



County of Santa Cruz

COUNTY ADMINISTRATIVE OFFICE

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SUSAN A. MAURIELLO, J.D., COUNTY ADMINISTRATIVE OFFICER

May 13, 1999

Agenda: May 18, 1999

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

REPORT AND RECOMMENDATION REGARDING PUBLIC DEFENDER CONFLICT OF INTEREST CONTRACT SERVICES

Dear Members of the Board:

On March 23, 1999 your Board authorized the County Administrative Office to enter into contract negotiations with Wallraff and **Gilman**, and Page, Salisbury, and Dudley for public defender conflict of interest services effective July 1, 1999 through June 30, 2002. We have successfully concluded negotiations and are providing your Board with a recommendation for a three year agreement with these firms as set forth in the following report.

Background

As you will recall, the selection of these firms **was** based upon an evaluation of responses to a Request for Proposals (RFP) that was issued during 1998-99. The firms demonstrated superior qualifications based on an evaluation of their responses to the criteria in the RFP. These include:

- the depth and breadth of the firms' professional experience in criminal law;
- the experience demonstrated in the area of juvenile law;
- the firms' ethnic and gender diversity, and bilingual capability; and
- the firms' significant support by the judiciary and their proven record of quality representation and cooperation within the criminal justice system.

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In addition, the firms have demonstrated both efficiency and effectiveness in their delivery of services and have continued to demonstrate fiscal responsibility in their policies for declaring legal conflicts and minimizing claims for expert witnesses, and other case specific costs. As your Board is aware, any of these factors can significantly increase the overall cost of legal services if not prudently managed. In this regard our recommendation is based upon a balance of the recommended contract amounts with all other quality of service and efficiency factors to determine overall cost effectiveness.

Recommended Contract Provisions

Discussions with the conflict firms focused primarily on two areas:

- 1) the financial resources needed to attract and retain experienced counsel that can manage the felony caseload and minimize the high cost of jury trials; and,
- 2) the issue of attorney coverage for the courts, including the new specialized courts.

A variety of approaches to address these issues were discussed with the firms and we believe that the annual adjustments recommended for the firms will provide them with adequate resources to continue these services and the additional contract provisions will provide some workload relief with regard to specialized cases and logistical conflicts.

With regard to the addition of specialized courts, such as the Drug Court, Watsonville Juvenile Community Court and the proposed Domestic Violence Court, the Court has indicated its willingness to continue to work with the contractors regarding any potential logistical problems and have agreed to consult with them prior to the initiation of any specialized courts to minimize impact on their workload to the extent possible.

The following summarizes the recommended contract provisions for the three year period from July 1, 1999 to June 30, 2002.

- ▶ A 3% annual cost of living adjustment with a 1% adjustment for costs associated with representation of adults in dependency proceedings. The dependency augmentation recognizes the workload associated with this specialized area and is offset by reimbursement from the Court in accordance with the provisions of Trial Court funding.
- ▶ The elimination of misdemeanor appeals and Family Support contempt cases from the contract. These cases are few in number but can result in logistical problems for the contractors due to scheduling conflicts with other criminal cases. These cases would be handled through appointment by the Court and should not result in a material transfer of costs to the court appointed counsel.

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- ▶ A provision to enter into negotiations for a renewal of the agreement at the end of the three year contract period. This would require the County and the Contractors to meet in August, 2001 to discuss terms for the continuation of the agreements after July 1, 2002. If agreement could not be reached the County would proceed to an RFP or begin to implement an alternative conflict process.
- ▶ A provision that allows for the discussion of the addition of courts or other variables that may impact the workload of the contractors. This provision would be consistent with the language included in the main Public Defender contract.

The chart below sets forth the three year proposed compensation for both firms:

Name of Firm	1999-00 (prop)	% Chg	\$ Chg	2000-01 (prop)	% Chg	\$ Chg	2001-02 (prop)	% Chg	\$ Chg
Page, Salisbury, Dudley	576,510	4%	22,173	599,571	4%	23,060	623,554	4%	23,983
Wallraff and Gilman	576,510	4%	22,173	599,571	4%	23,060	623,554	4%	23,983
Total	1,153,021		44,347	1,199,142		46,121	1,247,107		47,966

SUMMARY AND RECOMMENDATION

As your Board directed on March 23, 1999 we have completed negotiations with the firms of Page, Salisbury, Dudley, and Wallraff and **Gilman** for a three year period at a reasonable rate of compensation. We believe, and the Court concurs, that these firms have historically demonstrated their ability to provide a cost effective service for the County and that their knowledge and experience in the court and criminal justice system provide for significant overall cost controls for the County.

It is therefore **RECOMMENDED** that your Board approve the compensation and contract provisions set forth in this letter for the period July 1, 1999 through June 30, 2002 and authorize the County Administrative Office to execute and sign agreements for the provision of Public Defender Conflict of Interest Services with the firms of Page, Salisbury, and Dudley, and Wallraff and **Gilman** to be effective July 1, 1999.

Very truly yours,


 SUSAN A. MAURIELLO
 County Administrative Officer

PUBLIC DEFENDER CONFLICT OF INTEREST CONTRACT SERVICES

cc: Auditor-Controller
County Counsel
Superior Court
Wallraff and **Gilman**
Page, Salisbury, and Dudley

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