIMES, BEATRIZ	L. London	1	1
S20CRF0021	S20CRF0021	LEWIS, BARRY	LL	1	
S20CRF0021	S20CRF0021	NAVARRO- PULIDO,	Safranski	1	1
S20CRF0021	S20CRF0021	NAVARRO- PULIDO, SERIO	K. Hunt	1	1
S20CRF0036	S20CRF0036	MILLIGAN, DESTANEE	K. Hunt	1	
S20CRF0036	S20CRF0036	ELLIS, AVERY	L. London	1	1
SDL20180017	SDL20180017		K. Hunt	1	
SDL20180017	SDL20180017		L. London	1	1
SDL20190010	SDL20190010		L. London	1	1
SP20090013	SP20090013		L. London		

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March 1, 2021

El Dorado County Board of Supervisors  
Supervisor John Hidahl  
330 Fair Lane  
Placerville, CA 95667

Re: Indigent Defense Panel  
Board of Supervisors Agenda Item #20-1606

Supervisor John Hidahl:

El Dorado Law, APLC is a small firm located on Main Street in Placerville. I am the owner and operator of El Dorado Law, which in addition to myself employs two other attorneys, Gregory Clark and Sean O'Brien, who are respectively an associate and of counsel to the firm. El Dorado Law also has two full time staff members, a paralegal and a receptionist, and a part time office manager who is also responsible for preparation and tracking of statistical reports which are remitted quarterly to the county.

Over the past five years, the IDP Contract has been renegotiated two times and the total costs has been reduced from \$972,554 per year to \$753,384 per year for a total reduction of 22.5%. The IDP was originally comprised of 11 "bids" but over the last 5 years the number of "bids" in the panel has been reduced to 8, two of which are held by El Dorado Law.

Over the course of the last 5 years El Dorado Law has assumed a larger role in the handling of cases by absorbing a 2nd Tier 2 bid in Placerville in March of 2019. More recently, as of January 1, 2021, El Dorado Law hired Gregory Clark to handle a felony bid and reassigned the attorney who had previously handled felony cases to misdemeanors and appeals.

It has been my pleasure to serve as the administrator of the IDP for the last five years. When I was told the County was looking to move to an Alternate Public Defenders' Office I was not surprised, as it had been discussed during negotiations of IDP contract #3. I am meeting with you today at the request of my panel members and because you had indicated during the discussion of this issue wanting any concerns from the panel addressed by me personally.

Letter to Supervisor Hidahl

March 1, 2021

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I have attached hereto two documents for your review and consideration. They are a spreadsheet showing quarterly statistical breakouts for years 1-4 of the IDP (Item 1), and a second spreadsheet showing the allocation of funds between El Dorado Law and the various subcontractor attorneys for years 1-5 of the IDP Panel (Item 2).

What follow below are a summary of the points I would like to discuss with you. I am providing them to you in this form to facilitate our meeting. Should you have any questions comments or concerns I am open to providing you any additional responses or materials you request. Thank you for the opportunity to meet with you, I appreciate your time.

Respectfully,

A handwritten signature in black ink, appearing to read 'Adam C. Clark', written over the typed name.

ADAM C. CLARK  
Attorney at Law

**Complaints re Subcontractors**

Complaints have been few and far between and there have been none from actual clients reported to me or my staff. I received approximately 6 calls/emails from court staff re individual attorneys or general lack of availability. I received an approximately 3-4 calls from County Office of Administration. The feedback I received from the COA was primarily during the course of negotiations of IDP Contract 2 and 3. COA staff echoed concerns of court staff and also added complaints from El Dorado County Office of the District Attorney, whose primary complaint was that IDP attorneys were not being personally present to handle cases.

**Administrative Actions:**

1. Separated from former misdemeanor panel attorney in Placerville.
2. Modified case load for Tier 1 attorney (felonies) transferred to misdemeanors.
3. Individual calls and email to IDP attorneys working out of county panels.
4. Recruiting younger attorneys.

**Complicating Factors:**

1. Multiple panel attorneys with significant medical issues
2. South Lake Tahoe attorney died unexpectedly (2018)
3. Placerville Attorney medically retires due to cancer diagnosis (2020)
4. Placerville Panel Attorneys with overlapping hospitalizations and medical leaves in excess of 30 days.

**Remedies Going Forward:**

1. Pay for exclusivity with Panel Members
2. Reduce number of panel attorneys to convert from part-time panel to full time panel
3. Include contractual language mandating personal appearances

4. Issues with Alternate Public Defender's Office Proposal

- a. Staffing - There will be need for an additional attorney. Short term reduction in filing because of COVID, will increase again post-COVID.
- b. Conflicts - SLT Panel Member Kim Hunt reviewed prior four years' worth of statistical reports and concluded that 40% of IDP Cases involve representation of 3rd level conflicts. Under current proposal the county will pay \$70-100 per hour for representation in 3rd level conflict cases.
- c. SLT Attorneys to stay on post-IDP - The IDP proposal contemplates retaining the two SLT attorneys at their current rates. Those will be additional costs over and above the cost of the APD's office.
- d. Capital Cases - If the APD's office is going to handle a capital case, they will need to staff a high level IV staff attorney, and that attorney will be unavailable for complex case assignments during the pendency of the death penalty case. Current proposal assumes APD's office will not be conflicted off of a death penalty case. If that happens, the county will have to hire a 3rd party death penalty qualified attorney to handle the case.

ITEM 1

	FPville	SLT	MISDO	3rd	Total	
2016 Q3	69	48	27	7	151	C = Case
2016 Q4	76	74	19	1	170	A = Attorney
2017 Q1	75	37	15	6	133	Q = Quarter
2017 Q2	103	19	39	0	161	
2017 Q3	88	27	43	1	159	
2017 Q4	104	20	42	0	166	
2018 Q1	123	37	43	7	210	
2018 Q2	114	43	28	11	196	
2018 Q3	60	10	27	3	100	
2018 Q4	66	13	23	8	110	
2019 Q1	59	13	23	8	103	
2019 Q2	46	18	7	3	74	
2019 Q3	64	12	19	4	99	
2019 Q4	64	8	18	1	91	
2020 Q1	86	17	37	2	142	
2020 Q2	45	24	7	2	78	
	77.625	26.25	26.0625	4	133.9375	Avg Cs by Group per Q
	80.75	44.5	25	3.5	153.75	Avg Cs by Group per Q year 1
	107.25	31.75	39	4.75	182.75	Avg Cs by Group per Q year 2
	57.75	13.5	20	5.5	96.75	Avg Cs by Group per Q year 3
	64.75	15.25	20.25	2.25	102.5	Avg Cs by Group per Q year 4

	FPville C/A	SLT C/A	MISDO C/A	
2016 Q3	11.5	24	13.5	
2016 Q4	12.66667	37	9.5	
2017 Q1	12.5	18.5	7.5	
2017 Q2	17.16667	9.5	19.5	
2017 Q3	14.66667	13.5	21.5	
2017 Q4	17.33333	10	21	
2018 Q1	20.5	18.5	21.5	
2018 Q2	19	21.5	27	
2018 Q3	10	5	27	
2018 Q4	11	6.5	23	
2019 Q1	9.833333	6.5	23	
2019 Q2	7.666667	9	7	
2019 Q3	10.66667	6	19	
2019 Q4	10.66667	4	18	
2020 Q1	14.33333	8.5	37	
2020 Q2	7.5	12	7	
	12.9375	13.125	18.875	Avg C/A per Q
	13.45833	22.25	12.5	Avg C/A per Q year 1
	17.875	15.875	22.75	Avg C/A per Q year 2
	9.625	6.75	20	Avg C/A per Q year 3
	10.79167	7.625	20.25	Avg C/A per Q year 4



ITEM 2

IDP Year 1 7/1/2016 - 6/30/2017

			Month	Annual
Tier 1/month	7,527	Total Contract Cost	\$81,046	\$972,554
Tier 2/month	5060	Attorney Costs	75396	904752
		PI Fees	\$1,197.17	\$14,366
		Admin Costs	\$4,453	\$53,436
# of Tier 1 Atty	8	Total Value to EDLaw	\$11,980	\$143,760
# of Tier 2 Atty	3			

IDP Years 2&3 7/1/2017 - 6/30/2019

			Month	Annual
WS Tier 1/month	7000	Total Contract Cost	\$71,964	\$863,568
SLT Tier 1/month	7527	Attorney Costs	66474	797688
Tier 2/month	4710	Admin Costs	\$5,490	\$65,880
# of WS Tier 1 Atty	6	Total Value to EDLaw	\$10,200	\$122,400
# of SLT Tier 1 Atty	2			
# of Tier 2 Atty	2			

IDP Years 4&5 7/1/2019 - 6/30/2021

			Month	Annual
WS Tier 1/month	6750	Total Contract Cost	\$62,782	\$753,384
SLT Tier 1/month	5645	Attorney Costs	61210	734520
Tier 2/Month	4710	Admin Costs	\$1,572	\$18,864
# of WS Tier 1 Atty	6	Total Value to EDLaw	\$10,992	\$131,904
# of SLT Tier 1 Atty	2			
# of Tier 2 Atty	2			

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March 8, 2021

El Dorado County Board of Supervisors  
Supervisor John Hidahl  
330 Fair Lane  
Placerville, CA 95667

Re: Indigent Defense Panel  
Board of Supervisors Agenda Item #21-0340

Supervisor Hidahl:

During our meeting on March 1, 2021, you requested that I provide you some additional information regarding the costs associated with indigent defense cases over and above the regular contract amount for the Indigent Defense Panel.

As we discussed during our meeting the IDP Contract provides for payment to IDP attorneys at the rate of \$100 per hour for certain cases that are deemed to be either complex or have voluminous discovery. In addition, when no IDP Attorney can take a case due to multiple defendants or multiple conflicts among the Panel Attorneys the extra cases are referred out to 3<sup>rd</sup> party counsel at the rate of either \$70 or \$100 per hour.

I have attached hereto a copy of a spreadsheet created by Kimberly Hunt, a South Lake Tahoe IDP Attorney, which is based on information she received from the County through a public records request. Ms. Hunt's cost analysis focuses on the expenses incurred by the county in FY 2019, which is a good indicator of prospective costs going forward, as it predates most of the COVID lockdown and reflects changes in case volume due to state-wide criminal justice reform.

As per Ms. Hunt's cost analysis, the total cost of the IDP including additional legal fees received by IDP Attorneys is \$1,006,637.61. (\$253,253.61 + \$753,384.00). In addition to the \$1,006,637.61 paid to the IDP the County paid an additional \$10,686.36 to off panel attorneys, which increased the County's total cost to \$1,017,323.97.

Respectfully,



ADAM C. CLARK  
Attorney at Law

GENERAL FUND - SUPERIOR COURT MOE (July 1, 2019 to June 30, 2020)

Type	Case No.	Case Name	IDP Attorney	Off Panel IDP	Public Defender	Other Attorney/Type	Source	Actual Amount	IDP Cost	Off Panel IDP	PD Cost	Non-Criminal Cost
Type:			Count:	Count:	Count:	Count:		Subtotal:	Subtotal:	Subtotal:	Subtotal:	Subtotal:
4300 Professional Services			7	0	0	0		7,312.50	7,312.50	0.00	0.00	0.00
4313 Legal Services			43	11	0	48		273,839.17	253,253.61	10,686.38	0.00	9,699.20
4315 Contract: Legal Attorney			0	0	0	0		753,384.00	753,384.00	0.00	0.00	0.00
4317 Criminal Investigation			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4320 Transcription			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4321 Miscellaneous Trial			0	0	0	0		0.00	0.00	0.00	0.00	0.00
4323 Psychiatric Medical Services			5	1	41	9		35,495.00	4,550.00	6,100.00	28,405.00	0.00
Breakdown			0	0	0	0		1,173,647.89	1,066,518.96	0.00	0.00	0.00
Breakdown							4261 - postage	68.3		0		
Breakdown							4300 - professional &	\$7,312.50	\$7,312.40			
Breakdown							4313 - legal services	\$273,839.17	\$263,939.97			
Breakdown							4315 - Contract Legal Attorney	\$753,384.00	\$753,384.00			
Breakdown							4317 - criminal investigation	\$23,854.34	\$22,961.64			
Breakdown							4320 - transcription	\$26,011.58	\$681.25			
Breakdown							4321 - miscellaneous trial	\$13,687.50	\$13,687.50			
Breakdown							4323 - psychiatric medical services (*some cases unidentifiable)	\$75,690.50	\$4,550.00			



County of El Dorado Clerk of the Board &lt;edc.cob@edcgov.us&gt;

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## Agenda Item 21-0340 Public Comment

1 message

**Kimberly Hunt** <kghuntlaw@gmail.com>

Mon, Mar 8, 2021 at 2:47 PM

To: edc.cob@edcgov.us

Cc: Lori London &lt;attorneylondon@yahoo.com&gt;

Hello,

Please see attached public comment regarding Agenda Item 21-0340 (Alternate Public Defenders Office).

Thank you in advance,  
Kim*Kimberly Hunt, Esq.**Ph: 530-314-7554**Fx: 530-452-2040**[kghuntlaw@gmail.com](mailto:kghuntlaw@gmail.com)*

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**Public Comment Agenda Item 21-0340.pdf**

462K

*Kimberly G. Hunt*  
P.O. Box 7783  
South Lake Tahoe, CA 96158  
Ph: 530.314.7554 Fax: 530.452.2040  
kghuntlaw@gmail.com

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TO: EL DORADO COUNTY BOARD OF SUPERVISORS  
FROM: KIMBERLY G. HUNT, ESQ.  
DATED: MARCH 8, 2021  
RE: Item 21-0340 (Agenda Item 33)

To The Esteemed Board of Supervisors,

I currently serve on the Indigent Defense Panel, as a subcontractor to El Dorado Law, handling felony, misdemeanor and juvenile cases primarily in South Lake Tahoe. I first would like to thank the Board for the opportunity to speak initially on this proposal at the January 26, 2021 meeting.

There are three primary issues I would like to provide information on to the Board in consideration of the pending proposal: (1) approximate number of third-level conflicts unable to be represented by an Alternate Public Defenders Office, (2) the impact on Juvenile Delinquency matters, (3) quality of service issues as related to Ms. London and myself.

**Third Level Conflicts**

Mr. Adam Clark, through his written public comment, has supplied the Board with a spreadsheet reflecting analysis of third-level conflicts. A case is referred to as a third-level conflict when the client would be unable to be represented by both the Public Defender and Alternative Public Defender Offices as a matter of a conflict of interest. As such these matters would need to be handled under the proposed structure by a private attorney directly contracted with the County to provide indigent representation.

Analysis of El Dorado Law's Indigent Defense Panel Quarterly Reports for the fiscal year 2019-2020 indicate approximately half of the cases during a fiscal quarter are matters that would be considered third-level conflicts. Over the course of the 2019-2020 fiscal year approximately fifty-five cases would constitute third-level conflicts and require private counsel under the proposed structure. Depending on the approach taken by the County, this in effect could result in managing fifty-five separate invoices, multiple private attorneys, as well as ancillary costs associated with those cases including but not limited to: investigative fees, expert costs, and interpreter services.

### **Juvenile Delinquency Matters**

An issue that appears unaddressed is that the staffing of an Alternative Public Defender office would need to include an attorney that is trained and qualified to handle Juvenile Delinquency matters. Juveniles that come before the Court under Welfare and Institution Code Section 602 and travel through the Juvenile Delinquency system are automatically assigned to the Public Defenders Office. Subsequently, when a conflict of interest arises those matters are currently assigned to the current Indigent Defense Panel. There are four attorneys on the panel that are qualified and routinely handle these matters, Ms. London and myself are two of those and handle nearly all conflicts arising out of South Lake Tahoe; with Mr. Adam Clark and Mr. David Brooks serving Placerville cases. It is significant that this portion of the indigent clientele be acknowledged so the County may ensure juvenile matters are also receiving the necessary and high quality representation, especially as these clients are oftentimes the most vulnerable and allow for the most positive impact through the legal system.

### **Quality of Service by Ms. London and Myself**

At the initial meeting on January 26, 2021 Chief Administrative Officer Ashton relayed to the Board that quality of service was an aspect driving this proposal. Given that information I have attached letters acquired from local justice partners in the South

Lake Tahoe area that speak to the quality of service clients receive in the South Lake Tahoe Judicial Branch.

I again appreciate the opportunity to provide information to the Board and hope it is helpful in the decision making process. I would like to reiterate my commitment to serving the County and clients finding themselves in situations requiring legal defense. I am confident my fellow panel members share the sentiment.

Respectfully,

A handwritten signature in black ink, appearing to read 'KH', with a long horizontal stroke extending to the right.

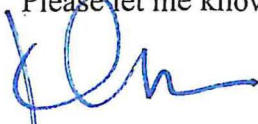
*Kimberly G. Hunt, Esq.*



To whom it may concern:

Lori London and Kim Hunt have provided representation to the youth housed in the Juvenile Treatment Center for many years. It has been my experience that Ms. London and Ms. Hunt are genuine servants to the community and have advocated at length, for the youth they represent. Ms. London and Ms. Hunt are present in the Juvenile Treatment Center on a regular basis, are very accessible to their clients, while representing the interests of the youth and families they are called to serve. Their service and support to our community is invaluable.

Please let me know if you have any questions.



Kaci L. Smith  
Superintendent  
Juvenile Treatment Center  
530 573 7985  
kaci.smith@edcgov.us

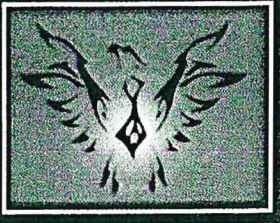
To whom this may concern:

My name is Mario Guerrero and I am the Program Manager at CASA El Dorado and serve as the Vice President and Coach for South Tahoe Pop Warner. I am writing this letter in support of Kim Hunt and Lori London as they are exceptional attorneys who serve our local youth in dependency court and juvenile justice court. In my experience, Ms. Hunt and Ms. London provide exceptional representation for their clients in both court systems as they rigorously advocate on behalf of the youth they represent, effectively communicate with the youth and their families and are willing to go above and beyond for the clients they serve. Specifically, Ms. Hunt and Ms. London are very collaborative with service providers, attend Child and Family Team meetings on a regular basis and often seek trauma informed services to support local foster care children and the rehabilitation process of juvenile youth offenders. In my opinion, their service and support of local youth in our community is priceless and invaluable. Shall you have any questions and/or need additional information, please don't hesitate to contact me at your earliest convenience.

Warm Regards,



Mario Guerrero  
CASA EDC Program Manager  
Office: (530) 573-3093  
Cell: (510) 384-6510  
[mario@casaeldorado.org](mailto:mario@casaeldorado.org)



## Mt. Tallac High School

1735 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150  
(530)543-2267  
Fax (530)543-2274

Home of the Rising Phoenix

December 14, 2020

To Whom It May Concern:

This letter is written in reference to the Indigent Defense Conflict Counsel, namely Kimberly Hunt and Lori London. In my 20 years working with at-risk youth in South Lake Tahoe, I have never worked with a more dedicated, passionate team. Lori and Kimberly always make themselves available for their clients and take the time to truly know their clients and their individual cases. As young people navigate the court system and the often too frequent changes in probation workers, social workers, , homes, and schools, they have remained one of the few constants. My students know they can contact their attorneys for support and direction at any time.

Kimberly and Lori have also been at the forefront of innovative new programs created to assist the youth of South Lake Tahoe. In their own time they have worked on studying transitional housing models for youth that have aged out of the system as well as sat on committees trying to collaborate with other community providers to create a more fluid pathway for youth.

These women intimately understand the needs of the youth in our community and have proven time and time again that they are there for their clients unconditionally. It is beyond refreshing to have a relationship with a student's advocate allowing the team to make the best possible decisions for minors. This has taken years to build and I hope we will be able to continue to sustain it for future youth.

Respectfully,

Amy Jackson

LTUSD Alternative Ed Counselor

(530)543-2267 x 1205