

SAN MATEO COUNTY BAR ASSOCIATION

PRIVATE DEFENDER PROGRAM

ANNUAL REPORT
FISCAL YEAR 2023-2024



LISA M. MAGUIRE
CHIEF DEFENDER

FY 2023-2024 PDP ANNUAL REPORT

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GREETING FROM THE CHIEF DEFENDER



Welcome to the San Mateo County Private Defender Program's 2023-2024 Annual Report. It is an honor to share with you the Program's accomplishments from the past fiscal year. As you will see in the following pages, we have continued to expand the scope of our work to provide more holistic, client-centered representation. Our clients are benefiting from the involvement of well-trained attorneys, experienced investigators and highly qualified social workers. While we expand efforts to secure opportunities for our clients to participate in programs that may ultimately avoid convictions through collaborative court involvement and diversion programs, we never lose sight of the fact that the best outcomes are because of strong legal advocacy and litigation leading to dismissals or not guilty verdicts.

This past fiscal year, we accepted appointments on over 21,000 cases. We have attorneys litigating every type of case from petty theft to capital murder. Our attorneys are filing motions to protect and defend our clients' constitutional and statutory rights, and we have also addressed issues of racial injustice and inequity to attempt to correct past wrongs. We have successfully litigated several post-conviction cases and seen clients relieved from additional years of incarceration stemming from incidents that occurred when they were very young.

While we build our support systems to address our clients' complex needs, we are also building systems to support the attorneys of the Program for them to successfully litigate cases. This fiscal year, there were over 75 jury trials, and the statistics continue to support the proposition that cases that go to trial often end up with the same or a better result than they would have received by accepting a pretrial offer to settle their case. Attorneys can use investigators, paralegals, legal research and motion writers, and experts in whatever area is necessary to present the best defense in a case.

As the workload continues to expand and the cases require more time and resources to handle, we have engaged in more recruiting opportunities, adding new attorneys to accommodate the growing demand. California is in the process of a statewide workload study that is inevitably going to recommend that defender caseloads be reduced. To comply, the Program will need to spread the work across more attorneys to keep the caseloads manageable. To that end, we plan to continue to recruit and foster more opportunities to involve law clerks within the Program, creating a pipeline of newer attorneys to the Program.

I am grateful to the San Mateo County Bar Association's Board of Directors as well as the San Mateo County Board of Supervisors and the County Manager's office for allowing us the opportunity to provide this important work. I hope you enjoy this report.

INTRODUCTION

In 1963, the United States Supreme Court's landmark decision in *Gideon v. Wainwright* established that any person charged with a crime who cannot afford to hire an attorney has a constitutional right to counsel at public expense.¹ During the 1960s, many of the more populated counties in California created public defender's offices. In contrast, many of the more rural counties adopted a "contract system," providing representation through a contract with one or more private attorneys, managed by the courts. San Mateo County chose an alternative approach.

In 1968, the Board of Supervisors undertook the task of evaluating how to best provide representation for indigent people charged with crimes in San Mateo County. The San Mateo County Bar Association, recognizing the wealth of solo practitioners and small law firms with expertise in criminal defense, submitted a proposal to establish and administer the County's indigent defense program. The proposal was accepted, and the Private Defender Program (PDP) began operations in 1969. The PDP has been providing indigent defense through a managed assigned counsel system in the county ever since.

On June 8, 2023, the County of San Mateo and the San Mateo County Bar Association entered into a five-year agreement to provide legal representation through the PDP to indigent persons entitled to the appointment of counsel at public expense, continuing a more than 50 year-long arrangement. The most recent Agreement is attached as Appendix 1. Pursuant to the terms of the Agreement, this report provides detailed information about the operations of the PDP in specified Benchmark categories. Included you will also find highlights of the year with details of the work being performed by the PDP attorneys, investigators, and social workers.

For the past 56 years, PDP attorneys have brought a wide range of experience and skill to cases ranging from low-level misdemeanors to capital murder. Our program also represents abused and neglected children, people with serious mental illnesses, and elderly people who can no longer tend to their affairs. In addition, we have provided appellate specialists to file extraordinary writs in the Court of Appeal and the California Supreme Court to safeguard our clients' rights.

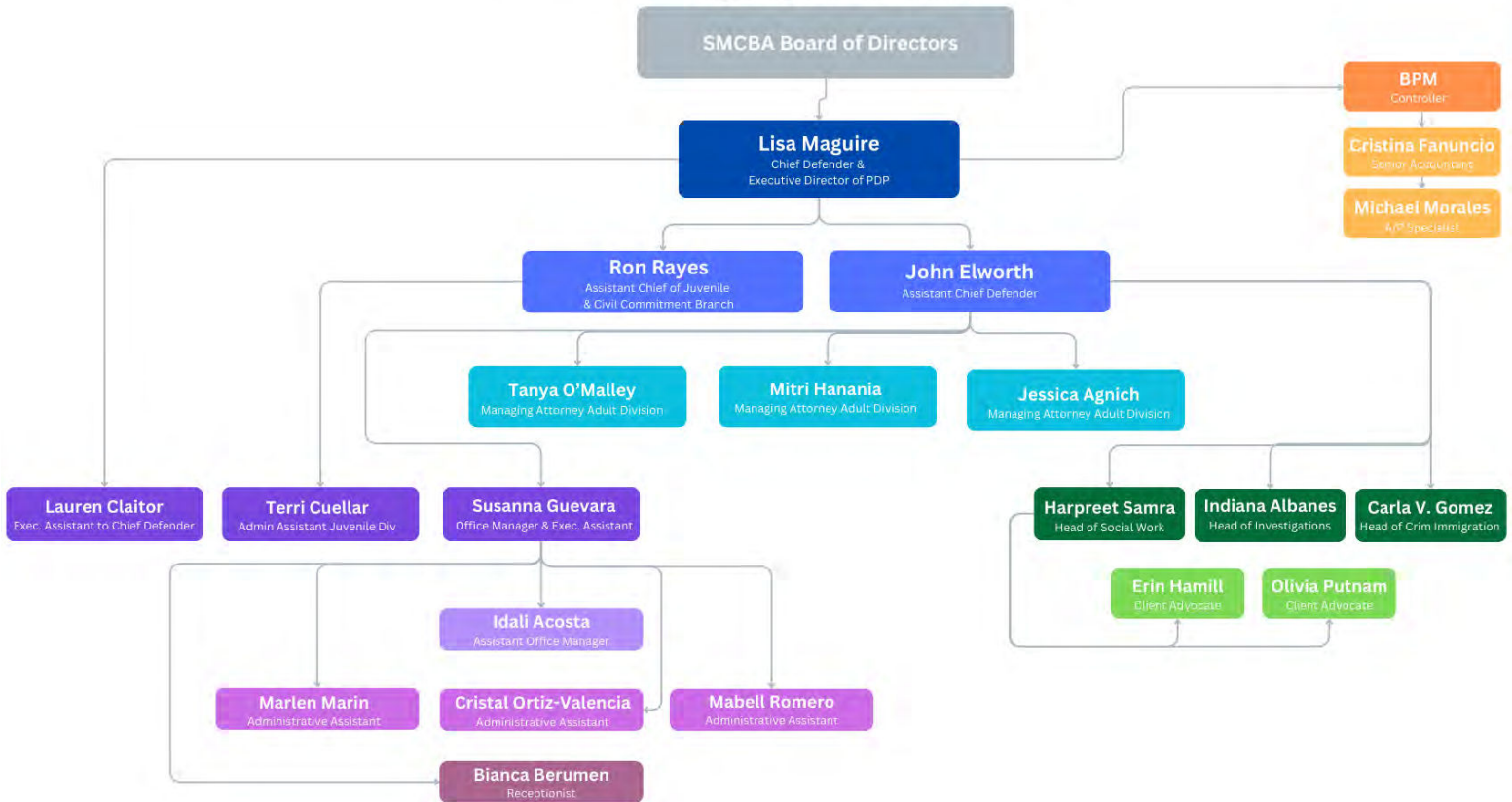
To provide the most comprehensive representation possible, our Program has grown and added services aimed at providing a more holistic style of representation. We have also increased our management team to provide more guidance, training and oversight to ensure all attorneys on our panel are equipped to represent their clients in the manner required. The following pages will show that while the PDP has grown substantially since the first Annual Report was submitted in 1970, the PDP has maintained its rigorous performance values and standards.

¹ *Gideon v. Wainwright* (1963) 372 U.S. 335, 344.

THE PROGRAM STRUCTURE

The Private Defender Program’s administration during this past fiscal year consisted of a total of 21 employees, including the Chief Defender, Assistant Chief Defender, Assistant Chief of Juvenile & Civil Commitment, three Managing Attorneys, a Head of Investigations, a Head of Social Work, and a Head of Crim-Immigration. The Program also maintains a robust administrative team (eight positions) and accounting team (two positions), as illustrated in the organizational chart below.

SMCBA Private Defender Program Organizational Chart



THE MANAGEMENT TEAM



Lisa Maguire has served as Chief Defender of the Private Defender Program since December 2019. Lisa brings extensive experience to the position after running a private criminal defense practice for over 16 years handling cases from misdemeanors to capital murder cases. In her role as Chief Defender, Lisa is responsible for the overall operation of the Program, including the administration of the Adult and Juvenile Divisions. Lisa serves on the board of the California Public Defender Association. She is a member of the Legislative Committee and co-chairs the Amicus Committee.



John Elworth became the Assistant Chief Defender in November 2023, after 16 years in private practice as a criminal defense attorney and member of the Private Defender Program. In 2019, John received the Woodman Award for his dedication to indigent defense. During his years as a panel attorney, John served as lead counsel on cases ranging from possession of methamphetamine to capital murder. As Assistant Chief Defender, John assists in the overall operation and administration of the Private Defender Program.



Ron Rayes joined the management team in 2019. As Assistant Chief of the Juvenile and Civil Commitment Branch, Ron administers Juvenile Justice cases, Dependency cases, Lanterman-Petris-Short-Act (LPS) cases, CARE court and Probate Guardianships, as well as Conservatorship cases. Ron was a criminal defense attorney for over 16 years, representing indigent clients in San Mateo and Santa Clara counties, as well as appearing on juvenile court and transfer cases. Ron serves on the Pacific Juvenile Defender Center's Executive Board and is an active advocate for juvenile justice reform, and frequently presents on juvenile justice law.



Mitri Hanania joined the management team in November 2022, after more than 20 years in private practice as a criminal defense attorney. Mitri joined the Private Defender Program as a panel member in 2001. He is a State Bar certified criminal defense attorney and has earned the Woodman Award for his excellent work with the Private Defender Program. Over Mitri's career, he has handled a diverse range of cases, from minor traffic violations to complex homicide cases.



Tanya Montano O'Malley joined the management team in November of 2022. Tanya is the Managing Attorney of Specialty Courts & Community Engagement. Before running a private criminal defense practice for 17 years, she worked for the U.S. Department of Justice, and the 9th Circuit Court of Appeals. In her private practice, she assisted San Mateo County in implementing various collaborative courts and programs, including mental health, homeless connect and drug courts.



Jessica Agnich joined the management team in March 2024. Prior to joining the management team, Jessica was a public defender in Solano County for seven years before going into private criminal defense practice for eleven years. Jessica's extensive practice specialized in homicides, gang related cases, and serious and violent felonies. Jessica joined the PDP in 2018. Her work as a member of the panel included several not guilty verdicts for clients faced with serious charges, including charges carrying a potential exposure of life in prison.

DEPARTMENT HEADS



Carla V. Gomez: Head of Crim-Immigration Defense. Carla has 20 years of criminal defense experience as both a federal and county public defender and has extensive experience as an immigration deportation defense attorney. Carla became a San Francisco Deputy Public Defender where she practiced for over 15 years as a felony attorney. In 2017, Carla transitioned to deportation defense at the SF Public Defender's Office where she successfully handled cases involving asylum, withholding of removal, Convention Against Torture and readjustment of status claims. More recently, she worked at the Immigrant Legal Resource Center, specializing in crim-immigration and post-conviction relief by training attorneys and contributing to publications.



Indiana Albanes: Head of Investigations. Indiana began her work in the field of investigations in 2009 and earned her role as Head of Investigations in 2023. As Head of Investigations, Indiana plans the provision of investigation and paralegal services for attorneys, as well as recruits panel investigators. Prior to her start as Head of Investigations, Indiana focused her investigative work on the understanding of how early life experiences and trauma can contribute to difficult and complicated circumstances clients find themselves in later in life. Indiana's work emphasized the importance of humanizing the client, drawing attention to the importance of providing meaningful prevention and intervention services.



Harpreet Samra, LCSW: Head of Social Work. Preet started as Head of the PDP's Social Work Panel in 2021, founding the Program's Social Work Department. After over 17 years of dedicated social work fighting for justice, equality and equity across various arenas, Preet now leads a panel of 37 mental health professionals serving San Mateo County. In her role, Preet conducts consultations with attorneys, investigators, and paralegals on cases to determine the best course of action for the social work team. Preet works closely with community partners, collaborates with Correctional Health Services and the Forensic Mental Health team, and liaises with community-based organizations to develop referral processes.



Cristina Fanuncio: Senior Accountant. Tina received her Bachelor of Science degree with an emphasis in accounting from San Francisco State University. She has been a Senior Accountant for the last 18 years with an emphasis on non-profit industries. She started at the Private Defender Program in 2017. As Senior Accountant she provides financial analysis and reports for our office and assists with the preparation of budgets and yearly audits.

THE ADMINISTRATIVE TEAM

For the Private Defender Program to exist, we require a dependable administrative team to coordinate the assignment of over 20,000 cases. Our administrative team, pictured here, includes a group of dedicated, hard-working women that keep things running smoothly each day. The work requires patience, organization, and a sense of humor. Their commitment to this Program is admirable and it is a pleasure to work alongside them.



L to R: Bianca Berumen, Mabell Romero, Idali Acosta, Susanna Guevara, Marlen Marin, Cristal Ortiz-Valencia

In this year's annual report, we shine spotlights on **Susanna Guevara** and **Terri Cuellar**. Susanna and Terri have worked in many different positions over the years, eventually earning promotions to their current roles. Susanna and Terri each play integral roles in daily operations. In their own words, they reflect on their extensive experience and the passion that drives their commitment to our work.



Susanna Guevara

With over two decades of experience in the legal field, I am currently the Executive Assistant and Office Manager at the San Mateo County Bar Association. My journey with the organization began in 2001 as a Lawyer Referral Service (LRS) Appointment Secretary, and since then, I have taken on several key roles, including Receptionist/Secretary, Attorney Billing Coordinator, Assistant Office Manager, and Office Manager for the Private Defender Program. My personal experiences have fueled my passion for working with the PDP. As a mother of a young man who has struggled with addiction throughout his life, I deeply understand the challenges that families face. When family members visit our office, I can sincerely say, "I understand," and offer them the support and empathy they need. Sometimes, all they require is someone to listen; at times, they need a hug, and other times, they just need someone to cry with them and reassure them that they are in good hands.

In my current role, I provide critical administrative support, oversee case assignments, and ensure the smooth operation of the office. I am dedicated to fostering an organized and efficient environment for the entire team, helping to support the important work we do. Outside of work, I enjoy gardening and spending time with my family, which includes my four grandchildren, three boys and one girl. I have experienced various leadership styles, yet they all share a common goal: to prioritize the needs of our clients and community and to seek justice for all. Over the years I have witnessed the incredible dedication of our attorneys and everyone who collaborates with them, and I am proud to be a part of the PDP.



Terri Cuellar

I am an Administrative Assistant at the Juvenile Office. I have been with the Private Defender Program for 45 years. I was originally hired temporarily to cover for an employee that was on maternity leave. As my time was coming to an end, I was saddened at the prospect of having to leave. Luckily, she did not end up returning, and I never left. I worked at the Juvenile office for the next 6 years assigning cases and supporting the Managing Attorney. In 1985, I headed to the Redwood City office and was there until 2016. In 2017, I returned to where I started, at the Juvenile office. My role remains the same, but my main goal is to support the Assistant Chief of the Juvenile office, Ron Rayes, and the attorneys on the Juvenile, LPS, Contempt and Probate Panels.

Throughout my time with the Program, I have seen 5 Executive Directors take the helm. I have seen several of our panel attorneys become Judicial officers but most importantly, I have seen the amazing dedication that our panel attorneys have toward being a member of the PDP. I have seen them rejoice in their victories, as well as cry when faced with loss.

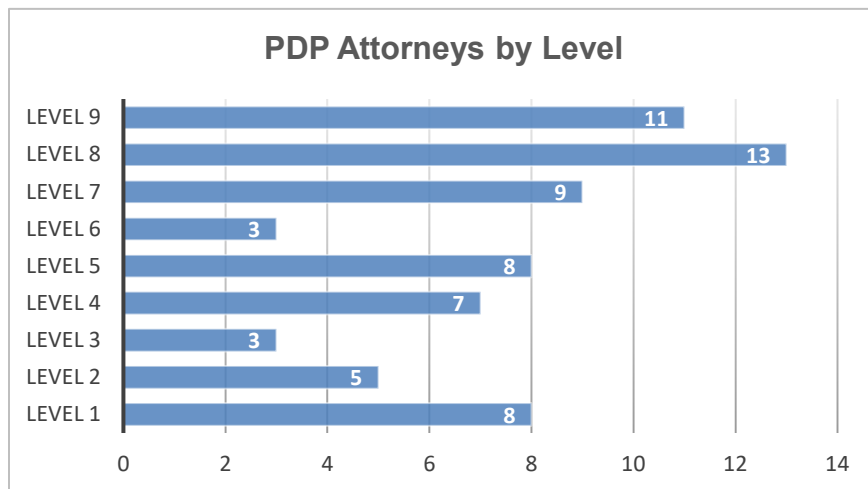
When I am not at work, I enjoy spending time with my 4 children and 5 grandchildren. When time permits, my son, Jacob and I love to go on Disney cruises, visit Disneyland and Disney World, we love everything, Disney. At this time, I don't have plans to retire. I once described myself as, "the oldest employee in the Program", because of all my years here. But I was corrected by a colleague, describing me as, "the most loyal" instead. Well, how could you not be? When you work with attorneys who are so dedicated to fight for their clients with such compassion. I continue to be very proud, from the day I started until now, that I work for the Private Defender Program!

THE ATTORNEYS OF THE PRIVATE DEFENDER PANEL

The PDP's 102 panel attorneys handle a wide array of cases that reflect their diverse experience and specializations. Attorneys can choose which cases within their level of experience to accept. Some lawyers handle only misdemeanors, while others accept low to mid-level felonies. Our most experienced attorneys are assigned to the most serious felonies, including death penalty defense. The PDP has 11 panel attorneys who meet the stringent requirements to be lead counsel in death penalty cases. Cases are assigned by management and staff based on attorney availability and skill level.

In response to changes in the law, we have developed a panel of lawyers focusing on writs, appeals, complicated motions, and post-conviction relief. One example of a complicated motion would be a Racial Justice Act motion. The lawyers on this panel work tirelessly to seek relief on complicated issues that require great time and attention. Several of our lawyers have cases pending before the California Supreme Court on issues with far-reaching implications, such as the right to bail.

This fiscal year, we developed a system that breaks the attorneys down into nine practice levels, ranging from misdemeanors to capital murder. Each attorney was carefully evaluated and placed into a level of practice¹ and each case was similarly categorized for the purposes of case assignments. The purpose of this change is to better monitor attorney workload, and ensure that attorneys assigned to cases have the appropriate qualifications for each case.² Attorneys are qualified to do cases of their level and below.



For more information about our new levels, please see "Attorney Caseloads" and Appendix 4.

¹ 1. Misdemeanors- low level, 2. Misdemeanors- high level, 3. Felonies- low level, 4. Felonies- mid level, 5. Felonies- high level, 6. Felony sex cases, 7. Felony indeterminate term- life cases, 8. Felony homicide and LWOP (life without parole), 9. Felony capital murder- capital qualified per 4.117. See Attorney Caseloads section and Appendix 4 for more detailed information. Note that attorneys with specialized roles such as post-conviction, juvenile dependency and delinquency, and research and writing do not receive levels. Staff and management know the experience levels of these attorneys as it would relate to the assignment.

² This system excludes post-conviction and writing and research attorneys who do not do trial work. Those attorneys are given assignments commensurate with their experience by management.

NEW PDP ATTORNEYS

Jessica Burt-Smith was a public defender for 14 years in Santa Clara County before joining the PDP. While in that position she worked in all areas of the office including as a misdemeanor Lead Attorney and Resentencing and Reentry Pilot Program Lead Attorney. Jessica is an experienced trial attorney and skilled legal writer with an expertise in fraud cases and sexual assault cases.

John Hamasaki has been a defense attorney for 15 years and has handled hundreds of misdemeanor and felony cases throughout the Bay Area. He has served on the San Francisco Police Commission and is actively involved in the Asian American Bar Association, the Barristers Club of the Bar Association of San Francisco, and California Attorneys for Criminal Justice (CACJ).

Katrina Steiner worked for Court Appointed Special Advocates (CASA) for nine years. As an attorney, she specializes in conservatorship, guardianship, and child dependency cases on the PDP panel.

Nick Saenz gained experience interning in both state and federal public defender offices during his law school years. After graduation, he spent a decade working as a civil attorney in private practice, where he also devoted significant time to pro bono work. In 2021, Nick transitioned to the County Counsel's office where he was heavily involved in the county's initiatives to assist the unhoused.

Antonio Reza was actively involved in La Raza Law Student Association while in law school. His litigation practice includes criminal cases and civil matters, with an emphasis on civil rights. Antonio is a skilled speaker and frequent lecturer on rehabilitation, the impacts of incarceration, and other criminal justice related topics.

Ghassan J. Shamieh is an immigration attorney. His career began with an internship at the International Criminal Court and included roles at Goodwin Procter and the Northwestern Law Center for Wrongful Convictions. His commitment to social justice and appreciation for cultural diversity guide his work in helping clients navigate the challenges of immigration.

Rebecca Rabkin is on the PDP post-conviction panel. Since joining the panel in 2023, she has focused on representing incarcerated individuals in Parole Suitability Hearings, challenging parole denials, and handling Habeas Corpus petitions, as well as specializing in Franklin and Youth Offender Parole cases.

John Zahar has been practicing criminal law for 25 years. From 2000 to 2014, he served as a deputy district attorney in San Francisco. After leaving the DA's office, John joined the conflicts panel in San Francisco. With decades of experience, he is well-equipped to handle complex criminal cases and is committed to providing his clients with dedicated legal representation.

Dean Johnson specializes in criminal defense, with extensive experience in both state and federal courts throughout Northern California.

Tamani Taylor began her career at the Solano County Public Defender's Office in 2007, eventually as their Chief Deputy Public Defender. She is an experienced trial attorney, specializing in homicide cases. Tamani is a committee member for the Capital Defense Seminar and is on the California Lawyers Association's Executive Committee (CLA) on Criminal Law.

Jason Campbell has represented clients at all stages of criminal proceedings since going into practice in 2009, including trials and post-conviction matters. With a specialization in writing and research, appellate briefs, and writ petitions, Jason joins our post-conviction panel.

Tennille Duffy began her career practicing criminal defense in Australia, where she litigated over 300 bench trials. Tennille then dedicated several years to working with criminal justice reform organizations, including police oversight boards in South Africa and New Delhi, India. Since 2014, Tennille has been in private practice in the Bay Area working on a large variety of criminal cases.

Cheryl McLandrich was a Deputy Public Defender for ten years at the Solano County Public Defender's Office. In 2014 she went into private practice, specializing in writing and research for complex cases. She has expertise in the Racial Justice Act (RJA), gang cases and serious and violent crimes including homicide and capital defense. She joins the PDP to do writs, complex writing projects, and RJA motions.

Gina Kung has been practicing law since her admission to the California State Bar in 1996. With nearly three decades of experience, she brings a wealth of knowledge and expertise to her legal practice.

Kate Bredenberg was admitted to the California State Bar in 2022. Prior to joining the PDP, Kate gained valuable experience in private practice where she drafted motions, reviewed discovery, and represented clients in court. Kate is committed to providing strong, client-focused representation in all her cases.

Alex Guilmartin has been a practicing criminal defense attorney since 2015, representing clients in both federal and state court, including before the California Supreme Court. He handles cases ranging from misdemeanors to complex special circumstances murder trials. He is known for his meticulous preparation of motions, writs, and appeals, combining his legal expertise with a commitment to providing robust defense for his clients.

JUVENILE DIVISION UPDATE

Over the years, the juvenile court system has evolved in response to societal changes, legal precedents, and psychological insights into adolescent behavior. In recognition of these factors, the PDP has expanded the work in key areas to improve overall outcomes for our clients. Ron Rayes continues to run the Juvenile Branch. His leadership in this area of law has led to several expansions in representation and outstanding results for our clients

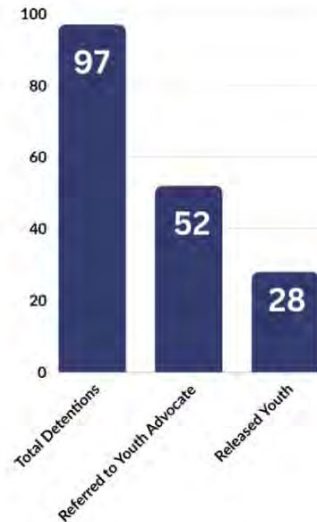
PDP's Youth Advocate:

This year, the PDP created a position for a "Youth Advocate" to assist attorneys and their clients at the detention stage of a juvenile case. At the initial detention hearing, the court decides whether the youth will remain in custody during their case, or if they will be released into the community.

The Youth Advocate contacts the client after they are detained in juvenile hall to collect pertinent client information and to draft a release plan for the detention hearing. The release plan includes a social history of the minor and his/her family, a summary of school status including academic performance and behavioral history, and many other critical life details that are relevant to the issue of whether the minor needs be detained. This may include medical and psychiatric history, family dynamics, and history of trauma. Our Youth Advocate may also coordinate with school officials and teachers, after-school programs, and non-profit organizations to identify placement options, clinical wraparound services, substance abuse and/or mental health treatment, and vocational training programs. All of this must occur in the critical 72 hours following a youth's arrest so that this information is available at the hearing.

Youth Advocate Success Rate 54%

San Mateo County
Private Defender Program
Juvenile Division
Jan 1, 2024 - June 30, 2024



Lindsay Page began as our Youth Advocate in January 2024. In the short time that Lindsay has been fulfilling this service, she identified 10 different community based organizations that provide support to youths in San Mateo County. As the graph shows, we have been able to secure the release of a significant number of youths at detention hearings because of her advocacy. Between January 1, 2024, and June 30, 2024, we handled 97 detentions. 52 of these detentions were referred to the Youth Advocate to create a release plan. The work of the Youth Advocate was a major contributor to the release of 28 of the detained youths.

No Transfers of Youth to Criminal Court Since the Passage of Prop 57

Cases involving the possibility of a youth being transferred to criminal court are the most consequential cases that juvenile defenders must handle. In 2016, Prop 57 was passed, ending the district attorneys' ability to direct file criminal charges against youth 17 years or younger in criminal court. Since the passage of Prop 57, every youth is entitled to a full evidentiary hearing before a juvenile judge to determine their amenability to treatment while under the juvenile court's jurisdiction.

Since the passage of Prop 57, the District Attorney's Office petitioned the court to transfer youth to criminal court in 8 cases. In the 7 cases that have been adjudicated, due to the juvenile defender's diligent preparation and zealous advocacy all 7-youths remained under the jurisdiction of the juvenile court. One case is still pending.

Staying Connected with the Community

It is a point of emphasis to build strong connections with many community-based organizations (CBOs) and advocacy groups to remain informed about the ever-changing space of juvenile law. Some of the organizations that we collaborate and consult with are the Stanford Law School's Youth and Education Law Project (YELP), the Pacific Juvenile Defender Center, Fresh Lifeline for Youth, Youth Law Center, National Center for Youth Law, NORC at the University of Chicago, ReEvolution, Legal Services for Children, Live in Peace, and Fire in the Ring.

In particular, the PDP has a long-standing relationship with YELP, by referring students who have been identified as needing assistance with a wide range of school-related challenges. In FY 2023–2024, the PDP and YELP expanded the collaboration through YELP's creation of a pro bono clinic staffed by volunteer student advocates. The student advocates assist the PDP youth defenders and our young clients to ensure a smooth transition of the youth back to their home school following juvenile detention. Since October 2023, 25 youths have been assisted with a wide range of school-related matters.

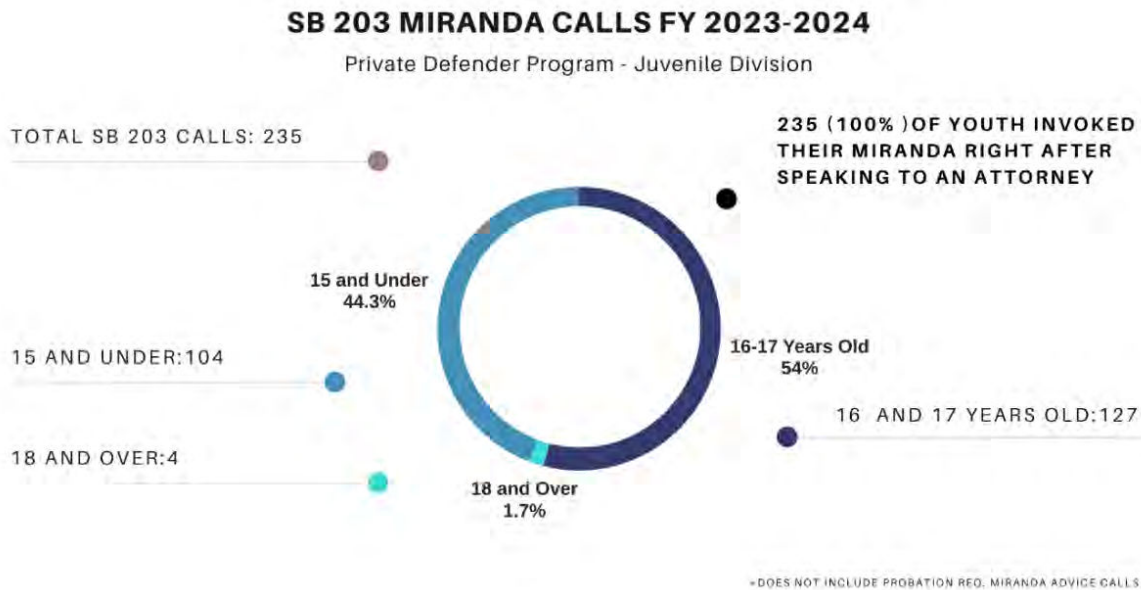
Assistant Chief of the Juvenile & Civil Commitment Branch, Ron Rayes continues to serve on the Pacific Juvenile Defender Center executive board and as the treasurer. He also represents PDP at the San Mateo County's Juvenile Justice Coordinating Council, the Commercial Sexual Exploitation of Children Steering Committee, the Reimage Juvenile Hall Committee, and California Dependency Advocates.

Custodial Interrogation (Miranda) Representation

On January 1, 2018, the legislature enacted Welfare and Institution Code section 625.6, mandating that youth 15 years of age and under must consult with an attorney prior to being interrogated by the police. This consultation cannot be waived. On January 1, 2021, the legislature expanded the age group to include minors 17 years of age and younger.

To facilitate the implementation of Welfare and Institutions Code section 625.6, the PDP created a panel of attorneys that are on call 24 hours a day, 7 days a week to consult with all youth 17 years of age or younger before any custodial interrogation begins. All attorneys on this panel must meet the training requirements set forth in Welfare and Institutions Code section 634.3

This past fiscal year, our panel advised youths facing custodial interrogation in San Mateo County as shown in the following graph. In addition, the information we collect from the consultation process is utilized to prepare the Youth Advocate to conduct the initial interview with the youths soon after their detention.



PDP's Annual Holiday Party at the Youth Services Center

For the fifth year in a row, we were able to host a holiday lunch for our young clients and the staff at YSC, giving PDP attorneys the opportunity to spend time with our clients outside the formalities of the courtroom and share a meal together. PDP's management and staff raised enough money to also purchase gift cards for all the youth at YSC. We were touched by the gratitude of the youths.



ATTORNEY TESTIMONIALS

Working Collaboratively with System Partners

A testimonial by attorney, Katrina Steiner

I was appointed to represent a client, whom I am going to call Lila, on a Probate Code section 3200 Petition, which governs capacity determinations and health care decisions for an adult without a conservator. Lila is a 62-year-old, unhoused person, who was in custody at the Maguire Facility. Lila's mental and physical health declined rapidly in the span of three months of incarceration. It was further determined that she had developed dementia, to such a degree that her cognitive functionality was equivalent to that of a toddler.

In collaboration with PDP Managing Attorney Tanya O'Malley, we were able to resolve Lila's criminal case so she could be released from the jail and into a care facility. With all system partners working in unison, the District Attorney's Office dismissed the charges so Lila could be released from jail, and the court agreed to sign a release that would be effective simultaneously with the issuing of the temporary conservatorship.

I am proud to report that all the system partners came together to pull off this massive effort in a very short time. Lila was transported from the jail by ambulance to the hospital, where she was able to receive the care she needed and was transitioned into a nursing facility where she is in a stable condition.

Importance of Social Workers on Juvenile Dependency Cases

A testimonial by attorney, Sherrie Friedman

Social Worker Suzie Cardoza was appointed to my dependency case, and she testified on behalf of my client at a court hearing about her observations and findings. Though it was her first time testifying in court, Suzie spoke with confidence and eloquently described her education and experience. She was familiar with the specific facts about each contact with the family and clearly described them for the court. She wrote detailed and insightful reports. She treats our clients with compassion and respect and understands their challenges and trauma. This case highlighted the importance of the role of a PDP social worker in dependency cases. Her interviews and conclusions were very helpful to our case. This is a great example of a social worker providing valuable services as a member of our team.

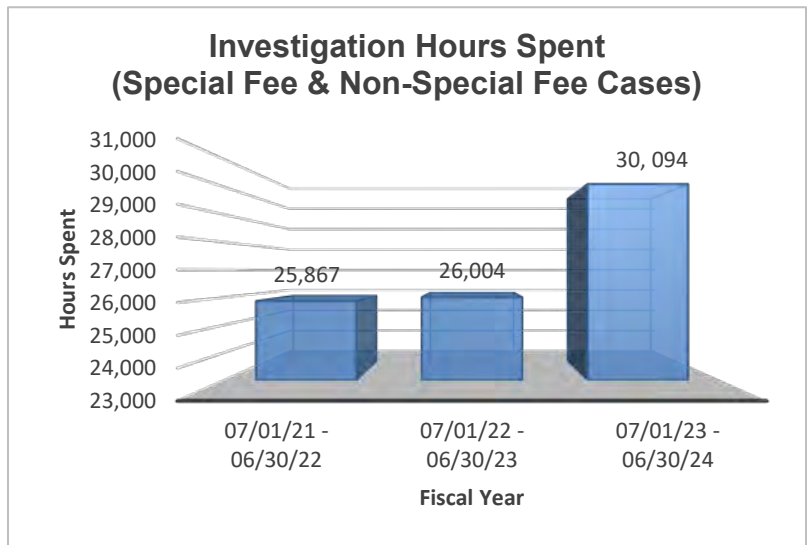
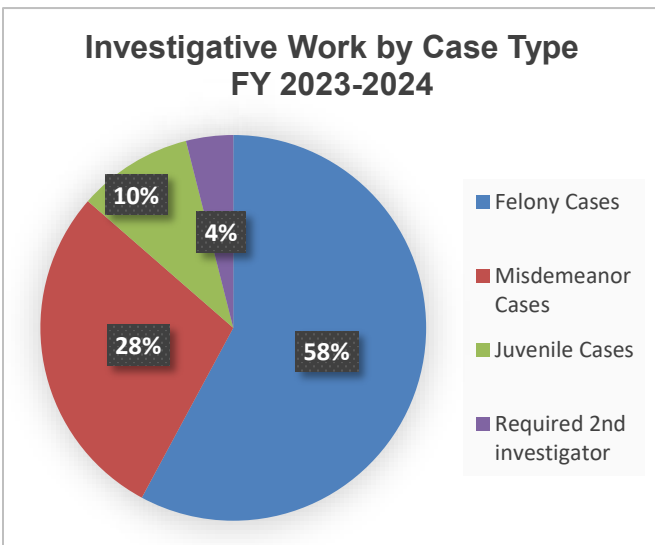
INVESTIGATIONS DIVISION UPDATE

The attorneys in our program understand that obtaining a skilled investigator is crucial to the high-quality representation to which our indigent clients are entitled. Every case that is assigned is eligible for an appointed investigator and we are fortunate in this program to have the resources to investigate every case in which a request is made.

Investigators on the PDP panel help build the foundation of the defense, working diligently to provide comprehensive services throughout the entirety of a case. They review and analyze often dense reports, witness statements and digital discovery, searching for exculpatory evidence and information that corroborates client and witness statements. They engage with a myriad of subjects pertaining to their client's defense, including investigating a witness' background using social media, court searching, collecting client records and tracking down and interviewing witnesses. Investigators provide court support and testimony when needed.

Investigators on the panel have a wealth of expertise and using a holistic approach to representation, they are performing more varied tasks than ever before. Investigators are putting their skills to work in gathering important school records, medical records, and employment records. They can interview family members and friends that have critical background information to establish the necessary criteria for qualifying for collaborative court involvement, including pre-plea diversion, saving the client from a conviction.

This fiscal year, the PDP welcomed four additional investigators to the panel including two former probation officers with adult and juvenile experience, a former law enforcement officer, and an investigative journalist. We look forward to applying their experience to the PDP clients' cases.



NEW PDP INVESTIGATORS

Kelly Spencer Gilliam has 23 years of experience in Probation, in both the adult and juvenile divisions. She retired from San Mateo and Ventura counties in 2015, as Deputy Probation Officer III, having also had experience as a Senior Probation Officer. Her tenure included work in the Juvenile Hall, field supervision, the placement intervention program and adult and juvenile investigations units. She also participated in the Juvenile Gang Task Force and completed the Ventura County Probation Department's arming program. Following her retirement, she served as a Judicial Assistant in a complex civil law courtroom in Los Angeles Superior Court.

Sean Begley spent 22 years with the Daly City Police Department as a police officer and a violent crimes detective, retiring as a sergeant. During his time at the police department, he graduated from Cal State East Bay with a degree in criminal justice and obtained a master's degree in criminal justice from American Military University. Sean has worked gang-related cases, run wire-tap investigations and testified as an expert in court on various areas of law enforcement. He has a strong working relationship with many investigators and attorneys in San Mateo County.

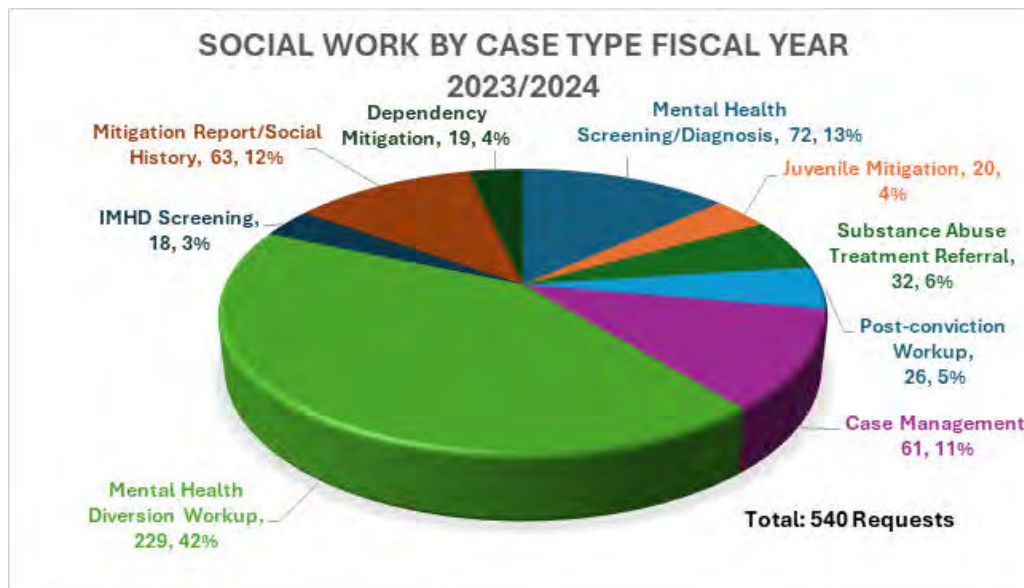
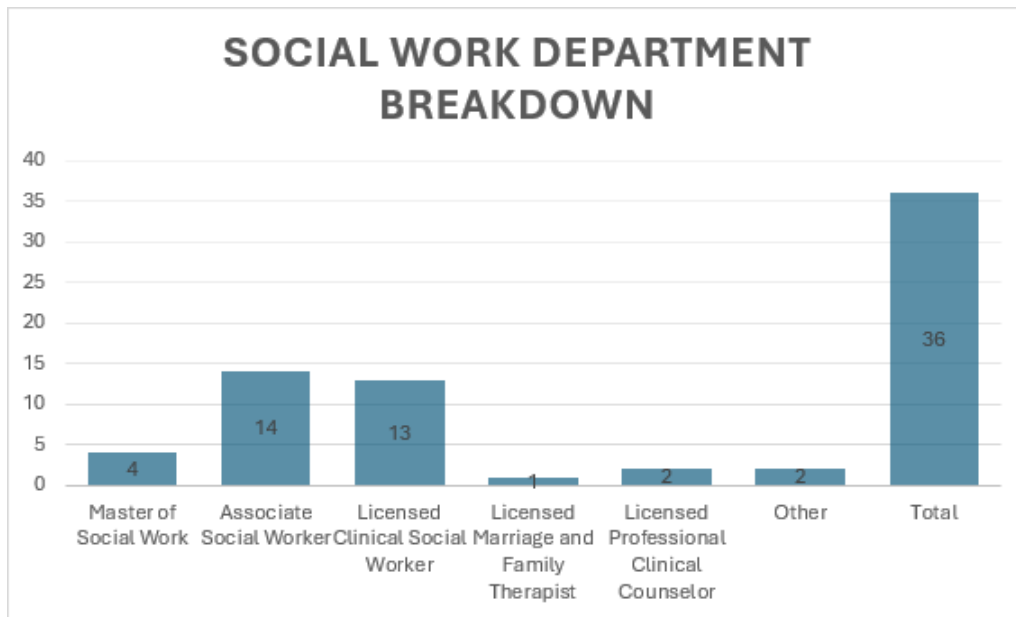
Steve Krivit is the owner of Marin Private Investigations. Before becoming a licensed private investigator in 2017, he worked as an investigative science journalist conducting thousands of interviews. He brings a wealth of search experience in gathering intelligence from the Internet and social media, having conducted investigatory internet searches for over two decades. He is a member of the California Association of Licensed Investigators and the National Association of Legal Investigators.

Abbie Halden-Fick has 15 years of experience with both the Santa Clara County and San Francisco County Probation Departments. She has specializations in Domestic Violence and Child Abuse as well as having spent time in the criminal courts as a representative of Probation. Abbie brings to the PDP years of investigative experience as well as an intensive knowledge of the criminal court processes.

SOCIAL WORKER PANEL UPDATE

Over the past year, the social worker panel has grown to 37 independent contractors, all of whom are mental health professionals holding social work degrees and licenses. The breakdown of their credentials is shown on the graph below. Each of these panel members have played an integral part in the indigent defense cases the PDP handles and there is no limit to which type of case one can take on.

In the 2023/2024 fiscal year, we had 540 requests for social workers, an increase of 100 referrals compared to the last fiscal year, showing that the need for holistic defense continues to grow.



NEW PDP SOCIAL WORKERS

Suzie Cardoza, ASW has been working with the PDP since November of 2023. Her background is varied, including community mental health, county hospitals, and private practice. Although most of her prior experience has taken place with adults and the aging population, the PDP has provided Suzie with the opportunity to strengthen and broaden her experience with children and adolescents, focusing much of her work on dependency and guardianship cases.

Andrew Extein, MSW, LCSW joined the PDP in April 2024, having earned his MSW from University of Southern California in 2011. Before joining the panel, he worked in clinical settings focusing on eating disorder recovery and contributed to community mental health efforts at Aviva Family and Children's Services in Los Angeles. He has built a diverse career in social work, focusing on advocacy, clinical practice, and community support. His work has taken him from advocating for the rights of incarcerated populations with the ACLU, to addressing the overlap between LGBTQ issues and criminal justice, always with a focus on helping people navigate difficult and often unfair systems. He also has a private therapy practice.

Matthew Harold, MSW joined the PDP in November 2023. He has worked as a rehabilitation specialist with adults in an Institute of Mental Health (IMD) setting. He continues to work in intensive community-based outpatient treatment as a Case Manager and clinical coordinator, providing field-based services including psychosocial rehabilitation, treatment planning, consultations/referrals to community resources, advocacy, homeless prevention, and crisis intervention.

Brittany Manzo, MSW has been in forensic social work since November 2022, having previously worked in dependency. She has extensive experience working with juveniles, adults, and families, utilizing strengths-based and trauma-informed approaches. Brittany entered this work due to her deeply held belief in every person's right to access the best defense available. Brittany's approach is communicative and collaborative, and she has experience with social history and mitigation reports, particularly in post-conviction litigation.

Tatiana Omolo, ASW recently transitioned from macro social work and social policy to her current role on the PDP social worker panel. Before joining the panel, she used her social work and public policy degrees to drive social change by empowering mothers of color in Detroit to advocate for policies on their own behalf. In her macro social work, she focused on community-based discourse, policy education, and political advocacy. She brings this experience to her current work on a more individual level to support the PDP clients.

Julieta Ozan, LCSW joined the PDP in November 2023. She has worked in community mental health with adults and juveniles, in restorative justice programs with juveniles and with adults who are high utilizers of emergency services (emergency departments, psychiatric units, crisis centers, emergency Fire Department and Police). This population is frequently incarcerated and tends to be homeless as well as to struggle with a multitude of mental health, substance use and medical complexities. She was trained as a Functional Family Therapist, a modality used to treat juveniles involved in the criminal justice system and EMDR (Eye Movement Desensitization and Processing) a modality mainly used to treat PTSD, a long-held interest of hers. She has also worked providing behavioral health assessments and diagnosis for community mental health clinics or FQHCs (Federally Qualified Health Centers).

Tanaya Sardesai, MSW has a background in politics and contemporary social movements, and their academic research focuses on the biopsychosocial and societal consequences of incarceration among young adults. Tanaya joined the Private Defender Panel in June after spending a year at the Alameda County Public Defender's Office, where she worked on both post-conviction and pre-trial adult felony cases.

Lisa Stead, ASW began her Child Welfare career in 2000, after obtaining a B.A. in Criminal Justice with a minor in Social Work. Lisa has extensive experience preparing documents and reports for the court, testifying in hearings/trials and collaborating with officers of the court. She makes comprehensive assessments utilizing her skills in trauma informed perspectives. Over the past 24 years, she has become an expert in assessment, crisis intervention, family stabilization, educational advocacy, and conflict-resolution. Lisa takes great pride in her ability to engage clients, building a strong rapport, while allowing individuals/families to be transparent and vulnerable without judgment.

Samia van Hattum, BSSW, MSW, LCSW is a Santa Fe, NM based, CA and NM Licensed Clinical Social Worker, who holds a BSSW and MSW from St. Louis University with a specialization in Health and Mental Health. Samia has professional experience in both health and mental/behavioral health social work and has worked in a diverse array of settings including crisis intervention, health and mental/behavioral health clinics, a managed care organization, refugee resettlement, schools, reproductive justice, immigrant legal services, and social work education. Samia has been with the PDP panel since October 2023. In addition, she is a social worker at her local community hospital.

Leah Wolf, LCSW began her career teaching Special Education in Washington DC's juvenile center. She then attended Columbia School of Social Work, where she participated in the Dialectical Behavior Therapy (DBT) Training and Lab Program and completed a DBT clinical internship on Rikers Island. As a social worker, Leah has worked in a high school and in a DBT Intensive Outpatient (IOP) setting. She was the lead therapist at a juvenile detention center for five years, while also working part-time in an adolescent DBT practice. Leah continues to provide DBT part-time and has been doing defense social work for one year.

THE PDP'S CRIM-IMMIGRATION UNIT

In 2010 the United States Supreme Court established that criminal defense attorneys must inform their non-citizen clients about potential immigration consequences resulting from pleas or convictions in their criminal cases.¹ The court also found that failing to provide such advice can violate the Sixth Amendment right to effective assistance of counsel. Pursuant to that decision, the PDP contracted with the Immigrant Legal Resource center (ILRC) to provide consultations for panel attorneys about potential immigration consequences on their cases. This year the PDP established a dedicated criminal immigration position to provide in house access to training, resources, and individualized immigration consultations to panel attorneys.

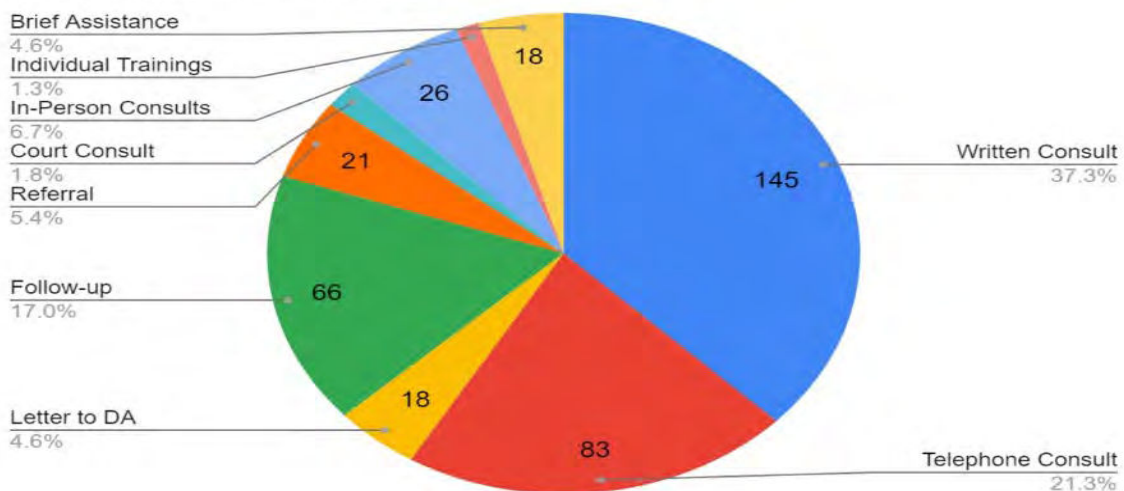
In February of 2024 Carla Gomez was hired as our Head of Criminal Immigration (“Crim-Immigration”) Defense for the PDP. With a background as a federal and state public defender, Carla began representing clients in deportation defense in 2017. As a deportation defender, she witnessed the impact to non-citizen clients and their families who were detained by ICE due to criminal convictions. Carla then joined the ILRC in 2021 where she authored manuals, advisories, and trained defense attorneys, prosecutors, and judges on criminal immigration issues.



In-House PDP Crim-Immigration Training

Since joining the PDP in mid-February, Carla has conducted numerous trainings, provided weekly office hours, and offered individual consultations to PDP attorneys. She has also aided our attorneys seeking to vacate prior convictions thereby providing crucial relief to our clients facing deportation in immigration court.² This work has been instrumental in preventing permanent family separation and has helped ensure our non-citizen clients are protected from the threat of deportation. For more information on the numerous services provided, please see the following table.

Most Common Services



¹ Padilla v. Kentucky (2010) 559 U.S. 356.

² California Penal Code Section 1473.7.

Preventing Family Separation

A PDP client, who we will call Mike, was originally born in another country but lived in the United States since he was a toddler. He married a U.S. citizen and had two young U.S. citizen children. Mike had a good job and no criminal record, but he had never adjusted his status to obtain a green card. One evening he made a terrible mistake while he was under the influence of alcohol, and he was charged with a felony. The charges Mike was facing were deportable offenses, meaning that the potential consequences included permanent deportation and separation from his family.

Recognizing the potential of this dire immigration consequence, one of our panel attorneys sought criminal immigration guidance to ensure that Mike would obtain the best plea offer to avoid deportation and preserve his ability to adjust his status. Through strategic negotiation, the panel attorney secured a plea to an immigration-neutral offense, which will be reduced to a misdemeanor in a year. Furthermore, Mike was connected with an immigration nonprofit attorney, enabling him to begin the process of adjusting his status through his wife and to move towards becoming a lawful permanent resident.

Mike's case underscores the essential role of our criminal immigration unit in safeguarding families from unnecessary separation and ensuring that noncitizens receive the legal protections they deserve. Thanks to the timely and skilled intervention, Mike can remain with his family while working towards a secure future in the United States.

Vacating a Prior Conviction

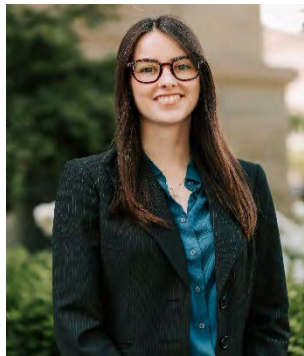
Our new criminal immigration unit also offers consultations and training to attorneys appointed to vacate convictions for noncitizen clients facing adverse immigration consequences because of those convictions.

A notable example of a successful vacatur is the case of a PDP client who we will call Grace. Grace, a long-term lawful permanent resident, entered the United States with her family as an infant from another country and was raised in San Mateo County. She later married a U.S. citizen and has four U.S. citizen children. A few years ago, she traveled to her country of birth for the funeral of her father. Upon re-entering the United States, she was detained by ICE. It was then that she learned that an old San Mateo County conviction from years ago made her subject to deportation. San Mateo County could not produce the records of the conviction, and her immigration case was dismissed without prejudice.

Earlier this year, Grace contacted the PDP to explore the possibility of vacating her prior San Mateo County conviction to avoid any future deportation proceedings. The case was assigned to a PDP attorney, who consulted with Carla Gomez. The panel attorney was able to successfully vacate the prior conviction. The crim-immigration unit is now assisting her in her journey to naturalize and become a U.S. citizen, ensuring she will never face deportation proceedings again.

INTRODUCING THE PDP'S CLIENT ADVOCATES

Olivia Putnam and Erin Hamill joined the PDP in January 2024 as Client Advocates hired through the nonprofit organization Partners for Justice. Partners for Justice (PFJ) was founded to transform indigent defense at scale and aims to diminish the effect of race and wealth on legal outcomes. This means empowering indigent defenders to assist clients with the underlying drivers of arrest and achieve better legal and non-legal outcomes, ensuring people can walk away from the criminal legal system with their rights, lives, and futures intact. See <https://www.partnersforjustice.org/advocates> for more details.



Erin Hamill graduated from the University of California, Berkeley in 2023 with a degree in Political Science and minors in Human Rights and Race and the Law. She previously worked as a Justice Corps Student Member and worked in the San Francisco Superior Court Access to Justice Center. At Berkeley, Erin served as the director of the Grievance Division of the Students Advocate's Office, helping students advocate for their rights on campus in areas such as housing, disability accommodations, and sexual violence survivor support. Erin is fluent in Spanish and has assisted many of the PDP's non-citizen clients.



Olivia Putnam graduated from Northwestern University in 2022 with a degree in social policy and psychology. While attending Northwestern, she headed the undergraduate arm of the Northwestern Prison Education Program and worked at the San Francisco Public Defender's Office. Since graduating, she has been trained in restorative justice and hopes to bring its principles to her work as a Client Advocate, emphasizing dignity and curiosity. Olivia enjoys working with clients on their personal goals and observing the sometimes-unplanned nexuses these goals have with a client's criminal case.

Emily Galvin Almanza, Co-Founder of PFJ visited the PDP Office to observe and support the work being done by two of her trained client advocates. Emily was a public defender fighting directly for clients inside the LA County Public Defender, Santa Clara County Public Defender, and the Bronx Defenders before founding PFJ. She also worked with Stanford's Three Strikes Project, fighting for post-reform relief on behalf of those sentenced to life under the original Three Strikes law. Her decades of work as a public defender inspired her to develop a system to provide holistic client representation using the support of client advocates to address broader client needs.

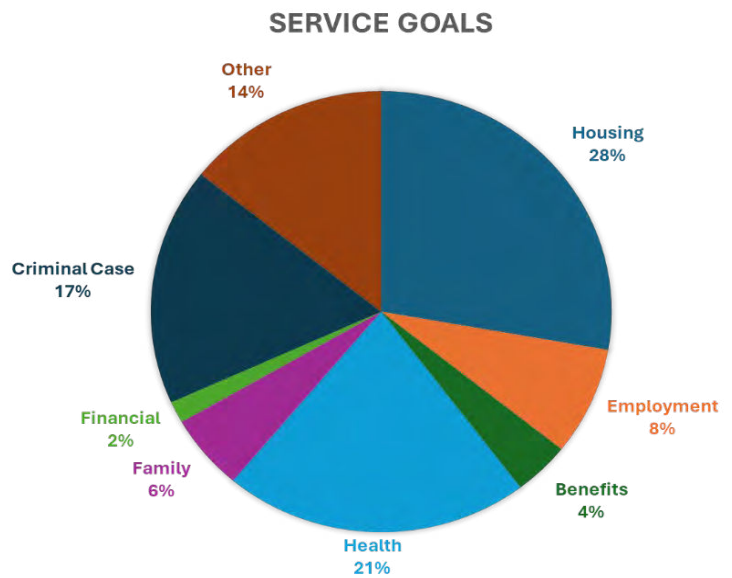


L to R: Preet Samra, Olivia Putnam, Erin Hamill, Emily Galvin Almanza, Lisa Maguire

Since joining the PDP, Olivia and Erin have been making a difference by providing support to clients directly. They began interviewing clients in February to identify possible service goals and refer clients to resources and services. Including their arraignment interviews, they have met with 422 clients in total.

While not every client interviewed followed up, the advocates worked on 123 cases in the first 6 months of the program. 58 of these cases were from attorney referrals; the remainder consisted of clients the advocates met at arraignments and continued to assist over the course of their case. With these clients, the advocates have worked on 259 service goals, including providing over 125 clients with transportation to court dates or pretrial services check-ins.

In the cases Olivia and Erin have closed between February and June 2024, the most common service goals pursued are Housing goals (28%), Health goals (21%), and Criminal Case goals (17%) including intensive mitigation support. The PDP envisions expanding the Client Advocate team in the coming year and hopes to continue improving the holistic defense efforts for our indigent clients.



PFJ ACCOMPLISHMENTS

One client, who we will call Arlette, was grateful to have Erin’s help in her case. Erin assisted Arlette’s attorney’s motion for misdemeanor diversion by writing a comprehensive social history of the client to tell her story and serve as a mitigating report. Arlette arrived in the United States in 2021 and was struggling to make ends meet and support herself and her daughter when she picked up a theft-related offense. Arlette has been granted diversion and is working to complete her community service requirements. Erin has additionally helped Arlette and her daughter by referring them to employment resources, helping them apply for Medi-Cal, and assisting them with enrollment in Community College, where they will begin taking ESL classes this fall.

Olivia met a client, who we will call Oscar, at his probation violation arraignment. At the time, Oscar was dealing with medical problems while living in his car and identified that he needed help with housing. In a meeting later that week, Olivia helped him negotiate with his mother’s landlord to stay in her apartment while he recovered from a seizure. She went on to help Oscar find job training programs and navigate the shelter system’s barriers to entry. Over time, she built trust with him, and when Oscar experienced a relapse and resulting break with his family, he came to the PDP for help. Olivia referred Oscar into residential treatment that morning, and later that week in court, he was able to avoid receiving jail time for the probation violation because of his enrollment in treatment. Oscar has since done wonderfully in the program, where he spends free time working on his art. He recently contributed a lovely drawing to the PDP’s new office space.

REPORT ON PERFORMANCE BENCHMARKS

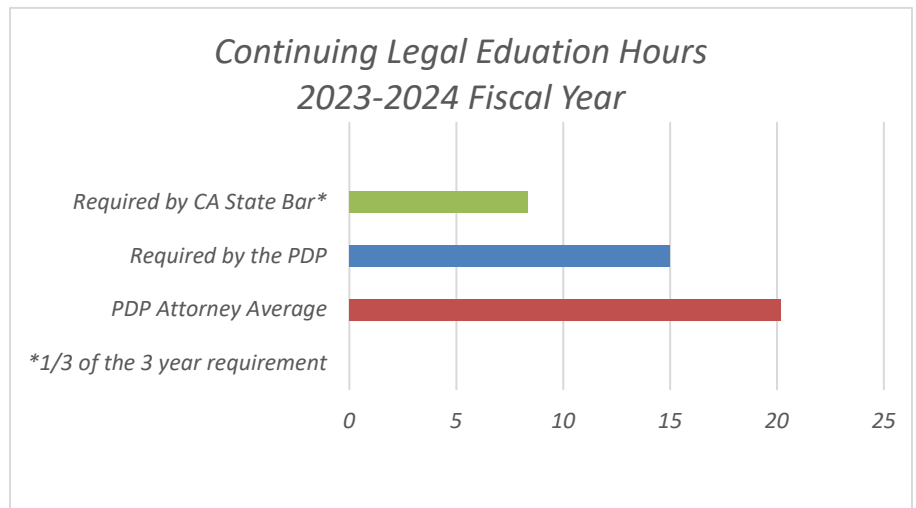
The Agreement between the County and the San Mateo County Bar Association established a set of performance benchmarks by which to demonstrate the quality of services performed by the PDP. (See Appendix 1, sections 4.d.1 to 4.d.8.) These benchmarks are discussed below by reference to the specific section of the Agreement. This report is created to comply with section 4.d.8.

ATTORNEY TRAINING

Section 4.d.1 of the Agreement recognizes that “ongoing professional training is a necessity to keep attorneys abreast of changes and developments in the law.” In keeping with this goal, the Agreement requires the Association to “provide sufficient training, whether in-house or through a qualified provider of Continuing Legal Education certified by the California State Bar Association (MCLE), to keep its attorneys who perform work under this Agreement abreast of developments in relevant law and procedure.”

To keep its panel attorneys informed of the changes and developments in the law, the PDP presented over 20 hours of continuing legal education in FY 2023-2024 to panel members. These programs were geared toward both the adult and juvenile panels. The PDP tracks participation in these trainings, requiring verification of attendance. The State Bar of California requires that attorneys who are actively practicing law in California complete 25 hours of Minimum Continuing Legal Education (MCLE) every three years.

The PDP requires all attorneys on the panel to complete 15 hours of CLE per year, which is 56% more than what the State Bar of California requires over three years. During FY 2023-2024, on average, PDP attorneys exceeded the requirements of both the California State Bar and the Private Defender Program. PDP attorneys averaged 19.8 hours of CLE during this time. 16 PDP attorneys had 25 hours or more, while 9 PDP attorneys completed over 40 hours.



In addition to the training provided by the PDP, an education fund of \$750 is available annually for each PDP attorney. These funds may be spent on education and training programs that are directly related to the types of cases the attorney is handling for PDP clients and on memberships in professional organizations such as the California Public Defender’s Association (CPDA), California Attorneys for Criminal Justice (CACJ) and the National Association of Criminal Defense Lawyers (NACDL). These organizations all provide excellent legal education programs, presented by talented and devoted criminal and juvenile practitioners, and education funds can be used to attend them.

PDP Seminars July 1 2023 - June 30 2024

Date	Seminar Title	Presenter(s)
7/20/2023	The Science of Adolescent Brain Development	Dr. Rahn Minagawa
8/17/2023	Restraining Orders in California: Collateral Issues & Focus on Gun Violence Restraining Orders	Dimitry Stadling
8/24/2023	Identifying Discovery Needs and Challenging "Big Data"	Elizabeth Vasquez
9/14/2023	Advancing Diversity, Equity, and Inclusion in San Mateo County's Private Defender Program	Tirien Steinbach
10/18/2023	Litigating Under California's Racial Justice Act: Context, Issue Spotting, Discovery and Litigation	Cheryl McLandrich
10/18/2023	Juvenile Educational Advocacy and Screening	Abigail Trillin
11/14/2023	Dismantling to the School-to-Prison Pipeline	Melinda Andra Mikila Thompson Joel Pictrak Marie Momburn
11/15/2023	MHD Strategies and Changes to Procedure	Tanya O'Malley Harpreet Samra
11/20/2023	San Mateo County Jail Programming/In-Custody Substance Abuse Treatment	Dr. Melissa M. Wagner Holvis Delgadillo
12/6/2023	Multi-Disciplinary Approaches to Prevent Dual-System Involvement Through Community Based & Legal Support of Youth & Their Families- Part I	Beverly Schulerbrandt Macon Stewart
12/12/2023	Introduction to Drug Court Practice & Procedure	Judge Donald Ayoob Sean Noland Ryan Blihovde
12/18/2023	Crim Immigration Presentation	Carla Vanessa Gomez
1/8/2024	New Case Law Update (602 & 300)	Jonathan Grossman
1/11/2024	New Laws for 2024	Garrick Byers
1/17/2024	Multi-Disciplinary Approaches to Prevent Dual-System Involvement Through Community Based & Legal Support of Youth & Their Families- Part II	Beverly Schulerbrandt Macon Stewart
2/29/2024	Detentions & Safety Plans Roundtable – Miranda Calls, Detentions of County Youth and Safety Plans	Ron Rayes Lindsay Page
3/26/2024	Representing Non-Citizen Clients in the Juvenile Justice and Child Welfare Systems	Carla Gomez Rachel Prandini
4/25/2024	Advancing Justice: Using the Racial Justice Act in Your Case	Lisa M. Romo Emi MacLean
5/31/2024	Bail Versus Detention Training	Marsanne Weese
6/17/2024	How to Utilize a Paralegal on Your Defense Team	Christina Hall
6/24/2024	CARE Court Overview of the Law and its Implementation	Ron Rayes
6/25/2024	Client Advocate Attorney Training	Tanya Sardesai
6/27/2024	End of the Year Roundtable-602 Attorneys	Ron Rayes

ATTORNEY EVALUATIONS

Section 4.d.2 of the Agreement requires annual evaluations of the professional performance of each Private Defender Program attorney by the Chief Defender and/or his or her designee. The Annual Report must include a summary of the “number of evaluations conducted and the results thereof” without breaching the confidentiality of the evaluations.

Each attorney’s performance is evaluated using the criteria set forth in the “PDP Evaluation Standards.” (Appendix 2). These standards are comprehensive and encompass the PDP attorney’s professional ability, professional attitude, and personal relations within the justice system.¹

Specific methods for evaluating each attorney’s performance under these standards include:

- **Review of Case Management System:**
 - Information regarding each attorney’s use of investigators, social workers and experts is retrieved from the case management system Defender Data (dD7).
 - Management tracks and reviews the number and types of motions filed by the attorneys on their cases through dD7.
 - Management monitors when the first client contact is made after assignment of the case by reviewing the data available in dD7. (Please see section 4.d.5, with more specific information on Initial Client Meetings).
 - The PDP Attorney of the Day (AOD) uses a recently added function within the dD7 system to ensure that any client concerns are documented and evaluated by the management team. (Please see section 4.d.3, with more specific information on the AOD)
- **In-Court Observations:**
 - The management team are notified each week about which cases and attorneys are scheduled to appear on the following Friday’s trial calendar. Attorneys are regularly observed in court based on that information.
 - PDP management also receives feedback from the judiciary concerning the in-court performance of panel attorneys.
- **Annual Surveys:**
 - Panel attorneys complete an Annual Survey which yields detailed information for use in the evaluations. (Appendix 3).²
 - The surveys allow management to monitor outside trainings attended as well as track the percentage of non-PDP cases being handled.

¹ These standards were newly revised in FY 2023-2024 to include the effective use of new resources which are available to the PDP panel attorneys, i.e., immigration resources, social workers and client advocates, as well as the pursuit of collaborative courts and diversion. (Appendix 2.)

² Several attorneys were exempted from completing the annual survey because they serve a more limited role on the PDP panel, for example post-conviction or legal research and writing attorneys.

- **Data from Crim-Immigration Unit:**
 - Management receives data in the form of a detailed excel spreadsheet regarding the number of immigration consultations requested by each attorney and the action taken on the case.

- **Data from Collaborative Courts:**
 - The efforts of each attorney to seek placement in a collaborative court program such as Mental Health Diversion are tracked and reviewed.

- **Weekly caseload updates:**
 - The management team receives weekly updates of case assignments and evaluates the number, as well as the types of cases on each attorney's caseload.

 - Caseloads are examined using the levels system to ensure that an attorney is not handling too many complex or serious cases at once. (Please see section 4.d.4 for further information on caseload monitoring.)

SUMMARY OF ATTORNEY EVALUATIONS

This year the management team met over several days, reviewed all the available information, and discussed each attorney's performance. Below is a summary of this year's number and results of the evaluations:

- 102 total attorneys discussed by the management team.
- 17 attorneys in the Adult Division were selected to meet with a member of the management team.
- 15 attorneys in the Juvenile Division had their annual meeting with the managing attorney.

After careful review, 17 attorneys were selected to meet with management to address specific concerns. Some attorneys were selected due to low numbers of motions filed and/or lower than average usage of investigators or social workers. Other attorneys were selected to meet with management to address issues such as high caseloads. Certain attorneys were selected based on complaints to the AOD regarding communication issues.

CLIENT COMPLAINTS

Section 4.d.3 of the Agreement specifies a procedure by which PDP clients may ask questions or register complaints directly to a “felony-qualified attorney with at least five years felony experience on the PDP panel” during regular business hours.

Every business day, the PDP has an experienced attorney, with at least five years of criminal defense experience, serving as the “Attorney of the Day” (AOD). The job of the AOD is to answer questions and address concerns of PDP clients, their families, and the public. Each week the AODs field 50 to 100 inquiries through telephone calls and drop-in visits to the PDP office.

The AOD documents all complaints received in the PDP’s case management system. The system allows for consistent, reliable tracking of calls and complaints. The system is reviewed weekly by management to monitor all entries and to track an individual client’s complaint history, as well as to monitor whether numerous complaints are being made against a specific attorney.

The AOD attempts to resolve any issues raised by clients. Many issues can be resolved with a discussion or a simple phone call to the assigned attorney. When an issue cannot be readily resolved and the client requests a new attorney, the AOD makes a recommendation to management regarding whether a new attorney should be assigned. One of the Managing Attorneys will then review the complaint and consider all the circumstances including the recommendation of the AOD. If the reviewing Managing Attorney believes a new attorney is appropriate, then a new attorney will be assigned to handle the case. If the Managing Attorney does not believe a new attorney should be appointed, the client may seek a review by either the Assistant Chief Defender or the Chief Defender.

Studies show that continued, vertical representation results in better outcomes on cases. Therefore, the preference is to work out any issues raised and maintain the same attorney on the case. However, there are some situations in which a change of attorney is the best course of action for the client. In FY 2023-24, attorneys were replaced on cases on ten occasions based on client requests. These ten reassignments were not based on sustained client complaints or findings of ineffective assistance of counsel. Rather, these reassignments were determined to be in the best interest of the clients based on relationship issues and other factors.

During the complaint process, clients are also informed of their right to seek a Marsden hearing to have a judge determine whether different counsel should be assigned to their cases. This fiscal year, six Marsden motions were granted by the Court based on the judge’s assessment that there had been a communications breakdown between the client and the attorney. One Marsden motion was granted based on allegations of ineffective assistance of counsel. The PDP will always abide by a ruling of the superior court regarding changing the assigned attorney. Further, clients are informed of their right to file a complaint with the California State Bar if they feel such a complaint is warranted.

SUMMARY OF NUMBER AND NATURE OF CLIENT CALLS

In the fiscal year ending on June 30, 2024, there were 3,716 calls to the AOD, which fell into the following categories:

GENERAL INQUIRIES: 3,563

General inquiries include requests for court dates, assistance having a warrant recalled, requests for assistance with expungements, requests for an attorney’s contact information, requests for a jail visit or a

phone call from the assigned attorney, information about court dates, and much more.

COMPLAINTS: 153 total. Because some clients called multiple times, the 153 total complaints were from a total of 96 clients. The complaints from these clients were divided into two broad categories, as follows:

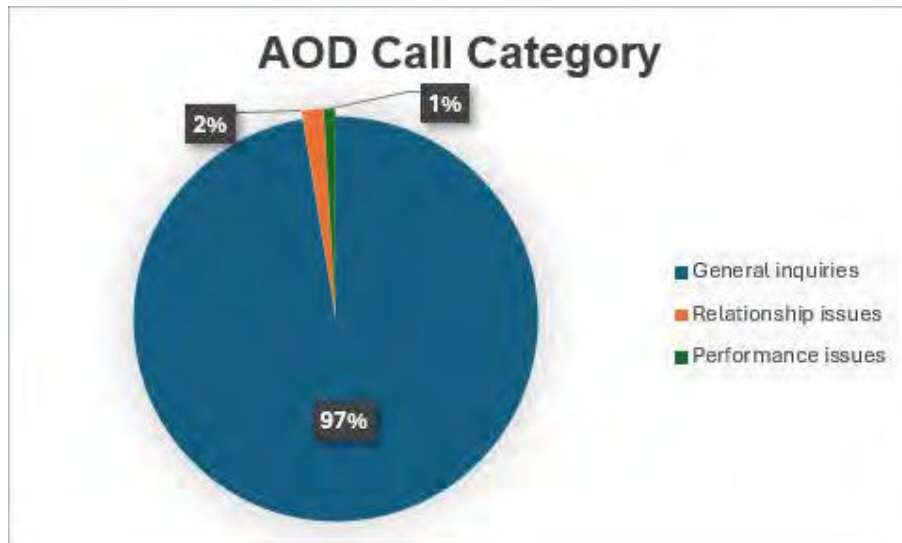
Relationship Issues: 63

Relationship issues include allegations that the attorney is not listening to the client, there is insufficient contact, and other issues that may lead to the conclusion that the attorney and client cannot productively work together.

Performance Issues: 33

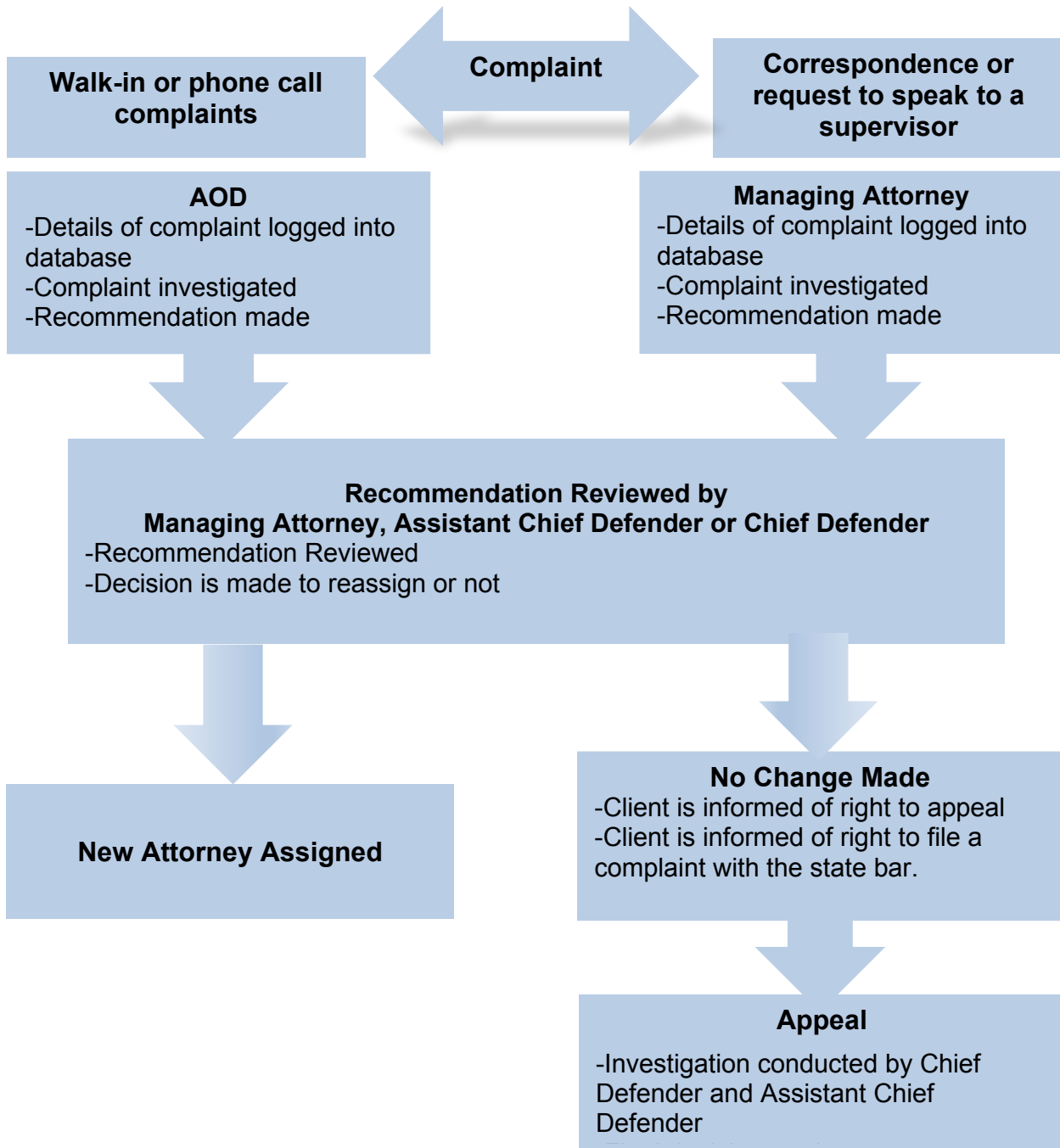
Performance issues include claims that attorneys are not doing the work that they should. For instance, investigation is not being conducted, appropriate motions are not being filed, amongst other things.

Less than five percent of the total inquiries were complaints, and less than one percent raised perceived performance issues. Several of the received phone calls from clients to the AOD included praise and thanks for their court-appointed attorney or thanks for the assistance of the AOD.



The following flowchart represents the complaint process developed in agreement with the County.

CLIENT COMPLAINT PROCEDURES



If the Assistant Chief Defender or Chief Defender declines to reassign, client will be informed about Marsden motion remedies and the right to pursue a complaint to the California State Bar. Complaint forms will be distributed upon request. The AODs are trained to inform clients that they always have a right to request a Marsden motion at any stage of the proceedings, and clients are uniformly told about the right to a Marsden motion at every stage of the complaint process.

ATTORNEY CASELOADS

Under the agreement, the PDP is obligated to represent all indigent persons entitled to appointed counsel at public expense. **Section 4.d.4 of the Agreement** requires the PDP to report “the caseloads of each Private Defender Program attorney by types of cases, as well as the average caseloads for the Private Defender Program. . .”. This fiscal year the PDP attorneys provided representation on a total of 21,244 cases.

In FY 2023-2024, to monitor case assignments based on attorney experience and skills, management developed a system of further breaking down the case types into nine levels for assignment to attorneys qualified to represent clients in that level. This system also allows for a more meaningful review of the attorney’s workload and will be discussed further below.

Caseload monitoring during the fiscal year

It is the responsibility of the PDP to assign attorneys who have the skill, experience, and availability to provide excellent legal representation to their clients. The number and seriousness of cases assigned to each attorney may impact the quality of representation that their clients receive. To ensure that attorneys have the availability to give each client the attention they deserve, the PDP actively monitors attorney caseloads throughout the year in the following ways:

- **Number of Cases-** Attorney case counts are sent weekly to management showing the total number of new cases assigned to each attorney and their total number of open cases. This information is used by management and staff to help determine which attorneys may be available to accept new cases.
- **Level of Cases-** Because the number of cases alone is not enough to fully assess an attorney’s capacity to take on a new case, the level of the cases assigned to each attorney is also considered.

Case Assignments Using Updated Levels System

Guided by the National Public Defense Workload Study¹, this year the PDP reclassified our criminal cases by level. All misdemeanor and felony adult cases are now classified into Levels 1-9 based on the most serious charge in each case (see Appendix 6). When a case comes in, the level is determined and entered in our case management system.

Classifying our cases by level helps the management team and staff evaluate attorney assignments, workloads, and appropriate trainings. Attorneys have also been classified into Levels 1-9 commensurate with their experience level and abilities. Attorneys are not assigned to cases higher than their experience level unless approved by management. This ensures that an attorney is only assigned to a case if they have the skill and experience to provide excellent representation to the client.

The administrative team assigns all level 4 cases and below. PDP management assigns all level 5 cases and above. Prior to case assignments for a Level 5-9 case, management reviews every charging document to get as much information as possible about the complexity of the case.

The classification excludes juvenile, post-conviction, and writing and research attorneys who do not do trial work. Those attorneys are given assignments based on their experience by management.

¹ https://www.counties.org/sites/main/files/file-attachments/understanding_the_npdws_california_guide_final.pdf

National caseload studies show that only a few of the attorneys' caseloads are higher than the recommended number for representation¹. Only one attorney caseload exceeded the recommendation for juvenile cases, nine attorney caseloads exceeded the recommendation for felonies and ten attorney caseloads exceeded the recommendation for misdemeanors.

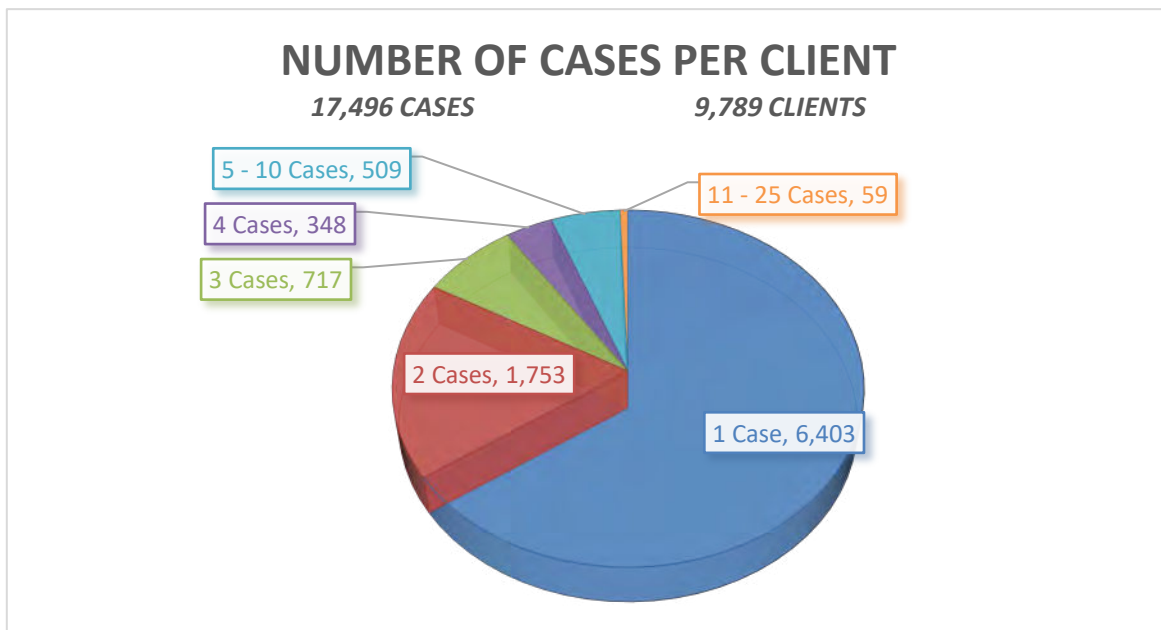
Caseloads of Each PDP Attorney and the Program by Type

Attached as Appendix 4 is an anonymized list of the number and types of cases assigned to each attorney during the fiscal year, along with a description of the case "type".

The average caseload of the Private Defender Program was compiled by capturing the type and number of cases for which we accepted appointment monthly and is attached as Appendix 5.

Multiple Case Filings

One aspect of our caseloads worth noting is that many clients have multiple cases filed against them during the same timeframe. This year, one client had 24 cases pending at one time. The attorney assigned to those cases needs to review all the discovery on each case, however, they only have one individual whom they are representing, therefore less time will be spent on separate attorney-client meetings per case. The graph below shows that multiple case filings for each client are frequent.



In addition, it is common for clients to have misdemeanor cases "trailing" a felony. Those misdemeanors are open cases but not litigated until the felony has been resolved. Because the felony is given higher priority based on the potential consequences to the client and alleged harm to the community, the misdemeanors are often dismissed if the client wins at trial or as part of a comprehensive plea bargain.

¹ See 1973 National Advisory Commission (NAC) on Criminal Justice Standards and Goals, recommending a maximum of 400 misdemeanors, 150 felonies and 200 juvenile delinquency cases per year.

INITIAL CLIENT MEETINGS

Section 4.d.5 of the Agreement with the County requires a report annually about attorneys' initial meetings with their incarcerated clients. Initial visits with in-custody clients after appointment and before the next court appearance are a requirement specifically set forth in the Policies and Procedures Manual of the Private Defender Program. The PDP recognizes that meeting with a client early in their case is important "in order to obtain information necessary to provide quality representation in the early stages of the case and to provide the client with information concerning the attorney's representation and the course criminal cases take in the San Mateo County Superior Court."

The Agreement requires a report regarding the annual results derived from the system by which the Private Defender Program "monitors the occurrence of early interviews of incarcerated clients, taking into account the factors that affect the ability of Private Defender Program attorneys to make early jail visits, including but not limited to the number of days between arraignment and the next court appearance and the speed of assignment of cases to individual attorneys."

The Policy and Procedures for Independent Contractors which is provided to each panel attorney along with a Legal Services Agreement provides, "Panel attorneys are required to make contact as soon as possible with new clients." The PDP administration employs a variety of methods to monitor whether and how far in advance of the first post-arraignment court appearance PDP attorneys are visiting their in-custody clients. These include reviewing the billing records of special fee cases, reviewing the vouchers for initial client conference fees, observation of attorneys at court appearances, court complaints, client complaints, and information provided by attorneys in their responses to the Annual Survey, a copy of which is provided in Appendix 3. The emphasis on early interviews of incarcerated clients is demonstrated by the recent changes to the in-custody arraignment calendar. The resources being utilized on that calendar are designed to ensure that every client is interviewed prior to their first court appearance and before the case has been assigned to a particular panel attorney.

After the initial court appearance and assignment, panel attorneys representing in-custody clients reported meeting with their clients before the first substantive court appearance an average of 93% of the time or more. Panel attorneys also reported that they attempted to contact their non-custodial clients via letter to the address supplied on the criminal complaint, or by telephone at the number provided by the client to the arraignment calendar attorney. In addition, the attorneys tried to return calls to the number provided by clients to the PDP administration when those clients called to get the name of the attorney assigned to their case(s).

Adding all the client communication points documented in our case management system (dD7), there were 22,485 client communication entries during FY 2023-2024 for both in custody and out of custody clients. Additionally, further development of the dD7 case management system was completed during the fiscal year aimed at improved collection and analysis of all client contacts.

COMMUNITY OUTREACH

Section 4.d.6 of the Agreement with the County calls for a report on the community outreach efforts of the PDP during the fiscal year, in recognition and acknowledgement of “the significant impact that the criminal justice system has on our community”. Both the juvenile and adult panels participated in significant community outreach this fiscal year and the PDP continues to build on its relationships with community partners, expanding its reach into the community.

Silicon Valley Urban Debate League (SVUDL)

In June, PDP attorneys, Kate Bredenberg and Shaneil Sharma spent time with students arguing mock motions in front of judges in San Mateo County courtrooms. Kate and Shaniel spoke with the students and shared some pointers.



Veteran Stand Down

In June, PDP Managing Attorney, Tanya O'Malley and PDP attorney, Roman Walker attended educational tours of VA Palo Alto facilities led by VA Veterans Justice Outreach Specialist Leah White. The tour included an overview of the Trauma Recovery Program, intensive residential program, and the Compensated Work Program connecting veterans to applicable vocational rehabilitation services.

The PDP at Local Elementary Schools

PDP Managing Attorney, Mitri Hanania participated in a San Mateo County Elementary School's Career Day in April. Managing Attorney, Tanya O'Malley presented to young students at an event at a different school in honor of "Law Day," May 1.

Stanford's Criminal Defense Clinic

The PDP works with the Stanford University School of Law's Criminal Defense Clinic. The PDP assists the Clinic with selecting cases which are appropriate for their students and provides PDP panel attorneys to mentor their students. The mentors support the students and professors by informing the students about the day-to-day practice of indigent defense and practice of law in the San Mateo County Superior Court, as well as by advising on caselaw and strategy. The experience is rewarding for the students and the attorney mentors.



CLIENT SURVEYS

Section 4.d.7 of the Agreement provides that “the Association will create a survey instrument and process to seek client views on the representation from the Private Defender Program.” Annually, the PDP administration sends out client surveys to randomly selected clients with recently closed cases. The surveys are mailed, along with self-addressed stamped envelopes. The surveys are also available on the PDP website, in the PDP office lobby, and in the Juvenile Court lobby. Each hard copy survey has a stamped envelope, addressed to the PDP Office, to facilitate the return of responses. Note that client surveys are not mailed directly to juvenile clients considering the confidentiality issues and the restrictions set forth in Welfare & Institutions Code, section 827 related to that client base. The surveys are in Spanish and English. The PDP administration sent out a total of 162 surveys during the fiscal year ending June 30, 2024, receiving 27 replies, 22 of which were positive.

The survey asks questions and invites explanations, as well as seeks additional comments. The questions are crafted to determine if the clients felt that they had adequate opportunity to communicate with their attorneys, and if the clients believed that they received quality representation.

The questions that address communications with counsel include: “Did your attorney return phone calls?”, “Did you have a chance to meet with the attorney before the first court appearance?”, “Did you have enough time with your attorney to discuss your case?”, “Did your attorney explain sufficiently what was going on with your case?”, The questions that address adequacy of representation include: “Did your attorney appear to be prepared in court?”, “Was your attorney on time for meetings with you?”, “Were you satisfied with the overall representation of your attorney?”

The survey ends with a short answer question asking clients to share more information about their experience with their attorney. Listed below are some statements from clients regarding their experience.

“Shaneil (Sharma) is an amazing attorney and public defender. He answered all of my questions extensively. He was professional in and outside of court. He was also very empathetic regarding my health and situation. You are very lucky to have him.”

-Kathleen

“Roscoe (Elliot) was the best attorney I have ever had in all my years in the system. He was super attentive and always made sure I had all my ducks in a row. He should be attorney of the year.”

-Christine

“Justin Goodwin did a great job on my case. Thank you, Justin.”

-Sue

“Monika Loya did an amazing job representing my son on a very difficult case. We are thankful for all the hard work she put in the case. She is very professional and knowledgeable about all aspects of Juvenile Law and explained things to us in an understandable manner. Lastly, she is an excellent litigator and is on her toes during oral arguments. She is a 5-star attorney!”

-John

“Best Public Defender (Jeffrey Hayden) I could have asked for or been given. Give that attorney a raise”.

-Jason

“Ross (Green) was candid and patient and polite.”

-Scott

“SMC Private Defender Program provides an invaluable service. The office is staffed by caring, patient and compassionate professionals. I have the highest praise and respect along with sincere gratitude for the staff and the sterling service afforded me.”

-Cameron

“Very thankful and grateful for Jason (Lamar). Very good communication with the case”

-Rene

“I was stressed about having a public defender because I thought they may not fight as hard for me. Sharma made me feel safe with him and my future being in his hands.”

-Ed

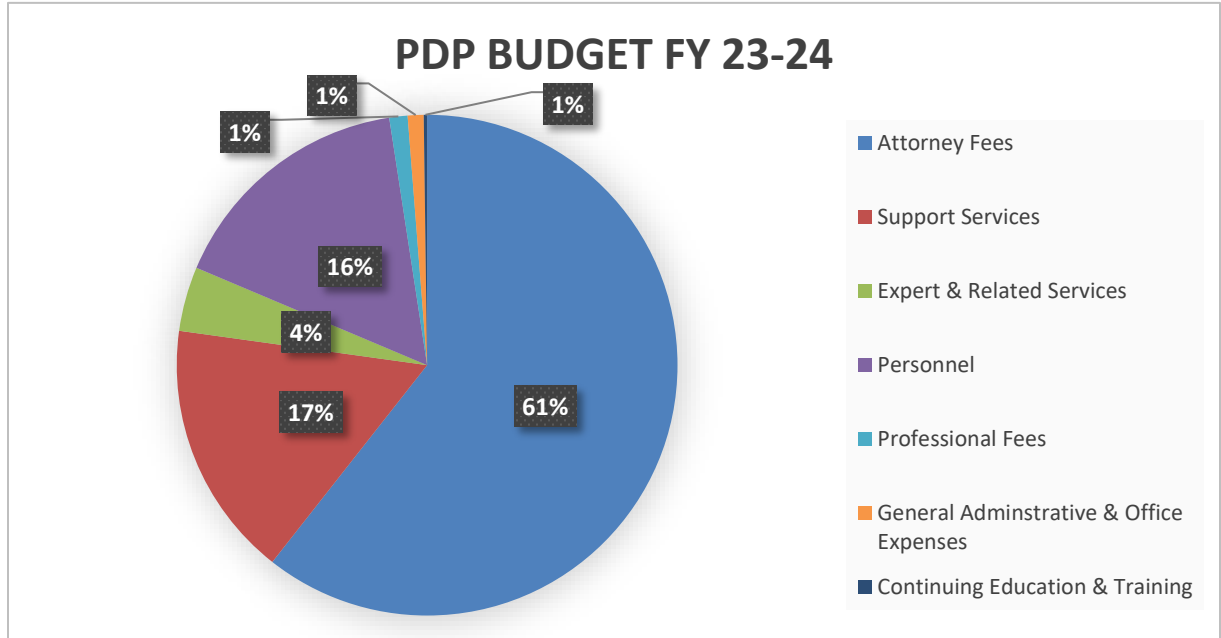
“I am extremely grateful to Mr. Waraich for his dedicated and comprehensive representation. He is providing such an important service!”

-Linda

ANNUAL BUDGET

Section 4.d.8 of the Agreement requires that the Annual Report include, “the annual budget of the program, setting forth the costs of the operation of the program for the year, including fees for attorney’s services, investigation and other ancillary defense services as well as the cost of administration.”

The PDP, pursuant to agreement with the San Mateo County Superior Court, managed a budget of \$24,832,168.00 for the fiscal year ending June 30, 2024. See Appendix 7 for a copy of the budget.



The above graph shows that 61% of the Private Defender’s 2023-24 budget went to attorneys’ fees, 17% went to the support services provided by the investigators, paralegals, and social workers, 4% of the budget was used for expert services, 16% of the budget was spent on the salaries, benefits, and taxes of the employees of the Program, 1% was used for professional services, 1% was used for general administration and 1% was used for training and continuing education.

THE PDP AT WORK

TRIAL STATISTICS

The Private Defender Program highly values the fundamental right to a trial on criminal charges. While most cases resolve without a trial, the ability and willingness of our attorneys to go to trial on behalf of their clients is of paramount importance. FY 2023-2024 was another successful year for the Private Defender Program's trial attorneys. An impressive 75 criminal jury trials were litigated by PDP attorneys during the fiscal year. In addition to trials on criminal charges, PDP attorneys also litigated four competency trials, and one SVP civil commitment. Many cases were also dismissed on the day of trial or were dismissed through misdemeanor pretrial diversion.

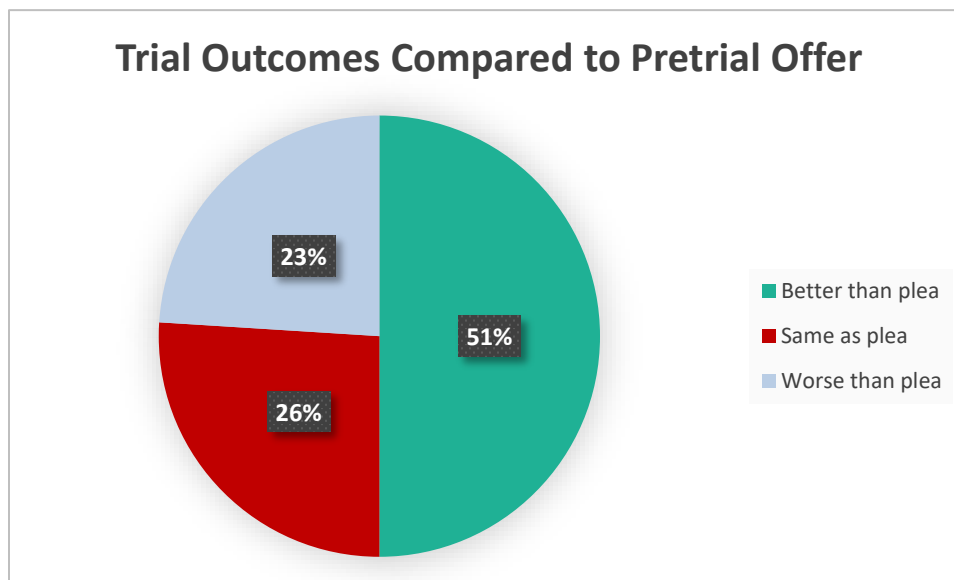
40 attorneys on the Adult Panel had a criminal case sent out for trial, and 11 of those attorneys litigated three or more jury trials.

Of the total criminal cases sent out for trial there were:

- 54 felony trials
- 21 misdemeanor trials

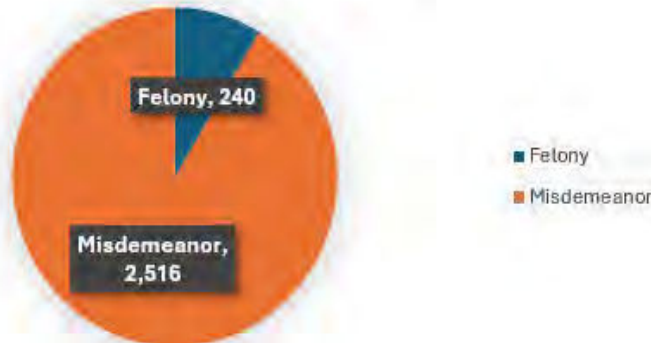
The outcomes of those cases were largely favorable to the defense. The PDP determines favorability by comparing the trial outcome to the pre-trial offer. The metric used is simple: it asks was the outcome better than the plea offer, the same as the plea offer, or worse than the plea offer.

The majority (51%) reported a better outcome than the pre-trial offer, 26% reported the same outcome as the pre-trial offer, and 23% reported a worse outcome than the pre-trial offer.



Outright dismissals are the best possible outcome for our clients. The pie chart on the right reflects the total cases dismissed this fiscal year. These cases are dismissed due to the vigorous advocacy of our attorneys. Our attorneys get cases dismissed by filing motions, conducting investigation, and setting cases for trial. Many of these dismissals happen on the day of trial after an attorney has worked up a case and shown the District Attorney's Office that they cannot meet their burden of proof.

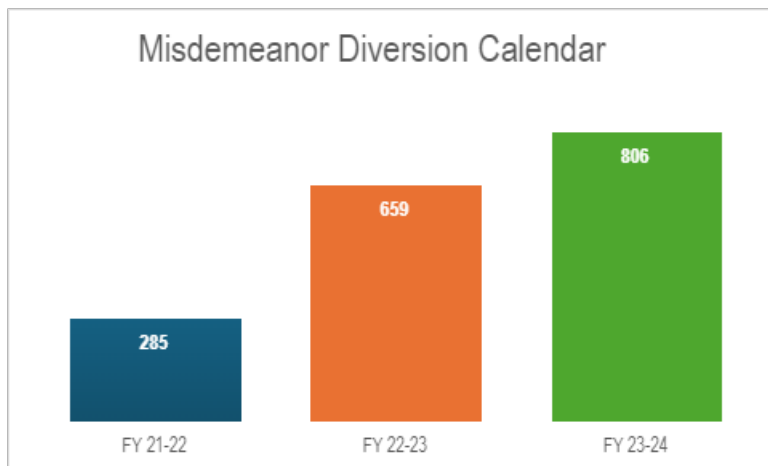
Dismissed Cases 2, 756 cases total



MISDEMEANOR DIVERSION

In addition, many of our cases are successfully diverted through misdemeanor pretrial diversion and other diversion programs. This year the cases our attorneys were able to get into misdemeanor pretrial diversion are up 20% from last year, which demonstrates that our attorneys are filing more motions and getting better results for our clients.

Under Penal Code section 1001.95, a judge has discretion to grant diversion on a misdemeanor. The judge sets the terms and period of diversion. At the end of the diversion term, if the client has completed all the terms, the case is dismissed, and eligible to be sealed. Terms of misdemeanor diversion typically include public service work and/or a class relevant to the charged offense. PDP panel attorneys have successfully advocated for misdemeanor diversion for many of their clients.

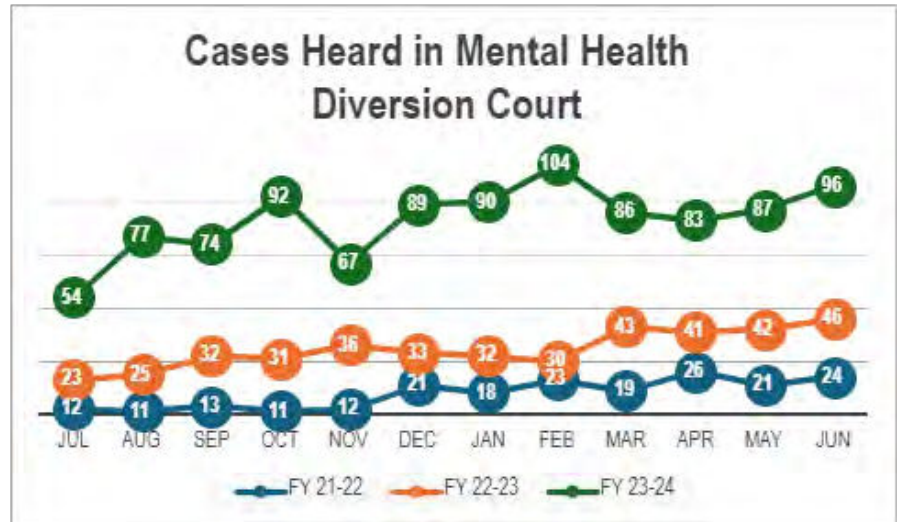


COLLABORATIVE COURTS

The San Mateo County Collaborative Courts include the following: Mental Health Diversion, Pathways Court, Homeless Connect Court, Drug Court, Misdemeanor Diversion, Multiple DUI Court, Veterans Treatment Court, and Military Diversion. These courts offer an alternative to the standard criminal justice path, providing an opportunity for individuals to connect to support and services. Some Collaborative Courts provide an opportunity for individuals to also avoid incarceration and conviction. During fiscal year 2023-2024, PDP panel attorneys sent an unprecedented number of cases to the Collaborative Courts.

MENTAL HEALTH DIVERSION

MHD is a new opportunity afforded to those individuals suffering from a mental health diagnosis that can be linked to their criminal case. Treatment plans are created using social workers and submitted to the court. If accepted, on misdemeanors, individuals are admitted into MHD for one year, while on felonies, individuals are admitted into MHD for two years. Individuals must adhere to their plan and treatment providers regularly submit progress reports to the court.



During the term of MHD, PDP attorneys and/or social workers remain in contact with the treatment providers and clients to address any issues that may arise. Once an individual successfully completes the MHD term, the case is dismissed in its entirety and sealed.

Tough Mental Health Diversion Case

A testimonial by attorney, May Mar

Panel attorney May Mar represented a client on very serious charges. The client had never been arrested before. May learned that her client had a decades long history of untreated mental illness.

May decided that Mental Health Diversion (MHD) would be the best outcome for her client, forming a team that included a Social Worker and Investigator. The Social Worker reviewed all of the discovery and medical records, and met with the client multiple times, to come up with an unassailable treatment plan. Despite a prosecution objection, Judge Jakubowski found May's client suitable for Mental Health Diversion. Instead of prison time, she is receiving the appropriate treatment in the community that she had never had before.

PATHWAYS COURT

MHD is pre-conviction, while Pathways Court is post-conviction. To qualify, individuals must reside in San Mateo County, suffer from a serious mental illness, and be amenable to treatment. When an individual is admitted to Pathways, they are supervised by Pathways probation officers and assisted through treatment by San Mateo County's Behavioral Health and Recovery Services (BHRS). If a client is denied MHD, attorneys often steer their clients towards Pathways Court, if they think they will meet the criteria. Individuals are on Pathways for their entire probationary period. Absent extraordinary circumstances, the Pathways judge expunges the charged offenses on the day of Pathways Graduation.

HOMELESS CONNECT COURT

Homeless Connect Court (HCC) is for individuals who struggle to find permanent housing. HCC was held 4 times during FY 2023-2024. The PDP continuously reaches out to case managers at San Mateo County shelters, informing them that HCC is available for clients and identifying those who can benefit from HCC. Shelter case managers and HCC clients have explained that outstanding traffic fines and fees make it nearly impossible to have their driver's license reinstated. HCC rewards individuals who are working towards stable housing and employment, which may include waiving any outstanding traffic fines/fees in San Mateo County. During this process, the PDP sometimes also identifies prior convictions that are eligible for expungement. When this occurs, the individual is referred to the post-conviction relief process.

HOMELESS CONNECT COURT FY 2023-2024

Court Date	Number of Participants	Number of Traffic Tickets	Total Fine Amount Waived
08/11/2023	11	29	\$15,073
12/15/2023	9	34	\$19,591
03/15/2024	16	33	\$17,187
06/28/2024	7	12	\$7,126
Totals	43	108	\$58,977

VETERAN'S TREATMENT COURT & MILITARY DIVERSION

Veterans are eligible to participate in VTC if they have a mental health issue that stems from their military service and are eligible for Veterans Administration (VA) benefits. When a PDP panel attorney identifies one of their clients as a veteran, they request that their client be considered for VTC. Upon admission into VTC, veterans agree to participate in a structured treatment program. This treatment program usually includes regular court appearances, counseling sessions, drug testing, and community service. Each new participant addresses the "8Fs:" "From (where you are from, geographically & childhood experiences), Family, Finances, Future, Faith, Fun, Friends, and Fears.

The Honorable Michael Wendler, a veteran himself, presides over VTC. He, along with a team of justice partners, monitors the progress of the veteran. The VTC team consists of an attorney from the PDP panel, a social worker from the VA, a VA mentor lead, a probation officer, a county Behavioral Health and Recovery Services Case Manager, a Deputy District Attorney, a Court Management Analyst, and a member of the Warrior Canine Connection. Incentives, such as reduced supervision and/or a dismissal of charges are used to reward progress. When there are setbacks, the VTC team decides on adjustments to the treatment plan so the veteran can get back on track.

The length of the VTC program depends on the nature of the offense, and the progress of the participant. Typically, a veteran participates for anywhere between twelve to sixteen months. At the end of the term, the veteran has been deemed to have successfully completed VTC. The PDP attorney can request that the charges be dismissed upon successful completion. The graduation from VTC is celebrated, to reflect the hard work and commitment to recovery by the veteran. Many veterans decide that their time in VTC is not done upon graduation. Many use their experience and knowledge in VTC to become mentors and guide new participants in VTC.

POST-CONVICTION RELIEF

In the past year, the PDP Post-Conviction Relief Unit has continued to make significant strides in helping our clients rebuild their lives and secure brighter futures. Our team was instrumental in the expungement of 743 cases, enabling individuals to clear their records and improve their chances of finding stable, well-paying employment. This effort reflects our commitment to providing our clients with a second chance and helping them reintegrate into society.

We also provided critical support to clients facing immigration-related consequences stemming from criminal convictions. In 97 cases, we successfully represented individuals convicted of offenses that would have led to their deportation or barred them from adjusting their immigration status. Through these efforts, we helped many of these clients remain in the United States, reuniting them with their families and giving them the opportunity to continue contributing to their communities.

Our work extended to assisting incarcerated individuals. In 48 cases, we represented clients serving state prison sentences who sought to have their sentences recalled. By advocating for more just outcomes, we are helping these individuals receive fair reconsideration of their cases.

Through our dedicated efforts, the PDP Post-Conviction Relief Unit makes a meaningful difference in the lives of our clients, offering hope and tangible outcomes to those seeking a fresh start.

IN-CUSTODY CALENDAR

The custody arraignment calendar plays a critical role in the criminal justice process, as it marks the first appearance for defendants in custody. It is at this hearing that the court makes a decision about whether a client is released from custody and whether that release has any conditions. Following the landmark California Supreme Court decision in *In re Humphrey*, which redefined the approach to cash bail, our office has taken significant steps to ensure compliance with this new framework and improve the likelihood of release for clients in custody.

Key changes to the custody calendar process include:

1. **Pre-Court Preparation:** The calendar is prepared each morning by a paralegal in advance of court to gather pertinent information such as the initial bail setting, any holds and/or out of county warrants, other pending cases, current police reports, and whether the person had been appointed an attorney previously so we can notify that attorney to be present with the client in court. This ensures that the calendar attorney has all the correct information at their disposal to make informed, persuasive release arguments in court.
2. **Client Interviews:** Our office worked with the Sheriff's Department and Court Administration to gain access to our in-custody clients for a pre-court interview. The information collected includes prior criminal history and failures to appear, if any; release address and phone number; employment status; whether any setting of bail would be a pretrial detention; any mental health or immigration issues, and whether they served in the U.S. military. This information is then flagged in our case management system for the use of the assigned attorney in securing tailored services for the client.
3. **Additional Attorney Support:** We have added a second attorney to the custody calendar and, on certain days, a managing attorney. This additional support ensures that every client receives adequate attention and that no critical details are overlooked.
4. **Client Advocates:** We added two client advocates from Partners for Justice to assist with the in-custody calendar. Their assistance has been invaluable in gaining critical background information from clients, in working with families to get essential mitigation and in collaborating with community groups to assist with possible programs and housing upon release. Our advocates also provide valuable information to the clients concerning the conditions of release and provide any additional services that are needed. See our "Introducing the PDP's Client Advocates" section for more information.

The impact of these changes has been significant. We have seen an increase in the number of individuals being released from custody, aligning with the principles set forth in *Humphrey*. Furthermore, these adjustments have fostered a more positive and trusting relationship between attorneys and clients, reinforcing our commitment to justice and equitable treatment for all. In summary, these reforms to the custody calendar have improved both the efficiency of the legal process and the overall client experience, leading to more fair and just outcomes.

Spotlight on Strong Appellate Advocacy.

Attorney Marsanne Weese: Favorable California Supreme Court Bail Opinion

As a member of the Private Defender Program, I have been in a unique position to challenge courts' orders to keep indigent arrestees in custody after being accused of a crime. Under the United States and California Constitutions, an arrestee is presumed innocent. However, in every county in California many arrestees were kept in custody just based on the fact of the charges filed, or because they cannot afford bail. During my representation of clients in San Mateo County, I have vigorously argued against presumptively innocent people being detained in county jail.

In the case of my client John Harris, Jr., I filed a petition for writ of habeas corpus in the First District Court of Appeal, challenging the trial court's decision to keep Mr. Harris incarcerated without bail. The Court of Appeal denied my petition for writ of habeas corpus. I appealed the appellate court's denial to the California Supreme Court. In April, I argued the matter, challenging the San Mateo County Superior Court's denial of bail.

On June 27, 2024, the California Supreme Court issued a favorable decision in Mr. Harris's case. (*In re Harris* (2024) 16 Cal.5th 292.) Under *Harris*, courts cannot assume that an arrestee is guilty simply because he or she is charged with a crime. Rather, when a trial court makes a pretrial detention determination, the court must be guided by a duty to ensure that the evidence it considers is reliable given an arrestee's fundamental right to pretrial liberty. The court may not merely rely on general assertions by the prosecution regarding what the evidence is likely to show. This case has changed the conduct of detention hearings in courtrooms throughout California, and safeguards the constitutional rights of arrestees in our criminal court system.

THE WOODMAN AWARD

This year's winner of the Dennis Woodman Award was Carol Koenig. Carol joined the Private Defender Program juvenile panel 30 years ago and has been serving youth in the juvenile justice system and families involved in the child welfare system ever since. Prior to joining the Program, Carol worked at the San Mateo County Receiving Home, then transitioned to the San Mateo County Juvenile Hall, and later became a juvenile probation officer. Carol enrolled in and completed law school during her tenure as a probation officer.

As a member of the PDP juvenile panel, she handles the most complex juvenile justice and dependency cases. Carol also has a highly successful appellate practice, where she focuses on juvenile law, practicing throughout the State of California. Several of her appellate cases have become published opinions.

In addition to Carol's legal advocacy, she is active in the community. Carol served on and chaired the San Mateo County Juvenile Justice Delinquency and Prevention Commission.

Congratulations to Carol on this well-deserved award and recognition of all the work she does for her clients.



CONCLUSION

We hope that this Annual Report provides a comprehensive overview of the exciting growth and change for the PDP over the last fiscal year. Thanks to Renee Berenson for helping with the assembly of the Annual Report, and to John Elworth, Ron Rayes, Mitri Hanania, Tanya O'Malley, Jessica Agnich and Lauren Claitor for their help in collecting information and for drafting parts of this report.



*Front Row L to R: Idali Acosta, Harpreet Samra, Cristal Ortiz-Valencia, Cristina Fanuncio, Susanna Guevara.
Row 2 L to R: Carla Gomez, Lauren Claitor, Mabell Romero, Bianca Berumen.
Row 3 L to R: Indiana Albanes, Erin Hamill, Terri Cuellar, Marlen Marin.
Row 4 L to R: Jessica Agnich, Olivia Putnam, Michael Morales.
Row 5 L to R: Ron Rayes, Tanya O'Malley.
Row 6 L to R: John Elworth, Lisa Maguire, Mitri Hanania*

Thank you to the SMCBA Board of Directors, as well as the County of San Mateo for their continuing support of our program.

Respectfully submitted,

Lisa M. Maguire

APPENDIX

1

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE SAN MATEO COUNTY BAR ASSOCIATION

THIS AGREEMENT, made and entered into this 13th day of June 2023 by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, (hereinafter “County”) and the SAN MATEO COUNTY BAR ASSOCIATION, a corporation, (hereinafter, “Association”);

WHEREAS, it is the desire of both the County and the Association (collectively, the “Parties”) to continue to provide appropriate and competent legal services to financially eligible persons accused of crime in San Mateo County, to those who are subject to the delinquency laws of the Juvenile Court, and to all those entitled to the services of court-appointed counsel in other proceedings;

WHEREAS, the Association is qualified to provide such legal services and representation through its Private Defender Program, subject to the authority of the courts to appoint counsel in certain cases;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the Association agrees to furnish such legal services through its Private Defender Program (“PDP”), and the County agrees to pay to the Association certain sums therefore upon the following terms and conditions:

1. SERVICES

The Association will provide qualified attorneys for all financially eligible persons entitled to court appointed counsel as a matter of law in the Superior Court of San Mateo County. The Association will provide such representation in criminal cases, juvenile delinquency cases, mental health cases, civil and miscellaneous cases as more fully described in Section 2 of this Agreement and Fee Schedule detail in **APPENDIX B**. As part of such representation, the Association shall provide attorneys to appear at all arraignment calendars, all specialty courts, juvenile court detention centers, review calendars, ‘602’ placement calendars, as requested by the Superior Court of San Mateo County, and as provided by law.

As to the cases described in Section 2 of this Agreement, and Fee Schedule detail in **APPENDIX B**, the Association will provide necessary and appropriate ancillary services such as investigators, experts and other forensic services, the expense of which is not otherwise provided by law.

The Association shall also employ appropriate staff as may be required to fulfill its obligations under this Agreement, including but not limited to the Chief Defender, Assistant Chief Defenders, Managing Attorneys, Accountants, Head of Social Work, Head of Investigations, Head of Crim-Immigration Defense, Paralegals, Client Advocates, Executive Assistants, Office Managers, Administrative Assistants, and a Receptionist.

The Association agrees and understands that the services performed under this Agreement, whether by the Association or the attorneys and/or investigators providing the representation described herein, are performed as independent contractors and not as employees of the County, and that neither the Association nor any attorneys and/or investigators performing hereunder acquire any of the rights, privileges, powers, or advantages of County employees.

2. CASE TYPES

For the purposes of this Agreement, a “case” shall be defined as follows: The representation of one person under one case number. Multiple charges against a defendant under one case number shall be deemed a single case. If a single defendant is accused in more than one accusatory pleading, each separate case number shall constitute a separate case. If multiple defendants are charged under a single case number; it shall be considered that there are as many cases as there are defendants. Matters involving trial competency pursuant to Penal Code 1367 *et seq.*, shall be deemed a separate case and will be categorized according to the underlying charges. Any other proceeding instituted after sentence, or after the Private Defender Program has been relieved by the Court, and allows for representation under this contract, shall be treated as one additional case.

a. **“TYPE A” CASE** is generally described as a felony matter involving one accusatory pleading including a complaint, indictment, information, or certification under Penal Code section 859(a). It also includes the matters described in greater detail in **APPENDIX A**, attached hereto and incorporated by reference as though fully set forth herein.

b. **“TYPE B” CASE** is generally described as a single matter involving one complaint alleging a misdemeanor and matters described in greater detail in **APPENDIX A**, attached hereto and incorporated by reference as though fully set forth herein.

c. **“TYPE C” CASE** is generally described as any case initiated pursuant to the Lanterman-Petris-Short Act or the Developmental Disability laws set forth in the California Welfare and Institutions Code.

d. **“TYPE E” CASE** is defined as any matter in the Juvenile Court brought pursuant to the juvenile delinquency statutes of the State of California, including but not limited to those set forth in Welfare and Institutions Code section 602 *et seq.*

If, during the term of this Agreement, the Legislature enacts any law, or a court decision is rendered which has the effect of changing the definition of a “Type” as defined in this Section above, the County and the Association agree to continue to define the case as set forth in this Agreement.

3. COMPENSATION

The Compensation pursuant to this Agreement covers fixed-quarterly payments for five years, through June 30, 2028, and is renewable if the Parties mutually agree, subject to the Parties’ Termination and Transition Services obligations as set forth in Section 6 herein. Both the County and the Association acknowledge uncertainty about the effect that significant increases or decreases in case appointments, the number and nature of murder and other Special Litigation (defined in this Section below) case appointments, legislation, court decisions, or actions of other agencies could have on the ability of the Parties to perform under the terms of the Agreement. The County and the Association agree to meet, at the request of either party, to discuss any such concern at the earliest possible time to

determine whether changes in the terms of the Agreement are necessary. The Parties estimated the amount of the funds, as set forth below, and the Parties acknowledged the uncertainty of increases and/or decreases of case appointments that may affect the amount spent within the requirements of this Agreement. To that end, if any funds advanced to the Association for the performance of Services remains unspent at the end of each fiscal year, the Association shall notify the County with an estimate of unspent balance within forty (40) days of the close of the fiscal year, and with a final amount of the unspent balance within 120 days of the close of the fiscal year. The Parties agree that the Association shall make a good faith effort to maintain a reserve fund. The Parties acknowledge that a minimum reserve level of 10 percent (10%) should be maintained by the Association for a program of this size and complexity. When the Association notifies the County of any unspent funds, the Association shall identify the amount the Association retains as reserve. The Association agrees that any unspent balance, not including a mutually agreed upon amount for reserves, will either be (1) returned to the County, or (2) applied to the remaining fixed payments as set forth below, at the County’s sole election; however, any unspent funds will be applied to remaining payments set forth below until there is an agreement on compensation as outlined in (c) below.

In consideration for the Association’s performance of the obligations set forth herein, and subject to the Association’s satisfaction of its financial reporting obligations as set forth in Section 4, below, the County agrees to pay the Association the following:

- a. Costs will be based upon the actual amount paid by the Association for representation of PDP clients on all types of cases and services provided pursuant to this Agreement based upon the Fee Schedule which is attached hereto as **APPENDIX B**, plus any actual administrative overhead costs incurred that are not included in **APPENDIX B**. Unless otherwise stipulated by written agreement, the total amount paid to the Association for services pursuant to this Agreement shall not exceed the total sum set forth below for each fiscal year (July 1 through June 30) of the Agreement:

Fiscal Year 2023-24	\$23,666,049
Fiscal Year 2024-25	\$24,376,031
Fiscal Year 2025-26	\$25,107,311
Fiscal Year 2026-27	\$25,860,531
Fiscal Year 2027-28	\$26,636,347

- b. Except as specified in subsections (f) and (g) below, the above-stated amount of compensation shall include all services for court appointments defined under **Section 2, CASE TYPES**, and for **SPECIAL LITIGATION CASES**, defined in subsection (d) below, made during the period of the Agreement. An appointment shall be deemed made within the meaning of this Agreement on the date on which the Private Defender Program is first appointed.
- c. The Association shall be responsible for the complete representation of all persons for whom appointment was made under Section 2 during the period of

this Agreement. Complete representation shall include provision of all services under the terms of this Agreement until a new appointment is authorized by the terms of Section 2.

- d. A **SPECIAL LITIGATION CASE** is a case involving multiple charges, unusually complex issues of law or facts, novel issues of law requiring complex motions or writs, or which requires extraordinary demands upon an attorney's time, efforts and skill. Special Litigation cases are primarily cases involving a homicide, attempted homicide, or cases providing for a sentence of life imprisonment. They also include proceedings pursuant to the Sexually Violent Predators Act (California Welfare and Institutions Code section 6600 *et seq.*), proceedings to extend the commitments of Mentally Disordered Offenders (California Penal Code section 2962 *et seq.*), and proceedings to extend the commitments of persons found Not Guilty by Reason of Insanity (California Penal Code section 1026.5). Private Defender Program lawyers are compensated on an hourly basis for such cases, at the rates set forth in the Fee Schedule established by the Association, attached as Appendix B. In the event that no agreement exists between the County and the Association after June 30, 2028, the County agrees to pay for all Special Litigation case services provided after June 30, 2028 by the Association for Special Litigation cases appointed during the term of this Agreement or previous agreements at the rates the Association pays, and under procedures prevailing during the last year of this Agreement.
- e. The payments set forth in this Section above, are based on a calculation of the anticipated caseload for each type of case. The rates for each type of case, for the term of this Agreement, are set forth in detail in APPENDIX B, attached hereto and incorporated by reference as though fully set forth herein.
- f. **Exclusion for Certain Cases.** Any case in which an attorney is appointed pursuant to the provisions of *Harris v. Superior Court* (1977) 19 Cal.3d 786, 140 Cal.Rptr. 318, shall not be included within the terms of this Agreement, but may at the County's option, be the subject of a separate agreement for representation. Notice of any known *Harris* Motions shall be immediately forwarded to the County by the Private Defender Program. Any case in which a privately retained attorney seeks court appointment through the Private Defender Program, shall not be included within the terms of this Agreement unless the Chief Defender of the Private Defender Program approves. If the Chief Defender intends not to approve, he or she shall notify the County immediately. Without the Chief Defender's approval, the County has no obligation to compensate the Association for such cases, nor does the Association have an obligation to compensate such attorneys. Such attorneys must apply directly to the appointing court for compensation pursuant to Sections 987.2(a) and 987.3 of the California Penal Code.
- g. **Exclusion for Penal Code 987.9.** In the event that Section 987.9 of the California Penal Code (concerning funds for investigators, experts, and other

ancillary services in death penalty cases) is modified, repealed or superseded during the term of this Agreement, any case expense currently reimbursable by the State of California which is transferred to the County due to such Section 987.9 being modified, repealed or superseded is not included in the terms of this Agreement, and shall be reimbursed separately and in addition thereto.

4. ADDITIONAL OBLIGATIONS

In addition to the Services set forth in Section 1 herein, the Association and the County expressly agree to the following duties and obligations:

a. PDP POLICIES AND PROCEDURES

1. The Association shall maintain and document accounting policies and procedures for the PDP, which shall be designed to ensure that segregation of duties, proper reviews and approvals, financial analyses, monitoring by management, and other internal controls are followed. The Association's management shall ensure compliance with these policies and procedures.
2. The Association shall thoroughly review vouchers for accuracy and compliance with documented policies, prior to paying the vouchers. The review and approval procedures performed by PDP personnel shall be documented to ensure the rules are consistently applied and monitored by management to verify that they are being followed.
3. The Association shall maintain and implement policies to ensure that voucher approval duties are segregated from system administration and voucher payment duties. Any deviation from this requirement shall be subject to higher level management review and documentation by the Association.
4. The Association shall properly allocate costs to the PDP. The Association shall develop a methodology to allocate employees' salaries and benefit expenses between PDP and non-PDP activities, which should then be reflected in updated case costs and other estimates used to determine the annual contract amount.
5. The Association shall have the sole responsibility for determining the fees and rates paid to Private Defender Program attorneys for work performed under the terms of this Agreement. The Association shall provide the County a copy of the current Fee Schedule, setting forth such fees and rates, and shall provide the County a copy of any modifications to the Fee Schedule within 30 days of adoption by the Association.
6. The Association shall furnish to the County, within 60 days of the end of each quarter of this Agreement, the names of all attorneys who were paid for the representation of Private Defender Program clients during that quarter.

b. FINANCIAL REPORTING OBLIGATIONS

1. The Association shall provide to the County audited financial statements that include a Statement of Financial Position, Statements of Activities and Changes in Net Assets, and Statement of Cash Flows. The financial statements and Management Letter should be provided to the County no later than December 31 following the fiscal year-end. The Association shall change auditors at least once every five years.
2. The Association agrees to provide detailed reports of actual expenditures incurred for providing indigent legal services to the County no later than December 31 following the fiscal year-end to ensure the annual contract amount is reasonable and supported.
3. Within twenty-one days (21) after the end of each quarter, the Association shall provide the County with summary and detailed reports on case costs and related costs for the quarterly period immediately preceding the payment date that can be easily verified to source documentation upon request. The following summary and detailed reports shall be provided:
 - Expenditures by Attorney
 - Expenditures per Court Case Number, Case Type and Sub-Type
 - Expenditures by Fee Type
 - Expenditures by Administrative Expense Type
 - Case Count by Type and Sub-Type (with case number details)
 - All fees and costs which are, or may be, subject to reimbursement by the State or Federal governments, or which may be eligible for other than San Mateo County funding
4. The Association understands and agrees that: (1) the County may withhold the next quarterly payment to the Association pursuant to Section 3 above if the Association fails to deliver to the County the financial reports identified in Section 4, or if the financial reports are materially deficient or incomplete; and (2) any delay by the County in making the quarterly payment to the Association pursuant to Section 3 above resulting from the Association's failure to timely deliver the reports to the County as required by Section 4 shall not relieve the Association of any of its obligations under this Agreement, including—without limitation—its obligation to provide Services pursuant to Section 1 herein.

c. RECORDS AND AUDITS

1. The Association shall maintain records and accounts during the term of this Agreement and for four years thereafter and shall observe accepted accounting practices. The Association shall make all statistical and financial records and data relevant to the provisions of this Agreement that are not confidential and are not protected by the attorney-client or work-

product privileges, available for inspection and audit by authorized representatives of the County at any reasonable time.

Except as otherwise authorized by California Government Code sections 27707 *et seq.*, nothing herein shall be construed to permit the County to examine the files of assigned counsel pertaining to actual representation of accused persons, and the laws defining the attorney-client privilege and attorney work-product will be strictly construed and observed to protect client confidentiality.

2. The Association shall furnish to the County, within 20 days of the end of each month of each year of this Agreement, a statistical breakdown of the number of cases in each of the categories defined and described in Section 2 herein, to enable the County to evaluate the performance of services under this Agreement.
3. The County shall maintain complete records of all reimbursement to the County, from whatever source, for services provided by the Association pursuant to the terms of this Agreement. The County shall furnish to the Association, upon request, information regarding the amount and source of reimbursement received by the County.

d. PERFORMANCE BENCHMARKS

1. Attorney Training. The Association recognizes that ongoing professional training is a necessity to keep attorneys abreast of changes and developments in the law. The Association shall provide sufficient training, whether in-house or through a qualified provider of Continuing Legal Education certified by the California State Bar Association, to keep its attorneys who perform work under this Agreement abreast of developments in relevant law and procedure. This subject shall be included in the annual report of the Private Defender Program to the County as described in Section 4.d.8. below.
2. Attorney Evaluation. The Chief Defender of the Private Defender Program, and/or his/her designee, shall evaluate the professional performance of each Private Defender Program attorney annually. The Association shall make available to the County the standards by which performance was measured, and evidence that such evaluations were conducted, although all evaluations are to be confidential between the Private Defender Program and the attorneys. The number of evaluations conducted and the results thereof shall be included in summary form in the annual report of the Private Defender Program to the County as described in Section 4.d.8. below.
3. Client Complaints. The Private Defender Program will have a felony-qualified lawyer with at least five years of felony experience on the PDP attorney panel, on duty each business day at the Private Defender Program

offices during regular business hours to speak to and to answer the questions of or to receive complaints directly from PDP clients or others on behalf of the PDP client. Such attorneys, known as “Officers of the Day” (or “OD”), will follow a written procedure for handling of client complaints, which is attached hereto as APPENDIX C and incorporated herein by reference. The complaints or questions may be related to an ongoing case, a yet to be filed case, or a case already adjudicated. The person may be on the phone or may come to the PDP Office to meet with the OD. The PDP will maintain a list of the assigned ODs. If the OD has a personal or professional relationship with the attorney who is the subject of the complaint to such an extent that would cause the OD to be unable to exercise his or her professional judgment, the OD will refer the complainant to the the Assistant Chief Defender.

The Private Defender Program has developed and circulated to all staff and ODs a flowchart setting forth this complaint procedure, which includes information that clients may appeal to the Chief Defender if they are dissatisfied with the response to their complaint. If clients express an interest in appealing the matter further, the OD shall advise clients of their right to appeal to the Chief Defender and provide contact information for that purpose. The OD will also advise clients that they may make a complaint with the State Bar of California, and include information of where to locate the State Bar’s complaint form for that purpose. The OD will further advise any client who indicates dissatisfaction with the decision of the OD of his/her right to bring the complaint to the attention of the Court in the form of a *Marsden* hearing¹, since the adequacy of the performance of counsel in court-appointed cases is ultimately for the Court to determine.² The number and nature of such complaints as well as their disposition shall be included in summary form, in the annual report of the Private Defender Program to the County, as described in Section 4.d.8. below.

4. Attorney Caseloads. The Association and the County agree that the number and type of cases for which a lawyer is responsible may impact the quality of representation individual clients receive. While there are many variables to consider, including the seriousness or complexity of each case and the skill and experience of the individual lawyer, useful information might be gathered from an evaluation of the caseloads of Private Defender Program attorneys. To this end, the Private Defender Program shall include the caseloads of each Private Defender Program attorney by types of cases, as well as the average caseloads for the Private Defender Program in the annual report of the Private Defender Program to the County, as described in Section 4.d.8. below.³

¹ *People v. Marsden* (1970) 2 Cal.3d 118; 84 Cal.Rptr. 156.

² *Phillips v. Seely* (1974) 43 Cal.App.3d 104,115.

³ The Parties acknowledge that caseload averages are not appropriate for measuring the quality of representation provided by any individual attorney; rather they are tools for evaluating staffing needs for the

5. Initial Client Meetings. The Association and the County agree that attorneys should conduct a client interview as soon as practicable after being appointed by the Court, to obtain information necessary to provide quality representation in the early stages of the case and to provide the client with information concerning the lawyer's representation and the course criminal cases take in the San Mateo County Superior Court. Such meetings may also serve to foster a relationship of trust and understanding that will ultimately inure to the client's benefit. Consequently, the Private Defender Program will devise a system to monitor the occurrence of early interviews of incarcerated clients, taking into account the factors that affect the ability of Private Defender Program lawyers to make early jail visits, including but not limited to the number of days between arraignment and the next court appearance and the speed of assignment of cases to individual lawyers. The results shall be included in the annual report of the Private Defender Program to the County, as described below in Section 4.d.8. The client will also be provided information, both verbal and written, explaining the Private Defender Program as well as a brief description of the process of a criminal case. The Private Defender Program has developed a brochure for this purpose, for both felony and misdemeanor cases. This brochure provides information to clients about the complaint process and shall be presented to each client at the initial arraignment on the case. A copy is attached hereto as APPENDIX C.

6. Community Outreach. The Association and the County recognize and acknowledge the significant impact that the criminal justice system has on our community, particularly in portions of our community that have been affected by crime to an extent disproportionate to population. The Association recognizes that the privilege of practicing law in this community also provides the lawyers of the Private Defender Program an opportunity to share their knowledge and experience with those whose lives are most likely to be disrupted by entanglement in the criminal justice system. The Association, independently and/or in conjunction with community outreach programs of the San Mateo County Superior Court and other community agencies, will undertake to communicate to the public the mission of the Private Defender Program and its role in the criminal and juvenile justice systems. Community outreach efforts will be included in the annual report of the Private Defender Program to the County, as described in Section 4.d.8. below.

7. Client Survey. The Association will create a survey instrument and process to seek client views on the representation they received from the Private Defender Program. The results of such survey will be included in the Annual Report of the Chief Defender.

Private Defender Program as a whole. The Spangenberg Group, "Weighted Caseload Study for the Colorado State Public Defender", November 1996, pg.67.

8. Annual Report of the Chief Defender. Subject to the exception articulated in Section 10 hereunder, within ninety (90) days of the end of each fiscal year during the term of this Agreement, the Chief Defender of the Private Defender Program shall submit a written report to the Board of Supervisors detailing the Program's performance with respect to the items described in Sections 4.d.1, 4.d.2, 4.d.3, 4.d.4, 4.d.5, 4.d.6 and 4.d.7. The annual report will also include the annual budget of the program, setting forth the costs of the operation of the program for the year, including fees for attorney's services, investigation, and other ancillary defense services as well as the cost of administration. The Chief Defender may request an additional 30 days within which to submit said report, and upon receipt of said written request, the County may consent to said 30-day extension, which consent shall not be unreasonably withheld.

5. NON-DISCRIMINATION

- a. No person shall, on the grounds of race, color, religion, ancestry, gender, age (over 40), national origin, medical condition (including cancer), physical or mental disability, sexual orientation, pregnancy, childbirth or related medical condition, marital status, military or veteran status or political affiliation be denied any benefits or subject to discrimination, including the receipt of non-discriminatory services, under this Agreement. The Association shall ensure full compliance with federal, state or local laws, directives and executive orders regarding non-discrimination for all service providers, employees and subcontractors under this Agreement.
- b. The Association shall comply with section 504 of the Rehabilitation Act of 1973, which provides that no otherwise qualified handicapped individual shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in the performance of this Agreement.
- c. The Association shall ensure equal employment opportunity based on objective standards of recruitment, classification, selection, promotion, compensation, performance evaluation, and management relations for all employees under this Agreement. The Association's equal employment policies shall be made available to the County upon request.
- d. With respect to the provision of employee benefits, the Association shall comply with the County Ordinance which prohibits contractors from discriminating in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse.
- e. The Association shall comply fully with the non-discrimination requirements required by 41 CFR 60-741.5(a), which is incorporated herein as if fully set forth.

- f. The Association shall comply with the San Mateo County Ordinance with respect to provision of jury duty pay to employees and have and adhere to a written policy that provides that its employees shall receive from the Association, on an annual basis, no less than five days of regular pay for actual jury service in San Mateo County. The policy may provide that employees deposit any fees received for such jury service with the Association or that the Association deduct from the employees regular pay the fees received for jury service.
- g. Violation of the non-discrimination provisions of this Agreement, as determined by a court or administrative agency of competent jurisdiction, shall be considered a breach of this Agreement and subject the Association to penalties, to be determined by the County Manager, including but not limited to:
 - i. termination of this Agreement;
 - ii. disqualification of the Association from bidding on or being awarded a County contract for a period of up to 3 years;
 - iii. liquidated damages of \$2,500 per violation;
 - iv. imposition of other appropriate contractual and civil remedies and sanctions, as determined by the County Manager.
- h. To effectuate the provisions of this paragraph, the County Manager shall have the authority to
 - i. examine the Association's employment records with respect to compliance with this Section 5;
 - ii. set off all or any portion of the amount described in this Section 5 against amounts due to the Association under the Agreement or any other contract between the Association and the County.
- i. With regard to performance and services provided pursuant to this Agreement, the Association shall report to the County Manager the filing by any person in any court of any complaint of discrimination or the filing by any person of any and all charges with the Equal Employment Opportunity Commission, the Fair Employment and Housing Commission or any other entity charged with the investigation of allegations within 30 days of the Association receiving notice of such filing, provided that within such 30 days such entity has not notified the Association that such charges are dismissed or otherwise unfounded. Such notification shall include the name of the complainant, a copy of such complaint and a description of the circumstance. The Association shall provide the County with a copy of the response to the Complaint when filed.

6. TERMINATION AND TRANSITION SERVICES

- a. Termination upon 24 Months' Written Notice. If either of the Parties wishes to terminate this Agreement, the terminating Party must deliver Notice to the other Party, in writing, of said intent to terminate the

Agreement with an effective date of termination that is no earlier than twenty-four (24) months' from the date of the Notice. In the event of termination by Notice pursuant to this Section, the County shall be responsible for any actual direct and indirect costs incurred by the Association during the Notice period of twenty-four (24) months. The Association will invoice the actual costs of representation pursuant to this Agreement to the County without any added charges, and the County will reimburse the Association for approved actual costs referenced in Appendix B within 45 days of receipt of an invoice.

- b. Termination for Default. Either the County or the Association may terminate this Agreement if the other Party defaults in the observance or performance of its material covenants or agreements (other than a default in a payment obligation) and such default continues uncured for sixty (60) business days after written notice is given to such party failing to perform its covenants or agreements under this Agreement.
- c. Effect of Termination. Upon the effective date of the termination of this Agreement and after the expiration of the 24-month Notice period: (i) the Association may immediately cease providing new Services hereunder; and (ii) any and all payment obligations of the County under this Agreement will become due immediately. Upon such termination, and upon request of the County, the Association shall reasonably cooperate with the County to ensure a prompt and efficient transfer of all data, documents and other materials to a new service provider in a manner such as to minimize the impact of expiration or termination on the individuals receiving Services pursuant to this Agreement. The County agrees to pay the Association compensation for Services performed in connection with such transfer, to the extent not contemplated in the Agreement.
- d. Transition at Time of Termination
 - i. In the event of termination of this Agreement, in whole or in part, the Association shall take reasonable steps to ensure the orderly and effective transition of the Services to the County and/or a successor contractor ("Transition Assistance").
 - ii. All references in this Section to termination shall include partial and complete termination, cancellation or cessation unless the context otherwise requires.
 - iii. In relation to any partial termination, the provisions of this Transition Schedule shall apply only to those parts of the Services subject to such partial termination or expiry.
 - iv. Each reference to an obligation of the Association under this Section shall be deemed to include an obligation on the Association, to the extent possible, to secure compliance by all relevant sub-contractors with such obligation.

- e. Transition Assistance Period. The Transition Assistance Period shall mean as follows:
- i. In the case either Party serves notice to terminate this Agreement pursuant to Section 6.a., the Transition Assistance Period shall mean a period of such duration as is determined by the County, but is limited to a maximum of eighteen (18) months, commencing eighteen (18) months prior to the effective date of the termination;
 - ii. In the case of a termination by default pursuant to Section 6.b, the Transition Assistance Period shall mean a period of eighteen (18) months commencing sixty (60) business days after written notice is given to such party failing to perform its covenants or agreements under this Agreement; or
 - iii. In the case of a repudiatory breach of this Agreement, the Transition Assistance Period shall mean a period of eighteen (18) months commencing on the date upon which the non-defaulting Party accepts such repudiatory breach as terminating this Agreement. The Parties understand and agree that a repudiatory breach is a breach so fundamental that it permits the distressed party to terminate performance of the contract, in addition to entitling that party to sue for damages.
- f. Transition Assistance Election. During the Transition Assistance Period, the Services will be discontinued or transitioned to a Successor Contractor at the County's sole discretion and such transition shall then be performed in accordance with the Transition Assistance Plan. From the commencement of the Transition Assistance Period and continuing until a date pre-agreed or such provided to the Association by the County with a minimum of thirty (30) days' notice, all the terms and conditions of this Agreement will remain unchanged during the Transition Assistance Period.
- g. Transition Assistance Plan. The Association shall develop, with reasonable assistance from the County, a written transition assistance plan specifying in detail all activities, and the corresponding timing of such activities, necessary to facilitate an orderly and effective transition of the Services to be provided during the Transition Assistance Period ("Transition Assistance Plan"), and shall deliver the Transition Assistance Plan to the County as follows:
- i. In the case either party serves notice to terminate this Agreement pursuant to Section 6.a., within six (6) months of the service of notice to terminate this Agreement;
 - ii. In the case of a termination by default pursuant to Section 6.b, within fourteen (14) days of the commencement of the Transition Assistance Period as set forth in Section 6e.ii.; or
 - iii. In the case of a repudiatory breach of this Agreement, within fourteen (14) days of the commencement of the Transition Assistance Period as set forth in Section 6e.iii.

- h. Contract Materials. At the end of this Agreement, or in the event of termination, all finished or unfinished documents, data, studies, reports, photographs, time entries, and other written materials (collectively referred to as “contract materials”) provided by the County to the Association under this Agreement shall remain the property of the County and shall be promptly returned to the County. Upon termination, the Association may make and retain a copy of such contract materials if permitted by law.

7. INDEMNIFICATION

Each Party shall defend, indemnify and hold the other Party, its agents, officers and employees, harmless from and against all liability, loss, expense, attorneys’ fees, or claims arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys’ fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of the indemnifying Party, its officers, agents or employees. The Parties expressly understand and agree that the attorneys, investigators and others providing services pursuant to this Agreement are not employees of the County for any purpose and the County is not responsible for any claims, liability or expenses relating to their status as independent contractors. This obligation to hold harmless, defend and indemnify shall continue beyond the terms of this Agreement or any extension of this Agreement.

8. INSURANCE

- a. **Liability insurance.** The Association shall take out and maintain during the life of this Agreement such Comprehensive General Liability, Motor Vehicle Liability and Professional Liability Insurance as shall protect the Association while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all claims for property damage which may arise from the Association operations under this Agreement, whether such operations be by the Association or by any sub-contractor or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall be not less than the amount specified below.

Such insurance shall include:

- (a) Comprehensive General Liability..... \$1,000,000
- (b) Motor Vehicle Liability Insurance..... \$1,000,000
- (c) Professional Liability..... \$1,000,000

After one year from the date this Agreement is first executed, the County may, at its sole discretion, require an increase in the amount of liability

insurance to the level then customary in similar County agreements by giving sixty (60) days' notice to the Association. The County and its officers, agents, employees and servants shall be named as additional insured on any such policies of insurance, which shall also contain a provision that the insurance afforded thereby to the County, its officers, agents, employees and servants shall be primary insurance to the full limits of liability of the policy, and that if the County or its officers and employees have other insurance against the loss covered by such a policy, such other insurance shall be excess insurance only.

In the event of the breach of any provision of this section, or the event any notice is received which indicates any required insurance coverage will be diminished or cancelled, the County of San Mateo at its option, may, notwithstanding any other provision of this Agreement to the contrary, declare a material breach of this Agreement and suspend all further work pursuant to this Agreement, if there is a failure to obtain adequate replacement coverage within 30 days.

- b. **Worker's Compensation Insurance.** The Association shall have in effect, during the entire life of the Agreement, Worker's Compensation and Employer Liability Insurance providing full statutory coverage. In signing this Agreement, the Association certifies awareness of the provisions of section 3700 of the California Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provision of the Code, and certifies compliance with such provisions before commencing the performance of this work of the Agreement as set forth in California Labor Code section 1861.

9. **MEDIATION**

Any dispute between the Parties arising out of this Agreement, or any of the APPENDICES attached hereto, that the Parties have been unable to resolve shall be referred to mediation. The Parties will agree upon a mediator from a list of available mediators within five (5) days of being provided with a list of mediators. If the Parties cannot agree on a mediator within such period, then a list of three available mediators will be sent by the Service Provider to the Parties. Each party may strike one name by delivering written notice to the Service Provider within five (5) days after delivery of the list of mediators. The remaining name will be the mediator; provided that if two names are left, the Service Provider shall select which of the two shall serve as mediator. The Parties shall use their reasonable efforts to resolve this dispute during the Mediation. Mediation shall continue until the dispute is resolved or the Parties decide to abandon mediation. In the event that the dispute has not been resolved within sixty (60) days after the dispute has been referred to mediation, either party shall have the right to proceed to litigation with respect to such dispute.

It is agreed by the Parties that the cost of the mediator and any associated costs resulting from mediation shall be shared equally between the Parties.

It is agreed by the Parties that unless otherwise expressly waived by them, any action brought to enforce any of the provisions of the Agreement for declaratory relief hereunder shall be filed and remain in a court of competent jurisdiction in the County of San Mateo, State of California.

10. EVALUATION

The County and the Association recognize and acknowledge that evaluation of the performance under the terms of this Agreement is a function that necessarily includes the participation of the San Mateo County Superior Court. As noted in *Phillips v. Seely* (1974) 43 Cal.App.3d 104,115:

“The availability of a reasonable sum of money to reasonably compensate assigned counsel where required by law is the responsibility of the board of supervisors; whether indigent persons entitled to counsel at public expense are being adequately represented by reasonably compensated counsel is for the court to determine.”

The County may form a committee to evaluate ongoing performance under the terms of this Agreement, at any time during the period of this Agreement and no less than every 5 years, that shall include members of the judiciary, members of the Association who are not actively participating as Private Defender Program attorneys, and may include other interested persons as determined by the County, to make such reports and recommendations as may be appropriate and of assistance to the Parties hereto.

In any year in which such a performance review is conducted it will be in lieu of the requirement of the Annual Report described in Section 4.d.8.

The County and the Association agree that, upon the submission of any report and/or recommendation by the Committee, either party may require the other party to meet and confer regarding any changes to the Private Defender Program or amendments to this Agreement that may be warranted based on such report or recommendations.

11. WITNESS, INTERPRETER AND TRANSLATOR FEES.

Payment of witness fees shall be governed by the provisions of Sections 1329 and 1334.3 of the Penal Code, by Sections 68093 and 68098 of the Government Code, and such other statutory provisions as may be applicable; and the payment of interpreter and translator fees shall be governed by Section 68092 of the Government Code and Sections 731 and 752 of the Evidence Code.

12. COURT-REQUESTED INVESTIGATIVE SERVICES.

Upon request of the Court and with the Association’s acceptance, investigative and ancillary defense services shall be provided on behalf of a party before the court in a

proceeding where such party has not received appointed counsel. Any expense incurred for services rendered under the provisions of this paragraph during the period of this Agreement may be accounted for as a Special Litigation case, and is included within the total compensation paid by the County to the Association.

13. TERM OF AGREEMENT.

The term of this Agreement shall cover an initial period of July 1, 2023 through June 30, 2028, subject to the Parties' Termination and Transition Services obligations as set forth in Section 6. herein. This Agreement may be renewed for an additional period of five (5) years by mutual agreement of the Parties, also subject to the Parties' Termination and Transition Services obligations as set forth in Section 6. herein.

14. Not Used

15. USE OF CONTRACT REVENUES.

The Association agrees that all funds provided to it hereunder will be used only to enable the Association to meet its responsibilities as herein defined.

16. SUCCESSION PLANNING.

The Association shall appoint a Chief Defender of the Private Defender Program. The position of Chief Defender is filled by Lisa M. Maguire. Should the Chief Defender retire, resign, become incapacitated or otherwise leave her current post as the Chief Defender, the Association agrees to notify the County of such change immediately. The Association shall further meet and confer with the County regarding the selection process for the position of Chief Defender.

17. TIME OF THE ESSENCE

Both the County and the Association expressly agree that time is of the essence under this Agreement.

18. ENTIRE CONTRACT.

This is the entire contract between the Parties, and no alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by both the Association and the County. No oral understanding or agreement not incorporated herein shall be binding on any of the Parties hereto.


19. AUTHORIZED AGENT; NOTICES.

The County Manager’s Office shall be County’s agent for the purpose of this Agreement. All notices provided for hereunder shall be addressed and delivered to the County Manager’s Office for the County of San Mateo.

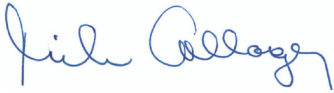
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IN WITNESS WHEREOF, the Parties hereto have executed this Agreement for the provision of services in connection with the Private Defender Program, effective as of July 1st, 2023.

COUNTY OF SAN MATEO

BY  Resolution No. 079666
President, Board of Supervisors

ATTEST:


Clerk of said Board

SAN MATEO COUNTY BAR ASSOCIATION

By 
89FB75E38E0E429
President 6/6/2023

AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND THE SAN MATEO COUNTY BAR ASSOCIATION

FY 2023-2028

APPENDIX A

“TYPE A” CASES also include felony appeals to the Appellate Department of the Superior Court of San Mateo County; writs filed on behalf of defendants (specifically excluding writs of *habeas corpus* filed on behalf of prisoners of the State of California pursuant to the provisions of California Penal Code section 4750); post-conviction relief in which defendants are entitled to appointed counsel; all quasi-criminal and civil proceedings which are not specifically mentioned in subsections 2b, 2c, or 2d herein, but which are proceedings in which the law requires that counsel be provided at public expense, including but not limited to contempt proceedings (California Code of Civil Procedure sections 1209 *et seq.*); proceedings to terminate parental rights (California Family Code sections 7802, 7860-7864 *et seq.*); probate conservatorship proceedings pursuant to California Probate Code sections 1471 and 1852; paternity, support, and adoption proceedings, proceedings pursuant to the provisions of the Service Members Civil Relief Act, and proceedings pursuant to the Sexually Violent Predators Act (California Welfare and Institutions Code section 6600 *et seq.*). This category also includes motions to revoke or modify probation and post-conviction relief in the form of expungements or Certificate of Rehabilitation on felony matters.

“TYPE B” CASES also include misdemeanor appeals and proceedings to revoke or modify probation on misdemeanors; matters arising after the suspension of criminal proceedings in misdemeanors, representation at lineups; representation of witnesses; and any other appearances or representations by assigned attorneys specifically requested or ratified by a Judge of the Superior Court of San Mateo County, and not included in any other provisions of this Agreement, where the law requires that counsel be provided at public expense, whether or not such matter is filed in court.

San Mateo County Bar Association Private Defender Program



ATTORNEY FEE SCHEDULE

Effective 07/01/23

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SECTION I - MISDEMEANOR/FELONY CRIMINAL -ADULT

1. Misdemeanor- General non DV charges

A. Case Fee	\$275
B. Client Conference fee	\$100
C. Pre-trial Conference	\$125
D. Probation Violation – unconsolidated case fee	\$200
E. Probation Violation – consolidated case fee	\$125
F. Probation Violation – unconsolidated – pre-trial conference fee	\$125
G. Probation Report and Sentencing or Restitution	\$150
H. Contested Hearings on Probation Violations, sentencing, restitution, etc.	\$125/hour

2. Misdemeanor- Domestic Violence

A. Case Fee	\$300
B. Client Conference fee	\$100
C. Pre-trial Conference	\$125
D. DV Probation Violation – unconsolidated case fee	\$200
E. DV Probation Violation – consolidated case fee	\$125
F. DV Probation Violation – unconsolidated – pre-trial conference fee	\$125
G. Probation Report and Sentencing or Restitution Determination	\$150
H. Contested Hearings on Probation Violations, sentencing, restitution, etc.	\$125/hour

NOTE: Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar, the fee should only be billed on one of those cases.

3. Felony- Original Filing in Court of Limited Jurisdiction (prior to “Superior Court”)

Case Fee depends on what happens with the case. This is a total fee and there are no separate SCR fees.

A. PRELIMINARY HEARING IS HELD when there is **NO SCR**

1. First Session (a.m. or p.m.)	\$685
---------------------------------	-------

- 2. Additional sessions – per hour \$125/hour
- 3. Client conference fee \$100

B. PRELIMINARY HEARING IS HELD when there IS an SCR

- 1. SCR fee \$125
- 2. First Session (a.m. or p.m.) \$625
- 3. Additional Sessions – per hour \$125/hour
- 4. Client conference fee \$100

When the Preliminary Hearing IS HELD and after the prelim the Court or DA reduces the entire case to a misdemeanor, the case is dismissed, the client pleads or the case is simply certified, then the fee is the same as above. If case is reduced to a misdemeanor after Preliminary Hearing but not completely resolved, you should bill misdemeanor case fee and Pre-trial fee as appropriate.

C. NO PRELIMINARY HEARING IS HELD AND:

- 1. SCR fee \$125
- 2. Client WAIVES Preliminary Hearing \$270
- 3. Client fails to appear and attorney withdraws at SCR \$225
- 4. Client fails to appear and attorney withdraws at Preliminary Hearing \$280
- 5. Retained counsel substituted in at SCR \$225
- 6. Retained counsel substituted in at Preliminary Hearing \$280
- 7. Client pleads to a felony or misdemeanor and is fully sentenced \$400
- 8. Client pleads to a felony or misdemeanor and is put over for sentencing or restitution report \$270
- 9. Case is totally dismissed at SCR \$345
- 10. Case is totally dismissed at Preliminary Hearing \$400
- 11. Client pleads and is sentenced to DEJ \$400
- 12. Case is reduced to misdemeanor before Preliminary Hearing is held. \$190
(If this occurs at any time without client immediately entering a plea, you should create new billing entries for misdemeanor case fee, pre-trial and jury trial fee as appropriate.)
- 13. If a doubt is declared at any time before certification to Superior Court \$250
(See also Fee Schedule 9. A.)
- 14. Contested hearings on restitution or sentencing issues \$125/hour

15. Client conference fee \$100

NOTE: Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where client is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar, the fee should only be billed on one of those cases.

4. Superior Court Cases

A. Felony Case fee/non-special fee \$800

B. Superior Court pre-trial conference \$200

D. Probation Report and Sentencing (859) or Restitution Determination
(This fee applies only to felonies that are resolved at SCR or Preliminary Hearing and require a future sentencing/restitution appearance in Superior Court). \$250

D. Probation Report and Sentencing/Restitution on Superior Court felonies \$150

E. Contested hearing on sentencing issues \$125/hour

F. Client Conference fee \$100

NOTE: Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

5. Post Conviction Cases

A. Felony Probation Violation Unconsolidated - Case Fee \$300

B. Felony Probation Violation Consolidated - Case Fee \$125

C. PRCS Violation Unconsolidated - Case Fee \$300

D. PRCS Violation Consolidated- Case Fee \$125

E. Parole Violation Unconsolidated -Case Fee \$300

F. Parole Violation Consolidated -Case Fee \$125

G. Pre-Trial Conference for Probation, Parole and PRCS Violations if Unconsolidated \$125

H. Hearings on Probation, Parole, PRCS Violations \$125/hour

I. Client Conference fee \$100

NOTE: Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

6. Trial Fees - Misdemeanor and Felony (in addition to case fees)

A. Jury Trial

- | | |
|---------------------------------------------------------------------------------------------------|-----------------------------|
| 1. Trial Fees – Per Hour | \$150/hour |
| 2. Preparation Fee – Per Day | \$350 |
| 3. Jury Deliberation – (payable only if attorney is unable to return to office – explain on bill) | \$125/half day
\$250/day |

B. Court Trial

- | | |
|--------------------------------|------------|
| 1. Court Trial Fees - Per Hour | \$135/hour |
| 2. Preparation Fee – Per day | \$250 |

NOTE: Trial fees commence ONLY when and if a case is assigned out to a TRIAL department, and is thereafter payable ONLY for hours in court, or for in-chambers discussions.

Preparation fee is payable for each day of jury trial and each ½ day of court trial, once the case is assigned to a TRIAL department AND once *in limine* motions or jury selection has begun through closing argument only.

The Preparation Fee is NOT paid for Probation Violations or Court Trials on transcripts with no testimony.

7. Motions - a copy of the motion must be attached to the bill for review.

A. Complex Motions \$400

A complex motion is one that includes complex issues, original research, original writing, or a combination of these things. Extensive details and facts regarding the client could also make a motion fall into this category (e.g.- a detailed Romero motion, a 995 with citations to the record and detailed legal analysis.). In this type of motion, facts are detailed, and the attorney has attempted to analyze and distinguish the case, or go beyond addressing simple issues that have been previously briefed.

B. Standard Motions \$250

A standard motion is one that uses material that has been previously briefed, but still requires some original material that analyzes the applicability of the

case’s facts to the cited law and a statement of facts. It should include unique application to your client and argument applicable to your case.

C. Boilerplate Motions \$50

A Boilerplate motion is one that has no original research, writing, or argument about the case and the only original work is the caption and possibly a brief statement of facts. These are basic motions to continue, join in someone else’s motion, *in limine* motions for not using certain terms like “victim”, federalizing all objections, and the like.

NOTE: If you feel that your motion does not fit into a specific level – Administrative Fees may be requested with a detailed explanation of why your work is beyond the level generally applicable (See section IV: 1).

D. Hearings and Argument on Motions \$125/hour

8. Misdemeanor and Felony Criminal Calendars

A. Misdemeanor Arraignment Calendar – two (2) hours or less \$175

- 1. Over two (2) hours – additional per hour \$100/hour
- 2. Cases closed on calendar–per case \$100

B. Superior Court AM Arraignment Calendar- two (2) hours or less \$225

- 1. Over two (2) hours – additional per hour \$100/hour
- 2. Cases closed on calendar -per case \$100

C. Superior Court PM Custody Calendar \$540

- 1. Prep Fee \$150

NOTE: Cases closed on this calendar or continued for resolution are not separately billable by attorney.

D. Specialty Court Calendars

- 1. Drug Court, Treatment Court, Pathways, Veterans and Military Diversion Court, Mental Health Diversion Court \$185/hour
- 2. PC1370 Court, DV Review Calendar, DUI Review Calendar, DUI Conference Calendar and Restitution Court \$170/hour

E. Specialty Court Calendars – preparation fee \$150
(Drug Court, Treatment Court, Veterans and Military Diversion Court, DUI Court and Restitution Court)

F. Misdemeanor Diversion Calendars \$175

9. PC1367/1368 – When a Doubt is Declared as to Competence

A. Fee when DOUBT DECLARED felony cases in “LOWER COURT” \$300

Upon a declaration of doubt regarding competence, the case will go to Superior Court for the appointment of doctor(s), receipt of doctor(s) report, and a possible placement order. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If a client is found **incompetent** and placed, bill a case fee. When and if the client is later returned as competent, the case should be billed as a new case. (Unless the client is returned to competency within 60 days).

B. Fee when Doubt is Declared in Felony Cases in SUPERIOR COURT \$300

Upon a declaration of doubt regarding competence, the court will appoint doctor(s), and you will return to court for the receipt of doctor(s) report, and a possible placement order. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If the client is found **incompetent** and placed, bill a case fee. When and if the client is returned as competent, the case should be billed as a new case (Unless the client is returned to competency within 60 days).

C. Special Fee Cases– Felony and Misdemeanor
(These cases should be billed hourly for all work).

D. Misdemeanor Cases \$300

Upon a declaration of doubt regarding competence, the case will go to the 1370 Calendar for the appointment of a doctor and receipt of that doctor’s report. If found incompetent, the court will conduct screening and status hearings pursuant to PC1370.01. This fee is to cover these appearances and review of the reports.

If the client is found **competent** and proceedings are reinstated, when the case returns to where it was left off, bill normally.

If the client is found **incompetent** and is accepted into Mental Health Diversion, bill according to section E.2 below.

If the client is found **incompetent** and is accepted into AOT or a conservatorship is established, the case will be dismissed, and you will close the case and bill a case fee and any other fees as appropriate.

If the client is found **incompetent**, and case is dismissed because the client does not meet any criteria under PC1370.01, you will close the case and bill a case fee and any other fees as appropriate.

E. Work on Felony OR Misdemeanor Cases after placement is ordered and cases where seeking and/or placed on Mental Health Diversion

1. Placement Cases (FELONIES ONLY)

During the time in which criminal proceedings are suspended, it may be necessary or appropriate to deal with issues **after placement is ordered**, but before competency has been restored. In that event, any work done should be billed at the rate of **\$125 an hour**.

Examples of this type of work include: speaking to the jail or hospital personnel to determine if placement has occurred, checking on the client's mental health status and progress toward competence, keeping track of the maximum time for which the proceedings can be suspended, advocating for the client when the maximum confinement or competency restoration time is near, handling of a case where it is deemed that the client will not regain competency, and work towards getting a dismissal or other resolution of the case when appropriate. This may also include an appropriate motion to have the client returned to court and working with LPS attorney or County Counsel.

2. Seeking Mental Health Diversion (MHD) Cases

Once a client begins to pursue MHD it may be necessary or appropriate to deal with issues regarding treatment or progress reports requiring additional time or court appearances. In that event, any work done both in seeking admission to MHD and in following up with client after admission into MHD should be billed at the rate of **\$125 an hour**.

F. Trial on Competency

If there is a trial on competency, then billing should be done pursuant to Section 6 of the Fee Schedule, billing like any other trial.

10. Petitions for Reduction and Dismissal Pursuant to Prop 47 and Prop 64

- | | |
|-----------------------------------------------------------------------------------------------------------------------|------|
| A. Filing Petition for Reduction or Dismissal | \$50 |
| B. Mandatory Court Appearance for resolution of Petition | \$80 |
| C. Writing and Arguing Motion for resolution of Petition are billed according to Section I:7: A-D of the fee schedule | |

11. Special Assignments (Only by assignment from the Staff Attorneys)

A. Special Assignment by Staff Attorneys	\$150/hour
B. Expungements (basic)	\$250/Case
C. Expungement (with declaration)	\$350/Case
D. PC 290.5 Sex Registration Petition for Relief	
1. Tier 1 Review & Petition Case Fee	\$350
2. Tier 2, 3, TBD Review & Petition Case Fee	\$600
3. Post-Petition Proceedings and/or Contested Hearing	\$125/hour
E. Line-Up	\$295
F. Motion to Withdraw Plea Review	\$325 fee
Case Fee plus hourly rate	\$125
G. Officer of the Day – half day/full day	\$325/\$650
H. Witness Representation	\$325 fee
Case Fee plus hourly rate	\$125

12. Billing Notes for all Case Types

- A. Where a single client has multiple cases on the same calendar for pre-trial conference, only a single pre-trial conference fee may be billed. (Attorney can pick the case on which to apply the single fee).

When a case or probation violation is consolidated with other cases then only one pre-trial fee may be billed.

In all cases the pre-trial fee is payable only one time, regardless of how many pre-trials are held on the case.

As with any case that requires an extraordinary amount of work, an administrative fee request can be submitted if multiple pre-trial conferences occur and the case is appropriate for such a fee.

- B. In ANY CASE – when the client fails to appear at any point in the proceedings and the PDP is relieved, the case may be submitted for payment. If the client returns to court within sixty (60) days of the FTA, then the previously assigned attorney will be expected to resume representation of the client, and no additional case fee may be billed (See Policy and Procedure Manual).

If a client fails to appear for a third time with the same attorney, then the attorney can bill as if the case is a new case. (Case Fee and Pre-Trial Fee if held)

C. ALL bills must be submitted within 90 days of completion of the case, or they may not be paid.

D. All Special Fee/Hourly Cases must be billed MONTHLY, or bills may not be paid.

SECTION II - SPECIAL SERVICES

1. Civil Proceedings

(Family Law Contempt, DCSS Contempt, Probate, Military Dissolution, Paternity, etc.)

A. Per hour (up to 15 hours: Special Fee request required if over 15 hours) \$135

B. Trial fees – Same as Adult see section I:6:A and B (except Prep Fees are not paid)

C. Probate Code Sect. 3200 Medical Consent cases

1. Case Fee \$250

2. Hourly \$135

D. DCSS Contempt Calendar

1. Two (2) hours or less \$175

2. Over Two (2) hours – additional per hour \$100

NOTE: Civil Cases MUST be paid MONTHLY like other special fees and hourly cases. A bill should be submitted EVERY month.

2. Writs

A. Case Fee – if a new assignment only \$250

B. Per hour – including preparation and hearing (up to 15 hours; Special Fee request required if over 15 hours. \$150

3. Appeals

A. Per Hour – including preparation and hearing (up to 15 hours; Special Fee request required if over 15 hours. \$150

4. Mentor Services

A. New Attorney Mentor

1. Mentor Fee \$1080

NOTE: This fee is intended to compensate for the time the mentor invests as a resource to the mentee. It covers such things as telephone conversations and other casual meetings that do not consume significant amounts of time during the period of the relationship.

2. Hourly \$125

NOTE: This rate is paid in addition to the Case Fee above, and covers time spent in more structured meetings that consume significant amounts of time, including but not limited to scheduled meetings to discuss cases, attending court appearances including pre-trials and jury trials that you attend with your mentee, etc.

B. Advanced Mentor

- 1. Hourly up to 10 hours without further approval \$150

SECTION III - LPS

1. LPS Trials and Re-Hearings

- A. Case Fee \$500

- B. Client conference fee \$100

C. Jury Trial

- 1. Jury Trial Fees – Per Hour (in addition to case fee) \$150
- 2. Preparation Fee – Per Day \$350
- 3. Jury Deliberation – Per half day \$125
- 4. Jury Deliberation – Full day \$250

NOTE: Deliberations are compensated only when attorneys are unable to return to their office or other court appearances.

D. Court Trial

- 1. Court Trial Fees – Per hour (in addition to case fee) \$135
- 2. Preparation Fee – Per day \$250

- E. Re-Hearing Hourly \$135

NOTE: Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where **client** is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.

NOTE: Trial fees commence ONLY when and if a case is assigned out to a TRIAL department, and are thereafter payable ONLY for hours in court, or, for in-chambers discussions.

Preparation fee is payable for each day of jury trial and each ½ day of court trial once the case is assigned to a TRIAL department AND once *in limine* motions or jury selection has begun through closing argument only.

The Preparation Fee is NOT paid for Probation Violations or Court Trials on transcripts with no testimony.

2. LPS Calendar

- | | |
|-------------------------------------------------------|------------|
| A. Calendar Preparation and Follow Up (up to 6 hours) | \$125/hour |
| B. Calendar | \$150 |

3. Writs

- | | |
|------------------------------------------------------------------------------------------------------------------|-------|
| A. Case Fee | \$250 |
| B. Per Hour – including preparation and hearing. (Up to 15 hours; Special Fee request required if over 15 hours) | \$150 |

4. Assisted Outpatient Treatment (AOT) Petitions

- | | |
|-------------|-------|
| A. Case Fee | \$250 |
| B. Hourly | \$135 |

5. Medical Consent/Do Not Resuscitate

- | | |
|-------------|-------|
| A. Case Fee | \$250 |
| B. Hourly | \$135 |

NOTE: Civil Cases that are determined to be special fee MUST be paid MONTHLY like other special fee and hourly cases. A bill should be submitted EVERY month.

SECTION IV - EXTRAORDINARY FEE REQUESTS

1. Administrative Fee Cases

Reviewed by Staff Attorneys (Chief Defender, Assistant Chief Defender, and Managing Attorneys) for requests up to \$3500 additional to fee schedule.

Cases that do not meet the criteria for treatment as a Special Fee Case (see below), and yet require extraordinary effort and time, may be considered for additional compensation. The standard case fee already includes compensation for things that would normally come up in a case including working with a PI, experts, mental health experts, motions to continue, etc. When you have a case that is particularly complex or difficult you may apply for an Administrative Fee.

Administrative Fee requests allow for additional compensation, beyond the case fees, up to a certain amount. A request describing the case and specific factors that made it extraordinary should be attached to the bill. Additionally, you should include a detailed itemization of the time spent, which will be compensated at \$150/hour up to the max amount. A cursory statement simply asking for the additional fee without details is insufficient. Insufficiently documented requests will be returned for documentation and may not be paid.

Your bill should reflect your understanding that the Fee Schedule was designed to cover most cases, and is intended to compensate all attorneys on the panel equally for their work. While the Administrative Fee process is available to compensate lawyers for truly extraordinary cases, the management will be mindful of the fact that panel attorneys are never asked to return money on cases assigned to them that settle quickly with little time or effort.

Management reserves the right to review and modify the amount awarded as an administrative fee.

2. Special Fee Cases

Special Fee cases are assigned by the Staff Attorneys. These cases are billed hourly; no other part of the fee schedule is used in billing these cases. There are different types of Special Fee Cases.

A. Life Imprisonment

This category includes murders and any case that includes a charge for which the penalty prescribed by law is life imprisonment. Examples of this type of case include murder, attempted pre-meditated murder, One-Strike sexual assault, kidnapping for ransom, etc.

B. Three Strikes Cases

1. A true Three Strikes Case where the client has two or more strike priors, and the new charge is a serious or violent felony will start out as a "Life Case" under the Special Fee schedule and is billed at \$165/hour.
2. If a Three Strikes Case, at any time during the pendency of the case, becomes a second-strike case (e.g.- by designation of the District Attorney or because a prior is determined to not be valid, and this is acknowledged by the DA) then the special fee amount changes from \$165/hour to \$150/hour from that point forward.
3. If a client has multiple strike priors but the case is filed as, or is being prosecuted as, a second strikes case, then the case is NOT a Three Strikes Case. (e.g. – The new charge is not a serious or violent felony.) This case should be billed as a general felony case. If you believe that the case qualifies for a special fee, then follow the instructions regarding making a request under that section of this fee schedule. (Section IV: 2: D)

C. Non-Life Imprisonment

Cases that most frequently fall into this category are extremely difficult felony cases. Examples are: manslaughter, kidnapping, sexual assault, child molestation, high tech crimes, complex fraud litigation, or any other case a Staff Attorney determines to be appropriately set as a special fee case based on the charges.

D. Difficult and Complex Issue Cases

These cases are ones that place extraordinary demands on the attorney's time and skills, and thus qualify, in the Staff Attorneys' judgment, for treatment as Special Fee cases payable at an hourly rate described below.

Generally, this type of case will be assigned by a Staff Attorney as a Special Fee case from the beginning. However, an attorney should make a request when it becomes clear that a case seems it should appropriately be billed as Special Fee. (See section IV: 3)

In determining whether it is appropriate for a case to be a special fee case, the Staff Attorneys will evaluate the request for compensation in light of the realities of indigent criminal defense representation, including our inability to pay the true market value of attorney services. Factors that are considered in determining whether a case merits Special Fee treatment include:

1. Difficult Client – serious mental issues, personality, contrariness, etc.
2. Nature of charges – the gist of the case, the prosecution position, potential punishment.
3. Extra Hours – unusual legal issues, unusual number of or type of expert witnesses to deal with, travel, quantity of documentary evidence to review, difficult witnesses to interview, etc.
4. Motions – unusual in scope or number (attach copy to billings)

E. Petitions for Resentencing on Murder Convictions

- | | |
|--------------------------|-------|
| 1. Post Conviction | \$165 |
| 2. Compassionate Release | \$150 |

3. Special Fee Request Format

Most Special Fee cases will be predetermined by the Staff Attorneys (Chief Defender, Assistant Chief Defender, and Managing Attorneys). If you have a case that was not already marked as a Special Fee case that should have been (by charge or sentence exposure), you should contact one of the Staff Attorneys.

If you have a case that you would like to have considered as a Special Fee case (that is not one by definition by its charge or sentence), then you **MUST** get approval from a Staff Attorney BEFORE you submit **ANY** hourly billing. Vouchers will be returned if you do not get approval prior to submitting hourly billing.

Without violating the attorney client privilege or compromising either the rights of the client or the attorney's ethical or legal duties, each Special Fee request **MUST** include the following:

- A. An email to a Staff Attorney explaining the charges against the client and why you believe the case is or should be a Special Fee case.
- B. A notation on the first billing of the case as to why it is Special Fee and which staff attorney made the Special Fee approval, and why (very briefly) it is special fee.
- C. Special Fee billing must be specific and detailed and done MONTHLY.

Specific examples of how this billing must be done are as follows:

1. Attorneys shall identify each major issue researched and the time spent on them

2. The bill shall indicate the nature of the work performed, i.e., SCR, pre-trial, review discovery, Preliminary Hearing, preparation for trial, meeting with client, investigator, DA, or witness, etc.
3. Identify the documents reviewed
4. Identify any motion researched or drafted
5. State the nature of the court appearance and the time involved
6. All time spent must be itemized in 1/10-hour increments

4. Special Fee Hourly Rates

When a case is a special fee case, the billing consists only of hourly billing. You should not bill a case fee, pre-trial fee, motion fees, or any other event-based fee.

- | | |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. \$205/hour* | Applies to Lead Counsel in Death Penalty Cases |
| B. \$175/hour | Applies to Lead Counsel in Special Circumstance Cases |
| C. \$175/hour* | Applies to Second Counsel in Death Penalty Cases and Transfer Cases |
| D. \$165/hour | Applies to all other murder, attempted-premeditated murder cases, Three Strikes Life cases, and cases that include a charge for which life imprisonment can be imposed. |
| E. \$150/hour** | Applies to extremely difficult felony cases, such as manslaughter, non-premeditated attempted murder, vehicular manslaughter, kidnapping, sexual assault, sexually violent predator, child molestation, gang cases, high tech crime, complex fraud prosecution, or any other case a Staff Attorney determines is appropriately set at this level. |

*In death penalty cases where two attorneys are authorized, counsel may agree to split the hourly rates between themselves. For example, Lead Counsel and Second Counsel might agree to each bill at \$190 per hour instead of \$205 and \$175 respectively.

**The rate paid for jury trial in these cases will be the higher rate described for all jury trials in the fee schedule – e.g., \$150 an hour.

NOTE: You should be aware that some changes in the status of a case will likely result in a change of the applicable rate. For example, if the District Attorney's Office declares that they will no longer seek the death penalty in a special circumstance murder prosecution, the rate would change from \$205/hour rate to \$175/hour. Similarly, if a simple kidnapping charge becomes a kidnapping for robbery case after the Preliminary Hearing, the case would go from a general non-special fee felony to a special fee case payable at the \$165/hour rate from that point forward. You should alert a Staff Attorney of such a change in status at the first available opportunity.

SECTION V - JUVENILE COURT

1. Delinquency (602 Cases)

A. CASE FEE	\$540
1. Additional Petition: Unconsolidated	\$355
2. Additional Petition: Consolidated (with case or other PV)	\$145
3. Client conference fee	\$100
<p><u>NOTE:</u> Client conference fees are billable only one time per case. This fee is payable after an in-person conference with client, before the first court appearance. Where client is unable to meet, a substantive call or detailed e-mail exchange will suffice. Where a client has multiple cases pending on the same calendar or a consolidated probation violation, the fee should only be billed on one of those cases.</p>	
B. CONTESTED HEARING FEE	
1. Per Hour	\$125
<p><u>NOTE:</u> Hourly fees commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.</p>	
2. Preparation Fee- per day	\$250
<p><u>NOTE:</u> Preparation fee is payable for each ½ day of contested hearing once the hearing has begun.</p>	
C. DISPOSITION FEE (for each separate appearance)	\$160
D. POST DISPOSITION REVIEW	\$160
E. PETITIONS FOR REDUCTION AND DISMISSAL PURSUANT TO PROP 47 & PROP 64	
1. Filing Petition for Reduction or Dismissal	\$50
2. Mandatory Court Appearance for resolution of Petition	\$80
3. Writing and Arguing Motion for resolution of Petition are billed according to Section 1:7:A-D of the fee schedule	
F. CALENDARS	
1. Placement Review Calendar	\$160
2. Girls Program Calendar	\$400

2. Dependency: (300 Cases)

- A. CASE FEE
 - 1. Child Representation (1 or more children by the same attorney) \$1050
 - 2. Parent Representation (1 or both) \$1050

NOTE: Case fee is billable after the disposition hearing and includes all uncontested hearings through disposition and all future non-appearance reviews. Contested hearing fees are additional.

B. CONTESTED HEARING FEE

- 1. Per Hour \$100

NOTE: Hourly Fees Commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented, or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.

- 2. Preparation Fee – per day ½ day \$120

C. MANDATORY POST DISPOSITION REVIEW – by assigned attorney (for each appearance made by assigned attorney. Must select a specific Review)

- 1. Family Maintenance Review \$200
- 2. 6 Months Family Reunification Review \$200
- 3. 12 Months Family Reunification Review \$200
- 4. 18 Months Family Reunification Review \$200
- 5. 24 Months Family Reunification Review \$200
- 6. Interim Review Family Reunification \$200

3. Welfare and Institutions Code Section 366.26 Cases

- A. CASE FEE \$1050

B. CONTESTED HEARING FEE

- 1. Per hour \$100

NOTE: Hourly Fees commence from the scheduled calendar time (e.g., 9:00 am or 2:00 pm) ONLY if evidence was presented, or if the court ruled on a disputed issue. Hourly fees are thereafter payable only for hours in court and in chamber discussions.

- 2. Preparation Fee – per ½ day \$120

NOTE: Preparation fee is payable for each ½ day of contested hearing once the hearing has begun.

C. MANDATORY POST DISPOSITION REVIEW – by assigned attorney
(For each appearance made by assigned attorney)

1. WIC 366.3 Review \$200

4. AB12 Case Fee:

A. When originates from 602 \$1050

B. When originates from 300 and is a new case \$1050

C. When continues from established 300 case there is no new case fee \$0

D. Non-Minor Dependent (NMD) Review – Dependency \$200

5. Title IV-E Funded Services- Dependency (300 Cases):

A. DUAL STATUS REVIEW HEARING WIC 241.1 \$200
(for each 241.1 review hearing made by the assigned Dependency Attorney)

B. Home Visits -Children:
Child visits as required by California Rules of Court, Rule 5.660, up to 2.5 hours \$105/hour
per visit

For visits that may take more than 2.5 hours, prior approval from the Managing Attorney is required.

C. Attorney attending Child and Family Team (CFT) Meeting \$200

D. Attorney attending Multi-Disciplinary Team Meeting (MDT) \$200

E. Attorney attending CSEC MDT \$200

G. STRTP Placement Review (uncontested) \$200

6. Motions- a copy of the motion must be attached to the bill for review.

A. COMPLEX MOTIONS

1. 602 Complex Motions \$400

2. 300 Complex Motions \$350

A complex motion is one that includes complex issues, original research, original writing, or a combination of these things. Extensive details and facts regarding the client could also make a motion fall into this category. (e.g. – difficult presumed father or relative placement motions, or complex 700.1 motions) In this type of motions, facts are detailed and the attorney has attempted to analyze and distinguish the case, or goes beyond addressing simple issues that have been previously briefed.

B. STANDARD MOTIONS

- 1. 602 Standard Motions \$250
- 2. 300 Standard Motions \$125

A standard motion is one that uses material that has been previously briefed, but still requires some original material that analyzes the applicability of the case's facts to the cited law and a statement of facts. The motion should include unique application to your client and argument applicable to your case.

C. MOTION USING STANDARD "JV" FORMS – 300 AND 602 \$80

This motion simply requires the filling in of a form after finding out information from or about your client and his or her circumstances. (e.g. – WIC 778,388)

D. BOILERPLATE MOTIONS \$50

A Boilerplate motion is one that has no original research, writing, argument or thought about the case and the only original work is the caption and possibly a brief statement of facts. These are basic motions to continue, motions to join in someone else's motion, *in limine* motions for not using certain terms like "victim", federalizing all objections, and the like.

Note on Motion Levels: If you feel that your motion does not fit into a specific level – Administrative Fees may be requested with a detailed explanation of why your work is beyond the level generally applicable. (See section IV: 1)

E. HEARINGS AND ARGUMENT ON MOTIONS

- 1. 602 Cases \$125
- 2. 300 Cases \$125

7. Other Juvenile Related Assignments

A. Managing Attorney Special Assignments – per hour

- 1. 602 Cases \$150
- 2. 300 Cases \$125

B. Adoption/Guardianship-per hour \$150

C. DEJ Violations \$160

D. EMP Violations \$160

E. Guardian Ad Litem #1 \$1050

As client representative in court when client has mental health issues, bill case fee and reviews just like any other dependency case.

F. Guardian Ad Litem #2 – per hour \$125

Representation of minor where the client/minor has a potential civil claim.

G. Juvenile Court Adoption – per hour	\$150
H. Writs – Dependency (300 cases only)	\$125
I. Line-up	\$295
J. Officer of the Day – half day/full day	\$325/\$650
K. Sealing	\$250

Fee is per Petition. A copy of the sealing forms/orders for each petition should be attached. An attorney may request an Administrative Fee with explanation as to why extra fee is warranted.

L. Witness Representation – Case Fee plus Hourly Rate	\$325 \$125/hour
M. Miranda advice to in-custody 17 y.o. or younger minor	
On-call 24 hours for consultation – non holiday 24 hours	\$250
On-call 24 hours for consultation – holiday 24 hours	\$500
Consultation with 17 y.o. or younger minor	\$135/hour

This fee covers travel to/from location of minor to be questioned and time spent doing the consultation.

N. Miranda advice to minors requested by Juvenile Probation. This fee covers travel to/from location of minor to be questioned and time spent doing the consultation.	\$135/hour
O. Petition to Dismiss Pursuant to WIC 782 (AB 2629)	\$125/hour

8. Re-Assignment of Cases

When re-assignment of a case is made, the Chief Defender, Assistant Chief Defender or Managing Attorney of the Juvenile Office will determine the fee to be paid. The factors considered in making the fee determination will be the type of case reassigned, the complexity of that case, as well as the status of the case on the court calendar.

SECTION VI - JUVENILE EXTRAORDINARY FEE REQUESTS

- 1. Administrative Fee Cases**– Reviewed by Managing Attorney (for requests up to \$3,500 additional to fee schedule for 602 cases and \$2,500 for 300 cases). Cases that do not meet the criteria for treatment as a Special Fee Case (see below), and yet require extraordinary effort and time, may be considered for additional compensation. The standard case fee already includes compensation for things that would normally come up in a case including working with a PI, expert, mental health expert, motions to continue, etc. When you have a case that is particularly complex or difficult you may apply for an Administrative Fee.

Administrative Fee requests must seek a **specific amount of compensation**. (**Specific dollar amount.**) A request describing the case and specific factors that made it extraordinary should be attached to the bill. Additionally, you should include a detailed itemization of the time spent, which

will be compensated at \$125/hour up to \$3,500 for 602 cases, and at \$105/hour up to \$2,940 for 300 cases. A cursory statement simply asking for the additional fee without details is insufficient. Insufficiently documented requests will be returned for documentation and may not be paid.

Your bill should reflect your understanding that the Fee Schedule was designed to cover most cases and is intended to compensate all attorneys on the panel equally for their work. While the Administrative Fee process is available to compensate lawyers for truly extraordinary cases, the evaluators will be mindful of the fact that panel attorneys are never asked to return money on cases assigned to them that settle quickly with little time or effort. Management reserves the right to review and modify the amount awarded as an admin fee.

- 2. Juvenile Special Fee Cases**– Special Fee cases are assigned by the Managing Attorney. These cases are billed hourly; no other part of the fee schedule is used in billing these cases. In determining whether a case is appropriate for special fee status, the Managing Attorney will evaluate the case in light of the realities of indigent criminal/juvenile defense representation, including our inability to pay the true market value of attorney services.

A. DETERMINATION OF SPECIAL FEE CASES:

Determination regarding if a juvenile case is a special fee case may be made in advance of assignment or at the request of an attorney, but the special fee status can only be designated by the Managing Attorney. The specific hourly rate is determined by the type of case and/or by the Managing Attorney. (See section B below.)

Factors that are considered in determining whether a case merits Special Fee treatment include:

1. Difficult Client – serious mental issues, personality, contrariness, etc.
2. Nature of charges – seriousness of the offenses charged, potential serious dispositional consequences
3. Extra Hours – unusual legal issues, complex cases, quantity of documentary evidence to review, difficult witnesses to interview, etc.
4. Motions – unusual in scope or number (attach copy to billings)

B. JUVENILE SPECIAL FEE HOURLY RATES

When a case is a special fee case, the billing consists only of hourly billing. You should not bill a case fee, disposition fees, motion fees, or any other set type of fee.

1. \$175/hour* Applies to murder, attempted pre-meditated murder, and Transfer Cases
2. \$150/hour* Applies to extremely serious felony 707(b) offenses or sexual assault cases as defined In Penal Code section 290.008, gang cases and non-premeditated attempted murder cases.
3. \$125/hour Applies to complex 300 cases (i.e., shaken baby cases, etc.). Managing Attorney determines which cases are appropriately set at this level.

4. \$105/hour* Complex 300 cases, 300 cases involving extremely difficult clients. Managing Attorney determines which cases are appropriately set at this level.

D. SPECIAL FEE REQUEST FORMAT

The majority of Special Fee cases will be predetermined by the Managing Attorney. If you have a case that was not already marked as a Special Fee case that you think should have been, you should contact the Managing Attorney.

If you have a case that you would like to have considered as a special fee case that is not one by definition by its charge or sentence, then you **MUST** get approval from the Managing Attorney **BEFORE** you submit **ANY** special fee billing. Any such vouchers will be returned if you do not get approval **prior** to submitting hourly billing.

Without violating the attorney client privilege or compromising either the rights of the client or the attorney's ethical or legal duties, each Special Fee request **must** include the following:

1. An email to the Managing Attorney explaining the charges against the client and why you believe the case is or should be a special fee case.
2. Special Fee billing must be specific and detailed and done MONTHLY. Specific examples of how this billing must be done are as follows:
 - a. Attorneys shall identify each major issue researched and the time spent on them.
 - b. The bill shall indicate the nature of the work performed, i.e. Jurisdictional Hearing, Contested Hearing, Contested Dispositional Hearing, review of discovery, etc.
 - c. Identify the documents reviewed
 - d. Identify any motion researched or drafted
 - e. State the nature of the court appearance and the time involved
 - f. All time spent must be itemized in 1/10-hour increments

3. Billing Notes for all Case Types

- A. In ANY CASE – when the client fails to appear at any point in the proceedings and the PDP is relieved, the case may be submitted for payment. If the client returns to court within sixty (60) days of the FTA, then the previously assigned attorney will be expected to resume representation of the client, and no additional case fee may be billed. (See Policy and Procedure Manual) If a client fails to appear for the third time with the same attorney, can bill for a new case fee.
- B. ALL 602 vouchers must be submitted within 90 days of completion of the case, or they may not be paid.
- C. All 300 vouchers must be submitted within 30 days of the completion of the billable activity or they may not be paid.
- D. All Special Fee/Hourly Cases must be billed MONTHLY, or the vouchers may not be paid.

Main Office

333 Bradford Street, Suite 200
 Redwood City, CA 94063-1529
 PH: (650) 298-4000
 FX: (650) 369-8083



PRIVATE DEFENDER PROGRAM
 SAN MATEO COUNTY BAR ASSOCIATION

Juvenile Branch

222 Paul Scannell Drive, Suite C219A
 San Mateo, CA 94402
 PH: (650) 312-5396
 FX: (650) 655-6221

Social Work Rates as of 7/1/2023*

\$75/hour MSW/ASW/AMFT or other non-licensed mental health related graduate degree and \$85/hour LCSW/LMFT/LPCC or other comparable level of licensure - Dependency

\$95/hour MSW/ASW/AMFT or other non-licensed mental health related graduate degree and \$105/hour LCSW/LMFT/LPCC or other comparable level of licensure: [this includes shorter reports, quicker work, less research, etc.]

Includes but is not limited to:

- case management
- treatment plans
- release/re-entry plans
- MHD eligibility letter
- assessments (IMHD Screening, ACEs screening, Mini Mental Folstein, etc.) etc.
- In court advocacy (if requested by attorney; includes attending court with client, providing status updates, providing context to memos, supporting client)

\$110/hour MSW/ASW/AMFT or other non-licensed mental health related graduate degree and \$120/hour LCSW/LMFT/LPCC or other comparable level of licensure [this includes denser, require comprehensive assessments, a lot more writing, longer term cases a lot of the time, more research, etc.]

Includes but is not limited to:

- MHD reports
- mitigation reports (for any type of case)
- sentencing plans
- revocation plans
- alternative disposition plans
- felony consultation (armed robbery, serious sex charges, homicides, etc.)

\$125/hour MSW/ASW/AMFT or other non-licensed mental health related graduate degree and \$135/hour LCSW/LMFT/LPCC or other comparable level of licensure [this includes denser, require comprehensive assessments, a lot more writing, longer term cases a lot of the time, more research, etc.]

- Post-conviction cases (resentencing, YOP, Franklin, etc.)
- Felony cases (armed robbery, serious sex charges, homicides, etc.)

\$145/hour: [this rate is also reserved for other special circumstances to be determined]

- Testifying (if requested by attorney in an expert capacity; includes preparation with attorney prior to testifying)
- Special circumstance cases (dual CSEC/Delinquency)
- Juvenile transfers
- Capital cases.

*Notes:

- If you are doing a combination of the above in any way, we can discuss what those rates will look like.

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- If you start with one task, which then changes due to unforeseen circumstances to another, new rates and voucher must be approved.
- All tasks are not explicitly listed. Some tasks fall under a specific category listed, such as “case management.” If you have any questions regarding any task and what the rate may be, please do not hesitate to ask.
- There is flexibility in some rates, to be discussed with the Supervising Social Worker and approved by the Chief Defender.

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INVESTIGATOR FEE SCHEDULE

Effective 07/01/2023

A. Investigation Fees

1. Hourly Rates

- | | |
|-----------------------|------------|
| a. Special Fee Cases: | \$100/hour |
| b. All Other Cases | \$85/hour |

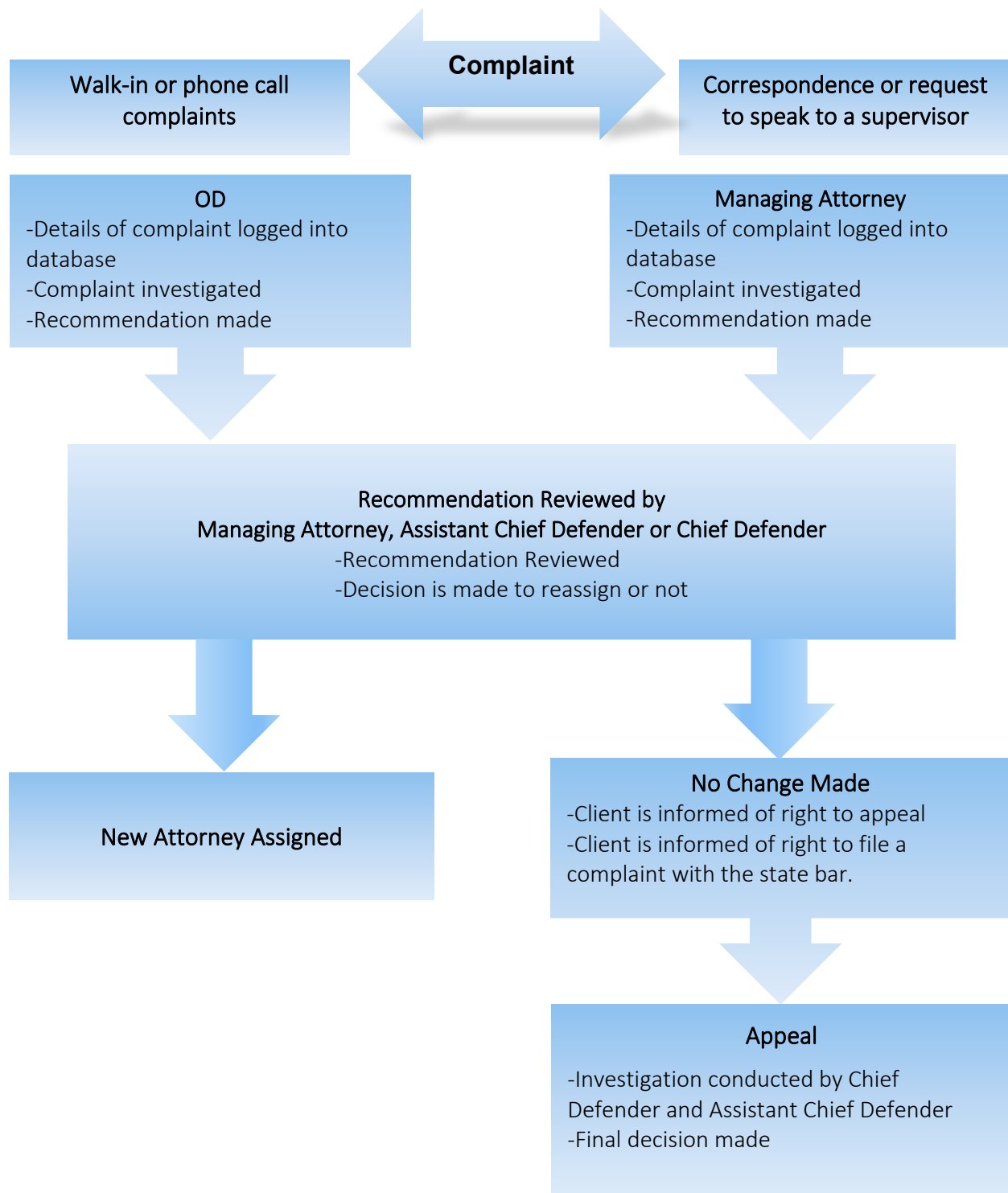
B. Mileage Reimbursement

1. Mileage is reimbursable at the rate set by the Internal Revenue Service.

C. Billing

1. Investigators shall bill in 1/10 of an hour increments (6 minutes)
2. The bills shall indicate the nature of the work performed, e.g., scene visit, witness interview, discovery review, meeting with the attorney, etc.
3. Bills must be submitted twice monthly, on the 1st and 15th, through the PDP's case management system.

CLIENT COMPLAINT PROCEDURES



If the Assistant Chief Defender or Chief Defender declines to reassign, client will be informed about Marsden motion remedies and the right to pursue a complaint to the California State Bar. Complaint forms will be distributed upon request. The ODs are trained to inform clients that they always have a right to request a Marsden motion at any stage of the proceedings, and clients are uniformly told about the right to a Marsden motion at every stage of the complaint process.

APPENDIX

2

EVALUATION STANDARDS

I. PROFESSIONAL ABILITY

A. Preparation and Knowledge

1. Recognition of Legal Issues: The attorney recognizes the issues in the case that are necessary for the proper defense of the client. The attorney demonstrates creativity in resolving legal problems.
2. Judgment in Assessing Cases: The attorney demonstrates an ability to evaluate and assess a case taking into consideration the strengths and weaknesses of the prosecution and defense cases.
3. Effective Legal Research and Use of Pretrial Motions: The attorney has a satisfactory working knowledge of resource materials for use in all aspects of criminal practice. The attorney prepares well-written and researched motions that are timely filed in appropriate cases.
4. Witness Preparation: The attorney prepares witnesses and clients in such areas as courtroom procedures, direct and cross-examination, demeanor, and physical appearance.
5. Effective Use of Investigation: The attorney recognizes those cases in which investigation is required. Requests are reasonable and appropriate and communicated in a clear and timely manner.
6. Effective Use of Experts: The attorney seeks assistance of experts in appropriate cases. Information is provided to the expert in a timely fashion, and the attorney prepares for presentation of expert testimony.
7. Effective use of Immigration Resources: The attorney recognizes cases in which consultation with an immigration attorney or accessing criminal immigration resources is appropriate and necessary to provide effective assistance of counsel. The attorney actively seeks possible outcomes that minimize negative immigration consequences for the client when appropriate.
8. Effective use of social workers and client advocates: The attorney recognizes cases in which a social worker or client advocate could be beneficial to a client's case. The attorney works appropriately with social workers and client

advocates to seek better overall outcomes for our clients and ensure effective holistic representation.

B. Advocacy

1. Courtroom Demeanor: The attorney's demeanor is professional and conducive to effective representation.
2. Willingness to Try Cases: The attorney takes cases to trial when appropriate.
3. Advocacy Skills: A Private Defender is called upon to employ a variety of differing advocacy skills in representing clients in jury trials, court trials, juvenile hearings, preliminary hearings, and in other courtroom matters. For purposes of this category, the attorney should demonstrate effective advocacy skills including but not limited to such items as: voir dire; direct and cross-examination; introduction of, object to, and admissibility of evidence; argument; instructions; and recognition of appellate issues.
4. Case Negotiations and Sentencing: The attorney enters into case negotiations familiar with the significant issues and ascertainable facts. The attorney recognizes plea alternatives and consequences and properly advises the client. The attorney communicates effectively with the other parties involved in the case. The attorney makes thorough use of sentencing laws, seeking imaginative and creative sentencing alternatives.
5. Pursuit of collaborative courts and diversion: The attorney recognizes cases in which entry into a collaborative court or other diversion program is appropriate. The attorney is educated about local and state diversion and collaborative courts that are available and files motions for entry into those programs when appropriate.

II. PROFESSIONAL ATTITUDE

A. Professionalism

1. Ethics and Integrity: The attorney demonstrates an interest in his or her professional growth by a willingness to accept new and more challenging assignments and by seeking educational opportunities that will make him or her a more knowledgeable advocate. The attorney's attendance at Private Defender Program education programs and at continuing education programs

sponsored by other defender organizations such as CPDA and CACJ, should demonstrate his or her zeal for excellence as a trial lawyer.

B. Work Habits

1. Volume and Calendar Management: The attorney satisfactorily handles the number of cases he or she accepts and manages his or her schedule to maximize personal effectiveness to the benefit of the client.
2. Court Appearances: The attorney appears in court punctually and keeps the court apprised of his or her whereabouts.

III. PERSONAL RELATIONS

1. Clients: The attorney maintains contact with both in- and out-of-custody clients sufficient to provide competent representation for each court appearance. The attorney develops and maintains the client's trust and confidence. The attorney keeps the client advised as to the status of the case and explains constitutional and statutory rights. The attorney is sensitive to the special problems attendant to the representation of mentally ill clients, hostile clients, and resistant clients.
2. Private Defender Staff: The attorney's interaction with clerical staff, investigators, and other staff demonstrates a spirit of cooperation, assistance, and respect. The attorney is considerate of the pressures imposed upon all staff by high volume, time constraints and limited resources.
3. Members of the Justice System: The attorney is cognizant that the manner in which he or she interacts with judicial officers, prosecutors, courtroom personnel, law enforcement personnel, representation of Private Defender clients.

APPENDIX

3

2023-2024 PDP Annual Attorney Survey

This year there is only one survey for attorneys to fill out. The survey is divided up into seven sections.

- 1) Identifying information
- 2) All Attorneys
- 3) Adult Panel Attorneys
- 4) Dependency and Juvenile Justice Attorneys
- 5) Dependency Attorneys
- 6) LPS and Probate Attorneys
- 7) All Attorney Feedback

At the end of the second and subsequent sections there are questions that will guide you to the next section you need to fill out.

* Indicates required question

1. Email *

2. Your name *

3. Years of Legal Practice *

All Attorneys (Section 2)

4. In addition to your PDP work, do you take retained work or cases from other panels? *

Mark only one oval.

- No, 100% of my law practice is PDP work
- Yes, I also take retained cases
- Yes, I also take cases from other panels
- Yes, I take retained cases and cases from other panels

5. Please provide the percentage of time you spent on PDP assigned cases. *
OF YOUR WHOLE LAW PRACTICE, THE PERCENTAGE OF TIME YOU SPEND WORKING ON PDP ASSIGNED CASES (vs. retained work or other panels).

If you spend all of your work time on your PDP cases, your percentage would be 100%. If you work 40 hours per week on your law practice and spend 10 hours on your PDP cases, your percentage would be 25%. If you work 100 hours per week on your law practice and you spend 10 hours on your PDP cases, your percentage would be 10%.

Please do not answer "%", just provide the number

6. Please provide the TOTAL number of the hours of MCLE you have earned during this time period. (You may include in this total PDP roundtable or trainings such as the New Attorney Trainings which were not for MCLE credit.) *

7. Please list the courses you took for MCLE credit during the period covered by this Survey, the subjects of which were directly related to your work on PDP cases. *

Please include the name of the provider (e.g., PDP, CEB, CPDA, CACJ, PJDC, etc.), and the number of hours of MCLE credit earned.

8. Please list any experts you have worked with over the past year, and the areas of expertise in which you used an expert consultation. *

9. If a Marsden motion has been granted in a Private Defender case assigned to you, or a finding of inadequacy of counsel by a trial or appellate court in your representation of a PDP client during the past fiscal year, please give the name of the defendant, case number, and give a brief description of the basis for the Court's ruling.

10. If the court's ruling is written, please provide a copy. *
email copies to: smcprivatedefenderprogram@gmail.com

Mark only one oval.

- Not applicable
- Copy emailed to: smcprivatedefenderprogram@gmail.com

11. This question is to direct you to the next section you need to fill out. The next section (3) is for attorneys who represent Adults in criminal cases. The section after that (4) is for Dependency and Juvenile Justice Attorneys. The next section (5) is for Dependency Attorneys. Section (6) is for LPS/Probate Attorneys. The final section (7) is for attorney feedback. Please select the next section you need to fill out. *

Mark only one oval.

- Send me to section 3, because I represent adults in criminal cases. Those who represent adults and juveniles will be able to move to section 4 after completing section 3. *Skip to question 12*
- Send me to section 4, because I represent juveniles, not adults.
Skip to question 28
- Send me to section 6, because I represent LPS/Probate only.
Skip to question 47

Adult Panel Attorneys (Section 3)

12. Years of Criminal Defense Practice *

13. How Many Total Jury Trials Have Tried to Verdict in Your Career? (Total or Approximate) *

14. Have you had a jury trial for a PDP case in the time period between July 1, 2023 and June 30, 2024? *

Mark only one oval.

- Yes
- No
- I do not do trial work.

15. If you have had a trial during that time period, have you completed the mandatory PDP Trial form for all of your trials? *

Mark only one oval.

- Yes
- No, but I will do it right now: <https://forms.gle/h986Kymw2aDMCnps5>
- I do not do trial work

16. Have you had a jury trial for a retained case or a case where you were appointed by a different panel? *

Mark only one oval.

- Yes
- No
- I do not do trial work.

17. Please list any significant "wins" or positive outcomes not otherwise reflected by trial statistics that you would like us to know about (e.g. dismissals on the day of trial, successful motions, immigration neutral pleas, etc.) *

18. Please list two PDP cases which went to an evidentiary hearing on issues raised in written points and authorities. Provide the client's name, the case number, the judge before whom the motion was litigated, and the result. *

19. How many 1538.5 motions have you filed in the last year? *

Mark only one oval.

More than 10

6-10

2-5

1

None

20. If you handle felony matters, how many 995 motions have you filed in the last year? *

Mark only one oval.

- I don't handle felony matters
- More than 10
- 6-10
- 2-5
- 1
- None

21. How many mental health diversion applications have you filed in the last year? *
(including cases where motions were not filed because the DA conceded admission)

22. Please list other substantive motions you have filed in the last year (e.g. motion to compel, *Romero*, *Pitchess*, 827 petition, bail motions, demurrer, lineup motion, *Miranda*/voluntariness, new trial motion, motion to sever, recusal motion, speedy trial, 1385 motion, *Trombetta/Youngblood*, RJA litigation, writs/appeals), etc. *

23. Please estimate the percent of in custody clients whom you have visited in custody before the first court appearance after the arraignment. *
Please do not answer "%", just provide the number

24. Please estimate the percent of out-of-custody clients with whom you had a substantial meeting before the date of the first court appearance after arraignment (in person, via zoom, or on the phone). *

Please do not answer "%", just provide the number

25. Is it part of your practice to regularly obtain Padilla consultations for your non-citizen clients?

If not, why not?

26. Approximately what percentage of the time does the DA's office offer an immigration neutral offer when requested? *

If this does not relevant to your practice, please write: N/A.

27. This question is to direct you to the next section you need to fill out. The next section (4) is for Dependency and Juvenile Justice Attorneys. Section (5) is only for Dependency Attorneys. Section (6) is for LPS/Probate Attorneys. If you do not neither of those, then go to Section (7), Attorney Feedback. *

This question is just about what section you go to next. Pick only one!

Mark only one oval.

- Send me to section 4, because I represent juveniles.
- Send me to section 6, because I do LPS/Probate, but I do not represent juveniles. *Skip to question 47*
- Send me to section 7 for my feedback. *Skip to question 51*

Dependency and Juvenile Justice Attorneys (Section 4)

28. Please list all PDP (WIC 602) Contested Hearings you have tried between July 1, 2023, and June 30, 2024. Provide the case number, nature of the hearing, the Judge before whom the case was tried, and the result.

29. Please list the number of PDP (WIC 300) contested hearings you participated in from July 1, 2023 until June 30, 2024 in which witness testimony was given. For 3 of these contested hearings, please provide the case number, the Judge before whom the case was tried, and the result of the hearing.

30. Please list 1 PDP (WIC 300) contested hearing in which witnesses were called and you were the moving party. Provide the case number, the nature of the hearing, the Judge before whom the case was tried, and the result.

31. Please list PDP (WIC 300 or 602) cases in which you filed written points and authorities.

32. Please list two PDP (WIC 602) cases which went to an evidentiary hearing on issues raised in written points and authorities. Please provide the case numbers, the Judges before whom the motions were litigated and the results.

33. *For Juvenile Panel Delinquency attorneys, please provide certification of compliance with the provisions of California Rule of Court 5.663 in regard to the responsibilities of children’s counsel in delinquency proceedings and Rule of Court 5.664 in regard to the training requirements for children’s counsel in delinquency proceedings; and for Juvenile Dependency attorneys, please provide certification of compliance with the provisions of WIC Section 317 and the provisions of California Rule of Court 5.660 in regard to attorney caseloads and training requirements for competent counsel in Juvenile Dependency matters.

Mark only one oval.

Fill out the certification form here: <https://forms.gle/xYToocYPrJ3oZK5a8>

34. Please list the PDP (WIC 602) cases in which you raised or litigated In re Gladys R. or competency (WIC 709) issues.

35. From July 1, 2023 until June 30, 2024, how many of your PDP (WIC 602) clients * were detained at juvenile hall at the time of arraignment?

36. From January 1, 2024 until June 30, 2024, on how many detained PDP (WIC 602) clients was Special Youth Advocate, Lindsay Page consulted? *

37. From January 1, 2024 until June 30, 2024 how many PDP (WIC 602) clients did the work of Special Youth Advocate, Lindsay Page contribute to their release? *

38. From July 1, 2023 until June 30, 2024, how many of these detained PDP (WIC 602) clients did you have a substantive meeting with (in person or remotely) prior to the detention hearing? *

39. From July 1, 2023 until June 30, 2024, please provide the percentage of the PDP detained (WIC 602) clients you were able to secure their release at the detention hearing? *

40. From July 1, 2023 until June 30, 2024, what is the percentage of PDP (WIC 602) clients you had a substantive meeting with (in person or remotely) prior to the To Set hearing? *

41. Provide the percentage of PDP (WIC 602) clients you met with (in person or remotely) after a court hearing. *

42. This question is to direct you to the next section you need to fill out. The next section (5) is for Dependency Attorneys. Section (6) is LPS/Probate. Section (7) is attorney feedback and is for all. Please select the next section you need to fill out. *

Mark only one oval.

Take me to section 5, because I do dependency cases.

Take me to section 6, because I do LPS/Probate, but not dependency.
Skip to question 47

Take me to section 7. *Skip to question 51*

Dependency Attorneys (Section 5)

43. Please list the total number of children you currently represent in PDP WIC 300 cases. *

44. Between July 1, 2023 and June 30, 2024, how many of these children did you visit (in person or remotely) ? *

45. For the same time period, did you, PDP Social Worker, or Investigator visit your child clients after a new placement? List the cases and indicate who conducted the visit.

46. This question is to direct you to the next section you need to fill out. The next and final section (6) is for LPS/Probate Attorneys. If you do not do LPS/Probate, then you are done. *

Mark only one oval.

- Take me to section 6. I do LPS/Probate.
- Take me to section 7. I do not do LPS/Probate. *Skip to question 51*

LPS and Probate Attorneys (Section 6)

47. Have you had a jury or bench trial in the time period between July 1, 2023 and June 30, 2024? *

Mark only one oval.

- Yes
- No

48. In cases where you had a jury or bench trial, please list the case number, judge, and outcome. *

49. Are you in compliance with the qualifications and the annual education requirements provided in the applicable California Rules of Court (Rules 7.1102 and/or 7.1103)?

Mark only one oval.

Yes

No

50. If you are currently not in compliance with the requirements of the applicable California Rules of Court (7.1102 and/or 7.1103), please indicate when do you anticipate to meet these requirements?

Attorney Feedback

In your judgment, how great is the need at the PDP in the following areas?

51. Improve access to attorneys for immigration/*Padilla* advice *

Mark only one oval.

1 2 3 4 5

Ver: Low or no need

52. Increase access to investigators *

Mark only one oval.

1 2 3 4 5

Ver. Low or no need

53. Increase access to experts *

Mark only one oval.

1 2 3 4 5

Ver. Low or no need

54. Increase access to social workers *

Mark only one oval.

1 2 3 4 5

Ver. Low or no need

55. Increase access to legal training/MCLE *

Mark only one oval.

1 2 3 4 5

Ver. Low or no need

56. Please list any training topics you would like to see this coming year. *

57. Please provide any additional information you think we should know about how we can better support you in your practice. *

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APPENDIX

4

Private Defender Program Case Types

“Type A” cases are generally described as a felony matter involving one accusatory pleading including a complaint, indictment, information, or certification under Penal Code section 859(a). It also includes felony appeals to the Appellate Department of the Superior Court of San Mateo County; writs filed on behalf of defendants (specifically of *habeas corpus* filed on behalf of prisoners of the State of California pursuant to the provisions of California Penal Code section 4750); post-conviction relief in which defendants are entitled to appointed counsel; all quasi-criminal and civil proceedings which are not specifically mentioned in subsections 2b, 2c or 2d herein, but which are proceedings in which the law requires that counsel be provided at public expense, including but not limited to contempt proceedings (California Code of Civil Procedure sections 1209 *et seq.*); proceedings to terminate parental rights (California Family Code sections 7802, 7860-7864 *et seq.*); probate conservatorship proceedings pursuant to California Probate Code sections 1471 and 1852; paternity, support, and adoption proceedings, proceedings pursuant to the provisions of the Service Members Civil Relief Act, and proceedings pursuant to the Sexually Violent Predators Act (California Welfare and Institutions Code section 6600 *et seq.*). This category also includes motions to revoke or modify probation and post-conviction relief in the form of expungements or Certificate of Rehabilitation on felony matters.

“Type B” cases are generally described as a single matter involving one complaint alleging a misdemeanor and also include misdemeanor appeals and proceedings to revoke or modify probation on misdemeanors; matters arising after the suspicion of criminal proceedings in misdemeanors, representation at lineups; representation of witnesses, and any other appearances or representations by assigned attorneys specifically requested or ratified by a Judge of the Superior Court of San Mateo County, and not included in any other provisions of the Agreement (Appendix 1 of PDP Annual Report), where the law requires that counsel be provided at public expense, whether or not such matter is filed in court

“Type C” cases are generally described as any case initiated pursuant to the Lanterman-Petris-Short Act (LPS) or the Developmental Disability laws set forth in the California Welfare and Institutions Code.

Originally “Type D” cases describe those Juvenile Dependency cases in which the PDP was appointed and was part of the agreement with the County. These cases are now governed by an Agreement with the Court and are now reported to the court and not to the County. They are included in this report to give the County the opportunity to see all of the cases PDP attorneys handle.

“Type E” cases are defined as any matter in the Juvenile Court brought pursuant to the juvenile delinquency statutes of the State of California, including but not limited to those set forth in Welfare and Institution Code section 602 *et seq.*

“Type G” cases describe BSCC grant funded post-conviction work covered by the Public Defense Pilot Program.

“Type X” cases include, in addition to their regular caseloads, several PDP lawyers who appear at and cover regularly scheduled court calendars, which is a time set aside by one judge to handle a significant number of cases that are at the same procedural point of the criminal justice process. Attorneys with extensive serious felony experience handle the arraignment calendars for those clients who are in custody. In addition to the in-custody calendar there are six weekly out-of-custody arraignment calendars, all of which are staffed by PDP attorneys. In addition, there are several regularly scheduled calendars for the various specialty court calendars including Pathways Mental Health Court, Bridges (Probation Department Drug Program), Laura’s Law Court Drug Court, Penal Code 1370 (not competent to stand trial) Court, Restitution Court, Domestic Violence Review, Veterans Treatment Court and Military Diversion.

PDP Caseloads by Attorney and PDP Averages Fiscal Year Ended June 28, 2024

Randomized Attorney Number	Percentage of Time Spent on PDP Cases	A	B	C	D	E	G	X
1	100%	0	287	0	0	0	0	58
2	99%	125	158	0	0	1	0	2
3	100%	2	408	0	0	0	0	0
4	98%	117	126	0	0	0	0	79
5	50%	4	0	24	0	49	0	16
6	60%	168	131	2	0	0	2	10
7	90%	0	0	0	0	0	0	2
8	100%	271	285	0	0	0	0	19
9	100%	1	323	0	0	0	2	13
10	30%	23	2	0	0	0	0	4
11	1%	0	0	0	0	0	0	1
12	100%	228	480	0	0	0	0	91
13	20%	1	0	0	0	0	0	0
14	95%	70	537	0	0	0	1	27
15	80%	62	55	0	0	0	1	17
16	40%	23	3	0	0	0	0	0
17	95%	31	231	0	0	0	0	0
18	75%	120	519	0	0	0	0	40
19	20%	0	14	0	0	0	0	15
20	25%	3	0	0	0	0	1	0
21	75%	28	2	0	0	0	0	2
22	90%	22	92	0	0	0	0	22
23	95%	2	349	0	7	92	0	34
24	100%	0	0	0	0	0	0	15
25	99%	30	220	0	0	36	0	44
26	98%	30	251	1	0	0	0	43
27	41%	27	20	0	0	0	1	4
28	70%	34	21	15	0	0	0	10
29	75%	0	0	0	22	160	0	1
30	95%	94	213	0	0	0	0	109
31	100%	20	0	0	29	2	0	1
32	60%	6	1	0	0	0	0	0
33	50%	4	0	0	0	56	5	30
34	95%	94	70	0	0	0	0	1
35	90%	120	63	0	0	0	0	21
36	20%	40	70	0	0	0	0	0
37	100%	98	140	0	0	0	0	5
38	70%	11	2	0	0	0	0	1
39	25%	1	1	0	0	0	13	4
40	70%	40	17	0	0	0	0	0
41	80%	254	126	4	0	39	2	71
42	75%	37	10	0	0	1	0	8

Randomized Attorney Number	Percentage of Time Spent on PDP Cases	A	B	C	D	E	G	X
43	85%	186	114	0	0	0	0	11
44	90%	171	306	0	0	0	0	8
45	100%	0	400	0	0	0	0	0
46	50%	45	14	0	0	0	0	2
47	70%	77	145	0	0	0	0	5
48	95%	87	492	0	0	0	0	87
49	50%	1	0	0	0	0	3	0
50	98%	5	0	67	24	3	0	6
51	75%	2	0	0	20	20	0	0
52	100%	6	638	0	0	0	0	23
53	80%	29	49	0	0	0	0	0
54	95%	43	372	0	0	0	9	0
55	70%	4	3	0	0	0	0	10
56	95%	0	0	0	0	126	0	0
57	99%	139	62	0	0	0	0	0
58	50%	0	0	0	0	120	9	0
59	10%	1	0	0	0	0	0	0
60	100%	55	40	0	0	0	0	41
61	25%	0	0	0	0	0	1	0
62	65%	2	0	0	0	0	0	0
63	100%	1	54	0	0	0	1	291
64	100%	267	86	0	11	116	0	60
65	98%	1	349	0	0	0	28	6
66	100%	2	1	0	0	1	1	2
67	25%	8	0	0	0	0	1	0
68	10%	0	0	0	0	0	8	0
69	10%	0	0	0	0	0	0	54
70	100%	17	7	0	0	34	0	114
71	90%	1	25	0	0	0	0	94
72	100%	13	480	0	0	0	0	16
73	50%	3	0	0	0	0	3	1
74	50%	78	36	0	0	0	0	1
75	90%	201	104	0	0	0	0	0
76	90%	25	2	23	0	2	0	9
77	50%	2	1	0	0	0	0	0
78	75%	93	494	0	0	0	0	22
79	100%	174	306	0	0	0	0	36
80	90%	111	481	0	0	0	1	23
81	95%	60	229	0	0	0	0	19
82	75%	72	135	0	0	0	0	0
83	25%	3	0	0	0	0	7	0
84	50%	2	1	0	0	0	0	10

Randomized Attorney Number	Percentage of Time Spent on PDP Cases	A	B	C	D	E	G	X
85	95%	0	0	0	0	0	0	204
86	80%	67	99	1	0	0	0	1
87	100%	1	0	0	26	213	0	33
88	15%	0	0	0	0	0	2	0
89	70%	0	0	0	17	85	0	8
ATTORNEY UNASSIGNED		28	394	0	0	54	1	168

APPENDIX

5

**PRIVATE DEFENDER PROGRAM CASE COUNTS
FOR FISCAL YEAR ENDED JUNE 30, 2024**

	July 2023	Aug. 2023	Sept. 2023	Oct. 2023	Nov. 2023	Dec. 2023	Jan. 2024	Feb. 2024	March 2024	April 2024	May 2024	June 2024	Year End True-up	Grand Totals
"A" CASES														
1170(D)														0
1171/1171.1		1												1
1172.1							2				1		1	4
1172.6														0
SB-1437														0
1473.7														0
YOP - Resentencing														0
1387, 1388														0
Appeals	1	3	1	2		1		2		2				12
* Contempts	2	2	4	3	5	1	7	1	3		1		-1	28
* Contempt-OSC Fam									2	1	1		3	7
* Probate		10	5	5	5	2	7	1	3	2	4	4		48
* Probate / Medical Consent										1				1
Probate/Guardianship	9			1			1		1			2	-8	6
Probate/Limited					8	1	6	1	3	2	4	4	18	47
* SVP													1	1
SVP / Criminal														0
Parole Violation	7	8	9	12	9	3	5	10	3	10	12	6		94
PRCS	17	17	17	17	11	22	14	17	18	18	26	18	3	215
Probation Violation	91	83	63	76	63	58	56	69	68	57	85	79	5	853
Sexually Violent Predator (SVP)														0
* Adoption / Guardianship	1		1			1							1	4
* Military Civil Relief Act														0
Witness Representations - GJ														0
Witness Representations				1			1	1		1	2	1		7
Special Assignment / Witness Rep														0
187	2		1		2				1					6
187 - DP														0
187 - Spec Circ														0
187 - DP - GJ														0
187 - GJ														0
Life - GJ														0
Super Felony - GJ														0
NGI Extension		3		1		1								5
Other Mental														0
3 Strikes Review						1							-1	0
3 Strikes / 1 Strike Life	3	1	2	1		1		1					2	11
Life	5	2	2		5	2	3	1	4	11	6	5		46
P47														0
P64														0
P57														0
Felony - No SCR	84	97	79	90	66	61	79	56	74	85	75	82	13	941
Felony - SCR	138	166	131	165	128	126	150	133	153	139	121	125	-13	1662
Super Felony	106	94	52	59	43	36	40	39	38	28	28	27	5	595
Calendar Closed		2	2	1	1	2	1	4	1	3	1	2	-2	18
Superior - Consolidated PV														0
Superior - Unconsolidated PV														0
Writs / Criminal Superior														0
Writs														0
Veterans Resentencing (AB865)														0
859a	1	2	1	1	3	3	1	2	4		3	2		23
Sex Registration Relief	1		1	1	1	1							2	7
Compassionate Release					1							1		2
Restitution		6	3	4	2	2	2	1	3	6	1		-10	20
Monthly Totals	468	497	374	440	353	325	375	339	379	366	371	358	19	4664
Cumulative Totals	468	965	1339	1779	2132	2457	2832	3171	3550	3916	4287	4645	4664	
"B" CASES														
Calendar Closed	53	48	58	52	56	71	58	61	72	74	82	72	6	763
Criminal Contempt														0
DV Misdemeanor	47	63	58	55	53	50	51	54	49	48	48	37	2	615
General Misdemeanor	965	999	807	965	743	613	941	796	788	922	934	822	-23	10272
Probation Violation	78	76	75	97	74	60	76	57	75	76	56	64	15	879
Lineups														0
Lineups / Special Assignment														0
Writs / Criminal Municipal														0
Witness Representations	2		1	1									1	5
Monthly Totals	1145	1186	999	1170	926	794	1126	968	984	1120	1120	995	1	12534
Cumulative Totals	1145	2331	3330	4500	5426	6220	7346	8314	9298	10418	11538	12533	12534	

**PRIVATE DEFENDER PROGRAM CASE COUNTS
FOR FISCAL YEAR ENDED JUNE 30, 2024**

"C" CASES-LPS														
LPS - Regular	5	7	6	4	3	3	7	2	7	10	3		14	71
LPS - DNR / Medical Consent	3	2	2	2	2	2	4	3	1	3	4	2	1	31
LPS - Rehearing Petition	1		2		3		2	2	1	2			5	18
LPS - Writs	2	2	4	4	6	1	3	3	3	3	4		-1	34
Civil/Writ													1	1
AOT Petition														0
Monthly Totals	11	11	14	10	14	6	16	10	12	18	11	2	20	155
Cumulative Totals	11	22	36	46	60	66	82	92	104	122	133	135	155	
"E" CASES														
P57														0
P47														0
602 -Delinquency	32	44	19	49	36	47	51	39	46	21	44	31	8	467
602 - GAL					1									1
Special Advocate							11	11	10	4	6	7	3	52
Witness Representations - JV	1													1
SB 203							29	31	30	31	31	31	196	348
Miranda - SB 395	44	38	46	52	49	43	55	21	18	12	18	14	-178	232
Prob. Req. Miranda Advice	5	5	6	16	2	13	11	6	8	3	10	6	5	96
Monthly Totals	82	87	71	117	88	103	128	106	113	70	109	89	34	1197
Cumulative Totals	82	169	240	357	445	548	676	782	895	965	1074	1163	1197	
"G" CASES														
1170(D)/1170.03	1		1	1	1	1	3	4	3	1			4	20
1170.95	1	2				1		1	1	1				7
1473.7	12	12	2	16	11	6	1	8	1	10	6	11	1	97
3051	3	2	1			1	6	1		1				15
Monthly Totals	17	16	4	17	12	9	10	14	5	13	6	11	5	139
Cumulative Totals	17	33	37	54	66	75	85	99	104	117	123	134	139	
"X" CASES														
1370 Court	5	4	3	5	4	3	4	3	4	4	3	4		46
A. Gun Violence RO			3	2	1		1		2	2			2	14
B. Civil Restraining Orders				1			3	1				2	3	10
Contempt Calendar	4	6	4	4	4	4	5	4	4	4	5	4		52
Drug Court	2	2	2	2	1	2	2	2	2	2	2	2	2	23
DUI Conference Calendar	4	4	3	5	2	3	3	2	4	4	3	4		41
DUI Review Calendar														0
Expungement	74	106	65	54	62	26	58	36	38	37	33	64	85	738
Girls Program						1	1	1	1	1	1	1	3	10
I/C Muni Arraignment	20	23	19	22	19	20	21	33	41	42	44	38		342
LPS Calendar	4	5	4	5	4	4	5	4	4	5	4	4		52
Mentor			4	5		6	1	1	3	1	3	1	1	26
Mental Health Diversion	5	4	3	5	4	3	4	3	4	4	3	4		46
Military Diversion	1	1	1	1	1	1	1	1	1	1	1	1		12
Misd. Diversion Calendar	2	2	1	2	1	2	2	2	2	2	2	2		22
O/C Muni Arraignment Calendar	35	43	34	39	27	19	38	36	35	38	39	35		418
Officer Of The Day	26	27	23	25	24	24	30	22	23	32	27	23	5	311
Pathways Court	8	9	9	8	7	7	8	9	2	4	3	4		78
Restitution Court	1	1	1	1	1	1	1	1	1	1	1	1		12
Special Asgmt		1	2	2	2	4	5	2	1	7	3	4	4	37
Special Project													1	1
Sprcial Project / Sup Atty				1				1					-1	1
Superior Arraignment Calendar	20	23	19	22	19	20	21	19	21	21	22	19	2	248
Veterans Court	1	1	1	1	1	1	1	1	1	1	1	1		12
Witness Rep./ Not Appointed					2					1				3
Monthly Totals	212	265	201	210	185	155	212	185	194	212	202	218	104	2555
Cumulative Totals	212	477	678	888	1073	1228	1440	1625	1819	2031	2233	2451	2555	
MONTHLY GRAND TOTALS														
	1935	2062	1663	1964	1578	1392	1867	1622	1687	1799	1819	1673	183	21244
FY 2023-24 CUMULATIVE GRAND TOTALS														
	1935	3997	5660	7624	9202	10594	12461	14083	15770	17569	19388	21061	21244	
* = "A" & "B" Type Civil Cases														
All "C" Cases are Civil Cases														
"X": Accounts for 'Services' as defined in the agreement between The County of San Mateo and The San Mateo County Bar Association dated 06/13/2023.														
"G": Accounts for BSCC grant cases covered by the Public Defense Pilot Program.														
NOTE:	Delays in adding cases into our computer system may result in case counts being understated. The "Year End True-up" column adjusts for cases added in subsequent months.													
I = Incomplete data for this period.														

APPENDIX

6

PDP CASE LEVELS 1-9

MISDEMEANOR LEVELS

Level 1: LOW LEVEL MISDEMEANORS: All misdemeanors not listed under “level 2”, below.

Level 2: HIGH LEVEL MISDEMEANORS: The following misdemeanor offenses:

- Misdemeanor vehicular manslaughter- **191.5, 191, 192,192.5**
- Arson Registration- **452, 453**
- Child abuse- **273**
- Animal cruelty- **286.5, 597, 599, 600, 600.2, 600.5**
- 290 sex registerable offenses- **243.4, 266, 272, 286, 287, 288, 288.4, 289, 311, 314, 653f, 647.6, 647a**
- Gang misdemeanors- **186.22**
- Domestic violence- anything that has a “**Domestic Violence Pretrial**”

FELONY LEVELS

See Attached PDP felony Level List by Statute

Level 3: LOW LEVEL FELONIES: beginning “SCR” felonies, all felonies not qualifying as a 4-9, below

Level 4: MID LEVEL FELONIES: Serious felonies with some exceptions (non-strike felonies with arson registration, simple sex offenses that are not a level “6”, simple violent felonies, drug and 2800 cases with high triads, charges too complex to be assigned to a beginning felony attorney)

Level 5: HIGH LEVEL FELONIES: violent felonies with some exceptions (gang cases, serious felonies with high triads, complicated charges or high risk of turning into a more serious case at prelim)

Level 6: FELONY SEX CASES: felony sex cases with 290 registration with some exceptions

Level 7: FELONY INDETERMINATE TERM: non-homicide life cases, including three strikes

Level 8: FELONY HOMICIDE AND LWOP- non capital homicide and other not homicide LWOP cases

Level 9: FELONY CAPITAL MURDER- special circumstances, DA has not announced penalty sought, capital cases

PDP FELONY LEVEL LIST

**ALL FELONIES ARE A “3” EXCEPT THE FOLLOWING CHARGES
OR ENHANCEMENTS, WHICH ARE DESIGNATED BY THE
CORRESPONDING LEVELS**

<u>CODE SECTION</u>	<u>Level</u>	<u>MISC. CONDITIONS</u>
32	See offense	Determine level based on underlying offense
37	8	
128	8	
136.1	4	
148.10(a)	4	
182	See offense	Determine level based on underlying offense
186.22(a)	5	
186.22(b)(1)(A)	5	
186.22(b)(1)(B)	5	
186.22(b)(1)(C)	5	
186.22(b)(5)	7	
187	8	
187(a)	8	
187(b)	8	
190.2(a)(1) - 190.2(a)(22)	9	If the DA has announced they are not seeking death, case would be a level “8”. Otherwise it is a 9
190(d)	8	
191.5(d)	8	
192(a)	8	
192(b)	5	

192(c)	5	
192.5	5	
203	5	
205	7	
206	7	
207(a)	5	
207(b)	6	
209(a)	8, 7	If it is it alleged in the charging document that the victim “suffered bodily or is intentionally confined in a manner that exposes that person to a substantial likelihood of death” it is an 8. Otherwise, it is a 7
209(b)	7	
209.5	7	
212.5	4	If there is an enhancement, determine level based on enhancement. Otherwise it is a 4
215	5	
217.1(b)	7	
218	8	
219	8, 7	If someone suffered death as a proximate result of the train wrecking it is an 8. Otherwise, it is a 7
220(a)	6	
220(b)	7	
236.1(c)(2)	7	
243(d)	4	
243.4	6	
244	5	
245(a)(1)	4	

245(a)(2)	4	
245(a)(3)	5	
245(b)	5	
245(d)	5	
245.2	4	
245.3	4	
245.5	4	
245.5(b)	4	
246	4	
246.3	4	
247	4	
261(a)	6	
261.5	4	
262(a)	6	
264.1	6	
266	4	
267	4	
269	7	
273ab(a)	7	
273ab(b)	7	
286	6	
287(b)(1)	4	
287(b)(2)	4	
287(c)(1)	6	
287(c)(2)(A)	6	
287(c)(2)(B)	6	
287(c)(2)(C)	6	
287(c)(3)	6	

287(d)(1)	6	
287(d)(2)	6	
287(d)(3)	6	
287(e)	4	
287(f)	6	
287(g)	6	
287(h)	4	
287(i)	6	
287(j)	6	
287(k)	6	
288(a)	6	
288(b)	6	
288(c)	6	
288(i)	7	
288.2	6	
288.3	6	
288.4	6	
288.5	6	
288.7	7	
289	6	
289.6	4	
311.1	6	
311.2	6	
311.3	6	
311.4	6	
311.10	6	
311.11	6	
314	4	

404.6(c)	4	
417(b)	4	
417(c)	4	
417.3	4	
417.6	4	
417.8	4	
422	4	
451(a)	5	
451(b)	5	
451(c)	4	
451(d)	4	
451.1	4	
451.5	7	
452(a)	4	
452(b)	4	
452(c)	4	
453(a)	4	
454(a)	4	
454(b)	4	
455	4	
460(a)	4	This is a 4, even if a person is present per 667.5
461(a)	4	
487(d)(2)	4	
550(g)	4	
647.6	4	
653f(b)	5	
653f(c)	5	

664	See offense	Determine level based on underlying offense (except 664/187; see below)
664/187	7, 5	If alleged with premeditation per Penal Code 189 it is a 7. Otherwise it is a 5
667.51	6	
667.51(c)	7	
667.61(a)	7	
667.61(b)	7	
667.61(j)(1)	8	
667.61(j)(2)	7	
667.61(l)	8	
667.61(m)	7	
667.7(a)(1)	7	
667.7(a)(2)	8	
667.71	7	
667.75	7	
1170.12(C)(2) (THREE STRIKES)	7	Case is a level 7 if three strikes alleged in the complaint per 1170.12(c)(2) and DA has not announced they are not seeking 3 strikes. Otherwise the level is based on the underlying offense
2800.3 (VC)	4	
23104(b) (VC)	4	
23105(a) (VC)	4	
23566(b) (VC)	4	

23566(c) (VC)	4	
4500	8, 7	If the assault with a deadly weapon by a life prisoner resulted in a death it is an 8. Otherwise it is a 7
4501(a)	4	
4503	4	
11353 (H & S)	4	
11353.5 (H & S)	4	
11353.7 (H & S)	4	
11370.4(a)(1)(c) (H & S)	4	
11370.4(a)(1)(d) (H & S)	4	
11370.4(a)(1)(e) (H & S)	4	
11370.4(a)(1)(f) (H & S)	4	
11370.4(b)(1)(c) (H & S)	4	
11370.4(b)(1)(d) (H & S)	4	
11379.8(a)(3) (H & S)	4	
11379.8(a)(4) (H & S)	4	
11380(a) (H & S)	4	

11418(b)	5	
11418(c)	5	
14107(e) (WI)	7	
12022(a)(1)	4	
12022(a)(2)	4	
12022(b)	4	
12022(c)	4	
12022(d)	4	
12022.2	5	
12022.3	5	
12022.5	5	
12022.7	5	
12022.8	5	
12022.9	5	
12022.53(b)	5	
12022.53(c)	5	
12022.53(d)	7	
12022.55	5	

APPENDIX

7



Private Defender Program

San Mateo County Bar Association Budget vs. Actual with Monthly Trend Private Defender Program As of June 30, 2024

	Month Ending 07/31/2023 <small>Actual</small>	Month Ending 08/31/2023 <small>Actual</small>	Month Ending 09/30/2023 <small>Actual</small>	Month Ending 10/31/2023 <small>Actual</small>	Month Ending 11/30/2023 <small>Actual</small>	Month Ending 12/31/2023 <small>Actual</small>	Month Ending 01/31/2024 <small>Actual</small>	Month Ending 02/29/2024 <small>Actual</small>	Month Ending 03/31/2024 <small>Actual</small>	Month Ending 04/30/2024 <small>Actual</small>	Month Ending 05/31/2024 <small>Actual</small>	Month Ending 06/30/2024 <small>Actual</small>	Year To Date 06/30/2024			
													Actual	BUDGET	Budget Diff	Budget Ratio
Revenues over Expenditures																
Revenues																
Program Service Revenue																
Program Revenue																
SM County Contract Revenue	5,916,512.25	0.00	0.00	5,916,512.25	0.00	0.00	5,915,830.63	0.00	0.00	5,916,512.25	0.00	(186,084.89)	23,479,282.49	23,666,050.00	(186,767.51)	0.99
AB109 Probation/Parole	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	517,115.02	517,115.02	254,605.00	262,510.02	2.03
BSCC Grant Revenue	0.00	0.00	307,421.29	76,290.40	47,692.83	115,203.49	65,081.00	73,811.75	55,182.95	92,465.56	73,744.05	84,608.57	991,501.89	0.00	991,501.89	0.00
Court Funding 300 W & I - JV	191,358.00	0.00	0.00	191,358.00	0.00	191,358.00	0.00	0.00	191,358.00	0.00	0.00	(49,673.41)	715,758.59	906,513.00	(190,754.41)	0.79
JCC Funding	0.00	0.00	0.00	0.00	0.00	7,187.08	12,265.26	10,469.53	0.00	15,513.72	9,096.88	216,117.53	270,650.00	0.00	270,650.00	0.00
Total Program Revenue	6,107,870.25	0.00	307,421.29	6,184,160.65	47,692.83	313,748.57	5,993,176.89	84,281.28	246,540.95	6,024,491.53	82,840.93	582,082.82	25,974,307.99	24,827,168.00	1,147,139.99	1.05
Total Program Service Revenue	6,107,870.25	0.00	307,421.29	6,184,160.65	47,692.83	313,748.57	5,993,176.89	84,281.28	246,540.95	6,024,491.53	82,840.93	582,082.82	25,974,307.99	24,827,168.00	1,147,139.99	1.05
Investment Income																
Investment Income	8,111.22	9,369.18	14,631.26	20,259.55	11,080.64	8,411.38	11,999.61	24,187.51	22,760.40	31,395.26	29,794.33	22,006.85	214,007.19	5,000.00	209,007.19	42.80
Total Investment Income all	8,111.22	9,369.18	14,631.26	20,259.55	11,080.64	8,411.38	11,999.61	24,187.51	22,760.40	31,395.26	29,794.33	22,006.85	214,007.19	5,000.00	209,007.19	42.80
Total Revenues	6,115,981.47	9,369.18	322,052.55	6,204,420.20	58,773.47	322,159.95	6,005,176.50	108,468.79	269,301.35	6,055,886.79	112,635.26	604,089.67	26,188,315.18	24,832,168.00	1,356,147.18	1.05
Expenditures																
Program																
Attorney Fees	884,618.75	1,310,488.92	1,165,747.96	1,260,414.84	1,271,366.62	1,243,309.23	1,162,828.14	1,234,844.19	1,183,751.84	1,251,761.04	1,285,661.15	1,886,998.15	15,141,790.83	15,259,562.00	(117,771.17)	0.99
Investigator Fees	261,452.71	296,895.99	307,910.87	302,688.62	304,986.33	(63,001.57)	222,409.41	303,910.64	290,594.07	300,999.38	321,245.67	403,780.79	3,253,872.91	2,778,340.00	475,532.91	1.17
Paralegal Fees	0.00	0.00	0.00	0.00	0.00	13,909.00	1,510.00	3,046.00	3,154.07	1,621.83	642.05	33,032.20	56,915.15	0.00	56,915.15	0.00
Social Worker Fees	0.00	0.00	0.00	0.00	0.00	357,861.16	57,477.37	89,889.53	76,761.73	74,935.71	84,400.66	91,698.57	833,024.73	0.00	833,024.73	0.00
Expert & Related Services	35,319.32	43,814.82	105,960.46	50,728.04	115,976.97	58,315.47	110,522.20	101,507.72	89,389.05	111,390.09	83,726.19	133,163.15	1,039,813.48	1,086,050.00	(46,236.52)	0.96
Answering Service & Other Expenses SB395	432.98	432.99	472.31	655.42	452.18	449.00	855.25	1,795.23	1,312.80	832.18	598.09	571.20	8,859.63	3,841.00	5,018.63	2.31
Education Reimbursements - Attorneys	765.48	15.00	920.00	315.00	850.00	3,219.00	3,818.24	2,338.56	985.10	813.00	577.00	2,435.09	17,051.47	57,289.00	(40,237.53)	0.30
Education Reimbursements - Investigators	0.00	1,275.00	0.00	385.00	0.00	0.00	637.50	0.00	0.00	0.00	0.00	0.00	2,297.50	10,873.00	(8,575.50)	0.21
In-House Training Sessions	8,375.33	0.00	10,504.40	86.54	0.00	0.00	9,954.74	0.00	0.00	4,528.65	0.00	924.86	34,374.52	21,855.00	12,519.52	1.57
Lexis Nexis	5,649.00	6,750.00	6,318.00	6,665.00	6,325.00	6,920.00	7,322.20	6,920.20	7,260.20	7,175.20	7,090.20	6,835.20	81,230.20	103,374.00	(22,143.80)	0.79
Data Analytics	0.00	0.00	0.00	7,490.00	0.00	1,647.80	1,647.80	2,817.80	2,247.80	2,097.80	5,487.80	1,902.80	25,339.60	149,946.36	(124,606.76)	0.17
Other Program Expense	7,200.00	16,391.21	7,620.00	(1,415.00)	9,585.00	9,649.99	9,311.92	10,715.00	10,262.50	9,835.00	9,212.83	34,492.00	132,860.45	0.00	132,860.45	0.00
Discovery Costs	3,296.42	3,455.02	2,352.70	5,297.67	2,448.25	2,565.66	4,583.49	2,482.50	3,548.13	5,410.15	3,958.57	6,811.68	46,210.24	31,548.00	14,662.24	1.46
Events Expense	157.08	0.00	0.00	0.00	0.00	4,527.09	0.00	340.00	0.00	0.00	72.62	205.00	5,301.79	5,464.00	(162.21)	0.97
Card Key Expense	0.00	0.00	0.00	0.00	0.00	0.00	8,139.59	40.00	8,139.59	40.00	0.00	0.00	16,359.18	17,013.00	(653.82)	0.96
Total Program	1,207,267.07	1,679,518.95	1,607,806.70	1,633,311.13	1,711,990.35	1,639,371.83	1,601,017.85	1,760,647.37	1,677,406.88	1,771,440.03	1,802,672.83	2,602,850.69	20,695,301.68	19,525,155.36	1,170,146.32	1.06
Personnel																
Salary and Wages	238,978.35	245,839.08	250,314.63	250,145.33	267,446.34	251,458.27	254,199.25	241,586.37	308,965.50	284,073.99	298,010.76	299,278.35	3,190,296.22	3,483,267.60	(292,971.38)	0.92
PR Benefits	41,922.93	37,182.25	27,673.36	1,847.35	32,879.46	45,194.32	33,958.51	37,860.39	15,750.60	79,127.93	39,808.52	263,231.87	656,437.49	753,548.60	(97,111.11)	0.87
PR Taxes	16,598.75	14,565.72	11,687.90	10,200.09	12,181.62	11,855.73	23,459.81	18,811.57	21,352.65	21,488.05	22,525.29	21,293.15	206,020.33	278,661.44	(72,641.11)	0.74
Total Personnel	297,500.03	297,587.05	289,675.89	262,192.77	312,507.42	308,508.32	311,617.57	298,258.33	346,068.75	384,689.97	360,344.57	583,803.37	4,052,754.04	4,515,477.64	(462,723.60)	0.90
Occupancy																
Professional Fees																
IT Services	2,370.00	2,370.00	2,370.00	2,370.00	2,370.00	2,370.00	2,370.00	2,370.00	2,870.00	2,870.00	2,870.00	2,870.00	30,440.00	25,898.00	4,542.00	1.18
HR & Payroll Consulting	6,437.28	6,509.89	6,468.84	6,571.48	6,539.70	8,259.92	4,292.97	6,503.71	6,585.23	6,586.27	6,584.57	6,671.47	78,011.33	52,789.00	25,222.33	1.48
Other Professional Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,100.00	0.00	1,100.00	(26,218.00)	0.04	
Accounting Services	6,280.90	5,210.00	7,578.27	5,924.25	7,698.92	5,564.00	5,564.00	6,200.38	7,456.44	6,060.50	6,060.50	6,060.50	75,658.66	78,676.00	(3,017.34)	0.96
Audit & Tax Prep Fees	0.00	8,008.80	14,420.00	4,000.00	42,356.00	5,094.00	0.00	712.50	0.00	0.00	0.00	0.00	74,591.30	48,739.00	25,852.30	1.53
Legal Services	70.00	0.00	0.00	1,560.50	0.00	0.00	0.00	0.00	7,606.25	22,480.85	2,227.50	660.00	34,605.10	23,340.00	11,265.10	1.48

No assurance is provided on these financial statements. All disclosures required by GAAP are omitted.



Private Defender Program

**San Mateo County Bar Association
Budget vs. Actual with Monthly Trend
Private Defender Program
As of June 30, 2024**

	Month Ending 07/31/2023	Month Ending 08/31/2023	Month Ending 09/30/2023	Month Ending 10/31/2023	Month Ending 11/30/2023	Month Ending 12/31/2023	Month Ending 01/31/2024	Month Ending 02/29/2024	Month Ending 03/31/2024	Month Ending 04/30/2024	Month Ending 05/31/2024	Month Ending 06/30/2024	Year To Date 06/30/2024			
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	BUDGET	Budget Diff	Budget Ratio
Total Professional Fees	15,158.18	22,098.69	30,837.11	20,426.23	58,964.62	21,287.92	12,226.97	15,786.59	24,517.92	37,997.62	18,842.57	16,261.97	294,406.39	256,760.00	37,646.39	1.15
General and Administrative Ex- penses																
Credit Card and Other Service Charges	0.00	0.00	458.39	75.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	390.55	924.60	0.00	924.60	0.00
Depreciation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	19,515.21	19,515.21	0.00	19,515.21	0.00
Due and Subscriptions	0.00	0.00	0.00	0.00	0.00	0.00	10,624.76	522.75	477.00	855.00	220.00	330.00	13,029.51	14,256.00	(1,226.49)	0.91
Equipment Rental	1,775.17	1,182.18	1,442.42	1,692.16	1,147.22	1,758.49	1,173.41	1,162.75	1,755.67	1,162.75	1,197.75	1,755.64	17,205.61	12,592.00	4,613.61	1.37
Facilities	0.00	0.00	0.00	0.00	0.00	1,906.34	3,136.93	1,700.88	0.00	0.00	0.00	0.00	6,744.15	7,009.00	(264.85)	0.96
Insurance	6,856.25	6,856.31	6,856.31	6,856.31	6,856.31	6,856.31	6,856.31	6,856.31	6,856.31	6,852.62	15,605.47	4,906.46	89,071.28	77,635.00	11,436.28	1.15
Meals and Entertainment	70.84	90.01	373.03	330.73	418.23	515.63	378.45	525.46	476.11	351.54	368.56	800.93	4,699.52	3,278.00	1,421.52	1.43
Office Expenses																
Publication and Books	0.00	1,412.42	630.11	3,405.75	2,394.71	2,496.64	4,296.36	0.00	1,570.95	0.00	1,428.37	1,600.50	19,235.81	8,742.00	10,493.81	2.20
Office Supplies	1,953.54	2,614.66	917.02	2,333.97	1,567.03	4,573.79	5,750.18	3,819.09	3,432.57	2,012.09	3,795.57	7,206.60	39,976.11	35,294.00	4,682.11	1.13
Computer Hardware & Equipment	0.00	0.00	1,687.95	1,915.78	1,339.70	8,520.83	0.00	2,752.68	2,354.45	1,353.10	1,107.30	32.84	21,064.63	11,922.00	9,142.63	1.77
Computer Software	6,567.63	6,913.63	5,597.16	6,801.88	5,806.98	6,321.07	6,558.98	6,151.96	5,855.89	6,189.17	6,816.91	20,036.87	89,618.13	59,007.00	30,611.13	1.52
Total Office Expenses	8,521.17	10,940.71	8,832.24	14,457.38	11,108.42	21,912.33	16,605.52	12,723.73	13,213.86	9,554.36	13,148.15	28,876.81	169,894.68	114,965.00	54,929.68	1.48
Postage and Delivery	0.00	0.00	63.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	50.00	113.84	424.00	(310.16)	0.27
State and Local Taxes	133.39	40.82	40.82	40.82	40.82	40.82	40.82	40.82	40.82	56.74	56.74	56.74	630.17	0.00	630.17	0.00
Telecommunication	2,948.53	3,644.96	2,266.44	4,375.54	4,098.51	7,412.97	4,828.46	5,616.41	8,351.19	8,167.99	7,531.15	10,530.82	69,772.97	49,009.00	20,763.97	1.42
Travel Expenses	204.81	682.50	814.85	272.12	1,171.36	36.05	21.63	397.66	130.33	0.00	1,431.86	2,248.90	7,412.07	4,699.00	2,713.07	1.58
Total General and Administrative Ex- penses	20,510.16	23,437.49	21,148.34	28,100.72	24,840.87	40,438.94	43,666.29	29,546.77	31,301.29	27,001.00	39,559.68	69,462.06	399,013.61	283,867.00	115,146.61	1.41
Total Expenditures	1,561,699.54	2,043,906.28	1,970,732.14	1,965,294.95	2,129,567.36	2,030,871.11	1,989,792.78	2,125,503.16	2,100,558.94	2,248,634.54	2,243,069.67	3,294,028.11	25,703,658.58	24,832,168.00	871,490.58	1.04
Total Revenues over Expenditures	4,554,281.93	(2,034,537.10)	(1,648,679.59)	4,239,125.25	(2,070,793.89)	(1,708,711.16)	4,015,383.72	(2,017,034.37)	(1,831,257.59)	3,807,252.25	(2,130,434.41)	(2,689,938.44)	484,656.60	0.00	484,656.60	0.00