



Legislation Text

File #: 17-0641, **Version:** 1

Chief Administrative Office recommending the Board approve the following:

- 1) Approve agreement 105-S1811 for the provision of conflict indigent defense services with El Dorado Law, A Professional Law Corporation, in the base amount of \$1,700,496 for the two-year period of July 1, 2017 through June 30, 2019; and
- 2) Authorize the Purchasing Agent to execute the Agreement.

FUNDING: General Fund.

DEPARTMENT RECOMMENDATION

Approve and authorize the Purchasing Agent to execute the Agreement.

DISCUSSION / BACKGROUND

The constitutions of the United States and California mandate that persons who are accused of crimes or are otherwise at risk for loss of liberty, and who do not have the means to pay for legal representation due to indigence be provided legal representation at public expense. The primary provider of these services in El Dorado County is the Public Defender; however, there are instances in which the Public Defender's Office, due to a conflict of interest or other valid reason, cannot ethically represent certain indigent defendants. In these circumstances, the Court appoints an attorney from outside the Public Defender's Office to provide representation. Historically, the County has held contracts with multiple local, private attorneys, known as the "Conflict Panel," to provide these services.

On April 19, 2016, the Board awarded RFP No. 16-918-039 for the provision of conflict indigent defense services to El Dorado Law and authorized the CAO to negotiate a contract. The final contract with El Dorado Law was approved by the Board on June 14, 2016. The current contract expires on June 30, 2017, and provides for 11 attorneys (8 on the West Slope and 3 on the East Slope) and two administrative staff, at a base cost of \$972,554, plus ancillary costs and compensation for unusual or extended cases and capital cases. After reviewing caseload data provided pursuant to the terms of the contract, CAO staff approached El Dorado Law about reducing the number of panel attorneys. El Dorado Law proposed the reduction of one attorney from the panel, along with a 7% reduction in attorney compensation, for an annual base amount of \$850,248, and a total of \$1,700,496 for the two-year contract period. This is a savings of approximately \$122,000 annually.

The contract includes \$65,880 for operational, administrative, and investigative services, and provides for flat monthly attorney compensation at three different rates. Attorneys that handle felony and misdemeanor cases are paid \$7,000 monthly on the West Slope and \$7,527 on the East Slope and attorneys that handle only misdemeanors are paid \$4,605 monthly. Ancillary costs, such as psychological evaluations and expert consultants, are paid directly by the County pursuant to orders of the Court. The proposed contract provides El Dorado Law with the flexibility to reduce the number of panel attorneys on the West Slope if it is possible to do so without resulting in caseload that are unreasonable for individual attorneys, and to use such savings to increase the compensation of the

rest of the panel attorneys. This should provide an incentive to attorneys to adjust caseload's to their maximum effective capacity.

The CAO will continue to monitor and analyze caseload data, and explore other opportunities for efficiencies that may reduce costs for these services while ensuring that the County is fulfilling its constitutional mandate to provide effective counsel to indigent defendants.

ALTERNATIVES

The Board could choose not to enter into this contract, in which case the Court would appoint attorneys to indigent defendants in conflict cases. Those attorneys would be paid hourly by the County, upon order of the Court.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION

Approve and authorize the Purchasing Agent to execute the Agreement.

FINANCIAL IMPACT

Funding for this Agreement is included in the FY 2017-18 Recommended Budget at the recommended amount, resulting in a reduction in cost of approximately \$122,000 over the FY 2016-17 amount.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety, Good Governance

CONTACT

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