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JUVENILE JUSTICE BAR ASSOCIATION RECOMMENDATIONS FOR COST

CONTAINMENT OF LEGAL REPRESENTATION IN DEPENDENCY CASES

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JUVENILE JUSTICE BAR ASSOCIATION RECOMMENDATIONS FOR COST CONTAINMENT OF LEGAL REPRESENTATION IN DEPENDENCY CASES

The Juvenile Justice Bar Association (JJBA) offers the following specific recommendations to contain the cost of legal representation in juvenile dependency cases in San Diego County. The JJBA requests that the Board of Supervisors implement a two year pilot program which contains all the following recommendations:

1. Replace Public Defender Child Advocacy Unit with private bar attorneys.

2. Replace Alternate Public Defender Dependency Unit with private bar attorneys.

3. Provide predictability of budget through yearly limits on the total sum of money paid to each private bar attorney.

The implementation of these recommendations will cause the county to incur **no additional administrative or start up costs** inasmuch as only existing administrative resources will be required. The implementation of these recommendations will result in substantial and immediate monetary savings to San Diego County and continued quality legal representation for its citizens.

The pilot program will allow the Board of Supervisors to make a direct comparison of the relative costs between the

provision of service by public agencies versus the provision of legal services by the private bar. This comparison will allow the Board to make an informed decision as to the source of quality legal representation for its constituents.

The JJBA is confident that the private bar will prove to be the most cost effective method of providing said legal service and welcomes close, accurate and independent scrutiny by the Board of Supervisors.

OVERVIEW OF THE DEPENDENCY SYSTEM

A juvenile dependency case typically lasts between 6 months and 2 1/2 years, although a case can last up to 19 years. The life of a juvenile case is a series of hearings with different issues decided at each stage. At almost every stage, any party has the right to a contested hearing if he/she does not agree with the recommended orders.

A petition initiates the case and results in a detention hearing. At this hearing, attorneys are appointed, the parties notified of the allegations against them, and a temporary decision regarding the placement of the minor is made.

The next series of hearings determine the truth of the allegations in the petition and determine the long term placement of the minor.

Thereafter, every six months during the entire life of a case, a review hearing is held to review the case and make any changes in the court orders deemed necessary.

I.

REPLACE PUBLIC DEFENDER CHILD ADVOCACY UNIT AND THE ALTERNATE PUBLIC DEFENDER DEPENDENCY UNIT WITH PRIVATE BAR ATTORNEYS

The Public Defenders Child Advocacy Unit (PD) and the Alternate Public Defender Dependency Unit (APD) should be replaced with private bar attorneys for a test period of two years in order to directly compare the relative costs of the two groups in providing legal representation for children. An additional benefit is to extend PD and APD staff to provide service in the other Superior and Municipal courts.

A. **Obtain A Direct Cost Comparison**

A direct cost comparison was **never** done prior to the establishment of the PD and APD. (See Exbibit 1) The reason listed in Exhibit 1 is that each counsel and court used a different method of counting cases. However, the Court and private attorneys have always counted one family as one case (regardless of the number of minors in one family), while the PD counted one minor as one case regardless of the number of siblings in one family.

The practical effect of such case computation is that given a family consisting of five siblings, the private bar was credited with one case while the PD was credited with five cases. This method of counting cases artifically increased the number of

cases which the PD represented during its pilot program in 1989, and artificially decreased the number of cases which the private bar represented during that time.

This fact is very significant since the amount of work for one "multiple child case" often can be the same as for a "one minor" case. Thus, the caseload of the PD does not necessarily reflect the accurate workload for the PD.

In fact, the figures submitted by the Chief Administrative Office (CAO) in 1990 were even more misleading in that the PD only represented 10% of the total minor appointments during the pilot program.

Thus, the total cost of representation for the PD was artificially deflated, while the total cost of representation by the private bar was artificially inflated. Therefore, the underlying assumption by the Board of Supervisors and the CAO in 1990, namely that the PD and APD could provide legal service at a lower cost per case was, in fact, based upon inaccurate and misleading data.

B. **Private Bar Costs Less Than PD and APD**

(1). Common Sense Approach

A simple analysis of the costs of the PD and APD attorney versus the cost of the private bar attorney clearly demonstates that the private bar costs less than the public agency attorneys.

The County pays for all the overhead, benefits, and administrative costs of the public agencies. However, the

private attorney pays all of his/her overhead and benefits out of the $40.00/hour fee. The only administrative costs incurred by the Department of Alternate Defense Counsel (ADC) are for paying and monitoring the fees of private attorney.

(a). PD and APD Costs to the County Include Overhead and Administration Costs

County agency attorneys are paid a yearly cash salary ranging between $50,523.00 - $94,536.00. (See Exhibit 2) In addition to that base salary, the County pays for benefits such as bar dues ($478.00 per year); vacation pay; sick pay; compensation time; worker's compensation payments; retirement benefits; Federal Insurance Contribution Act (FICA) employer contributions; prudent malpractice reserve contributions; health insurance; and travel expenses reimbursement.

These benefits are a substantial percentage of the employee's salary, and have been estimated to increase the direct cost of a $60,000.00 salary to a full cost of $100,000.00.

The County also pays for the all of the overhead such as support staff and related office costs.

The support staff includes Legal Assistants ($23,546.00-$32,926.00); Child Advocacy Investigators ($31,408.00-$45,365.00); Legal Procedures Clerks ($17,493.00-$27,123.00); Legal Secretaries ($26,312.00-$34,507.00) and a Receptionist. In addition to the actual salaries for the support staff or other employees, the County also pays for their afore-mentioned benefits.

The related office expenses include office space, computer equipment, office furniture, office supplies, telephone service, xerox machines, typewriters, utilities, and legal library costs.

The County also pays for the administration of the PD and APD office by non-case carrying attorney/supervisors. The PD dependency unit itself has two high level attorneys who are responsible for the administrative, educational and public relations duties.

(b). Private Bar Pays Overhead Out of $40/Hour Fee and Incurs Minimal Administration Costs

The County pays the private bar attorneys $40.00 per hour in attorney's fees. The private attorney pays for all overhead including legal malpractice insurance, office space, office furniture, office supplies, telephone service, secretarial staff, clerical staff, health insurance and travel expenses.

The County pays **no** administrative fees to supervise the attorney, other than the billing, which is monitored by the Alternate Defense Counsel (ADC) Director. In addition, the Director's duties also include the administration of conflicts for criminal, delinquency and mental health cases, as well as the small claims advisory program and pro per services. (See Exhibit 3) The staff required to administer the billing for the entire judicial district is minimal. (See Exhibit 4)

Thus, on a common sense level, the private bar is clearly less expensive and more cost-effective than the PD.

(2). Caseload and Budget Analysis

An anaylsis based upon the total case assignments and departmental budgets shows that the PD has cost per case of $732.13; the APD has a cost per case of $794.86; and the private bar has a cost per case of $301.10.

The JJBA is at a severe disadvantage in making cost comparisons due to the fact that the costs of the dependency units for the PD and APD are not readily available. The following analysis is based upon the January 17, 1992 report on case assignments (See Exhibit 5); PD 1991-1992 Proposed Budget; APD Proposed 1991-1992 Budget and the May 22, 1990 report submitted by the Chief Administrative Office (CAO).

(a). PD cost per case is $732.13

The PD requested $2,196,382.00 for the fiscal year 1991-92 and listed as its accomplishment that by the end of the 1990-1991 year it had expanded "Juvenile Dependency cases to include 100% of the children by the end of the fiscal year". (See Exhibit 6)

However, the PD only had 2,112 minor cases by October 1991, which is 28% of the total minor cases. (See Exhibit 5) During the three month period reported, the PD only accepted 69% of the new minor cases assigned. It may be useful to recall that each minor equals one case regardless of whether or not the family consists of multiple siblings.

Assuming that the PD accepts new appointments at the current net rate of approximately 120 new cases per month, the PD will

represent approximately 3000 minors by July of 1992. (This figure assumes cases will also close at the same rate as reported in Exhibit 5)

Thus, dividing the total budget for dependency ($2,196,382.00) by the total number of projected cases (3000), the PD cost per case is $732.13.

(b). The APD Cost Per Case Is $794.86

The APD Proposed Budget for 1991-1992 was $3,066,000.00. (Exhibit 7) This budget called for a total of 45 staff years. Based upon the administrative flow chart, approximately 14 of that 45 staff years, or 31.11 % is allocated to dependency. (See Exhibit 8)

Allocating that percentage or 31.11% of the total budget to dependency, shows that $953,832.60 of the total budget is allocated to the dependency cases.

By the end of the reporting period of October 1991, APD had 800 adult cases. Assuming that the APD will increase its case load at the net rate of 56 cases per month, the APD will have approximately 1200 cases by the end of the fiscal year. (This assumes the cases will close at the same rate as reported in Exhibit 5) This projected rate is still only 52.17% of the stated goal of 2300 cases each year.

Thus, dividing the total budget ($953,832.60) by the total number of cases (1200), the APD cost per case is $794.86.

(c). The Private Bar Costs $301.10 Per Case

The ADC budget for dependency cases was approximately $4,345,000.00. The total number of dependency cases currently assigned to the private bar is 14,430. (See Exhibit 5)

The private bar has 83.25 of the total dependency caseload, and accepted 52.4% of the new cases assigned in August, September, and October of 1991. Also noteworthy is the fact that the private bar accepted 925 new appointments and only terminated 515.

Thus, dividing the total budget ($4,345,000.00) by the total number of cases (14,430) yields a cost per case of $301.10 for the private bar.

II.

NEITHER PD NOR APD ARE FULFILLING MAY 22, 1990 WORKLOAD AND COST ASSUMPTIONS

The CAO's May 22, 1990 report to the Board of Supervisors contained several workload and cost assumptions regarding the PD, APD and private bar. The JJBA has always maintained that those underlying assumptions were misleading and unrealistic. A review of those assumptions in the light of the current situation clearly shows that neither PD nor APD is fulfilling the workload and cost assumptions.

This fact is significant because those assumptions formed the foundation for the CAO's 1990 theory that public agencies are

more cost effective than the private bar. Since the foundational facts for the CAO's assertions have not manifested as expected, the entire theory should be reconsidered, since any structure is only as good or bad as its foundation. In fact, the numbers clearly show that the private bar is more cost effective than the public agencies.

A. WORKLOAD ASSUMPTION FOR PD TOO HIGH

The May 22, 1990 report assumed that the PD would accept 4,000 new cases in 1990-1991, and be able to accept approximately 4,000 new cases in 1991-1992 without additional staffing. (See Exhibit 9) These 8,000 new cases are in addition to the several hundred existing cases from 1989.

As the CAO's report submitted January 17, 1992, (See Exhibit 5) clearly reflects, the **PD only had 2,112 cases total** by the end of October 1991. **This figure includes all the carryover cases from 1989, 1990, as well as ten months (5/6ths) of 1991.** The PD is carrying 5,888 fewer cases than assumed by the CAO in 1990

One can safely assume that the PD did not receive 5,888 cases in the remaining two months of November and December 1991 and will not absorb that rate by July of 1992. Thus, a major underlying assumption set forth by the CAO has simply not come to pass. The PD is operating at a considerably smaller workload than represented to the Board of Supervisors in May of 1990. However, the PD **is carrying the full staff** allocated for the 8,000 new cases each year. (See Exhibits 10 & 11)

B. **COST ASSUMPTION FOR PD IS TOO LOW**

The CAO reported that the PD would cost the County $439.00 annually per case. (See Exhibit 1) That figure was derived by dividing the adjusted total budget ($1,727,105) by the number of new cases each year (4,000).

The more realistic cost per case is derived by dividing the total cost of the 1991-1992 fiscal year ($2,196,382) by the actual case sum for 1989, 1990 & 1991 (2,112). **The more accurate cost per case is $1,039.95.** That cost is skewed in favor of the PD by totalling not only the 1991 current caseload, but also adding all the carry-over cases from 1989 and 1990.

C. **WORKLOAD ASSUMPTION FOR APD TOO HIGH**

The CAO assumed in May of 1990 that the workload for the APD in 1990-1991 would be 1,150 new cases and for 1991-1992, 2,300 new cases. (See Exhibit 9) Thus, the CAO assumed that by July of 1992, the total caseload would be between 3000-3500 cases, allowing for attrition.

However, the **total caseload for APD was, in fact, only 800 cases by end of October 1991.** (See Exhibit 5) The total case load projected for the whole calendar year of 1991 is 960 (800 cases in ten months equals 80 cases per month times twelve months) Thus, the workload assumption relied upon by the CAO in 1990 has also not manifested as expected.

D. COST ASSUMPTION FOR APD IS TOO LOW

The CAO assumed that $485,554.00 would be allocated to the dependency budget for the year 1990-1991, and $755,483.00 would be allocated in 1991-1992. (See Exhibit 12) The total budget is therefore $1,241,037.00 for the two fiscal years.

The CAO assumed that since the program was starting up in January of 1991, that the workload for the budget year of 1990-1991 (approximately six months), would be 1,150 cases. The case cost would be $422.22 for 1990-1991 based upon dividing the total budget ($485,554) by the number of cases.

The CAO also assumed that the caseload for 1990-1991 would be 2300. The cost per case for the budget year 1991-1992 is $328.47, again based upon dividing the total budget ($755,483) by the number of cases for 1991-1992.

However, the **true cost per case** for 1990-1991 is $1,011.57, based upon dividing the total budget ($485,554.00) by the number of cases (480 or 1/2 of 960).

Likewise, the **true cost per case** for 1991-1992 is $786.96, based upon dividing the total budget ($755,483) by the number of cases (960). Please note that the ADC was at full staff for the entire calendar year of 1991.

E. WORKLOAD ASSUMPTION FOR PRIVATE BAR TOO LOW

The CAO assumed that the private bar would only represent represent 3500 minors and 2,800 parents and guardians when computing the cost per case for the private attorney. The CAO also assumed that there would be minimal carry-over costs for the private bar cases.

However, as stated previously, the actual workload for the **private bar is 5,381 minor cases and 9,049 adults.** These figures reflect 52.4 % of the new cases and indicate that the private bar accepts more cases than it terminates.

F. COUNTY DOES NOT SAVE MONEY

The projected savings in the May 1990 report have not materialized because the caseload for the private bar did not dimish with the creation of the new agencies.

The new agencies are able to stay within the budgeted costs by capping the amount of cases assigned and requiring the court to appoint from the private bar. (Exhibit 13) The practice, though convenient for the agencies, does not serve the County since the **costs are duplicated.**

III.

PROVIDE PREDICTABILITY OF BUDGET THROUGH YEARLY LIMITS ON THE TOTAL SUM OF MONEY PAID TO EACH PRIVATE BAR ATTORNEY

A. IMPOSE A YEARLY ATTORNEY FEE CAP OF $85,000 WHICH CAN BE PAID TO EACH ATTORNEY

The JJBA recognizes that the County is in the throes of a terrible financial crisis. Therefore, in the spirit of cooperation with the Board of Supervisors, the JJBA suggests that each private bar attorney should be limited to $85,000 in total attorney fees which can be billed each year. This amount is well

below the estimated $100,000.00 full cost to the County for an employee who only earns $60,000.00.

This figure assumes that an attorney will work no more than an average of 40.9 hours per week for 52 weeks in a year.

The JJBA recognizes that many attorneys consistently work more than 40.9 hours per week and have maintained that pace over the years. The JJBA wishes to show the County that in this financial crisis, we are willing to incur financial hardship and perform the same quality of work with the hope that when the financial crisis passes, the Board of Supervisors will adjust the limits accordingly.

B. **REVIEW ATTORNEY'S FEES THROUGH ADC AUTOMATED SYSTEM**

The JJBA strongly urges that the attorney billing system be automated as planned and that any over-billing abuses by any attorney be immediately stopped. The JJBA has consistently requested that any abuse in the system be investigated. (See Exhibit 14)

The ADC office is in the process of automated the billing system which administers attorney's fees for the court appointed cases. The system can easily monitor the attorney billing to eliminate any billing abuse as allegedly perpetrated in the past by a very small number of court appointed attorneys. The Director of the ADC presently has authority to refuse to pay any abusive billing.

C. PROVIDE EACH ATTORNEY WITH APPROXIMATELY 200 ACTIVE CASES

Each private attorney has already agreed to accept appointments to carry a caseload of 200 active cases at all times as a condition of remaining on the panel.

The private bar is extremely cost effective at that caseload. The total cost of the private bar does not decrease with fewer cases. But the cost per case dramatically decreases if the private bar is used to its full potential.

A simple illustration is as follows:

Attorney "Adam" has two cases on calendar for the morning of August 1, 1992.

Attorney "Ben" has 8 cases on calendar for the morning of August 1, 1992.

Both attorney's arrive at 8:30 a.m. for the beginning of the morning calendar and both attorney's last cases are heard at 12:00 noon. Both attorneys have expended a total of 3.5 hours in court. "Adam" spent 1.75 hours on each case, while "Ben" spent .44 hours per case.

Thus, "Adam's" cost per case at the rate of $40.00/hour is $70.00, while "Ben's" cost per case at the rate of $40.00/hour is $17.60.

The private bar can absorb the entire caseload of the PD and APD at this point. This absorption would cost the County **little or no additional money** based upon the principle outlined above. The private bar would absorb the cases freeing up almost **$3,000,000.00 immediately.**

IV.

COUNTY LIABLE FOR MALPRACTICE BY PD AND APD

The County self-insures against any malpractice claims filed against the PD, APD and other public law agencies. The PD and APD are not granted immunity against malpractice, unlike law enforcement and social services.

The County should expect multiple claims against these agencies based upon the recent public developments as documented by the San Diego Union, and the San Diego County Grand Jury. One such lawsuit has already been filed by a prominent, high-profile attorney on behalf of a family for alleged damages by the dependency system.

The Board of Supervisors should be alert to the enormous cost of defending such actions, even if meritless, as well as any potential award of damages. The County has recently lost several high profile cases involving the Sheriff's Department and land acquisition in which the damages awarded were astronomical and the County itself presently must pay those awards.

The potential cost to the County of these unavoidable malpractice suits is staggering and could easily reach into the millions of dollars.

V.

PRIVATE BAR HOLDS COUNTY HARMLESS FOR MALPRACTICE CLAIMS AGAINST THE COUNTY

Each private attorney agrees to hold the County harmless against any malpractice claims and must show proof of current malpractice insurance as a condition of accepting court appointed cases.

The Rules for the Regulation of the San Diego County Court Appointed Attorney's Program (Revised August 22, 1989), Rule (B)(2) subdivision (e) provides that each attorney must agree to indemnify and hold the County harmless from all claims arising out of representation through the court appointed program. (See Exhibit 15)

Subdivision (f) of that Rule requires each attorney to furnish proof of malpractice insurance and notify the Director immediately should that coverage lapse. (See Exhibit 15)

The ADC director is very aggressive about ensuring full compliance with this regulation and sends a notice to each attorney for whom an insurance policy has expired. (See Exhibit 16)

Thus, the County incurs no liability for any claims arising out of court appointments to the private bar.

VI.

PRIVATE BAR COST IS SENSITIVE TO MARKETPLACE, NOT UNION NEGOTIATIONS

The hourly fees paid to the private bar attorneys has not been increased since 1983. The private bar is sensitive to the financial crisis facing the County and is willing to continue providing quality legal representation at that rate.

Naturally, the private bar desires to have the hourly fee increased as recommended by the 1990 San Diego Grand Jury, but the private attorneys in an effort to assist the County have not requested any increase in the hourly rate.

Shortly after the PD was expanded to full staff in 1990 a salary increase of 13.5% was negotiated for the PD and APD to bring them in parity with the Office of the District Attorney. (See Exhibit 17) In addition, the county employees are also generally entitled to Cost of Living Adjustments (COLA) to both salary and retirement benefits.

VII.

EXISTING PD AND APD RESOURCES BETTER USED TO MAN THE NEW SUPERIOR COURTS IN SOUTHBAY AND VISTA

The PD and APD should be disbanded and personnel resources used to man the existing and new Superior Court rooms. The Superior Court in Vista will be expanded. New Superior Courts will be opened in Southbay to accommodate expanding caseloads. The existing manpower in those dependency units can be utilized to cover the new courts without necessitating new additions to

the PD and APD staff, or requiring layoffs of existing personnel.

If after the two year pilot period is concluded, the Board of Supervisors is convinced the private bar is more cost effective, those reassignments can became permanent. However, if the Board concludes that the private bar is more expensive, the existing personnel can be transferred back to the dependency units.

Respectfully submitted,

Monica Vogelmann
President, on behalf of the
Juvenile Justice Bar Association

Attachment C

A large percentage of annual expenditures will always be for costs of current year cases and a smaller percentage for expenses of prior year cases. The average annual case costs were determined using the following methodology.

Public Defender ($439) The fiscal year 1991-92 estimated annual cost of the program is $2,196,382. The projected average annual cost of new cases was computed in the following manner:

a. Current (80%) / prior year (20%) case costs = 100%;
b. $2,196,382 X 80% = $1,757,105 expenditures for new cases;
c. $1,757,105/ 4,000 new cases = $439 average annual cost per new case

Private Attorney ($727) The estimated expenditure for private attorney representation of minors in juvenile dependency cases for the current year is $3,639,903*. It is assumed that the workload consists of 3,500 minors (the Public Defender will represent approximately 500 minors this year). The projected average annual cost of new cases was computed in the following manner:

a. Current (70%) / prior year (30%) case costs = 100%**;
b. $3,639,903 X 70% = $2,547,932 expenditures for new cases;
c. $2,547,932/ 3,500 new cases = $727 average annual cost per new case

Consistent data is not available in the dependency system because each counsel and the Court have used their own definition of what constitutes a case for record keeping purposes. The development of common record keeping definitions is a priority for County Counsel and the Public Defender's Office.

* Approximately $1 million will be spent to represent an estimated 2,800 parents/guardians.

** The percentage of current/prior year case expenditures differs from the Public Defender due to a higher number of carryover cases from prior years.

EXHIBIT 1

FISCAL AND PUBLIC PROTECTION SERVICES

CLASS NUMBER	TITLE	1990-1991 CURRENT AUTHORIZED	1991-1992 RECOMMENDED BY CAO	1991-1992 APPROVED BY BOARD	SALARY RANGE OR FOOTNOTE	
BUDGET UNIT - 2900 DISTRICT ATTORNEY - CONTINUED						
5762	PROCESS SERVER	2	2	2	17,576	21,362
5768	SUPERVISING INVESTIGATIVE SPECIALIST	9	9	10	28,787	34,986
5773	FAMILY SUPPORT COMPLIANCE REVIEW SPE	2			31,096	37,794
8801	BINATIONAL PROS. COORD.			1	48,630	48,630
8802	TRAVEL CLERK			1	23,899	23,899
8804	LEG SUPP SVCS DIV MGR			2	42,058	42,058
9999	TEMPORARY AND SEASONAL EMPLOYEES	61	5	5	245	
TOTAL POSITIONS BUDGET UNIT 2900		848 *	757 *	783 *		
BUDGET UNIT - 2950 PUBLIC DEFENDER						
0339	CHIEF PUBLIC DEFENDER INVESTIGATOR	1	1	1	48,630	80,288
0370	CHIEF TRIAL DEPUTY, PUBLIC DEFENDER	2	2	2	68,432	112,965
2124	PUBLIC DEFENDER	1	1	1	87,360	144,165
2201	ASST PUBLIC DEFENDER	1	1	1	75,462	124,550
2303	ADMIN ASSISTANT II	1	1	1	34,299	41,683
2307	DEPARTMENTAL PERSONNEL OFFICER III (	1	1	1	42,744	51,958
2369	ADMIN SERVICES MANAGER II (V)	1			44,866	54,538
2370	ADMIN SERVICES MANAGER III (T)		1	1	49,483	60,154
2403	ACCOUNTING TECHNICIAN	1	1	1	21,840	26,562
2425	ASSOC ACCOUNTANT	1	1	1	30,410	36,982
2427	ASSOC SYSTEMS ANALYST		1	1	40,706	49,403
2493	INTERMEDIATE ACCOUNT CLERK	2	2	2	17,056	20,717
2511	SENIOR PAYROLL CLERK	1	1	1	20,550	24,960
2700	INTERMEDIATE CLERK TYPIST	2	2	2	16,931	20,592
2709	DEPARTMENTAL CLERK	1	1	1	13,728	16,682
2710	JUNIOR CLERK TYPIST	1	1	1	13,998	17,014
2712	INTERPRETER COURT CLERK	2	2	2	26,790	32,573
2714	INTERMEDIATE TRANSCRIBER TYPIST	9	9	9	18,283	22,214
2724	SENIOR TRANSCRIBER TYPIST	2	2	2	21,570	26,208
2731	LEGAL OFFICE TRAINER	1	1	1	32,656	39,707
2759	ADMIN SECRETARY IV	1	1	1	27,144	33,010
2776	CRIMINAL LEGAL SECRETARY II	5	5	5	26,312	31,970
2777	CRIMINAL LEGAL SECRETARY III	1	1	1	28,392	34,507
2903	LEGAL PROCEDURES CLERK I	10	10	10	17,493	21,258
2906	LEGAL PROCEDURES CLERK III	6	6	6	22,318	27,123
2907	LEGAL PROCEDURES CLERK II	18	18	18	19,739	23,982
3119	DEPARTMENTAL COMPUTER SPECIALIST II	1		1	28,912	35,131
3120	DEPARTMENTAL COMPUTER SPECIALIST III	1			34,299	41,603
3910	DEPUTY PUBLIC DEFENDER I	33	33	33	37,814	43,763
3911	DEPUTY PUBLIC DEFENDER II	59	59	59	50,523	58,469
3912	DEPUTY PUBLIC DEFENDER III	64	63	63	60,819	73,923
3913	DEPUTY PUBLIC DEFENDER IV	29	29	29	69,098	83,970

EXHIBIT 2

FISCAL AND PUBLIC PROTECTION SERVICES

CLASS NUMBER	TITLE	1990-1991 CURRENT AUTHORIZED	1991-1992 RECOMMENDED BY CAO	1991-1992 APPROVED BY BOARD	SALARY RANGE OR FOOTNOTE	
BUDGET UNIT - 2950 PUBLIC DEFENDER - CONTINUED						
3914	DEPUTY PUBLIC DEFENDER V	11	11	11	77,792	94,536
3934	SMALL CLAIMS ADVISORY ATTORNEY(T)	14			29,286	35,610
3935	LEGAL ASSISTANT I	11	11	10	23,546	28,621
3936	LEGAL ASSISTANT II	3	2	2	27,102	32,926
5266	SOCIAL WORKER IV		4	4	27,602	33,550
5764	PUBLIC DEFENDER INVESTIGATOR I	17	17	17	31,408	38,147
5765	PUBLIC DEFENDER INVESTIGATOR II	22	22	22	33,800	41,080
5766	PUBLIC DEFENDER INVESTIGATOR III	11	11	11	37,315	45,365
5769	CHILD ADVOCACY INVESTIGATOR I	4	4	4	31,408	38,147
5770	CHILD ADVOCACY INVESTIGATOR II	10	6	6	33,800	41,080
5771	CHILD ADVOCACY INVESTIGATOR III	1	1	1	37,315	45,365
9999	TEMPORARY AND SEASONAL EMPLOYEES	105			245	
TOTAL POSITIONS BUDGET UNIT 2950		468 *	346 *	346 *		
BUDGET UNIT - 2990 ALTERNATE DEFENSE COUNSEL						
2207	DIRECTOR, ALTERNATE DEFENSE COUNSEL	1	1	1	75,462	124,550
2403	ACCOUNTING TECHNICIAN	1	1	1	21,840	26,562
2425	ASSOC ACCOUNTANT	1	1	1	30,410	36,982
2493	INTERMEDIATE ACCOUNT CLERK	1	1	3	17,056	20,717
2510	SENIOR ACCOUNT CLERK	2	2	2	19,614	23,858
2758	ADMIN SECRETARY III	1	1	1	25,210	30,659
2907	LEGAL PROCEDURES CLERK II	2			19,739	23,982
3916	ALTERNATE DEFENSE ATTORNEY	1	1	1	69,098	83,970
3935	LEGAL ASSISTANT I		2	2	23,546	28,621
3938	SMALL CLAIMS COUNSEL	3	3	3	36,005	43,763
9999	TEMPORARY AND SEASONAL EMPLOYEES	7	8	10	245	
TOTAL POSITIONS BUDGET UNIT 2990		20 *	21 *	25 *		
BUDGET UNIT - 3000 CONFLICT PUBLIC DEFENDER						
0632	LEGAL PROCEDURES CLERK II		3	3	19,739	23,982
2127	ALTERNATE PUBLIC DEFENDER	1	1	1	75,462	124,550
2368	ADMIN SERVICES MANAGER I (V)	1	1	1	42,744	51,958
2494	PAYROLL CLERK	1	1	1	17,826	21,674
2510	SENIOR ACCOUNT CLERK	1	1	1	19,614	23,858
2700	INTERMEDIATE CLERK TYPIST	1	1	1	16,931	20,592
2712	INTERPRETER COURT CLERK	1	1	1	26,790	32,573
2758	ADMIN SECRETARY III	1	1	1	25,210	30,659
2776	CRIMINAL LEGAL SECRETARY II	2	2	2	26,312	31,970
2777	CRIMINAL LEGAL SECRETARY III	2	2	2	28,392	34,507
2907	LEGAL PROCEDURES CLERK II	3			19,739	23,982
3918	DEPUTY ALTERNATE PUBLIC DEFENDER I	1	1	1	37,814	45,947

EXHIBIT 2

1989-90 BUDGET TO ACTUAL COMPARISON

The Department's actual expenses for FY 1989-90 exceeded the budget by $3,791,729 (42% over budget). Salaries & benefits was underspent by $28,170 due to unfilled positions. Services and supplies exceeded budget by $3,801,851. This was due to actual criminal case assignments which exceeded the budgeted cases by 38%. On Juvenile dependency, although actual cases assigned were under budget by 2%, actual costs exceeded budgeted amount by $340,350 (9% over budget) because of costs on carryover cases from prior years.

1990-91 OBJECTIVES

1. To maintain a large panel of highly qualified attorneys available for case assignment through continuous recruitment.

2. To implement the automated data base system for providing attorneys to the Courts to insure fair and impartial appointment.

3. To control case cost through detailed review of attorneys' billings.

4. To expand existing attorney data base to provide historical case costs and cost control.

5. To expand Small Claims Advisory services by providing advisors on site at Clairemont and Vista Courts and by expanding the present telephone system to improve accessibility of the services to the general public.

1990-91 SUB PROGRAM ACTIVITIES

The activities of this program are summarized as follows:

1. Administering Court appointed attorneys (10.00 SY; E = $11,432,645; R = $224,443) including support personnel is:

   - Mandated/Discretionary Service Level.
   - Providing attorneys to the Courts of 4 Judicial Districts for the representation of indigent defendants in cases where the Public Defender or Conflicts Public Defender cannot represent them.
   - Providing counsel in the Juvenile Court in dependency actions, delinquency matters and mental health hearings with new assignment projected at 2,850 cases in addition to the carryover cases from prior years of 16,700 cases.
   - Utilizing Graduate Law Clerks in providing paralegal services and Legal Procedures Clerk as legal runners for indigent defendants on Pro Per status.

2. Small claims advisory (4.00 SY; E = $263,201; R = $299,899) including support personnel is:

   - Mandated/Discretionary Service Level.
   - Responding to an average of 250 phone calls a day from citizens requesting information on their rights and assistance on legal procedures on a Small Claims Court.
   - Expended by 4.00 staff years to improve accessibility of small claims advisory services to the general public.
   - Providing on site advisors in Clairemont and Vista Courts.

EXHIBIT 3

COUNTY OF SAN DIEGO

DEPARTMENT OF ALTERNATE DEFENSE COUNSEL

FISCAL YEAR 1990-91

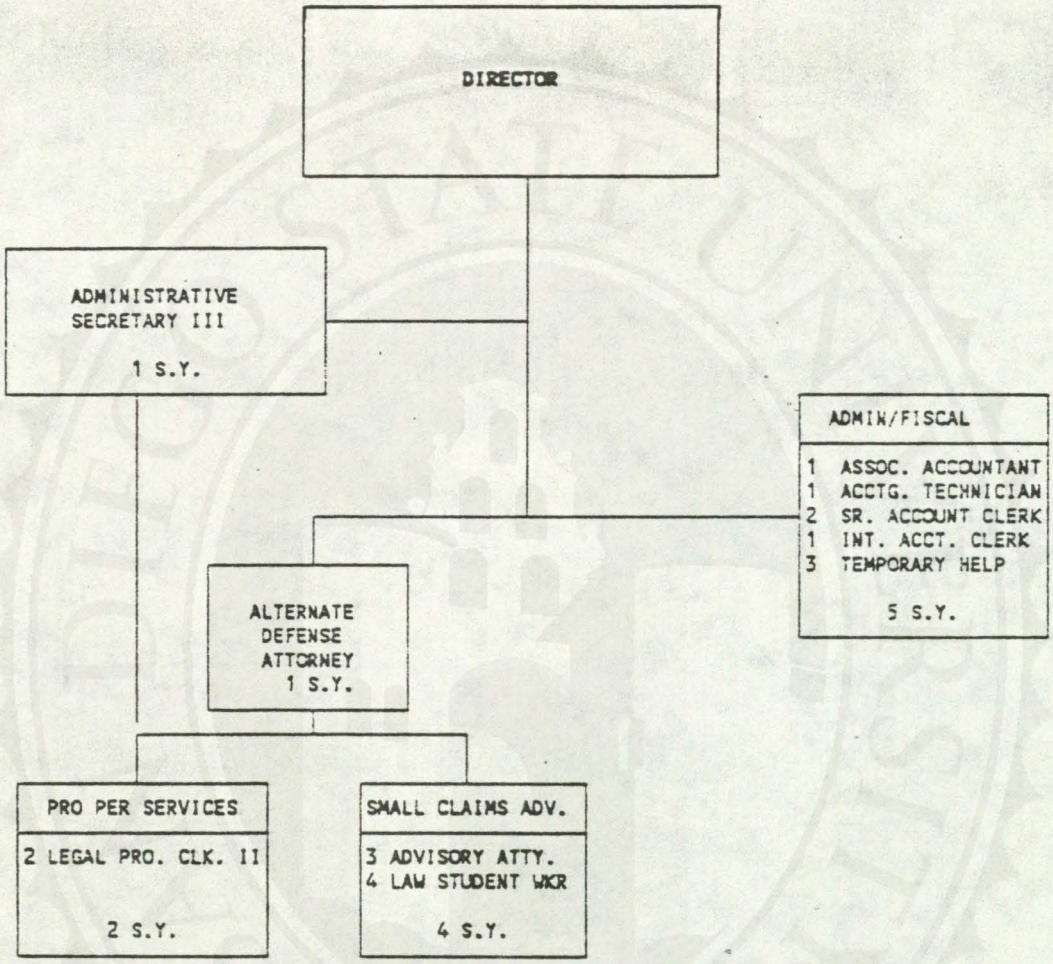

EXHIBIT 4

01/10/92 Attachment A

JUVENILE DEPENDENCY CASELOAD SUMMARY

Year To Date

Total Dependency Cases

		Aug 91	Sep 91	Oct 91
MINORS	Public Defender	1,842	1,990	2,112
	Private Attorneys (a)	5,515	5,520	5,381
	Total	7,357	7,510	7,493
ADULTS	Alt. Pub. Defender	664	744	800
	Private Attorneys (a)	8,906	9,119	9,049
	Total	NA	NA	9,849

Dependency Cases Assigned

		Aug 91	Sep 91	Oct 91
MINORS	Public Defender	193	204	190
	Private Attorneys	91	86	83
	Total	284	290	273
ADULTS	Alt. Pub. Defender	76	92	85
	Private Attorneys	229	213	223
	Total	305	305	308

Closed Dependency Cases

		Aug 91	Sep 91	Oct 91
MINORS	Public Defender	67	56	68
	Private Attorneys (a)	135	81	222
	Total	202	137	290
ADULTS	Alt. Pub. Defender	11	12	29
	Private Attorneys (a)	NA	NA	293
		NA	NA	322

(a) Estimated

EXHIBIT 5

The Public Defender Budget is summarized as follows:

	1991-92 Proposed	Change from 1990-91 Budget
Budget	$23,348,788	$2,097,783
Staff Years	346.00	14.50

Key changes recommended in the CAO Proposed Budget are listed as follows:

901. Salary Increases and Board Approved Changes (S.Y. = 14.50; E = $2,211,685; R = $-37,450; NC = $2,174,235)

910. Zero Out Fixed Assets (S.Y. = 0; E = $-113,902; R = 0; NC = $-113,902)

Key items requested by the Department that are not in the CAO Proposed Budget include:

1. Increased workloads require increases in legal support staff by 17.00 S.Y.; attorneys by 14.00 S.Y. investigators by 4.00 S.Y.; EDP support staff 1.00 S.Y.; and 3 reclassifications; 36.00 S.Y.; E = $2,207,964 R = $-98,938; NC = $2,109,026.

2. Attorney staff reclassifications to reduce Deputy Public Defender I and II positions by 27.00 S.Y. and 3.00 S.Y. respectively and increase budgeted Deputy Public Defender III's by 57.00 S.Y. for purposes of retention of attorneys (S.Y. = 0; E = $822,294; R = $41,114; NC = $781,180)

3. Computer Expansion, Fixed Assets (S.Y. = 0; E = $50,702; R = 0; NC = $50,702)

Accomplishments as a result of changes approved in 1990-91 include the following:

1. Reduced contract attorney services to a minimum with appointed contract attorneys in less than 2% of cases.

2. Provided high level of defense to all indigent defendants at a lower cost.

3. Expand Juvenile Dependency cases to include 100% of the children by end of fiscal year.

EXHIBIT 6

The Alternate Public Defender Budget is summarized as follows:

	1991-92 Proposed	Change from 1990-91 Budget
Budget	$3,065,519	$1,616,231
Staff Years	45.00	22.50

Key changes recommended in the CAO Proposed Budget are listed as follows:

901. BASELINE ADJUSTMENTS (E=$1,616,231; R=$0; NC=$1,616,231). For 1990-91, the Alternate Public Defender was budgeted on a half year basis to reflect the January 1, 1991 start up of the new department. For 1991-92, full year funding is proposed, as well as funding for salary increases and reclassifications.

Key items requested by the Department that are not in the CAO Proposed Budget include:

1. Writ/Motion/Appeal Attorney - (SY=1; E=$70,513; R=$0; NC=$70,513). This position is a critical component of any law office because they have specialized training and resource information on legal changes, which trial deputies do not normally possess. The duties of this proposed position will be to research points of law and to prepare motions which have to be presented in the trial court; prepare writs which request a higher court to reverse or modify an action of a lower court; and prepare occasional, but highly complex, appeals from judgment.

2. Department Computer Specialist - (SY=1; E=$20,000; R=$0; NC=$20,000) For 1990-91, funding for a 19 station computer system was budgeted, however, staffing support was not included. For 1991-92, funding for a part-time Department Computer Specialist position was requested. In addition to supporting the operation of the LAN, this position would also provide programming expertise and related training. This position would be responsible for assisting with the development of a comprehensive case management and cost accounting system. The purpose of this system would be to optimize staffing resources and to insure that cases are processed in a timely and cost effective manner.

3. Law Library - (SY=0; E=$25,000; R=$0; NC=$25,000) An integral aspect of preparing legal cases is to thoroughly research laws, procedures, and codes governing cases. For any legal office, it is important to maintain a library with basic resource information and to purchase the subscriptions needed to maintain that library. For 1991-92, $25,000 was proposed to provide a moderate, but adequate library. Most of the material to be included is needed on a daily or routine basis. For more extensive research, the resources of the County Law Library would be utilized. It is not, however, cost effective for attorneys to leave the office in order to research routine material. In addition, the proposed funding level would support the costs of maintaining subscription services to update material and to insure that case research is based on the most current legal decisions, codes, and laws.

4. Miscellaneous Services and Supplies - (SY=0; E=$31,400; R=$0; NC=$31,400) Funds were also proposed to support the supplies, memberships, and mileage requirements of the proposed Writ/Motion/Appeal Attorney and Department Computer Specialist.

5. Fixed Assets - (SY=0; E=$11,500; R=$0; NC=$11,500) Two desks and one credenza were requested for the proposed Writ/Motion/Appeal Attorney and the Department Computer Specialist. Funds were also included to provide a conference table for the Juvenile/Dependency Division; a case filing system for the Criminal and Juvenile Divisions, and miscellaneous fixed asset requirements.

Accomplishments - Established the new Department of the Alternate Public Defender which provides quality and cost effective representation of indigent defendants in criminal matters; parents in dependency proceedings and juveniles in delinquency proceedings, where the Public Defender, because of a conflict of interest, is unavailable.

EXHIBIT 7

Note: CAO Proposed Changes are as follows: None

DEPARTMENT OF ALTERNATE PUBLIC DEFENDER
(Headquarters Location: Chamber Building)

ADMINISTRATION - 3001

Provides personnel support, payroll, budgets, secretarial and facility management support.

	Staff Years
DIRECTOR	1.0
DAPD V	1.0
ADMIN SEC III	1.0
Total	3.0

ADMIN/FISCAL

Provides management, supervision and direction.

	Staff Years
ADMIN SVC MGR I	1.0
SR ACCT CLK	1.0
PAYROLL CLK	1.0
Total	3.0

JUVENILE - 3005

Provides legal services to parents in juvenile dependency cases, and in juvenile delinquency cases.

CRIMINAL DEFENSE - 3010

Provides legal services to indigents in criminal cases where the Public Defender cannot handle the case due to a conflict.

DEPENDENCY

	Staff Years
DAPD IV	1.0
DAPD III	3.0
DAPD II	3.0
CL SEC III	1.0
LEG PRO CLK	2.0
COURT INT	1.0
INVEST II	1.0
INVEST I	1.0
Total	13.0

DELINQUENCY

	Staff Years
DAPD III	1.0
DAPD II	2.0
Total	3.0

CENTRAL

	Staff Years
DAPD IV	4.0
DAPD III	4.0
DAPD II	1.0
DAPD I	1.0
CL SEC III	1.0
CL SEC II	1.0
LEG PRO CLK	1.0
INTER CLERK	1.0
SUP INVEST	1.0
INVEST III	2.0
INEVST II	1.0
Total	18.0

NORTH COUNTY

	Staff Years
DAPD III	
DAPD II	
CL SEC II	
Total	

EL CAJON

	Staff Years
DAPD III	
Total	

SOUTH BAY

	Staff Years
DAPD III	
Total	

EXHIBIT 6

WORKLOAD AND COST ASSUMPTIONS

JUVENILE DEPENDENCY PROPOSAL

In estimating the 1990-91 costs to represent minors, the following assumptions are made:

a. projected costs and benefits reflect a caseload of 4,000 new cases. If the caseload does not materialize the projections will be affected accordingly. These statistics will be careful monitored and reported back to the Board.
b. court appointed private attorneys will keep all cases already assigned to them and for that reason the 1990-91 costs will also reflect expenses incurred from prior year cases;
c. the Public Defender dependency division will be fully operational by January, 1991; therefore prior to that date, private attorneys will be assigned approximately 85% of minors' cases and the existing pilot program staff will be assigned 15% of the cases between July 1 and December 31, 1990. Effective January 1, the Public Defender would be assigned 100% of the minors' cases;
d. the Public Defender's costs include an estimated $342,000 in one-time start-up costs such as computer and telephone equipment and fixed assets;

In estimating the 1991-92 costs the following assumptions are made:

e. costs are built upon the continued assumption of the 4,000 new cases per year,
f. the cost of private attorneys in 1991-92 reflects expenses incurred from all cases assigned prior to December 31, 1990.
g. the Public Defender will represent all minors not represented by County Counsel; and
h. the Public Defender will absorb an estimated 4,000 new cases in 1991-92 without additional staffing.

 EXHIBIT 9

CONFLICT PUBLIC DEFENDER

In estimating the 1990-91 cost of conflict cases, the following assumptions are made:

a. the projected workload is 2,600 criminal cases and 2,300 dependency cases;
b. because the Conflict Public Defender Office will not be fully staffed until January 1, 1991, the estimated workload is 1,300 criminal cases and 1,150 dependency cases;
c. private attorneys will be appointed to represent approximately 1,300 criminal defendants and 1,150 parents in dependency matters ;
d. there will be court-appointed attorney expenses for cases assigned in 1989-90 and preceding years;
e. the Court will assign dependency cases to the private attorneys when the Conflict Public Defender is unable to represent one of the parties;
f. no potential impact on the number of conflict cases from the possible passage of Proposition 115 has been factored in;
g. the Conflict Public Defender's costs include approximately $355,698 in one-time start-up costs;

Assumptions for 1991-92 include:

h. the number of criminal cases assigned to court appointed private attorneys will diminish substantially as the Conflict Public Defender will be fully staffed;
i. the estimated average cost for dependency cases assigned to a private attorney is $350 (representing the parents or other interested parties is not as labor intensive when representing the minor); and
j. there will be minimal carry-over costs for prior year dependency cases assigned to the private defense bar.
k. the Court will appoint the private defense bar to represent one of the parents or guardians in conflict situations, as necessary (approximately 550 annually).

EXHIBIT 9

CHILD ADVOCACY DIVISION
DEPENDENCY SECTION

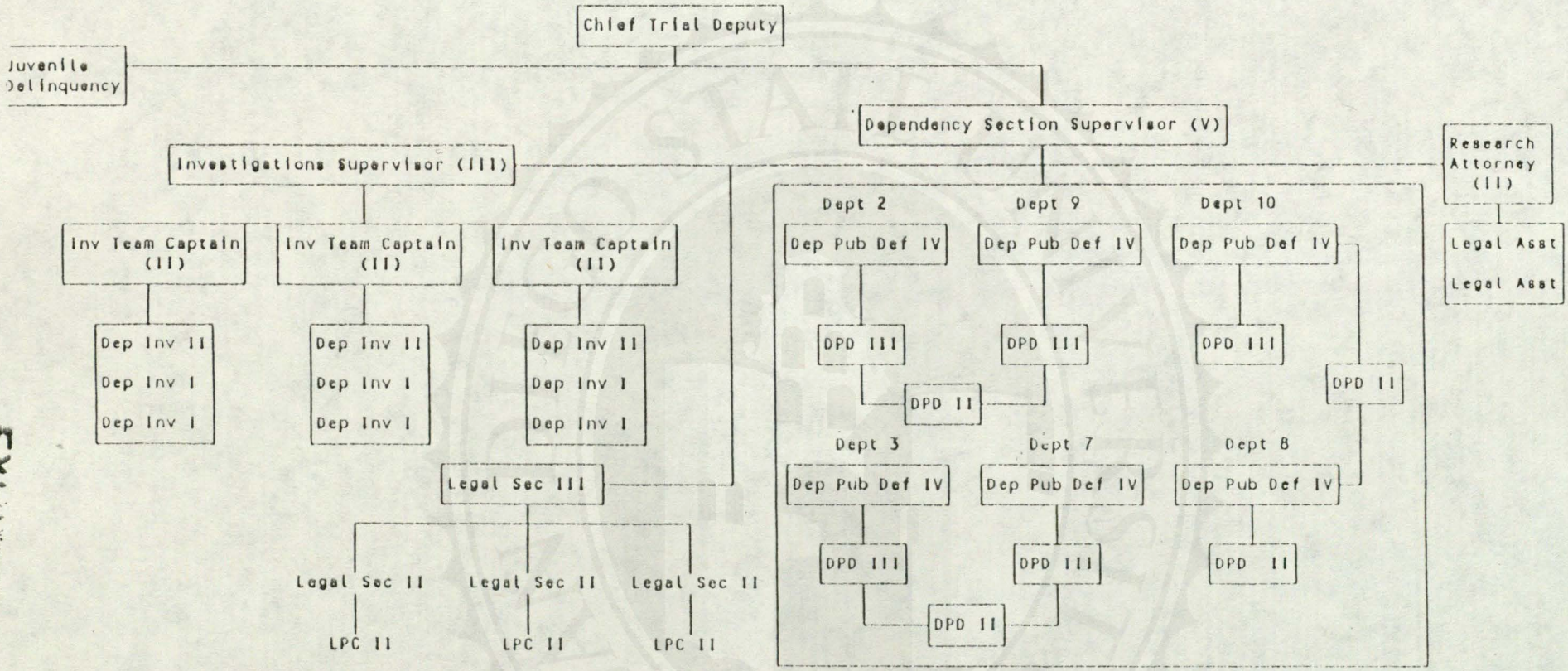

EXHIBIT 10

REVISED 10-1-91

LAW OFFICES OF THE PUBLIC DEFENDER

Child Advocacy Division
8525 Gibbs Drive
San Diego, CA 92123
(619) 974-5700 FAX (619) 974-5711
** SANCONTEL PREFIX: 757 **
BILL BOYLAND. 5701

DELINQUENCY

Reception. 5757
Diana Pantoja

ATTORNEYS
BILL STEARNS. 5790
Jane Gilbert. 5782
Donna Harris. 5785
Greg Maiclish 5786
Susan McInerney 5778
Larry McMurray. 5776
Nan Monson. 5788
Jo Pastore. 5784
Jeff Reilly 5777
Carol Rogers. 5783
Beth Shoesmith. 5789
Leslie Simon. 5781
Lynn Thomas 5787
Kathryn Watson. 5779
Graciela E. Zavala. . . . 5780
Unassigned. . 5783, 5789, 5795

RESEARCH ATTORNEY
Susan Gaskins 5732

REVIEW UNIT
Cynthia Snyder. 5784
Olivia Jefferson. 5774
Alan Francey. 5773
Susan Weybrew 5772

INVESTIGATORS
SCOTT GOULD 5768
Rafael Aguilar. 5770
Carol Buchman 5767
Clementine Johnson. . . . 5769
Joe Martinez. 5766
Sandie Smutz. 5765
Unassigned. 5763, 5764

CLERICAL
Linda Disney. 5792
Ann Sexton. 5793
Beverly Tyler 5760
Evelyn Woods. 5761

JUVENILE COURT OFFICE
John Herring. 694-4541
Delinquency 5758

DEPENDENCY

Reception. 5700
Melissa Johnson

ATTORNEYS
ANA ESPANA 5703
Malvina Abbott 5738
Elizabeth Alexander. . . . 5727
Carol Berry. 5730
Terence Cady 5728
Lorenza Calvillo-Craig . . 5718
David Engstrom 5726
J. Lynn Faber. 5724
Deborah Fanning. 5721
Anne Fragasso. 5729
Grace Goodall. 5723
Serena Layoun. 5722
Tom Palmer 5725
Paul Richards. 5731
Dale Santee. 5719
Susan Schnepf. 5720
Unassigned 5748, 5749

LEGAL ASSISTANT
Sharon MacGillis 5733

INVESTIGATORS
Maralyn Bank 5743
Luisa de Jesus 5744
Linda Gilkey-Jackson . . . 5746
Curt Gosney. 5752
Carmen Hernandez 5747
Jerry Karp 5753
Job Moraido. 5751
Nancy Price. 5745
Doris Raspa. 5742
Mark Watkins 5750

CLERICAL
JO ANNE CORNELL. 5705
Al Townsend. 5707
Sheryl Allen 5708
Christine Wright 5714

CONFERENCE ROOM. 8014
INTERVIEW ROOM 5709
LIBRARY 8022
LUNCH ROOM 8013

** EFFECTIVE 10-1-91 **

c:\wp51\personnel\telephon.\st\sa3

EXHIBIT 11

ATTACHMENT G

MULTI-YEAR COST PROJECTIONS

DEPARTMENT	1989-90 BUDGET	1989-90 ESTIMATED ACTUAL	1990-91 BUDGET WITH PROPOSALS	1990-91 BUDGET WITHOUT PROPOSALS	1991-92 BUDGET WITH PROPOSALS	1991-92 BUDGET WITHOUT PROPOSALS
PUBLIC DEFENDER						
DEPENDENCY	$ 361,328	$ 361,328	$ 1,435,522	$ 361,328	$ 2,196,382	$ 361,328
CONFLICT PUBLIC DEFENDER						
CRIMINAL	N/A	N/A	$ 1,248,572	N/A	$ 1,942,670	N/A
DEPENDENCY	N/A	N/A	$ 485,554	N/A	$ 755,483	N/A
ALTERNATE DEFENSE COUNSEL						
CRIMINAL	$ 5,285,669	$ 9,420,488	$ 8,364,119	$ 10,141,395	$ 4,000,000	$ 10,648,454
DEPENDENCY	$ 3,650,384	$ 4,639,903	$ 2,672,143	$ 5,151,785	$ 192,500	$ 5,151,785
TOTAL	$ 9,297,381	$ 14,421,719	$ 14,205,910	$ 15,654,508	$ 9,087,035	$ 16,161,567

EXHIBIT 12

H:ROMERO - DEPT-BGT.FRM

	1991-92 Proposed	% Change from 1990-91 Budget
Budget (in millions)	23.35	9.9
Staff Years	346.00	4.4

MISSION:

To provide legal counsel to a person who is formally charged with a public offense, provided that person cannot afford an attorney.

GOAL STATEMENT:

To provide competent legal defense to indigent clients at the most reasonable cost possible while assuring their constitutional right to due process of law.

MAJOR SERVICES:

The Public Defender provides:

- Legal counsel to indigent defendants who are accused of a public offense in the Municipal or Superior Courts.
- Legal counsel in juvenile proceedings.
- Legal counsel in mental health proceedings.

1991-92 CAO PROPOSED:

The 1991-92 CAO Proposed Budget provides for no additional staff for increased caseloads. If the Public Defender is unavailable for indigent clients, the court will appoint a private attorney at a higher cost.

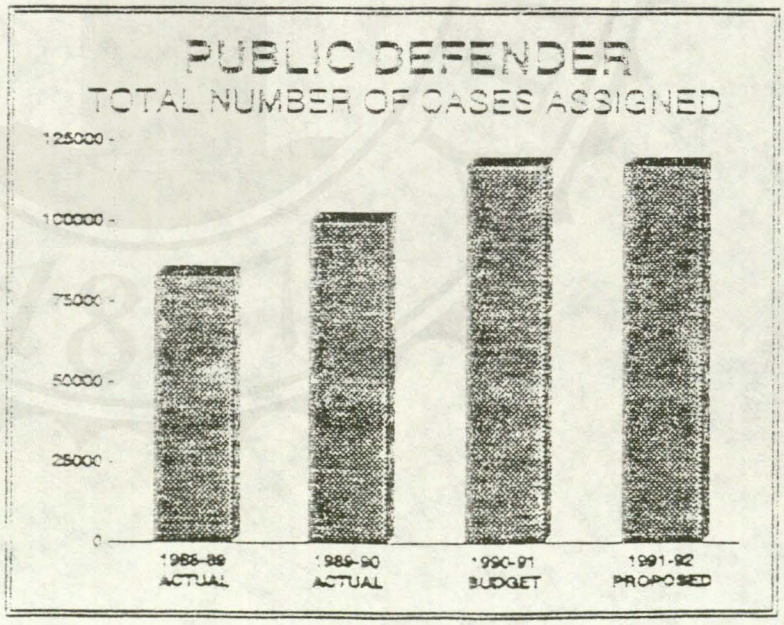

EXHIBIT 13

SAN DIEGO COUNTY
JUVENILE JUSTICE BAR ASSOCIATION

December 6, 1989

The Honorable Napoleon A. Jones, Jr.
Presiding Judge of The Superior Court
San Diego Juvenile Division
2851 Meadowlark Drive
San Diego, California 92123

Dear Judge Jones:

We are writing this letter on behalf of the Juvenile Justice Bar Association to express our concern regarding the alleged over billing on the part of one of our panel members. The Juvenile Justice Bar has heard several rumors which cause great concern among the membership.

The Juvenile Justice Bar Association would like to go on record to state that we oppose any and all fraudulent practices by any member of the Bar, particularly members of the Juvenile Dependency panel. We are in agreement with the taxpayers and other concerned members of our community in asking for a full investigation if it appears that fraudulent billing practices have taken place. As panel attorneys we feel that we are all painted with the same brush, so to speak, and that our credibility in the community is damaged every time an incident such as this one comes to light.

We would therefore ask for a full investigation into this alleged incident of fraud and we would further request that we be kept apprised of the results of any such investigation. If the Bar Association can assist in this matter we would be most happy to cooperate in any manner requested.

Sincerely,

Jerry M. Leahy, President

Monica Vogelmann, Vice-President

Teresa Burrell, Treasurer

Joyce Sweet, Secretary

EXHIBIT 14

4490 FANUEL STREET, SUITE 222 • SAN DIEGO, CA 92109 • (619) 270-1448

2. **Requirements**

Each member of the panel:

a. must be an active member in good standing of the State Bar of California;

b. must agree in writing to abide by the rules of the program;

c. must sign a declaration under penalty of perjury that he/she maintains his/her principal office in San Diego County, and that the majority of his/her practice is in San Diego County;

d. who maintains more than one office in this County must designate which office shall be his/her principal office for the geographical qualification as hereinafter set forth;

e. shall agree to indemnify and hold harmless:

1. The County of San Diego, its officers and employees, and all judges from any and all claims, demands, actions, liability, or loss which may be incurred because of any referral, assignment, activity or appointment resulting from participation in the Program; and

2. the Committee.

f. shall furnish proof of malpractice insurance to the Conflicts Administrator and shall immediately notify the Conflicts Administrator of any termination of such insurance.

C. APPLICATION AND RECERTIFICATION

1. **Application**

Membership on the attorney panel shall be obtained only by written application in the form provided by the Conflicts Administrator. The application shall include provisions for requiring each applicant to:

(a) state the applicant's eligibility for membership

(b) declare the applicant's qualifications for handling the different categories of cases;

EXHIBIT 15

ELLIOT G. LANDE
ATTORNEY AT LAW
DIRECTOR

County of San Diego

DEPARTMENT OF ALTERNATE DEFENSE COUNSEL

233 A STREET, SUITE 1200,
SAN DIEGO, CALIFORNIA 92101-4007
(619) 238-4870

NOTICE OF LACK OF INSURANCE

DEAR ATTORNEY:

ACCORDING TO OUR RECORDS, YOU DO NOT HAVE PROOF OF PROFESSIONAL LIABILITY INSURANCE ON FILE WITH THIS OFFICE. EITHER YOU HAVE NEVER SENT US PROOF, OR OUR RECORDS SHOW YOUR POLICY EXPIRED.

KINDLY FURNISH PROOF AT ONCE. FAILURE TO DO SO IS IN VIOLATION OF THE LOCAL COURT RULES AND WILL RESULT IN YOUR NAME BEING REMOVED FROM THE PANEL LISTS.

IF YOU HAVE ANY QUESTIONS OR CONCERNS, FEEL FREE TO CONTACT THIS OFFICE.

YOUR PROMPT ATTENTION TO THIS WILL BE GREATLY APPRECIATED.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

EXHIBIT 16

1989-90 BUDGET TO ACTUAL COMPARISON

In the 1989-90 Budget to Actual Comparison, the actual costs were over budget by $609,522. The primary reason that the budget was exceeded is due to the carry-over of $1,384,618 in 1988-89 Contract Attorney Costs. These contract costs are now totally within the Alternate Defense Counsel budget. The staff years for 1989-90 were 41.3 below budget due to the lag in hiring attorneys and awaiting their arrival after closing their law practices and many relocating to San Diego. The late hiring of attorney staff allowed the Department to acquire savings in excess of $825,000 which paid for the County's negotiated salary increase for a 13.5% salary increase for 180 attorneys without additional appropriations from the Board of Supervisors.

1990-91 OBJECTIVES

1. To provide an adequate level of defense to all indigent defendants except when a conflict exists.

2. To reduce as much as possible the number of contract Juvenile Dependency cases by attempting to represent all children.

3. To coordinate with other justice system agencies to develop means to efficiently and expeditiously process criminal cases for the purpose of reducing costs.

1990-91 SUB PROGRAM ACTIVITIES

The activities of this program are summarized as follows:

1. Administration (15.00 SY; E = $894,392; R = $0) including all administrative support staff and Director's office is:

   - Mandated/Discretionary Service Level.
   - Providing administrative support for Director and attorneys.
   - Providing accounting support and reports.
   - Providing budgeting responsibilities.
   - Coordinating EDP systems.
   - Reviewing personnel, payroll and employee performance.
   - Providing planning, long term and short term.
   - Coordinating purchasing and stores.
   - Coordinating travel for attorneys and investigators.

2. Legal Services (316.50 SY; E = $20,356,113; R = $1,005,332) including all legal support and investigators is:

   - Mandated/Discretionary Service Level.
   - Providing a high level of defense to indigent clients on criminal matters in Municipal Court and Superior Court.
   - Providing attorney services in delinquency and dependency issues.
   - Providing mental health legal services to clients.
   - Providing legal support to staff of 196 attorneys.
   - Providing investigative services to all attorneys.
   - Providing writs and appeals service to attorneys when necessary.
   - Expanded by the Board of Supervisors by 32 new positions to accept all Juvenile Dependency cases effective January 1991.

EXHIBIT 17

FACTS:

1) There are approximately 3800 new cases each year coming into the system

2) There is a 60% carry-over each year of new cases

3) The Private Bar represents 14,430 cases

4) The Public Defender represents 2,112 cases

5) The Alternate Public Defender has 800 cases

6) The average case has a "life" of over 2 1/2 yrs

COST PER CASE APPROACH:

1) One should take the total amount of funding for each agency and divide the number of cases.

Private Bar: $5,200,000/14,400 = $361 (approximate)

Public Defender: $2,000,000/2110 = $947 (approx.)

Alternate P.D. $500,000/800 = $625 (approx.)

COST PER ATTORNEY:

1) The Private Bar earns $40 per hour which each attorney pays ALL overhead. This includes malpractice, rent, insurance, secretary, investigator, and phone.

2) The public agencies average $52,000 to $75,000 per attorney plus 12% benefits plus staff or an extra 20% per attorney. The total costs are then $67,600 to $100,000.

3) The average "wage" of the Private Bar is approximately $68,000.

4) The average case load for each attorney in private and public agency is 200 cases.

SOME FACTS OF STAFFING OF THE PUBLIC AGENCY

a) The County Counsel level 3 and above in their dependency group. There are 14 III's at a cost of $65,000 per attorney. Yet there are not any entry level attorney's such as I's and II's.

b) The Public Defender shows 15 attorneys and 16 staff for these 15 attorneys.

c) The Alternative P.D. has 7 attorneys and the proposal to the County indicated they would take ALL appointments. They have reached their 200 case limit and they have only really been taking cases for around 9 months. With a 60% carry-over the Agency will require 3-4 more lawyers plus staff which was not reflected in their proposal when the agency was first proposed.

d) The Public Defender stated it would take 100% of the minors yet, it only accepted 70% at the highest month during the year.

e) The Public Agencies have failed to understand the "life" of a case is over 2 years and this ties up significant more manpower than anticipated.

f) The Public Defender and Alternate P.D. with 22 attorney cannot absorb 3800 new cases each year. (172 per attorney) since there is a 60% carry-over each year. Therefore each year each agency will grow to absorb these new cases.