

SAN MATEO COUNTY BAR ASSOCIATION

PRIVATE DEFENDER PROGRAM

**ANNUAL REPORT
FISCAL YEAR 2024-2025**



**LISA M. MAGUIRE
CHIEF DEFENDER**

FISCAL YEAR 2024-2025 PDP ANNUAL REPORT

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GREETING FROM THE CHIEF DEFENDER



Welcome to the San Mateo County Private Defender Program's 2024–2025 Annual Report. It is my honor to share the accomplishments of the past fiscal year. As you will see in the following pages, we have continued to broaden the scope of our work to provide more holistic, client-centered representation. Our clients benefit from the expertise of dedicated attorneys, experienced investigators, highly qualified social workers, and committed client advocates. While we expand opportunities through collaborative courts and diversion programs that can help clients avoid convictions, we remain steadfast in our belief that the best outcomes often come from strong courtroom advocacy resulting in dismissals or acquittals.

Over the past year, we accepted appointments in more than 21,000 cases, ranging from petty theft to capital murder. Our attorneys have litigated vigorously to protect constitutional and statutory rights, while also addressing racial injustice and inequity to correct past wrongs. We successfully litigated several post-conviction cases, resulting in clients being relieved from additional years of incarceration stemming from offenses committed in their youth.

As we build stronger support systems to address our clients' complex needs, we are also investing in resources to help our attorneys succeed in the courtroom. This year, the Program had more than 87 jury trials. The results continue to demonstrate that cases taken to trial frequently achieve outcomes as favorable—or better—than those offered through pretrial settlements. Our attorneys rely on investigators, paralegals, motion writers, legal researchers, and expert witnesses to ensure every client receives the strongest possible defense.

With caseloads continuing to grow in both volume and complexity, we have increased our recruitment efforts to bring in new attorneys. California is currently conducting a statewide workload study that is expected to recommend reducing defender caseloads. To meet that standard, we must expand our ranks and distribute work more evenly. We are also fostering opportunities for law clerks, building a pipeline of talented new attorneys to serve our clients in the years ahead.

I am deeply grateful to the San Mateo County Bar Association's Board of Directors, the San Mateo County Board of Supervisors, and the County Manager's Office for their partnership and support in making this vital work possible. I hope you find this report both informative and inspiring.

INTRODUCTION

In 1963, the United States Supreme Court's landmark decision in *Gideon v. Wainwright* established that anyone charged with a crime who cannot afford an attorney has a constitutional right to counsel at public expense. In the years that followed, many of California's larger counties created public defender offices, while smaller and more rural counties adopted "contract systems," where private attorneys provided representation under agreements managed by the courts. San Mateo County took a different path.

In 1968, the Board of Supervisors began evaluating how best to provide representation for indigent defendants. Recognizing the wealth of criminal defense expertise among local solo practitioners and small firms, the San Mateo County Bar Association proposed creating and administering an assigned counsel program. The proposal was accepted, and in 1969 the Private Defender Program (PDP) began operations. Since then, the PDP has continuously provided indigent defense services through a managed assigned counsel system.

On June 8, 2023, the County of San Mateo and the San Mateo County Bar Association entered into a new five-year agreement to continue providing representation through the PDP—extending a partnership that has now lasted more than half a century. This report, submitted under the terms of that agreement, provides information on PDP operations, benchmark data, and highlights from the past fiscal year, including the work of 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. The Program also represents children who have been abused or neglected, individuals living with serious mental illness, and older adults unable to manage their own affairs. In addition, appellate specialists handle extraordinary writs in the Court of Appeal and the California Supreme Court to safeguard our clients' rights.

To provide the most comprehensive representation possible, the Program has grown steadily, adding services that reflect a more holistic model of defense. The management team has also expanded to provide greater guidance, training, and oversight, ensuring that every panel attorney is fully equipped to meet the highest standards of representation.

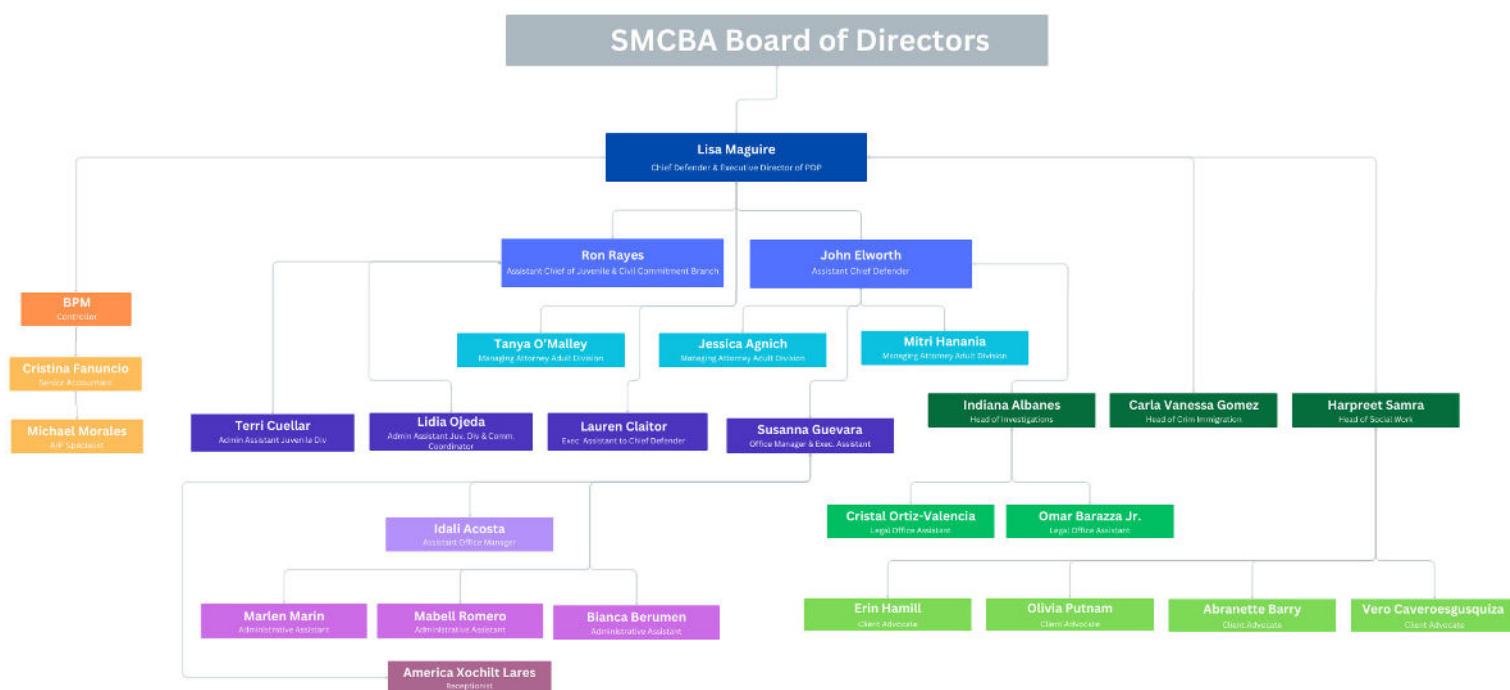
As the following pages will show, the PDP has evolved significantly since its first Annual Report in 1970, yet it has remained true to its founding commitment: delivering skilled, client-centered advocacy while upholding the rigorous values and standards that define the Private Defender Program.

THE PROGRAM STRUCTURE

The Private Defender Program's administration in the past fiscal year consisted of 26 employees, including the Chief Defender, Assistant Chief Defender, Assistant Chief of Juvenile & Civil Commitment, three Managing Attorneys, the Head of Investigations, and the Head of Social Work. The Program also maintains a robust administrative team of dedicated staff who provide essential support in areas such as case assignments and data management.

Together, this team ensures that PDP attorneys, investigators, social workers, and client advocates receive the guidance, oversight, and resources they need to represent clients effectively. The combination of experienced leadership and skilled support staff allows the Program to maintain its high standards of performance while adapting to the growing complexity and volume of cases.

SMCBA Private Defender Program Organizational Chart



THE MANAGEMENT TEAM



Lisa Maguire has led the Private Defender Program as Chief Defender since 2019, overseeing a panel of dedicated defense attorneys who provide diligent and zealous representation to their clients. Under her leadership, the Program has expanded significantly to support a more holistic approach to client representation. Lisa first joined the Program as a criminal defense attorney in 2001, handling a wide range of cases, including serious felonies and homicide cases. In 2017, she was hired as Assistant Chief Defender, where she assisted with program operations before stepping into the Chief Defender role in 2019. An active leader in the legal community, Lisa serves on the board of the California Public Defender Association, is a member of the Legislative Committee, and co-chairs the Amicus Committee. In recognition of her contributions, she received the Eleanor Falvey Award in 2023 for outstanding service to Women Lawyers and the San Mateo County legal community.



John Elworth as Assistant Chief Defender helps oversee the administration of the Private Defender Program. He works to ensure that attorneys provide high-quality legal representation by improving data collection and analysis to drive management decisions. He has collaborated with national experts on indigent defense data to identify metrics for evaluating indigent defense models and has made changes to PDP's case management system to track this critical data. John has been an attorney since 2003 and has spent most of his career focused primarily on indigent criminal defense cases. John joined the Private Defender Program as a panel attorney in 2008 handling serious felony cases, including several homicide cases that resulted in favorable outcomes. In recognition of his dedication to zealous advocacy, he was awarded the PDP's Woodman Award by his colleagues in 2019. John joined the PDP as Assistant Chief Defender in 2023.



Ron Rayes as the Assistant Chief of the Juvenile and Civil Commitment Branch, administers Juvenile Justice cases, Dependency cases, Lanterman-Petris-Short-Act (LPS) cases, CARE court, Probate Guardianships, and Conservatorship cases. He is responsible for assigning these cases as well as providing support to the PDP attorneys within these units. Prior to joining management in 2019, Ron was a criminal defense attorney for over 16 years. In his private practice, Ron represented indigent clients in San Mateo and Santa Clara counties, representing adult and juvenile clients and litigating transfer cases. Ron serves on the Pacific Juvenile Defender Center's Executive Board and is an active advocate for juvenile justice reform, frequently presenting juvenile justice issues before the California Legislature.



Mitri Hanania as a Managing Attorney in the Adult Division of the Program primarily focuses on management for the misdemeanor and post-conviction units. He supports the PDP attorneys by providing training, case consultation, and oversight on misdemeanor cases and post-conviction matters, including record clearance and resentencing. He also manages the custody calendar and helps recruit, onboard, and train new attorneys. Mitri joined the Private Defender Program as a panel attorney in 2001. After more than 20 years practicing criminal defense, he joined the management team in 2022. Over Mitri's career he has handled a diverse range of cases, from minor traffic violations to complex homicide cases. Mitri earned the Woodman Award in 2021 for his excellent work with the Private Defender Program, and he is a Criminal Law Specialist certified by the State Bar of California Board of Legal Specialization. Mitri joined the management team in 2022.



Tanya Montano O'Malley is the Managing Attorney of Specialty Courts & Community Engagement. She provides training and guidance to attorneys navigating the complexities of collaborative and specialty courts, helping them advocate for the best possible holistic outcomes for their clients. Tanya also collaborates with judges, district attorneys, treatment providers, social workers, and other justice partners to develop and refine specialty court structures within San Mateo County. Tanya worked for the 9th Circuit Court of Appeals before opening her own private practice. She was a PDP attorney for 17 years, handling a large variety of criminal cases. In her private practice, she assisted San Mateo County in implementing various collaborative courts and programs, including homeless connect and drug courts. Tanya joined the management team in 2022.



Jessica Agnich is a Managing Attorney in the Adult Division of the Private Defender Program. She primarily provides training and support to PDP attorneys who handle felony cases. Jessica assigns serious felony cases and provides guidance to attorneys on complex legal issues, including case strategy and expert witness selection. She also plans and coordinates MCLE trainings to support ongoing attorney development. In addition, Jessica manages the Attorney of the Day system and helps recruit, onboard, and train new attorneys. Jessica served as a public defender for seven years before transitioning to private criminal defense, where she practiced for eleven years. Her extensive experience focused on homicides, gang-related cases, and serious and violent felonies. Jessica joined the PDP in 2018, and became a member of the management team in 2024. Jessica is a Criminal Law Specialist certified by the State Bar of California Board of Legal Specialization.

DEPARTMENT HEADS



Carla Gomez as the Head of the Criminal Immigration Defense unit for the Program helps PDP attorneys navigate the intersection of criminal and immigration law, and assists with case resolutions that often minimize immigration penalties and avoid deportation proceedings for clients. In addition to case-specific consultations, Carla conducts training sessions to equip attorneys with the knowledge needed to advocate effectively for noncitizen clients, and engages in community outreach throughout San Mateo County to educate and support immigrant communities. Carla previously worked as a senior staff attorney at the Immigrant Legal Resource Center where she developed an expertise in criminal immigration issues. Carla joined the PDP management team in 2024.



Indiana Albanes as the Head of Investigations at the Program, oversees a panel of over 40 criminal investigators and nine paralegals. Indiana assigns investigators and paralegals based on their level of experience and expertise. She also provides training and support to the investigators she oversees and is available to assist the attorneys with investigative strategy and guidance with their cases. Indiana joined the team as Head of Investigations in 2023. In her current role, she 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 acquired 15 years of experience as an investigator where her work emphasized a client-centered approach and how early life experiences and trauma shape outcomes and drive people to the criminal justice system. Indiana's approach aligns with the holistic defense model and focuses on providing meaningful prevention and intervention services.



Harpreet Samra as the Head of Social Work leads a panel of 38 mental health professionals and four client advocates for the Program. Preet consults with attorneys, investigators, and paralegals to determine the best course of action for the social work team. She also works closely with community partners, collaborates with Correctional Health Services, and liaises with community-based organizations to ensure clients receive comprehensive support. Preet created the PDP's social work department from the ground up by recruiting mental health professionals, developing a sustainable referral system for attorneys, and creating training tools for service providers. With over 17 years of experience in social work before joining the PDP in 2021, Preet has dedicated her career to improving holistic outcomes for individuals involved in the legal system. Her extensive background in mental health advocacy and direct client services has made her an essential leader in bridging social work and legal defense.



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 the Senior Accountant, she provides financial analysis and reports for our office and assists with the preparation of budgets and yearly audits.

THE ADMINISTRATIVE TEAM



Susanna Guevara with over two decades of experience in the legal field, currently serves as the PDP's Executive Assistant and Office Manager. Susanna's journey with the organization began in 2001 as a Lawyer Referral Service (LRS) appointment secretary, and since then, she has taken on several key roles, including receptionist, billing coordinator, Assistant Office Manager, and Office Manager for the Private Defender Program. In her role, Susanna provides critical administrative support, oversees case assignments, and ensures the smooth operation of the office.



Terri Cuellar serves as the Administrative Assistant at the Office of Juvenile and Civil Commitment Branch. A dedicated member of the PDP family for more than 45 years, she provides invaluable support to Assistant Chief Ron Rayes and the attorneys on the Juvenile, LPS, Contempt, and Probate panels. As the longest-serving employee of the PDP, Terri has worked alongside five Executive Directors and hundreds of attorneys and investigators. Throughout her remarkable tenure, she has been recognized for her unwavering patience, steady demeanor, and reliability—qualities that countless colleagues have come to admire and depend on.



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.

INTRODUCING THE PDP'S LEGAL PROJECT SPECIALISTS

Omar and Cristal joined the PDP this fiscal year as Legal Project Specialists, supporting managing attorneys and staff. In this role, they strengthen organizational workflow through process automation, digital resource development, and data collection and reporting. They also collaborate with management to provide client support, community outreach, training, and special event planning in support of holistic defense.



A 2023 graduate of the University of Redlands with a bachelor's degree in business administration, **Omar Barraza Jr.**, brings a diverse background in legal, administrative, and client-focused roles, including an internship at a criminal defense firm, administrative support positions, high school baseball coaching, and customer service. At the PDP, Omar supports the administration through ongoing research and data projects, such as preparing the daily in-custody arraignment calendar for panel attorneys. Drawing on his business training and interest in automation, Omar designed and implemented multiple operational improvements, including a digitized client survey and a centralized digital platform that streamlines

document access and internal communications. In partnership with Stanford's Donohue Lab, Omar is also tracking diversion outcomes to develop data-driven arguments highlighting the benefits of supportive interventions that help clients avoid convictions.



Cristal Ortiz-Valencia graduated in 2020 from California State University, Chico, with a B.A. in Psychology and a minor in criminal justice. She previously worked as a teacher's assistant and later as an Administrative Assistant I and II at the PDP before advancing to the legal project specialist role. Cristal's strong administrative background is integral to PDP operations and project execution. She prepares the daily in-custody arraignment calendar, manages immigration detainer information and responds to inquiries submitted through the PDP website, ensuring timely and accurate dissemination of information to office administration, clients, and

attorneys. Cristal has also enhanced the onboarding process for attorneys, investigators, and social workers by creating orientation materials that streamline the experience for new panel members. Further, Cristal supports data collection initiatives, including tracking client calls to the PDP, which helps promote transparency in client and attorney communication and complaint resolution. Her contributions also extend to organizing MCLE credit submissions, assisting with coordinating training seminars and events, and participating in community outreach and support efforts.

2025 SUMMER INTERNS

The first-ever PDP summer intern program occurred this year, and it was a huge success. Eight college students and two law school students joined us during their summer break. The college students assisted in the PDP's ongoing data collection efforts. They also interviewed family members who were present on the custody calendar to assist the attorneys in arguing for the clients to be released from jail. The law students were "case assistants," who



who did legal research and writing to assist the attorneys who needed additional help. All of the interns took time to watch PDP attorneys in action. Many of the interns observed court proceedings on a regular basis, including jury trials. These interns provided invaluable assistance and approached their work with enthusiasm. Many of the students are interested in pursuing a career in criminal defense here in San Mateo County and have expressed interest in becoming PDP attorneys in the future.

Tara Ozdemir is an incoming senior graduating in the Winter of 2026 with a B.A. in Criminology, Law and Society at the University of California, Irvine. She plans to attend law school and pursue a career as a criminal defense attorney in San Mateo County.

Sofia Cueva is an incoming sophomore majoring in political science at the University of California, Riverside. She plans to attend law school and is interested in pursuing a career as a criminal defense attorney in San Mateo County.

Benjamin Chu is an incoming senior graduating in Fall 2025 with a B.A. in Political Science and History at Santa Clara University. He plans to pursue a career as a criminal defense attorney with a focus on false convictions and post-conviction advocacy and support.

Jenna Williams is an incoming senior graduating in the Spring of 2026 with a B.A. in Political Science and Human Rights at the University of California, Davis. She plans to take a gap year before attending law school and is interested in pursuing a career as a criminal defense attorney in California.

Hailey Callan is an incoming senior graduating in the Spring of 2026 with a B.A. in Economics and Spanish with a minor in Crime & Justice at the University of Michigan. She plans to take a gap year before attending law school and is interested in pursuing a career in criminal or immigration law.

Gabriel Gardener is an incoming sophomore majoring in government and history at Claremont McKenna College. After graduation, he plans to attend law school and obtain a degree, which he intends to use to pursue his interests in criminal defense and public sector law on the East Coast.

Maddie Black is an incoming freshman majoring in studio art and environmental science at San Francisco State University. After graduation, she plans to work in the field of animal and habitat conservation or pursue a career in scientific illustration.

Adrienne Swords is an incoming sophomore majoring in communications and criminal justice at Washington State University. She plans to attend law school and is interested in pursuing a career as a criminal defense attorney on the West Coast.

PDP LAW CLERKS

Salvador Martinez is a 2L at the University of San Francisco School of Law. After law school, he plans to take the bar and work in criminal defense, whether it be at the Private Defender Program or at a public defender's office in the Bay Area.

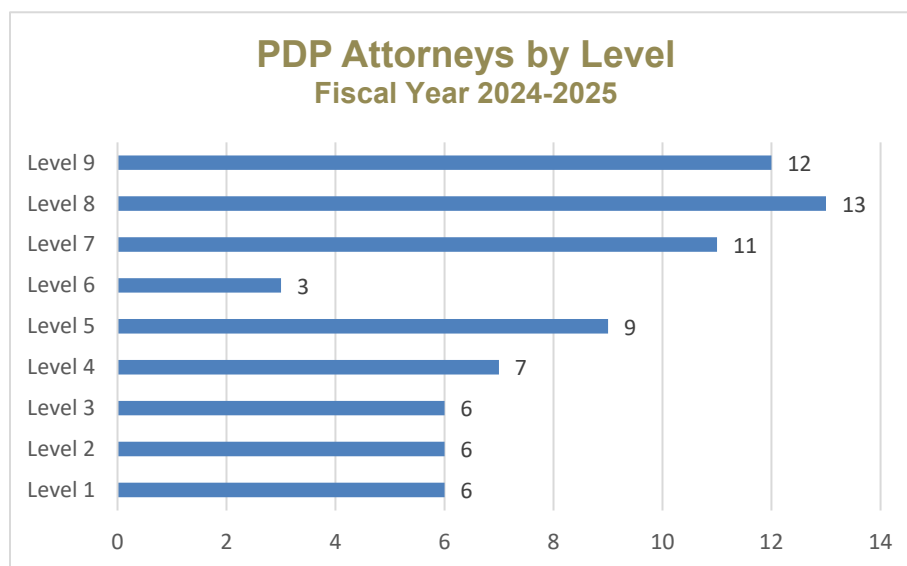
Bryce Dennis is a 3L at the University of San Francisco School of Law. After law school, he plans to take the bar and become a criminal defense attorney for the Private Defender Program or at a public defender's office in the Bay Area.

THE ATTORNEYS OF THE PRIVATE DEFENDER PROGRAM

The PDP's 116 panel attorneys bring an impressive range of experience and specializations to the work, allowing them to handle a wide array of cases within their level of experience. Some attorneys handle only misdemeanors, while others accept low to mid-level felonies. The most experienced attorneys are assigned to the most serious felonies, including death penalty defense. The PDP has 12 panel attorneys who meet the stringent requirements to be lead counsel in death penalty cases. Cases are assigned by management and staff based on an attorney's availability and skill level.

In response to changes in the law, we have also developed a panel of attorneys focusing on writs, appeals, complicated motions, and post-conviction relief. This year, our team won a significant writ on discovery in a Racial Justice Act (RJA) case, resulting in a published decision that expanded access to discovery for defense attorneys statewide. The ruling is an important step forward in ensuring meaningful enforcement of the RJA and is just one example of the great work our attorneys are doing in this area.

During the 2023-2024 fiscal year, we developed a system that categorizes cases by level. There are nine levels, ranging from misdemeanors to capital murder. Each attorney has been carefully evaluated and placed into a level of practice¹ for the purpose of case assignments. The levels system helps to better monitor attorney workload and ensure that attorneys have the appropriate qualifications for each case. Attorneys are qualified to do cases of their level and below².



For more information about levels, please see “Attorney Caseloads” and Appendix 6.

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

Denise Lee recently retired from the Santa Clara County Public Defender's Office following a distinguished career in public defense, handling thousands of misdemeanor and felony cases. She will provide continuity on the in-custody calendar and is anticipated to assume additional calendar assignments due to her exemplary organizational skills.

Rob Boyle recently retired from the Solano County Alternate Public Defender/Public Defender's Office after 18 years of handling serious felony cases. With nearly 30 years of criminal defense experience, he has tried over 50 jury trials, spanning both criminal and civil commitment matters. A Certified Criminal Law Specialist by the California State Bar Board of Legal Specialization, he brings expertise, trial skills, and a lifelong commitment to representing indigent defendants.

Patrick Hoopes recently retired from the Santa Clara County Alternate Defender's Office after many years of dedicated service as a veteran public defender. Throughout his career, he was recognized for his unwavering work ethic, resilience in the face of conflict, and steadfast commitment to zealous advocacy. He has successfully litigated both criminal and civil commitment cases at every stage, bringing a breadth of courtroom experience and a unique perspective to his practice. With a career defined by client-centered representation and a deep dedication to justice, he now continues his service as a member of the Private Defender Program.

Elizabeth Bertolino is an experienced trial attorney with a proven record in both criminal prosecution and civil litigation. In 2022, she joined the San Francisco District Attorney's Office, where she served as a first-chair trial attorney handling a wide range of cases, including domestic violence, sexual assault, child abuse, robberies, and gun crimes. In 2024, Ms. Bertolino founded her own practice, where she now focuses on representing clients in misdemeanor and felony matters, bringing her extensive courtroom experience and client-centered advocacy to every case.

Gray Goodman recently graduated *Cum Laude* from USF School of Law, where he gained experience through multiple internships and clinics focused on indigent criminal defense. Before joining the PDP, he worked at the Law Office of Majeed Samara and at Nolan Barton Olmos & Luciano. Committed to serving indigent clients, Gray has already been active in the courthouse successfully advocating for his clients.

Shawntay Jordan is a newly admitted attorney who has already begun making appearances throughout the Bay Area in both civil and criminal matters. She is building her practice by handling misdemeanor cases under the mentorship of Tennille Duffy. She brings to her legal practice a strong background in advocacy, leadership, and client service, along with a commitment to representing individuals with diligence and care.

Maggie Staines is an experienced criminal defense attorney with a strong background in trial and motion practice. She served as a Deputy Public Defender in Solano County for five years, where she managed heavy caseloads, completed more than 20 jury trials, and litigated a wide range of felony and misdemeanor matters. She later worked as a consulting attorney with Sonoma County's Independent Office of Law Enforcement Review & Outreach, contributing to updated use-of-force and de-escalation policies. Ms. Staines currently focuses on law and motion work, including mental health diversion motions. She also staffs several collaborative court calendars.

JUVENILE DIVISION UPDATE

The juvenile court system continues to evolve in response to legal changes, a better understanding of the development of the adolescent brain, and the impact of incarceration on youths and their families. In recognition of these factors, the PDP continues to expand work in key areas to improve overall outcomes for clients. Ron Rayes oversees the work in the branch and participates in statewide efforts to continue to improve and expand the representation of our clients. Below you will see some of the ways in which the work is being done.

Special Youth Advocate Overview

The role of a Youth Advocate is vital in the earliest phases of the juvenile justice process. By introducing trauma-informed practices and supporting the holistic model of indigent defense that the PDP embraces, the Youth Advocate helps set a new standard for juvenile representation.

The Youth Advocate connects with young clients soon after they are detained in juvenile hall, gathering background information about their family, health, and educational circumstances to generate a release plan for the detention hearing. It is important to note that for youth to be detained at the Youth Services Center (YSC), they are alleged to have been involved in violent misdemeanor or felony conduct. In most cases, the detention hearing occurs within 72 hours from the date of the arrest.

Lindsay Page has been leading the Youth Advocate initiative since January of 2024. She works within that 72-hour window to identify each youth's needs and create a release plan that offers the court alternatives to continued confinement.



The release plans outline risk factors and behavioral needs and identify appropriate placements and programs within the community. In the fiscal year 2024-25, we handled 132 detentions. Of those, 79 were referred to the Youth Advocate to create a release plan prior to the detention hearing. The Youth Advocate's work contributed to the release of 65 of the detained youth. This 82% release rate is an increase from 54% in the 2023-2024 fiscal year.

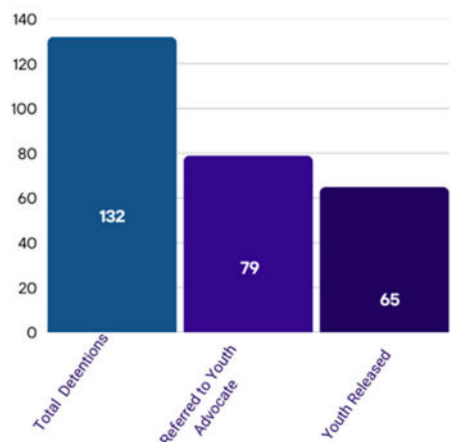
SPECIAL YOUTH ADVOCATE OVERVIEW

SPECIAL YOUTH ADVOCATE SUCCESS RATE

82%

San Mateo County Private
Defender Program
Juvenile Division
July 1, 2024 - June 30, 2025

SPECIAL YOUTH ADVOCATE RELEASE RATE



Attorney/Client Meetings Before Arraignment

Consistent with the holistic model of representation and following the best practices in Assembly Bill 703 which set standards for representation of juveniles, the Private Defender Program assigns youth defenders to all youth prior to the arraignment date. The defenders handling juvenile cases are cognizant of the benefits of early connections with their young clients. In the 2024-2025 fiscal year, youth defenders met with their young clients prior to their arraignment hearing 100% of the time.

Percentage of Attorney/Client Meetings before Detention Hearing

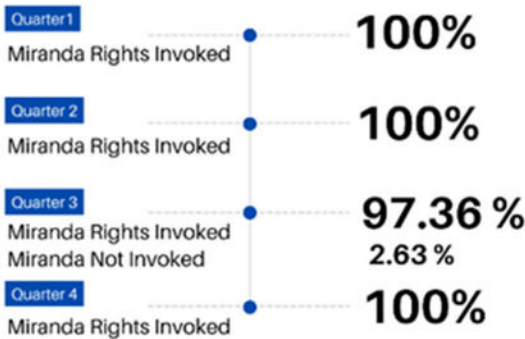


Custodial Interrogation (Miranda) Consultations:

On January 1, 2018, the legislature enacted Welfare and Institution Code (WIC) section 625.6, mandating that youth 15 years of age and under must consult with an attorney prior to any custodial interrogation. The consultation cannot be waived. On January 1, 2021, the legislature expanded the age group to include 17 years old and under (Senate Bill 203).

To facilitate the implementation of WIC Section 625.6, the PDP has an attorney on call everyday, 24 hours a day to consult with all youth, 17 years of age or younger, before any custodial interrogation begins. All PDP attorneys who handle this on call assignment must meet the training requirements set forth in WIC code section 643.3.

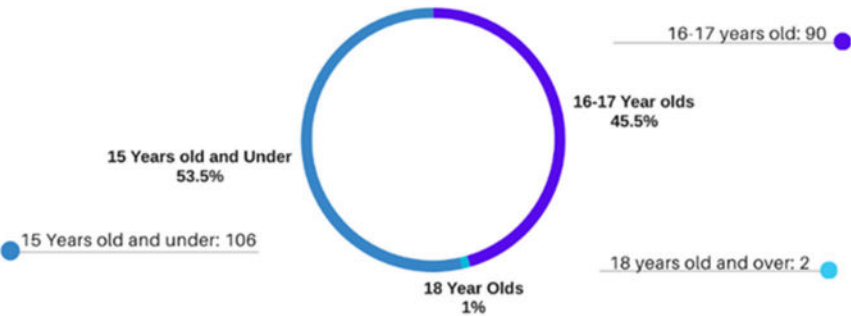
Miranda Consultations (Custodial Interrogations FY2024-2025)



SB 203 MIRANDA CALLS | FY 2024-2025

Private Defender Program - Juvenile Division

Total SB 203 Calls: 198



*DOES NOT INCLUDE PROBATION REQUIRED MIRANDA ADVICE CALLS

This fiscal year, our panel of attorneys served youth facing custodial interrogation in San Mateo County according to the following age groups shown in the graphic on the left. In three out of four quarters this fiscal year, youth invoked their Miranda rights 100% of the time and only one quarter resulted in a 97.3% invoke rate.

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

Cases in which the District Attorney seeks to transfer a youth to adult criminal court are among the most consequential matters that youth defenders handle. The outcomes will determine whether a young person remains in the rehabilitative juvenile system or faces the punitive consequences of adult criminal court.

The passage of Proposition 57 in 2016 ended prosecutors' ability to "direct file" charges against youth under 18 in adult criminal court. Instead, every youth is now entitled to a full evidentiary hearing before a judge to assess their amenability to treatment within the juvenile court's jurisdiction.

Since the passage of Proposition 57, the District Attorney's office has filed petitions in eight cases seeking to transfer youth to adult court. In each of those cases, diligent preparation and zealous advocacy by PDP attorneys persuaded the court to retain jurisdiction in the juvenile court, allowing the youth to remain in a rehabilitative setting rather than face the adult criminal system.

Youth Defender of The Year



In 2024, PDP attorney, **Kevin Nowack**, received the Youth Defender of The Year Award from the California Youth Defender Center (CYDC). This annual award recognizes a youth defender who has made significant contributions to youth justice through outstanding legal advocacy.

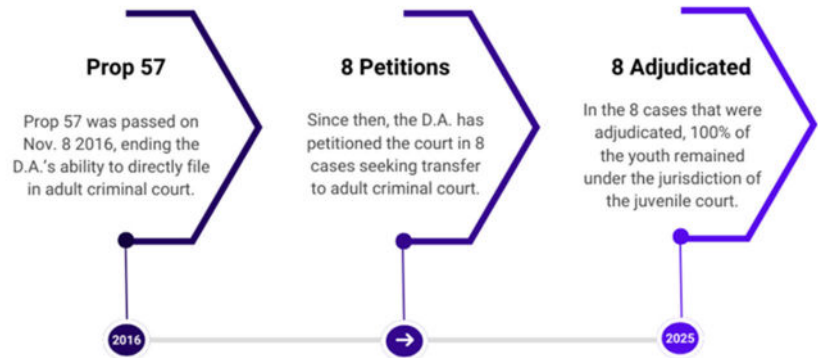
CYDC is a statewide public interest non-profit organization dedicated to improving the quality of legal representation for youth in the justice system and advancing key juvenile policy issues. CYDC provides training, resources and support to more than 1,600 juvenile court attorneys, appellate counsel, law school clinical programs, and non-profit attorneys throughout California and across the country.

Kevin was honored for his exceptional work litigating and winning two transfer hearings in complex murder cases. His advocacy prevented the District Attorney from trying two young people in criminal court where they would face potential life sentences. Instead, both youth stayed under the juvenile court's jurisdiction. Kevin was presented the prestigious award at a ceremony on the campus of Stanford University in September 2024.



TIMELINE: POST PROP 57

NO TRANSFERS OF YOUTH TO ADULT CRIMINAL COURT IN SAN MATEO COUNTY



Providing Additional Education Law Support

The PDP has a long-standing relationship with the Youth and Education Law Program (YELP) at Stanford Law School, which provides critical educational advocacy for our young clients. Through this collaboration, youth identified by the juvenile office as needing support with school-related challenges are referred to YELP for assistance. Services include direct representation and advocacy to secure Individual Education Plans (IEPs), among other educational supports.

In fiscal year 2023-2024, the partnership expanded with the launch of a YELP pro-bono clinic staffed by volunteer student advocates. In fiscal year 2024-2025, 19 youth were referred to the pro-bono clinic for educational representation.

Student advocates assist the PDP attorneys and clients by reviewing school transcripts, which have been obtained by the PDP Youth Advocate, to determine eligibility for partial credits or alternative graduation options. They also identify when IEPs are needed and help facilitate smooth transitions back to school for youth who qualify for reenrollment, ensuring support is in place from the first day back to school.

Building on the success of this collaboration, the PDP began assigning social workers to support cases where the student advocates are unavailable, or when matters require additional follow up. This work is being done with the oversight of the YELP supervising attorney Abigail Trillin, who also advises on cases requiring direct representation and helps connect students and families with additional legal resources.

PDP's 6th Annual Holiday Party at the Youth Services Center (YSC)



Every year, we fundraise to give the youth in the Youth Services Center/Juvenile Hall a little holiday cheer. For the sixth year in a row, we were able to host a holiday lunch for our young clients and the staff at YSC.

The PDP attorneys, investigators, and staff sponsored the party by donating money and time to make this event a success. The party gave attorneys the opportunity to spend time with our incarcerated clients outside the formalities of the courtroom and to share a meal with them.

Thanks to generous donations from attorneys, PDP

management, and staff, the Program raised enough money to purchase gift cards for all the youth at YSC. The gratitude expressed by the youth was a reminder of the importance of bringing care into their lives during difficult times.



ATTORNEY TESTIMONIALS

First Year of CARE Court

The Community Assistance, Recovery, and Empowerment (CARE) Act authorizes specific adult persons, called “petitioners”, to petition a civil court to create a voluntary CARE agreement or a court-ordered CARE plan that may include treatment, housing support, and other services for persons called, “respondents”, with untreated schizophrenia and other psychotic disorders in the same class.



Katrina Steiner has been an attorney for 21 years. She has spent most of her legal career handling criminal, juvenile justice, child welfare, conservatorship, guardianship, and family law cases. On July 1, 2024, she began representing respondents in CARE Court cases.

Q: It's been a year since CARE Court was implemented in San Mateo County. Can you share your assessment of the CARE Court model?

A: CARE Court is unique because it's a voluntary court process. It offers an environment that's different from a traditional court—it's a friendly proceeding, and individuals aren't at risk of being incarcerated. It's quite the opposite; it offers clients short- and long-term housing options, treatment options, and other basic needs. Participants who attend court are given gift cards and care packages. Snacks and water are also available for them in the courtroom.

In addition, each case receives detailed attention, and all system partners are engaged to find an appropriate solution, including appropriate housing. CARE Court also allows respondents to have a voice in their treatment plan (the CARE Agreement). CARE proceedings are, for the most part, not adversarial. Collaboration between system partners has been key to the success of CARE cases. In San Mateo County, all partners have strived to work collaboratively to find appropriate outcomes that fit the respondents' needs, which has resulted in respondents willingly engaging in their treatment agreements. Clients have shared how this extra support from their CARE team has helped them to maintain stability.

Q: Can you share an example of how CARE Court made a difference in a respondent's life?

A: Sure. When one respondent was brought to his first CARE Court hearing, he was accompanied by three law enforcement officers, as well as his defense attorney. They were desperate to find help for him. The respondent is undocumented, doesn't know his age or what country he is from, and has a psychotic disorder and dementia. By the time he was referred to CARE Court, he had exceeded his allowed stay at a shelter, had nowhere to go, and was extremely vulnerable.

Through CARE Court, we were able to ascertain the best path for him, providing respondent with stable housing, daily meals, and other services he desperately needed. Treatment teams had been working to find a stable placement for him for approximately 10 years, and CARE Court was the path to offering this stability.

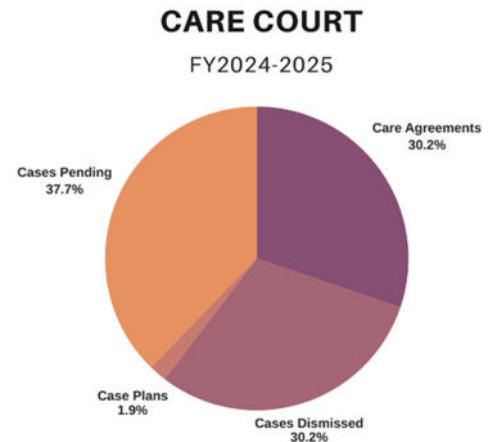
Q: Why did you choose to do this work?

A: I've always been drawn to helping unhoused people and those who have suffered trauma. I'm driven to assist the most vulnerable in our society. CARE Court provides a great way to assist the

most vulnerable, and it allows me to use my legal advocacy in a way that has a positive impact on the people we serve.

Q: What do you hope to see in CARE Court's second year?

A: I hope to see a clear path to the different resources available to clients. I also want to continue to expand the working relationships with system partners and continue to improve on methods for meeting each of our clients' needs. My goal would also be to continue facilitating with the court and the BHRS team to create release plans from jail to housing for clients with criminal defense attorneys. I hope to continue to have services set up to start at the time of release so that when clients involved in CARE Court are released, they have appropriate services in place, and we can continue to engage with them.



Effective Advocacy Occurs in and Outside The Courtroom

By Sherrie Friedman



In September 2024, I was assigned to represent conservatee; a 48-year-old man with severe Down Syndrome who is mostly non-verbal, but can express himself with a few words and phrases. He had been cared for by his mother who died three months before and his adult brother filed a petition in Probate Court to be appointed his limited conservator. His brother requested the power to decide where the conservatee lived, what type of education he receives, to make medical decisions, and to sign contracts on his behalf. The Regional Center recommended appointing conservatee's brother to be his Limited Conservator.

In October 2024, his sister filed a competing petition to be Michael's Limited Conservator. Each sibling had concerns about the other one being appointed to be Limited Conservator. There were referrals to Adult Protective Services based on bruises that conservatee sustained during a visit with the brother's wife. The Court temporarily appointed the Public Guardian as the conservator.

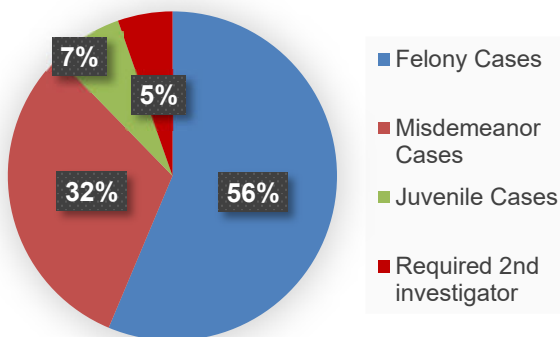
My role as conservatee's attorney was to meet with him and his caregiver, interview him regarding his wishes for the conservatorship, and write a report to the court recommending which, if any, of the proposed powers should be granted to; the brother, the sister, or the Public Guardian. I met with the conservatee and with each sibling with the help of PDP investigator, Fidel Rodriguez, to assist with Spanish speaking family members. Mr. Rodriguez also assisted in getting police reports and other background information on the family. Based on my review of the reports and meetings with conservatee, I determined that his sister was best situated to be his limited conservator. I wrote a report to the court and each party presented their arguments to the court. The court adopted my recommendation and appointed the sister to be the Limited Conservator. I recently received a call from the sister letting me know how much progress conservatee is making. He recently started to attend an adult education program and is speaking more words.

INVESTIGATIONS UNIT UPDATE

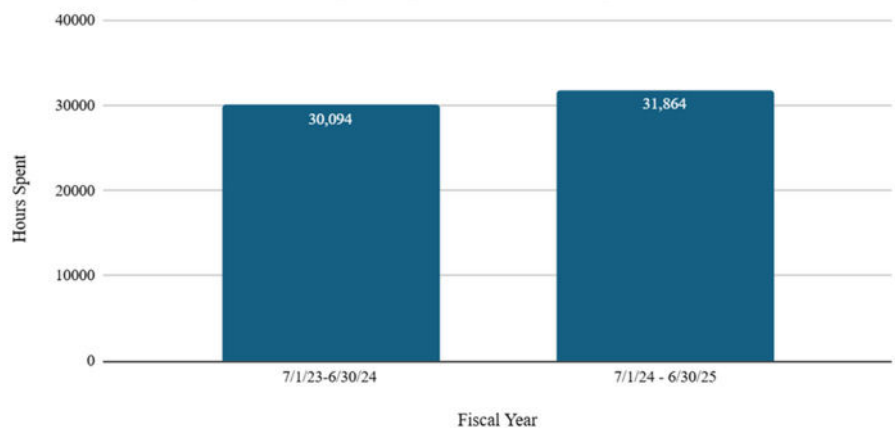
The PDP's Investigator Panel plays a crucial role in defense representation by providing high quality investigation and support to defense teams. PDP investigators dedicate themselves to uncovering facts, evidence, and context that are critical to building a strong, fair, and effective defense for clients. PDP investigators help ensure that clients receive high quality services by conducting thorough investigations, leaving no stone unturned.

The Investigator Panel brings a wealth of expertise to the table. Whether it's sharing language skills to interview a witness, or lending knowledge in areas such as cellphone data analysis or digital forensics, teamwork is both encouraged and highly valued within the PDP. Many investigators are also trained in mitigation investigation and are skilled at conducting sensitive interviews with social history witnesses—an essential component of providing holistic defense. The diversity of backgrounds and experiences on the panel enriches the overall quality of advocacy provided to PDP clients.

**Investigative Work by Case Type
FY 2024-2025**



Investigation Hours Spent (Special Fee & Non-Special Fee Cases)



This fiscal year, the PDP proudly welcomed five new investigators to the panel. We are excited to integrate their unique expertise into our efforts and continue advancing our mission of delivering thorough, compassionate, and effective defense services.

NEW PDP INVESTIGATORS

Michelle Hagen has six years of experience in probation; Michelle is well versed at writing comprehensive pre-sentence reports that incorporate clients' background, mitigating factors, and their rehabilitation potential.

Andrew Koltuniak began his criminal defense career in 1997 as an assistant to a private investigator. He has 10 years of experience as an Investigator with the San Francisco Public Defender's Office, 7 years in private practice and 4 years as an Inspector with both the Alameda and San Francisco District Attorney. Andrew has received extensive law enforcement and criminal defense training over the course of his career, incorporating both into his practice.

Bobby Love has over 20 years of experience working for Federal Probation in the Northern District of California, from where he recently retired. Prior to his federal career, he was a juvenile group counselor with the Alameda County Probation Department for three years. Bobby is also a certified firearms safety instructor, a POST-certified trainer, and a national presenter on workforce development for justice-involved individuals. His investigative expertise extends to surveillance, executive search consulting, and forensic research.

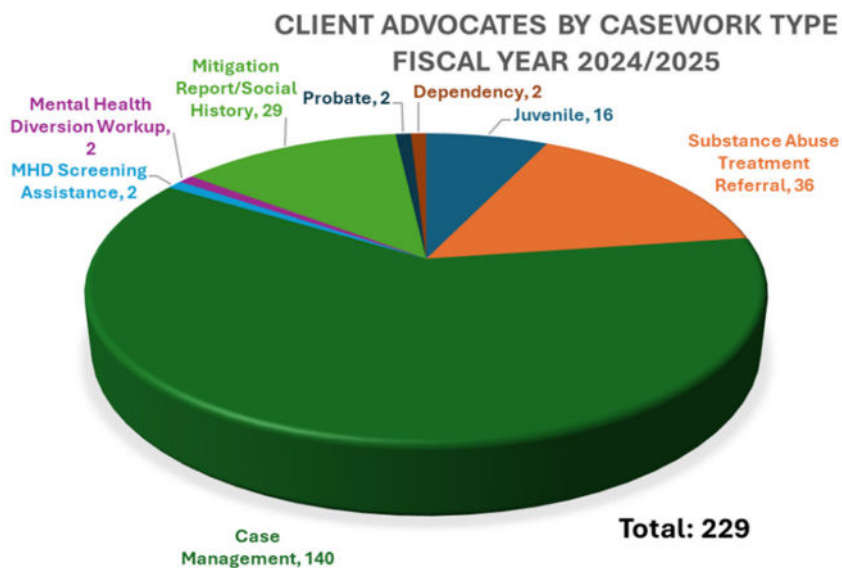
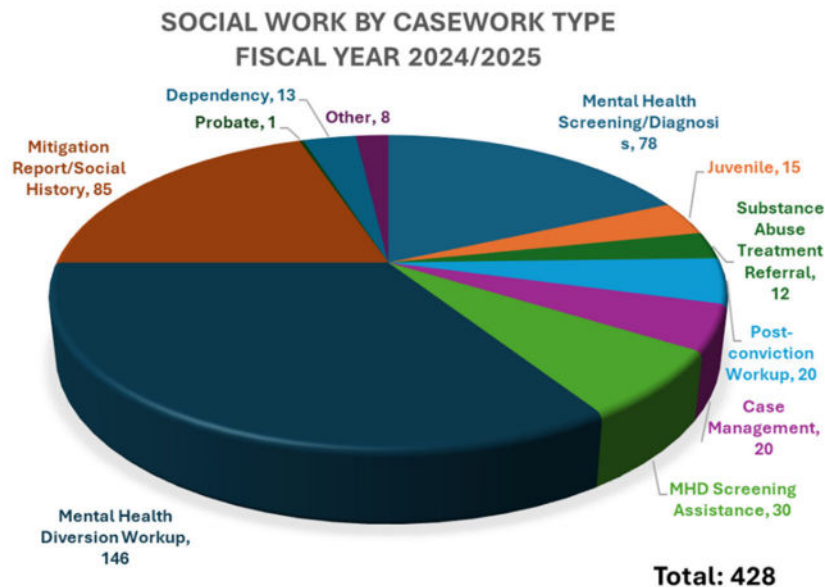
Jose Mendoza has 43 years of experience working as an Investigator for the San Francisco Public Defender's Office, from where he retired in 2024.

Jennifer James has 24 years of experience working for Federal Probation in the Northern District of California, from where she recently retired. Prior to her federal career she was a probation officer for the City and County of San Francisco for three years. Most of her career was spent supervising clients who presented with specialized treatment needs, including substance use disorders, mental illness and sex offenses.

SOCIAL WORKER UNIT UPDATE

The PDP's panel of social workers plays an integral role in holistic defense. There have been some comings and goings, however, the social worker panel remains comprised of 38 mental health professionals. In addition, the social work department has grown to include four client advocates who are full-time employees of the PDP (See pages 26-28 for further information about the client advocates). With the assistance of the client advocates who are now doing the bulk of case management work, the social workers have been able to shift their focus largely to direct mental health related mitigation tasks. As demonstrated in the chart below, the majority of work is centered around mental health diversion, mitigation and mental health screenings and diagnoses.

In fiscal year 2023-2024 there were 540 social worker requests/referrals. This year, due to the client advocates doing the majority of the case management work, there were 428 social work requests/referrals and 229 client advocate requests/referrals for a combined total of 657.



Social workers and advocates often do an in-depth analysis into cases to assist the attorneys in choosing the best course of action for clients. The work that goes into a report, whether it is a report in support of a mental health diversion motion or a mitigation report, is extensive. This work often includes hours of reviewing records, client and collateral interviews, assessments, community agency referrals and connections, and navigating barriers clients face daily. These innerworkings are often only known to the defense team and the client.

Each referral represents a client in need. Below is the story of a social worker and an attorney working together to obtain post-conviction relief for a client.

Nicholas R. was convicted in SMC in 2007 of serious felonies for a crime committed when he was 16 with three adult co-defendants. Nicholas was sentenced to 40 years and became eligible for parole in 2019 under the Youth Offender Parole laws. He was denied parole for five years at his initial hearing in 2019.

PDP post-conviction attorney, Rebecca Rabkin and forensic social worker, Shelley Itelson, began working with Nicholas in June 2024 under the grant funding received. Shelley completed the youth offender report, which involved interviews with Nicholas' family and friends, most of them in Mexico, utilizing Yaya Bravo for Spanish interpretation. Shelley's report was instrumental in articulating for the parole board the youth-related factors relevant to Nicholas' crime and parole suitability. Rebecca represented Nicholas at his parole hearing in November 2024 at the Correctional Training Facility in Soledad, Ca., which lasted for five hours. Nicholas was granted parole at the hearing, but the Board of Parole Hearings ("BPH") panel ordered an investigation into an unresolved factual issue about the crime.

Before the parole grant became final, Nicholas' case was referred back to the full BPH for a hearing on two grounds. One was the factual issue, which had only been partially resolved through BPH internal investigation, and the other was a referral from Governor Newsom. Rebecca submitted a letter brief to the Board in support of the parole grant, and Shelley and Rebecca appeared by video at the BPH Executive Board Meeting to comment on the case.

On March 19, 2025, Rebecca and Shelley received the decision affirming Nicholas' parole grant. Both issues had been resolved in his favor, they declined to send the case for a rescission hearing, and overrode the Governor's concerns, affirming the grant of parole.

Shelley got to share the news with Nicholas that his parole grant was final, and he would be going home. Tears of joy were shed on both ends of the telephone. Nicholas expressed gratitude for all the work that was done on his behalf.

Nicholas was released from CDCR in March 2025 after 20 years in prison. He is now living back home and working with his sister in her family-owned business.

NEW PDP SOCIAL WORKERS

Chase Finney, LCSW, joined the PDP in March 2025. She earned her BA from the University of Michigan and her MSW from the University of California, Berkeley. She has been a social worker at the Department of Veterans Affairs for 9 years, where she works with justice-involved veterans. She previously worked at the San Francisco County Jail with Jail Behavioral Health Services; there she gained valuable experience in crisis intervention and managed a housing unit for incarcerated men with severe mental illness. Chase is passionate about working to combat the criminalization of mental illness and poverty.

Nina Sacks, LCSW is a licensed clinical social worker who spent 15 years immersed in Hawaii's child welfare system, where she built her expertise in supporting families. Today, she works with formerly unhoused Veterans, a role she finds both engaging and meaningful. In 2025, Nina joined the PDP, drawn to its commitment to restorative justice and its belief in a system that is compassionate and truly rehabilitative.

Michelle Meneses, LCSW, holds an MSW from Boston University and a certificate in Mental Health Counseling and Behavioral Medicine from BU's School of Medicine. She has embraced the multidisciplinary nature of social work over the past decade, as she has worked in mitigation in Massachusetts and California, and provided intensive mental health services and medical social work to the formerly unhoused in Los Angeles. Since May 2025, she has continued to apply her clinical knowledge and experience to her work for her clients at the PDP. She is also a Program Director at a non-profit in San Francisco and has a private therapy practice.

Jennifer Rossi, LMFT has more than 25 years of clinical experience, including 21 years working with justice-involved adults in county jail systems. Her background includes four years as a mental-health liaison to criminal courts conducting diagnostic assessments for therapeutic court dispositions and mental-health probation placements; four years providing forensic case management to individuals on felony probation; and three years as a lead embedded clinician within a probation department serving adults under Post Release Community Supervision and felony probation. She has also provided extensive crisis intervention and psychotherapy to incarcerated adults and brings more than 9 years of experience as a community-based mental-health crisis responder.

Julian Lee, LMFT has extensive experience supporting individuals with severe mental health disorders. For many years, he worked at a large non-profit mental health organization, where he provided both individual and group therapy to a diverse population, including youth, adults, older adults, and underserved communities. In addition to therapeutic services, he has experience conducting comprehensive mental health assessments and formulating diagnoses, which informed individualized treatment planning and care coordination. Through this work, he developed a strong foundation in delivering compassionate, client-centered care to individuals across the lifespan.

Corey Samo specializes in forensic mitigation with over five years of experience developing comprehensive life histories for defendants in capital and non-capital cases. With a master's degree in education and 20 plus years of experience in teaching and operations management, she brings a unique perspective to mitigation work through her distinctive professional background. Corey holds certificates in Mitigation, Forensic Social Work, and Advanced Social Work from the National Organization of Forensic Social Work. Corey is deeply committed to this essential work, driven by her belief that understanding each client's unique story is fundamental to achieving justice and preserving human dignity.

Michelle Wilson, ASW has been working with the PDP since January 2025 and is in Camarillo. Before joining the panel, she served as the Supervising Mitigation Specialist with the Ventura County Public Defender's Office. Her professional background includes experience in both mental/behavioral health social work as well as school-based social work; however, her primary passion lies in capital case defense. In addition to her work with the PDP, Michelle contributes to the field as a member of the Capital Case Defense Seminar planning committee.

Mollie Rinaldi, LCSW has been working with the PDP since January 2025. Mollie is a Licensed Clinical Social Worker with an MSW from Arizona State University. For the past five years, Mollie has been working at the VA with veterans experiencing homelessness. Presently, Mollie is the Program Coordinator for the VA's contracted grant and per diem programs. Prior to the VA, Mollie worked at shelters in San Francisco. Mollie is excited to be part of the PDP and has enjoyed learning more about forensic social work and mental health diversion.

Jenna Ferrara, LCSW has a background in forensic social work. Since 2015, she has been working as a Veterans Justice Outreach Specialist at the San Francisco VA Medical Center, Downtown Clinic and as part of the Veterans Justice Court team. Prior to working at the VA, she worked for Jail Behavioral Health Services, located at the San Francisco County Jail and at the University of San Francisco's, Correctional Medicine Consultation Network, providing health care to individuals incarcerated in California prisons.

CRIM-IMMIGRATION UNIT UPDATE

Over the past year, the Crim-Immigration Unit has continued to play a critical role in ensuring that non-citizen clients of the San Mateo Private Defender Program receive high-quality representation that accounts for the immigration consequences of criminal cases.

Between July 2024 and June 2025, the unit provided **745 Padilla consultations**—supporting defenders in securing immigration-neutral outcomes and helping clients avoid the devastating impact of deportation. In addition, the unit conducted **142 post-conviction relief consultations**, working with attorneys and clients to address past convictions that put immigration status at risk.

One young woman's case illustrates this impact. She was charged with a deportable domestic violence offense against her husband. After a thorough interview, the Crim-Immigration Unit discovered that she was in fact the victim of domestic violence, not the aggressor. Because of the careful advocacy of her attorney, supported by the unit, she was able to resolve her case with a conviction for Penal Code 415 (disturbing the peace)—an outcome that spared her from deportation. The unit then connected her with an immigration nonprofit so she could pursue immigration relief and begin building a more stable future.

The unit also prioritized attorney education and support. Over the course of the year, 22 trainings were held both in-person and via Zoom, covering a wide range of topics at the intersection of criminal and immigration law. To ensure attorneys remain informed of the latest developments, the unit issued 25 advisories and legal updates, equipping defenders with up-to-date tools and strategies.

To make expertise accessible in real time, the unit hosted 17 open office hours, creating a consistent space where attorneys could drop in to discuss cases and receive immediate guidance. Beyond the courtroom, the unit engaged directly with the broader community, participating in 12 outreach events and meetings to share knowledge, build trust, and strengthen connections with partner organizations and community members.

Together, these efforts reflect the unit's commitment to protecting the rights of immigrant clients, empowering attorneys with the knowledge they need, and ensuring that our community is better informed about the unique challenges at the intersection of criminal and immigration law.

Crim-Immigration Unit Statistics for Fiscal Year 2024-2025

- Padilla Consultations: **745 consultations**
- Post-Conviction Relief Consultations: **142 consultations**
- Crim-Immigration Trainings provided to attorneys: **22 in-person or zoom trainings**
- Updates on law and advisories on Crim-Immigration issues sent to the PDP attorneys: **25**
- Number of Open Office Hours: **17**
- Community Outreach Events and Meetings: **12**
- Referrals to immigration non-profits: **160**
- Letters to DA: **97**

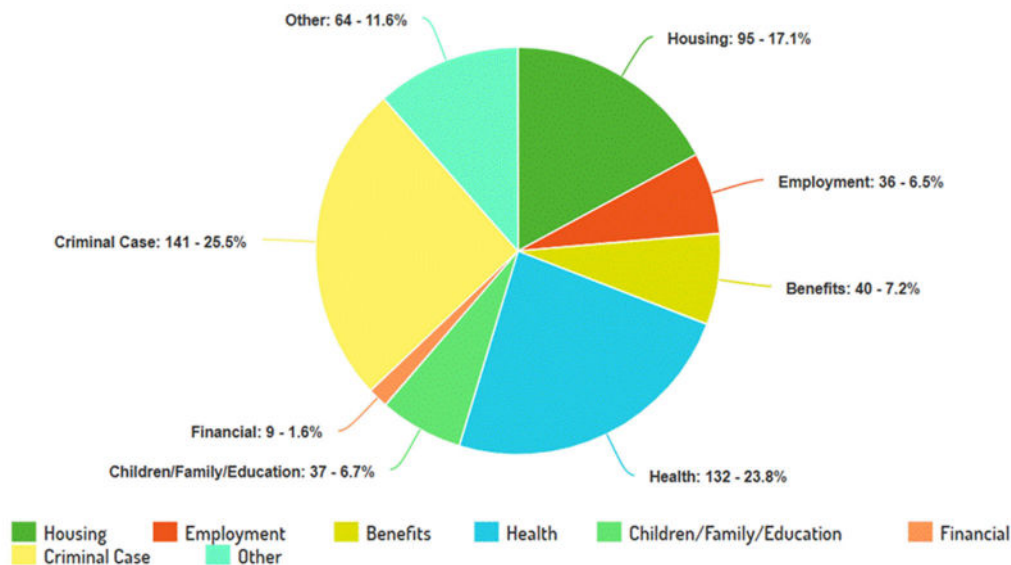
PARTNERS FOR JUSTICE CLIENT ADVOCATES

The PDP continues to strengthen its commitment to holistic defense through an expanded partnership with **Partners for Justice (PFJ)**, a nonprofit organization dedicated to transforming indigent defense by addressing the underlying drivers of arrest and supporting better legal and non-legal outcomes for clients. (see www.partnersforjustice.org)

In fiscal year 2024–2025, the PFJ client advocate team grew to four full-time advocates, all trained and supported by PFJ, in addition to the support they receive from the PDP. Advocates work across all areas of the PDP’s practice—adult criminal, juvenile, dependency, and guardianship—providing direct support to clients and their families. Their work includes connecting clients to housing, treatment, education, and other essential services, while also producing mitigation materials that strengthen legal advocacy in court.

The team’s capacity has grown significantly since the client advocate program launched in January 2024. Requests from attorneys increased from 58 in the program’s first year to 229 in fiscal year 2024–2025, with advocates opening 238 cases this year alone.

Among cases that closed this fiscal year, as shown in the chart below, the most common service goals included mitigation support for criminal cases (25.5%), health services such as substance use and mental health treatment (23.8%), housing navigation (17.1%), and reentry planning, vital document gathering, and civil legal referrals (11.6%).



INTRODUCTION TO THE ADVOCATES & THEIR WORK



Abranette Barry graduated from Stanford University in 2024 with a B.S. degree in Computer Science. While at Stanford, Abranette co-founded the Black Action Contingent (B.A.C) with two other students. The B.A.C was founded as a way to create more spaces for students to engage with social causes and activism. Through her work at the B.A.C she helped organize multiple direct action and political education campaigns around campus. Abranette's experience with community organizing has directly shaped the work she does as a Client Advocate. Outside of work Abranette loves to read, listen to music, knit, and sew her own clothes.

Abranette facilitated reunification visits between a long-incarcerated client and her three children, scheduling and supervising contact visits for the first time in over two years. She also connected the family with housing and school supports, helping address the collateral consequences of incarceration.



Vero Caveroguesquiza graduated from University of California, Santa Barbara in 2024 with a degree in Political Science, minor in Earth Science, and a certificate as an Intersectional Justice Facilitator. While at UCSB, Vero advocated for students at the local, state, and nation-wide level, and is happy to be directly advocating for people with the PDP. Vero is a Spanish heritage speaker whose caseload is usually at least 1/4 monolingual Spanish speakers.

Vero assisted "Jack," a client facing an arson charge, with securing a rare referral to a residential treatment program. By coordinating with the attorney and behavioral health providers, she ensured Jack had a placement ready at the time he was acquitted, allowing for immediate release.



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 Spanish speaking clients.

Erin worked with "Alicia," an elderly client with a long history of alcohol use. Erin's advocacy helped Alicia access treatment programs, avoid custody after a relapse, and earn significant credits toward her sentence. Alicia is now on track to avoid further jail time while addressing her health needs.



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 brings 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.

Olivia supported “Emily,” a 20-year-old former foster youth convicted of a serious felony. Olivia advocated for Emily’s acceptance into a housing program despite initial ineligibility, while connecting her to reentry services, counseling, and education support. With this advocacy, Emily remained in compliance with probation and is now thriving in school and community programs.

The advocates look forward to expanding their team in the upcoming fiscal year. As one of our original advocates, Olivia, is off to law school in the fall, two more client advocates are set to onboard in her place in July of 2025 to kick off the next fiscal year.

We will miss Olivia and wish her well with her law school pursuits!

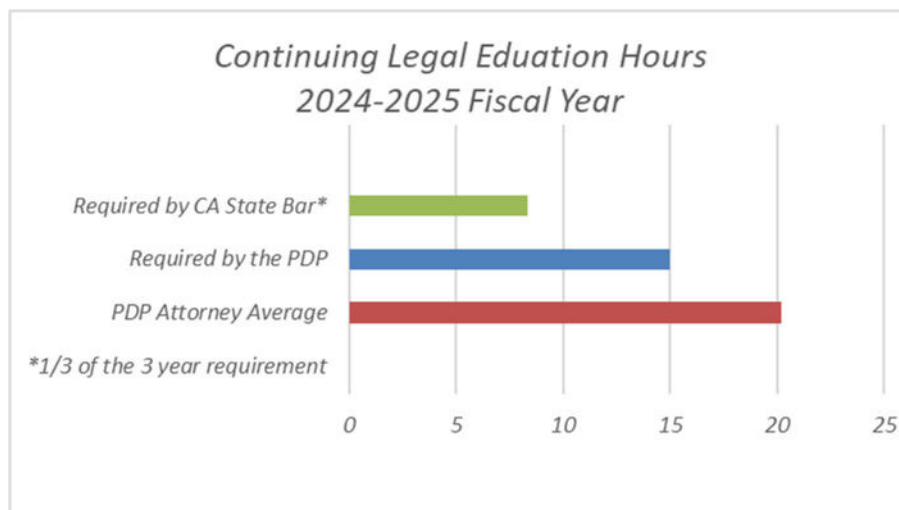
REPORT ON PERFORMANCE BENCHMARKS

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 [known as MCLE credits], to keep all of its attorneys who perform work under this Agreement abreast of developments in relevant law and procedure.”

To keep its panel attorneys informed of developments in the law, the PDP presented over 20 hours of MCLE qualified continuing legal education in fiscal year 2024-2025. These programs were geared toward both adult and juvenile panels. The PDP tracks participation, 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 attorneys on the panel to complete 15 hours of MCLE per year, which is 56% more than what the State Bar of California requires over three years. During fiscal year 2024-2025, many PDP attorneys exceeded the requirements of both the California State Bar and the Private Defender Program. PDP attorneys averaged 19.7 hours of MCLE during this time. 14 of our PDP attorneys had 30 MCLE hours or more, double the PDP requirements.

In addition to formal MCLE trainings, the PDP also held several informal training sessions and roundtables with our attorneys throughout the fiscal year. Furthermore, an education fund of \$750 is available annually for each PDP attorney. These funds may be spent on education and training programs or on memberships in professional organizations such as the California Attorneys for Criminal Justice (CACJ) and the National Association of Criminal Defense Lawyers (NACDL).

ATTORNEY TRAININGS PROVIDED IN FISCAL YEAR 2024-2025

DATE	SEMINAR TOPIC	PRESENTER(S)
07/17/2024	Diagnosis to Defense: Navigating Diagnostic Challenges in Forensic Mental Health Evaluations	Dr. Rami Mogannam
07/23/2024	Evidentiary Objects at Preliminary Hearings and 995's; Preserving Your Record in Gang Cases and Beyond	Cheryl McLandrich
08/28/2024	Collaboration with Social Workers on IRP's & 6-Month Reviews	Harpreet Samra & Julianna Cottrell
09/18/2024	Child Abuse Center Index Defense	Merideth Wallis
09/18/2024	Debunking Myths: Padilla Training for Common Theft, Drug & Domestic Violence Offenses	Carla Gomez
09/23/2024	Sustaining Well-Being in Criminal Defense: Well Being is the Foundation of Competency	Jenny Andrews
10/09/2024	Litigating SYTF Baseline	Brooke Harris
10/23/2024	Education Advocacy for Youth Defenders	Abigail Trillin (Stanford Youth & Education Law Project)
11/14/2024	LPS Conservatorships & T-Cons	Malorie Street
11/18/2024	Investing in Stress-Free Retirement: How to Manage Your Finances & Investments as a Solo Practitioner	Steve Schaiman
12/04/2024	Update from FLY on Programming at YSC	FLY, Melissa Poling, and Case Managers
12/16/2024	From Felony to Freedom: Your Guide to Juvenile Reduction & Informal Supervision Motions	Frank Barone & co-sponsor: Pacific Juvenile Defender Center (CYDC)
01/07/2025	Navigating 2025: New Laws with Garrick Byers	Garrick Byers
01/22/2025	New 2025 Case Law Update (602's & 300's)	Jonathan Grossman
01/23/2025	Strategies to Avoid Immigration Consequences of Newly Enacted Theft & Drug Laws	Onyx Starrett & Carla Gomez
02/13/2025	Felony Sentencing after the New Prop 36	Nicole Lambros
03/27/2025	Crim-Immigration Juvenile Defense Training	Carla Gomez
04/30/2025	The Impact of Trauma in Legal Practice: Addressing Vicarious Trauma	Harpreet Samra
6/24/2025	Bringing Racial Justice Act Motions Without Experts: Tools for Defenders in Low-Level Cases	Roscoe Elliott
06/25/2025	Update on Recent Changes to 602 Sealing Laws	Raul Arroyo Mendoza

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 with clients and members of the justice system.

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 regularly attends court calendars to observe attorneys in court. Management observes attorneys on numerous different calendars to evaluate all aspects of their legal practice.
 - PDP management also receives feedback from the judiciary concerning the in-court performance of PDP attorneys.
- **Annual Surveys:**
 - PDP attorneys complete an Annual Survey which provides the management team with detailed information about whether the attorney is meeting the benchmarks outlined in the evaluation standards. (Appendix 3).¹
 - The surveys allow management to monitor outside trainings attended and track the percentage of non-PDP cases attorneys handle.

¹ 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. Likewise, attorneys who were just added to the PDP this fiscal year were not asked to fill out a survey.

- **Data from Crim-Immigration Unit:**
 - Management receives data 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:

- All PDP attorneys were discussed by the management team.¹
- 12 attorneys in the Adult Division were selected to meet with a member of the management team.
- 14 attorneys in the Juvenile Division had their annual meeting with the management.

After careful review, 12 attorneys were selected to meet with management for a variety of reasons. For some, the meetings served as an opportunity to check in, discuss preferences regarding caseloads, or see how they are doing in their work. Others were selected to talk through matters such as caseload levels, motion practice, or use of investigators and social workers. In a few cases, meetings were scheduled to address concerns that had been raised, including communication issues. Overall, the purpose of these meetings was to provide support, gather feedback, and ensure attorneys have the resources they need to effectively represent their clients.

¹ The evaluation as to some attorneys was brief because many attorneys serve a more limited role on the PDP panel, for example post-conviction or legal research and writing attorneys. The evaluation of the remaining 83 attorneys was extensive, and 12 attorneys were selected for follow up meetings with management.

CLIENT FEEDBACK

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 handle between 50 to 100 inquiries through 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 assigned, 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 fiscal year 2024-25, attorneys were replaced on cases on nine occasions based on client requests. These nine 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 case. This fiscal year, seven 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, 2025, there were 3,441 calls to the AOD, which fell into the following general categories:

GENERAL INQUIRIES: 3,264

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: 177 total. Because some clients called multiple times, the 177 total complaints were from a total of 104 clients. The complaints from these clients were divided into two broad categories, as follows:

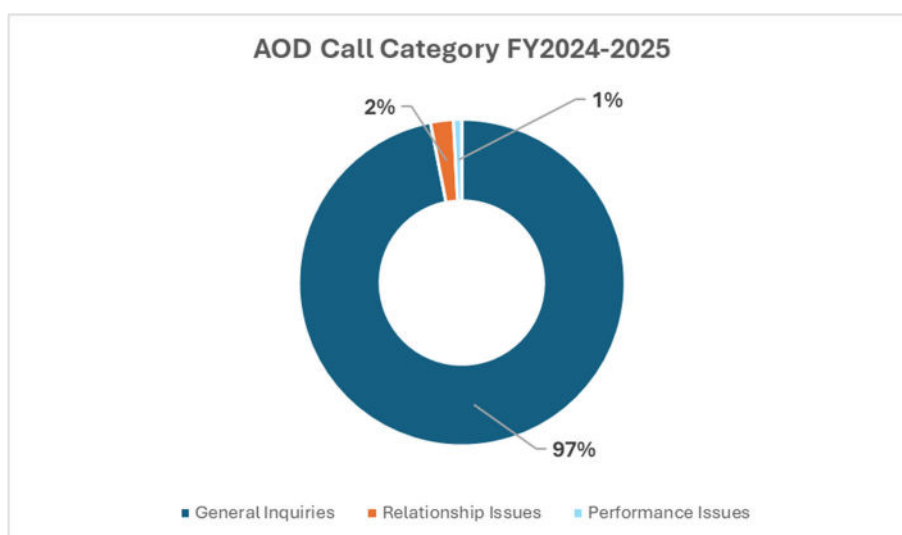
Relationship Issues: 76

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 work productively together.

Performance Issues: 28

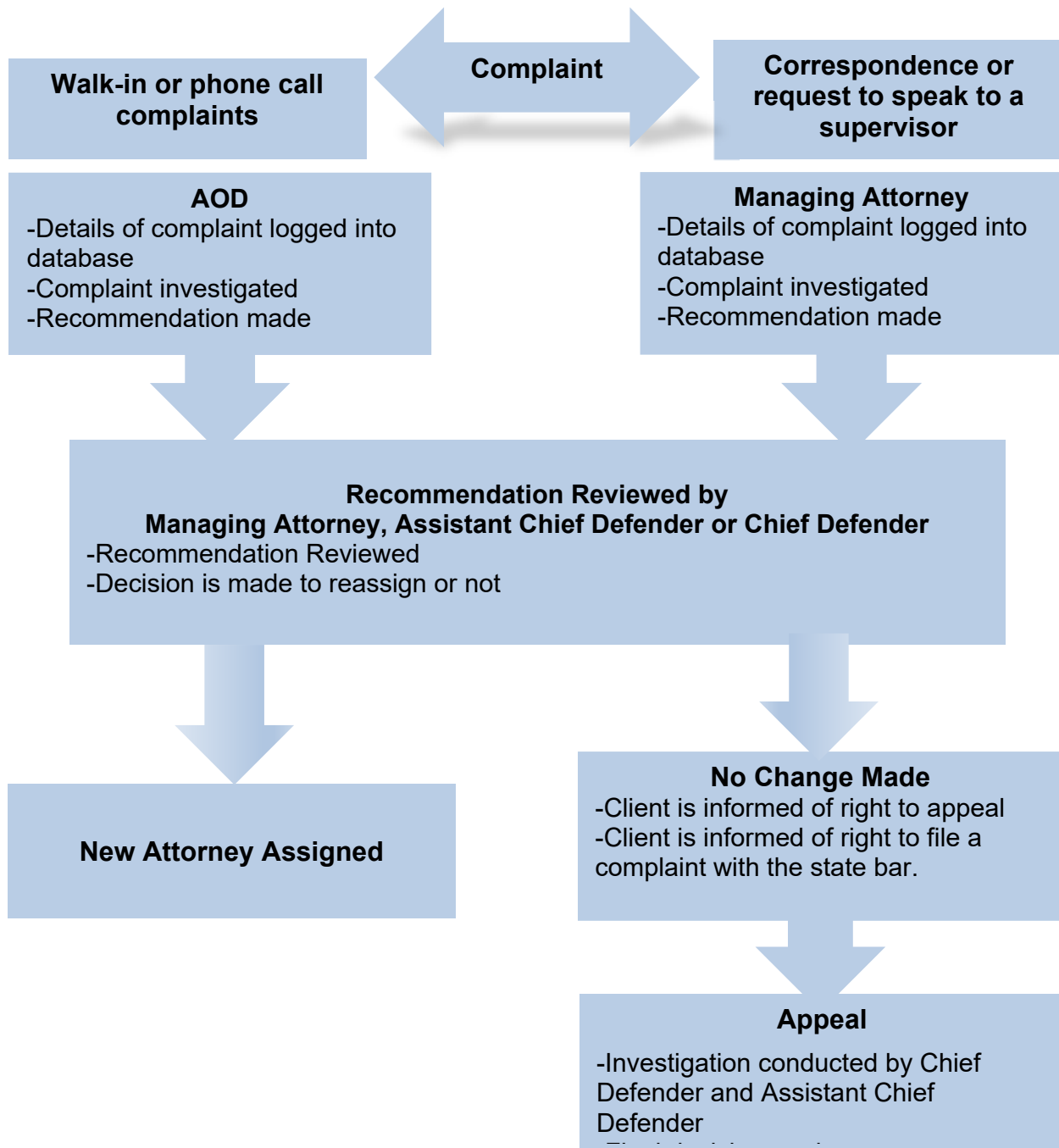
Performance issues include claims that attorneys are not doing the work that they should. For instance, investigation is not being conducted, appropriate motions are not being filed, amongst other things.

Approximately 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. The AODs are trained to inform clients that they always have a right to request a Marsden motion at any stage of the proceedings.

ATTORNEY CASELOADS

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 PDP attorneys provided representation on a total of 21,125 cases.

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 capacity 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, the PDP reclassified our criminal cases by level. All misdemeanor and felony adult cases are 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.² 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.

¹ [Understanding-the-NPDWS-California-Guide-Final.pdf](#)

² This 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.

Based on national caseload standards, the overwhelming majority of PDP attorneys maintain caseloads within the recommended limits for misdemeanors and felonies¹. No PDP attorney's caseload exceeded the recommendation for juvenile cases. Eight attorneys had caseloads exceeding the recommended limit for felonies, and nine attorneys exceeded the recommendation for misdemeanors.

Caseloads of Each PDP Attorney and the Program by Type

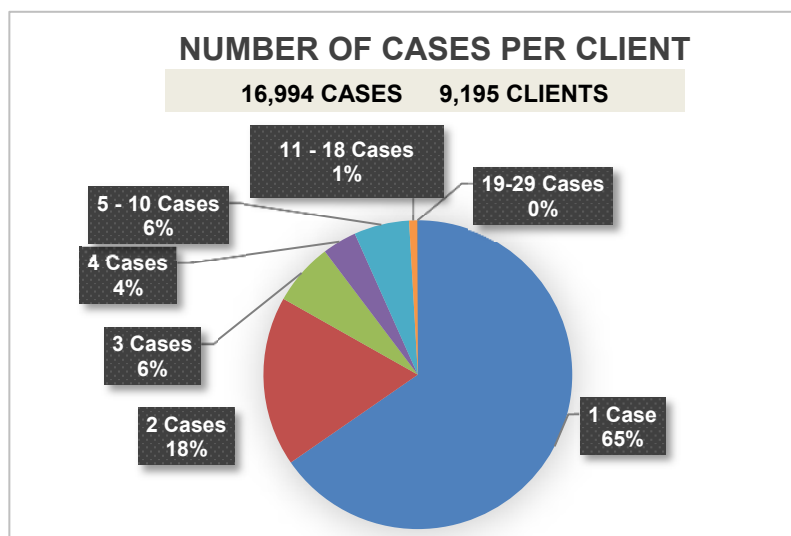
Attached as Appendix 4 is an anonymized list of the number and types of cases assigned to each attorney during the fiscal year, along with a description of the case "type".

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 time frame. This year, one client had 29 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 clients are frequent.

Cases	Clients
1 Case	6,011
2 Cases	1,638
3 Cases	601
4 Cases	330
5-10 Cases	532
11-18 Cases	78
19-29 Cases	5



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." This emphasis on early interviews of incarcerated clients is demonstrated by the PDP's commitment of resources to the in-custody arraignment calendar. The in-custody arraignment calendar is handled by two attorneys 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.

This year we added a function to the case management system to improve the tracking of PDP attorneys' visits with incarcerated clients prior to their first post-arraignment court appearance. When a client is in custody, the case management system prompts the attorney to enter how many business days passed from the time the case was assigned to the time of their first visit with the incarcerated client. In the event of a late visit, or in the rare case of an inability to visit, the system prompts the attorney to enter an explanation of the reason for the late visit or inability to visit prior to the court date. The data from the case management system showed that attorneys met with their clients before the first post-arraignment court appearance 97% of the time.

This new "first visit" function of the case management system is part of the PDP's ongoing efforts to improve data collection and analysis. The case management system now requires that data regarding the first visit be entered in every case in which the client is in custody. This new function improves the accuracy of the data and allows management to review any situation in which a visit did not occur prior to the first substantive court appearance after the arraignment.

In addition to the new "first visit" function, the PDP is still able to employ a variety of methods to monitor the timing and frequency of communication with 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.

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 24,379 client communication entries during fiscal year 2024–2025 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 the PDP to actively engage with the community and communicate its mission and role in the criminal and juvenile justice systems. In fiscal year 2024–2025, the PDP’s outreach spanned classrooms, shelters, job fairs, civic institutions, correctional facilities, and digital platforms. Whether educating students, mentoring future lawyers, assisting community members directly, or collaborating with justice partners, the Program advanced its mission to connect with the community and make the criminal and juvenile justice systems more accessible, transparent, and responsive. These efforts strengthened public trust, expanded access to legal knowledge, and built lasting relationships with community members and institutions.

Educating the Public

The PDP prioritized public education through presentations, workshops, and civic engagement opportunities. Chief Defender Lisa Maguire shared an overview of the Program with the local NAACP chapter, the Rotary Club of Redwood City, and students at East Palo Alto Academy. PDP attorneys and staff also partnered with community organizations to deliver legal education: the Head of Crim-



Immigration led multiple Know Your Rights presentations, while Managing Attorney Mitri Hanania collaborated with Community Legal Services East Palo Alto (CLSEPA) on a workshop addressing post-conviction relief and the Fourth Amendment.

PDP attorneys further contributed to statewide conversations on justice reform, presenting at Berkeley Law’s Racial Justice Act Symposium, while the Head of Social Work spoke at San Jose State University and the Indigent Defense Research Association on Adverse Childhood Experiences. Members of the management team also participated in San Mateo County’s Civics 101 Academy, offering residents insight into the criminal justice system and the PDP’s role within it.

Supporting Community Members Directly

Beyond education, the PDP met individuals where they are—providing practical support to those navigating barriers to employment, housing, and stability. Staff hosted booths at local job fairs, offering guidance on expungement and record-sealing to help community members access new opportunities. Attorneys also staffed regular legal clinics at shelters in collaboration with LifeMoves and WeHope, assisting with open cases, outstanding warrants, and referrals to Homeless Connect Court. The PDP maintained strong ties with shelter partners such as Samaritan House and Abode. In addition to providing legal services,



attorneys participated in community-building efforts, such as decorating Samaritan House's family shelter during the holiday season.

The Program also reached broader audiences through public events, organizing a voter registration drive inside San Mateo County correctional facilities, hosting a booth at the Black August Community Healing Event, and participating in several veterans' gatherings. Chief Defender Maguire and Head of Social Work Harpreet Samra highlighted the PDP's work on Hunter Parnell's Public Defenseless podcast, underscoring the Program's place in the wider movement for justice reform.

Investing in Future Generations

The PDP strengthened its long-standing partnership with Stanford Law School's Criminal Defense Clinic, mentoring students on indigent defense practice in San Mateo County Superior Court. Panel attorneys guided students through case strategy and day-to-day client representation while collaborating with the Clinic to deliver educational programming at the juvenile facility.



The Program also supported the next generation of legal professionals by participating in the San Mateo County Bar Association's Mock Trial Competition. PDP managers and panel attorneys served as coaches, judges, and scorers, helping high school students gain firsthand experience with courtroom advocacy.

Managing Attorneys Jessica Agnich and Tanya O'Malley further contributed to mentorship efforts. Agnich, serving as Vice President of the SMCBA's Women Lawyers Section, co-organized a career event for young women that might not otherwise have access to information helpful to know when considering legal careers, where O'Malley joined as a panelist.



Partnerships with Institutions

The PDP collaborated closely with the San Mateo County Court Community Outreach Committee, which organizes Law Day, Constitution Day, and Read Across America in local schools. PDP attorneys participated in these events, including Fred Korematsu Day, where they reenacted the Korematsu trial and discussed constitutional rights with students. They also supported the Silicon Valley Urban Debate League, meeting with student competitors to provide tips and encouragement ahead of debates.

Expanding Digital and Online Access

Recognizing the importance of online engagement, the PDP launched a new website, www.pdpsmcba.org, for the public. The site highlights the PDP's mission, explains available services, and allows individuals to connect with attorneys directly. At events, PDP staff often display a QR code linking to the site, ensuring immediate access to information. The PDP also broadened its digital presence on LinkedIn (San Mateo County Private Defender Program) and Instagram (@sanmateodefenders), building new ways for the public to connect with and learn about its work.

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.” To meet this requirement, the PDP administration conducts annual client surveys with individuals whose cases have recently closed.

Survey Process

Each year, surveys are mailed to a random selection of clients, accompanied by self-addressed stamped envelopes to encourage responses. Surveys are also available on the PDP website, in the PDP office lobby, and in the Juvenile Court lobby. For confidentiality reasons and in compliance with **WIC section 827**, surveys are not mailed directly to juvenile clients. All surveys are provided in both English and Spanish.

During the fiscal year ending June 30, 2025, the PDP distributed **257 surveys** and received **16 responses**, 13 of which were positive. While the response rate remains modest, the feedback provides valuable insights into client perceptions of communication and representation.

Survey Content

The survey includes both multiple-choice and open-ended questions designed to assess two key areas:

- **Communication with Counsel**
 - Did your attorney return phone calls?
 - Did you meet with your attorney before the first court appearance?
 - Did you have enough time to discuss your case?
 - Did your attorney explain what was happening in your case?
- **Adequacy of Representation**
 - Did your attorney appear prepared in court?
 - Was your attorney on time for meetings?
 - Were you satisfied with your attorney’s overall representation?

The survey concludes with an open-ended question inviting clients to share additional comments about their experiences. Selected client statements are included below.

Ms. Kate Bredenberg “took on my case last minute” and she was “communicative, helpful, knowledgeable, etc. Can’t recommend her more. Give her a raise!”

-Isabelle C.

Mr. Andrew Vandeveld’s “strength...resilience and level of professionalism” was “appreciate[ed] throughout the case.”

-Israel P.

Mr. Nick Saenz did “buen trabajo” (a good job) on the case.

-Jose A.

Ms. Kate Bredenberg’s “help” was “appreciated...so much!” “She was amazing”.

-Josephine N.

Mr. Mark Camperi “is a good man that does his best to help reduce or dismiss charges. Anyone would be lucky to have him on their side. He truly cares about his clients and has great knowledge on legislation.”

-Daniel B.

“I will never forget what [Mr. Roman Walker] and [his] colleague Jason Lamarc [have] done for me...Thanks Again!”

-R.A.

Mr. Sharma and the “entire office [are] awesome” and their representation would be described as an A++”.

-Robert T.

Mr. Alexander P. Guilmartin left me “happy” with the representation I received in this case.

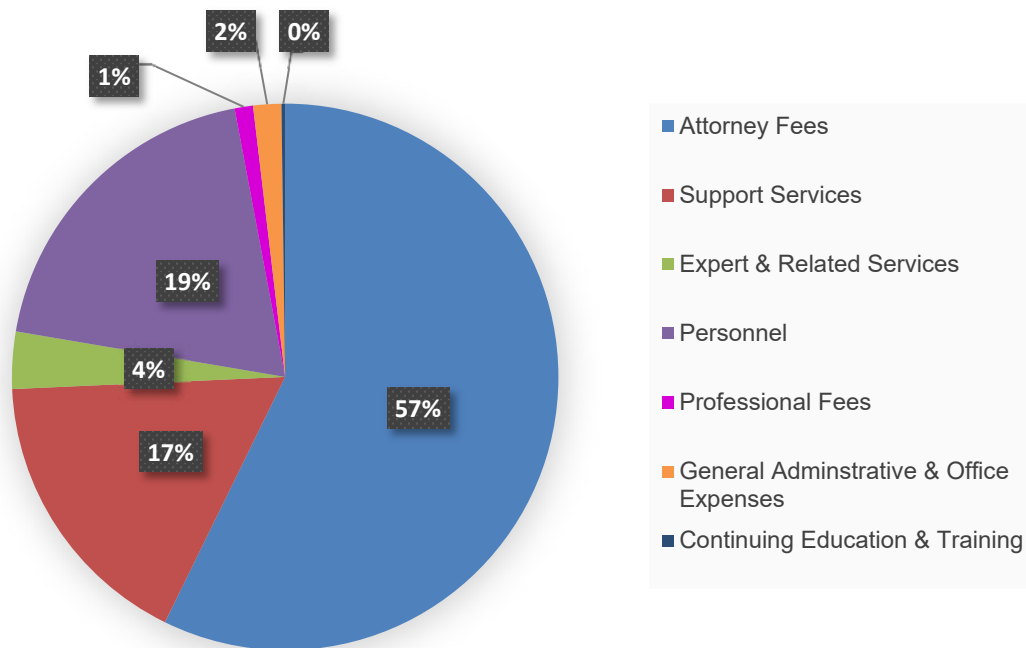
-W. T.

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 agreements with San Mateo County, and with the Superior Court, managed a budget of \$26,275,618.00 for the fiscal year ending June 30, 2025. See Appendix 7 for a copy of the budget.

PDP BUDGET Fiscal Year 2024-2025



This total budget reflects the total cost to run the PDP throughout the year. That includes work that is the result of contracts with the County, the Courts and pursuant to some grant funding for post-conviction relief. The money, as demonstrated by the above graph, goes largely to paying the attorneys for their representation of the clients, as well as the support services that allow them to provide the best representation possible.

THE PDP AT WORK

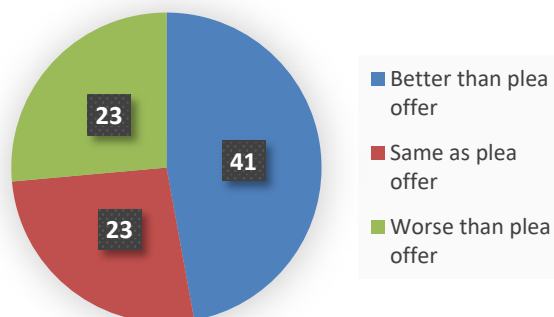
TRIAL STATISTICS

The PDP 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. Fiscal year 2024-2025 was another successful year for the PDP panel attorneys. An impressive 87 criminal cases were litigated by PDP attorneys during the fiscal year. In addition, there were 15 Lanterman-Petris-Short (LPS) trials¹.

Thirty-eight attorneys on the Adult Panel had a criminal case sent out for trial, and eleven of those attorneys had three or more cases sent out for trial. Of the total criminal cases sent out to trial, there were 62 felony trials and 25 misdemeanor trials.

The outcomes of those cases were very 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. 47% (41) reported a better outcome than the pre-trial offer, 26.5% (23) reported the same outcome as the pre-trial offer, and 26.5% (23) reported a worse outcome than the pre-trial offer.

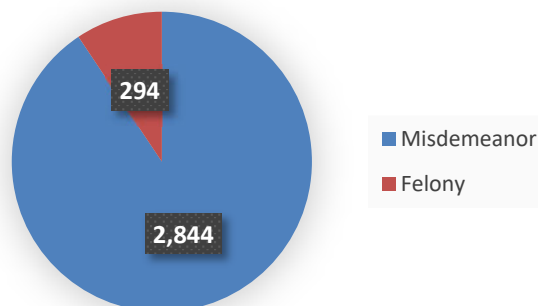
**Trial Outcomes
Compared to Pretrial Offer**



DISMISSED CASES

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 often dismissed due to the vigorous advocacy of our attorneys. Our attorneys get cases dismissed by filing motions, conducting investigation, and setting cases for trial, or negotiating resolutions that result in dismissals. 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
3,138 Cases Total**

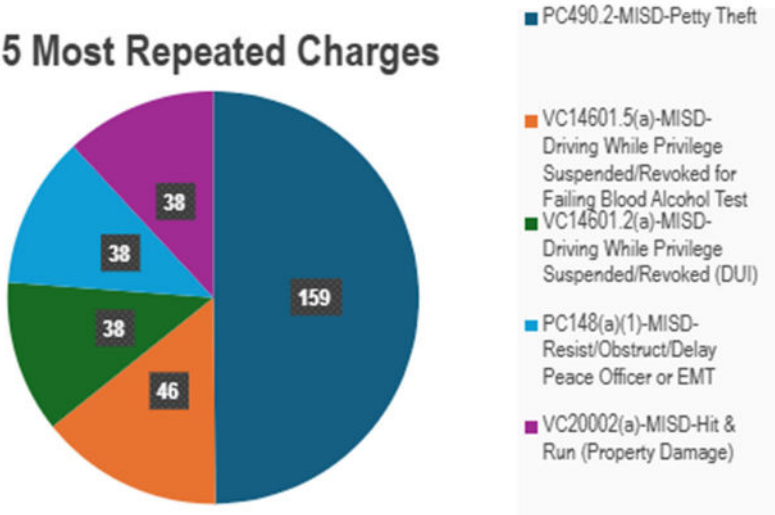


¹ A Lanterman-Petris-Short (LPS) Act trial is a legal proceeding to determine whether a person should be placed under involuntary psychiatric treatment (conservatorship) due to a mental disorder that makes them *gravely disabled*—unable to provide for their basic needs like food, clothing, or shelter. The trial evaluates evidence to decide if conservatorship is necessary for the individual's safety and well-being.

MISDEMEANOR DIVERSION

In addition, many of our cases are successfully diverted through misdemeanor pre-trial 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.



Data gathered by Gabe Gardener (2025 Intern)

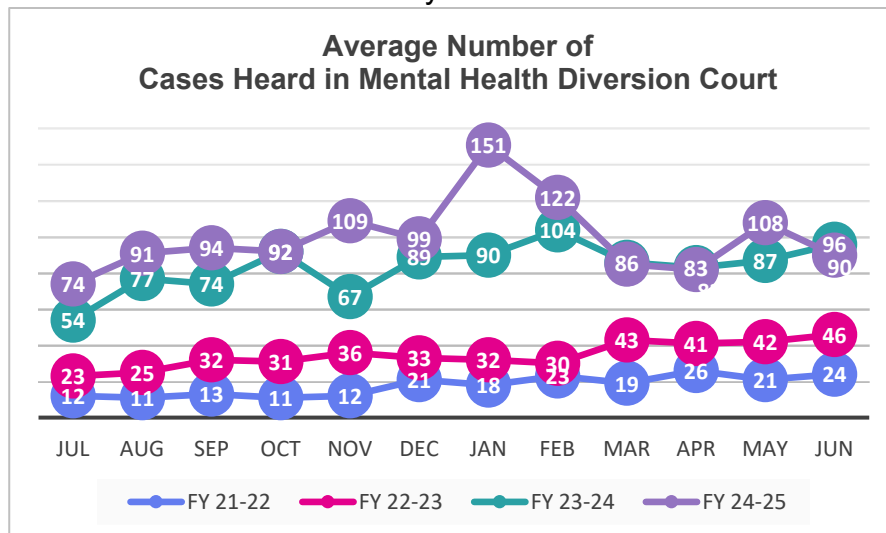
COLLABORATIVE COURTS

The San Mateo County Collaborative Courts include the following: Mental Health Diversion, Pathways Court, Drug Court, Proposition 36 Court, Military Diversion, Veterans Treatment Court, Multiple Driving Under the Influence Court, and Homeless Connect Court. These courts offer an alternative to the standard criminal justice path, providing an opportunity for individuals to connect to support and services, and in some cases, avoid incarceration and a conviction. During fiscal year 2024-2025, PDP panel attorneys continued to seek treatment and alternatives for their clients who met collaborative court criteria.

MENTAL HEALTH DIVERSION

Mental Health Diversion (MHD) is an opportunity afforded to those individuals suffering from a mental health diagnosis that can be linked to their criminal case. Treatment plans are created using the mental health expertise of PDP 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 treatment plan and 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.



PATHWAYS COURT

Pathways Court is another mental health court. However, participation in Pathways requires a 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 into 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 the entire probationary period. Absent extraordinary circumstances, the Pathways judge expunges the charged offenses on the day of Pathways Graduation.

DRUG COURT (Health & Safety Code 11972)

Drug Court was established in 1995 and is an opportunity for clients to receive treatment for substance use disorder, while on probation. If the diagnosis is a substantial causative factor in the charged conduct, they could be eligible for Drug Court. Clients are sentenced to treatment and supervised by the probation department. Participants must comply with testing for controlled substances and return to court regularly for progress reports.

PROPOSITION 36 (2024) COURT

Proposition 36 went into effect on December 18, 2024. San Mateo County has a Proposition 36 Court that coincides with Drug Court. Among other changes, Proposition 36 established Penal Code § 11395, a treatment mandated felony drug offense. Under this legislation, a court cannot sentence a person to jail for a PC § 11395 conviction, unless the court first determines that the person is either not eligible or not suitable for treatment. Once deemed suitable for treatment, an individual pleads guilty or no contest to the violation, and waives time for sentencing and the pronouncement of judgement. During this post-plea and pre-judgement time period, if the individual successfully completes the course of treatment outlined by the court, the court will dismiss the charges.

MILITARY DIVERSION (Penal Code 1001.80) & VETERANS TREATMENT COURT (Penal Code 1170.9)

PDP clients who are veterans may be eligible to participate in one of San Mateo County's veterans courts. Clients are eligible if they have a mental health issue that stems from their military service and are eligible for Veterans Administration ("VA") benefits, with few exceptions. When a PDP attorney identifies one of their clients as a veteran, they advocate for their client to be considered for Military Diversion Court ("MDC") or Veterans Treatment Court ("VTC"). Both courts are available for felonies and misdemeanors. MDC is pre-conviction, while VTC is post-conviction. The PDP attorneys must advocate that their client is amenable to treatment and, if post-plea, eligible for probation.

Upon admission into either MDC or 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. The MDC/VTC Team consists of a PDP attorney, a Veterans Justice Outreach Coordinator, a VA mentor lead, a probation officer, a county BHRS case manager, a deputy district attorney, a court management analyst, and Judge Michael Wendler. Judge Wendler is a veteran himself, and presides over both MDC and VTC. 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 that the veteran can continue with their treatment. Many veterans use their experience and knowledge in MDC/VTC to become mentors and guide new participants.

MULTIPLE DRIVING UNDER THE INFLUENCE COURT

Multiple Driving Under the Influence (MDUI) Court is intensive DUI probation for those individuals who have been convicted of their second or third DUI within 10 years and are at high risk of reoffending and high need of treatment. After an individual is convicted, either by plea or by trial, the case is referred to probation for an MDUI assessment, to determine eligibility. The program is designed to have a period of intensive supervision, including regular court appearances, random drug and alcohol testing, regular probation contact, enrollment in the Multiple Offender Program, installation of an ignition interlock device on a vehicle, and substance use treatment and/or other support programming.

HOMELESS CONNECT COURT

Homeless Connect Court (HCC) is for individuals who struggle to find permanent housing. Shelter case managers and their clients have explained that outstanding traffic fines and fees make it nearly impossible for them to qualify to have their driver's licenses 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 PDP post-conviction relief process. HCC is usually held quarterly. 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.

COURT DATE	Total PARTICIPANTS	Total TRAFFIC TICKETS	TOTAL FINE AMOUNT WAIVED
10/11/2024	7	11	\$6,683
12/06/2024	9	24	\$13,227
03/28/2025	6	18	\$14,267
TOTALS	22	53	\$34,177

POST CONVICTION RELIEF

In the past year, the PDP Post-Conviction Relief Unit has made significant progress in helping clients rebuild their lives and secure brighter futures. Our team facilitated the expungement of **743** cases, enabling individuals to clear their records and improve their opportunities for stable, well-paying employment. These efforts reflect our commitment to providing second chances and supporting successful reintegration into society.

We also delivered vital support to clients facing immigration consequences tied to criminal convictions. In **97** cases, we successfully represented individuals whose offenses would have led to deportation or barred them from adjusting their immigration status. As a result, many of these clients were able to remain in the United States, reunite with their families, and continue contributing to their communities.

Our work further extended to incarcerated clients. In **48** cases, we represented clients serving state prison sentences who sought to have their sentences recalled. By advocating for more just outcomes, we helped these individuals receive meaningful reconsideration of their cases. Through these dedicated efforts, the PDP Post-Conviction Relief Unit continues to make a difference in the lives of our clients, offering hope, justice and real opportunities for a fresh start.

Just recently, Mitri received an unexpected visit from a recent PDP post-conviction client, Kevin, who stopped by to express his gratitude to his PDP attorney, Tenille Duffy, and shared his many accomplishments, like secure housing and employment. (Pictured here is Kevin, Tenille Duffy and Mitri)



IN-CUSTODY CALENDAR

The custody arraignment calendar plays a critical role in the criminal justice process, marking the first appearance for defendants held in custody. At this hearing, the court determines whether an individual will be released and, if so, under what conditions. Following the landmark California Supreme Court decision *In re Humphrey*, 11 Cal.5th 135 (2021), courts must consider a defendant's ability to pay when setting bail. The ruling prohibits keeping someone in custody solely because they cannot afford cash bail and requires judges to evaluate less restrictive alternatives to detention, such as non-financial conditions of release. *Humphrey* fundamentally reshaped California's bail system by affirming that pre-trial liberty cannot hinge solely on financial resources and that detention must be justified by clear evidence of risk to public safety or flight. In response, the PDP implemented several reforms to ensure compliance with the new framework and to improve the likelihood of release for clients.

Key Reforms

1. Pre-Court Preparation

Each morning, a PDP paralegal prepares the custody calendar by gathering essential information, including the initial bail setting, outstanding holds or out-of-county warrants, other pending cases, current police reports, and prior attorney appointments. This preparation ensures that the calendar attorney has the necessary information to present well-informed, persuasive release arguments in court.

2. Client Interviews

In collaboration with the Sheriff's Department and Court Administration, the PDP secured access to in-custody clients for pre-court interviews. These conversations provide critical details such as prior criminal history, any past failures to appear, release address, phone number, employment status, and potential barriers to release. Attorneys also gather information on mental health or immigration concerns, as well as military service. This data is flagged in the case management system to support tailored services and advocacy.

3. Enhanced Attorney Support

To improve coverage, the PDP 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 important details are not overlooked.

Impact

These reforms have had a measurable effect. The number of clients released from custody has increased, aligning with the principles of *Humphrey* and promoting fairer outcomes. Just as importantly, the changes have fostered stronger relationships between attorneys and clients by demonstrating thorough preparation and individualized advocacy.

In sum, the PDP's custody calendar reforms have improved both the efficiency of the process and the client experience, advancing the Program's mission of justice and equitable treatment for all.

THE ANNUAL WOODMAN AWARD

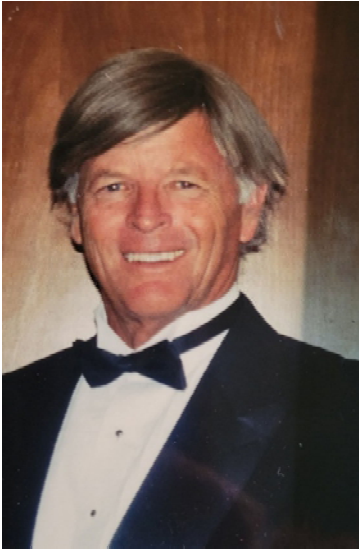
The Dennis L. Woodman Award was established to celebrate the Private Defender attorney whose work best reflects the fighting spirit of the late Dennis Woodman in the defense of indigent clients. The inscription on the award reads: "In recognition of the Private Defender who heedless of opposition and with ceaseless determination, fights for those whose liberty is in peril."

This award recognizes the attorney who understands that the client must be first. It is the highest form of recognition because it comes from peers, and it is given to defense attorneys who consistently stand up and fight for the rights of their clients against all adversaries.

This year's recipient of the Dennis L. Woodman Award is **Esther Aguayo**. Please join us in congratulating Esther on her well-deserved award and all the work that she does for her clients.



RICHARD JOHN FISCHER – IN MEMORIAM



This year, the Private Defender Program bid farewell to one of its longest-serving and most beloved investigators, **Richard John Fischer**, who passed away on December 17, 2024, after being diagnosed with late-stage cancer.

Throughout his decades with the PDP, no case was too great or too small for Rich's tireless efforts. He was the "go-to" investigator for many PDP attorneys, earning deep respect for his skill, persistence, and dedication. In celebrating Rich's life, there were both tears of sorrow and moments of joy as stories of his investigative feats were retold.

In recognition of his lifelong commitment to the Program and its clients, we created the inaugural **Richard John Fischer Investigator Award** to honor his legacy. The award highlights his unmatched record of acquittals in major cases—victories that left clients alive and free because of his unwavering pursuit of justice.

A proud San Mateo County native, Rich attended St. Matthew's Catholic School, Serra High School, and the University of San Francisco. He began his career as a private investigator in 1972 and continued working full-time until this year alongside his esteemed colleagues at the San Mateo County Private Defender Program. Known affectionately as a "legend" within the PDP, Rich embodied intelligence, bravery, tenacity, and a rare ability to connect with people from all walks of life.

His commitment to justice lives on through his daughter, **Amanda Fischer**, who now serves as a PDP panel attorney. At his memorial service, Amanda spoke movingly about the depth of her father's devotion to the Program and to the communities it serves.

We will miss Rich deeply and are honored that Amanda continues his legacy, carrying forward his spirit of service and dedication to justice.

With his movie-star good looks, intelligence, larger than life character, exciting job and loving family, my dad lived a life worth living, he lived it on his terms, and he left this world with no regrets. In his dying days, his best friend, Mike Heggum, flew in from Arizona to see him and Mike asked my dad, "For all the good and bad that has happened in your life, would you change anything if you could"? My dad's response... "I wouldn't change a thing."

- Amanda Fischer (PDP attorney and daughter of Rich Fischer)



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. Thank you to the entire team for contributing the information that made this report possible. Special thanks to Lidia Ojeda and Lauren Claitor for assembling the report, and to John Elworth for applying his keen attention to detail in the final editing.

This report represents just a small glimpse of the important work being carried out by so many dedicated professionals. To all the panel members who have committed themselves to this challenging and often thankless work—we value you, and we deeply appreciate your dedication.



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.

* * * * *

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

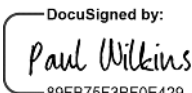
President, Board of Supervisors

ATTEST:



Clerk of said Board

SAN MATEO COUNTY BAR ASSOCIATION

By  _____ 6/6/2023
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President

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

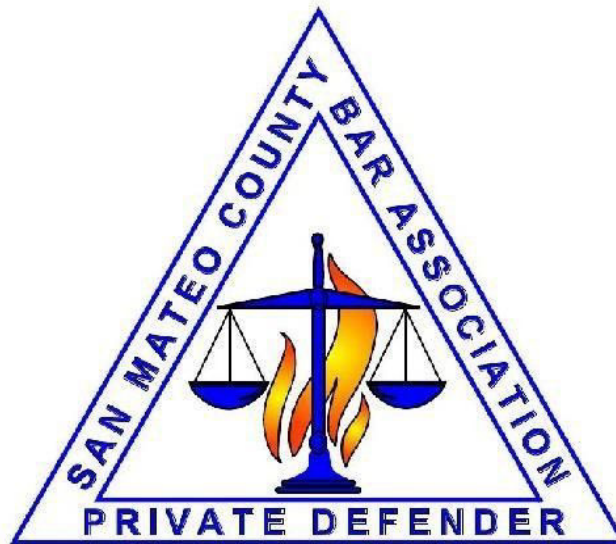
FY 2023-2028

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

Revised 08/01/2024

SECTION I - MISDEMEANOR/FELONY CRIMINAL - ADULT**1. Misdemeanor - General Non-DV Charges**

A. Case Fee	\$125
B. Client Conference Fee	\$100
C. Pre-trial Conference	\$275
D. Probation Violation – Unconsolidated Case Fee	\$125
E. Probation Violation – Consolidated Case Fee	\$75
F. Probation Violation – Unconsolidated – Pre-Trial Conference Fee	\$275
G. Probation Report and Sentencing or Restitution	\$150
H. Contested Hearings on Probation Violations, Sentencing, Restitution, etc.	\$125/hour
I. Immigration Consultation Fee	\$100

NOTE: Client Conference Fees are billable only once 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.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

2. Misdemeanor - Domestic Violence

A. Case Fee	\$125
B. Client Conference Fee	\$100
C. Pre-trial Conference	\$300
D. DV Probation Violation – Unconsolidated Case Fee	\$125
E. DV Probation Violation – Consolidated Case Fee	\$75
F. DV Probation Violation – Unconsolidated – Pre-trial Conference Fee	\$200
G. Probation Report and Sentencing or Restitution Determination	\$150
H. Contested Hearings on Probation Violations, Sentencing, Restitution, etc.	\$125/hour

I. Immigration Consultation Fee	\$100
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NOTE: Client Conference Fees are billable only once 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.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

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.)	\$710
2. Additional sessions – per hour	\$125/hour
3. Client conference fee	\$100
4. Immigration consultation fee	\$100

B. Preliminary Hearing Is Held when there **IS an SCR**

1. SCR fee	\$150
2. First session (a.m. or p.m.)	\$625
3. Additional sessions – per hour	\$125/hour
4. Client conference fee	\$100
5. Immigration consultation 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	\$150
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. (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.)	\$190
13. If a doubt is declared at any time before certification to Superior Court (See also Fee Schedule 9. A.)	\$250
14. Contested hearings on restitution or sentencing issues	\$125/hour
15. Client conference fee	\$100
16. Immigration consultation fee	\$100

NOTE: Client Conference Fees are billable only once 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.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

4. Superior Court Cases

A. Felony Case Fee/Non-special Fee	\$800
B. Superior Court Pre-Trial Conference	\$200
C. 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
G. Immigration Consultation Fee	\$100

NOTE: Client Conference Fees are billable only once 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: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

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
J. Immigration Consultation Fee	\$100

NOTE: Client Conference Fees are billable only once 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: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

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 \$450

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. Misdemeanor Diversion Motions \$125

D. 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).

E. 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 \$275

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 (Drug Court, Treatment Court, Veterans and Military Diversion Court, DUI Court and Restitution Court) \$150

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 the \$300 plus any other applicable fees. 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 the \$300 plus any other applicable fees. 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.

If the client is found **incompetent** and is accepted into AOT or a conservatorship is established, or client is accepted into C.A.R.E Court, 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) (PC 1001.36, Intensive Mental Health Diversion, Mental Health Diversion under PC 1370(a)(1)(B)(iv), and PC 1370.01(b)(1)(A))

If you are seeking mental health diversion under any of the above statutes, you may start to bill at an hourly rate of **\$125** once you begin performing work necessary to pursue a finding that your client has a qualifying diagnosis under PC 1001.36(b) that is sufficient for "Mental Health Diversion Screening". This means that you may begin billing the hourly MHD rate once you begin to gather information to establish a qualifying diagnosis for MHD, including seeking jail records, consulting with social workers, or other experts. It also includes appearances in MHD Court, in front of the MHD judge, and dealing with issues regarding treatment or progress in the program.

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. Trailing Expungements (unless filing of a separate motion is required) | \$75/Case |

D. Expungement (with Declaration)	\$350/Case
E. 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
F. Post-Diversion Petition to Seal	\$125
G. Line-Up	\$295
H. Motion to Withdraw Plea Review	\$325 fee
Case Fee plus Hourly Rate	\$125
I. Officer of the Day – Half Day/Full Day	\$325/\$650
J. 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 **one year** 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. CARE Court

- A. Respondents' Representation (Out of Court) \$135/hour
- B. Respondents' Representation (In Court/Reviews) \$135/hour
- C. Respondents' Representation (Contested Hearings) \$135/hour

3. 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

4. Appeals

- A. Per Hour – Including Preparation and Hearing (up to 15 hours; Special Fee Request required if over 15 hours. \$150

5. Mentor Services

- A. Standard Mentor Hourly Fee \$150

NOTE: This rate covers time spent with attorneys that are new to the panel. It includes, but is not limited to, meetings to discuss cases, attending court appearances including pre-trials and

jury trials with your mentee. Being a mentor means being available to answer questions about various processes including billing, handling court coverage, filing motions, etc.

- B. Advanced Mentor Hourly Fee \$150
NOTE: This rate is designed to allow experienced attorneys to seek the advice of other more experienced attorneys to address specific issues in difficult cases. It is initially limited to 10 hours, although more time can be requested with an explanation regarding the need.

6. Restraining Orders (Hourly)

- A. Gun Violence Restraining Order \$150
 B. Civil Restraining Order \$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 once 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 fees 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

- | | |
|--------------------------|-------|
| 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:

1. 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.
2. 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.
3. 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, Sexually Violent Predator, 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, 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
4. Immigration consultation fee	\$100

NOTE: Client Conference Fees are billable only once 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.

NOTE: Immigration Consultation Fee is for consultation with ILRC, a client's immigration attorney, or with a PDP approved immigration attorney. It is only billable once per case. In felonies, it may be billed before or after preliminary hearing. As with all work, if a request for consideration of an administrative fee seems appropriate based on the number of hours involved, it will be viewed favorably.

B. Contested Hearing Fee

1. Per hour	\$125
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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	\$250
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NOTE: Preparation fee is payable for each ½ day of contested hearing once the hearing has begun.

C. Disposition Fee (for each separate appearance)	\$160
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D. Post Disposition Review	\$160
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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.

- | | |
|---|--------|
| 3. Welfare and Institutions Code Section 387 Case Fee | \$1050 |
|---|--------|

NOTE: Only billable if the 387 petition is filed after disposition in the original case

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

F. 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 and Reviews	\$160
E. Guardian Ad Litem #1	\$1050
<i>As client representative in court when client has mental health issues, bill case fee and reviews just like any other dependency case.</i>	
F. Guardian Ad Litem #2 – Per Hour Representation of minor where the client/minor has a potential civil claim.	\$125
G. Juvenile Court Adoption (Fam Code Section 7822 et seq.) – 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 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.	\$250
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 On-call 24 hours for consultation – holiday 24 hours Consultation with 17 y.o. or younger minor	\$250 \$500 \$135/hour
<i>This fee covers travel to/from location of minor to be questioned and time spent doing the consultation.</i>	
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(a)(2) (AB 2629)	\$125/hour
P. Special Immigrant Juvenile Status Petitions (602 and 300 Cases)	\$250

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 \$2,940 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.

C. Special Fee Request Format

Most 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 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.

Main Office

333 Bradford Street, Suite 200
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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 |

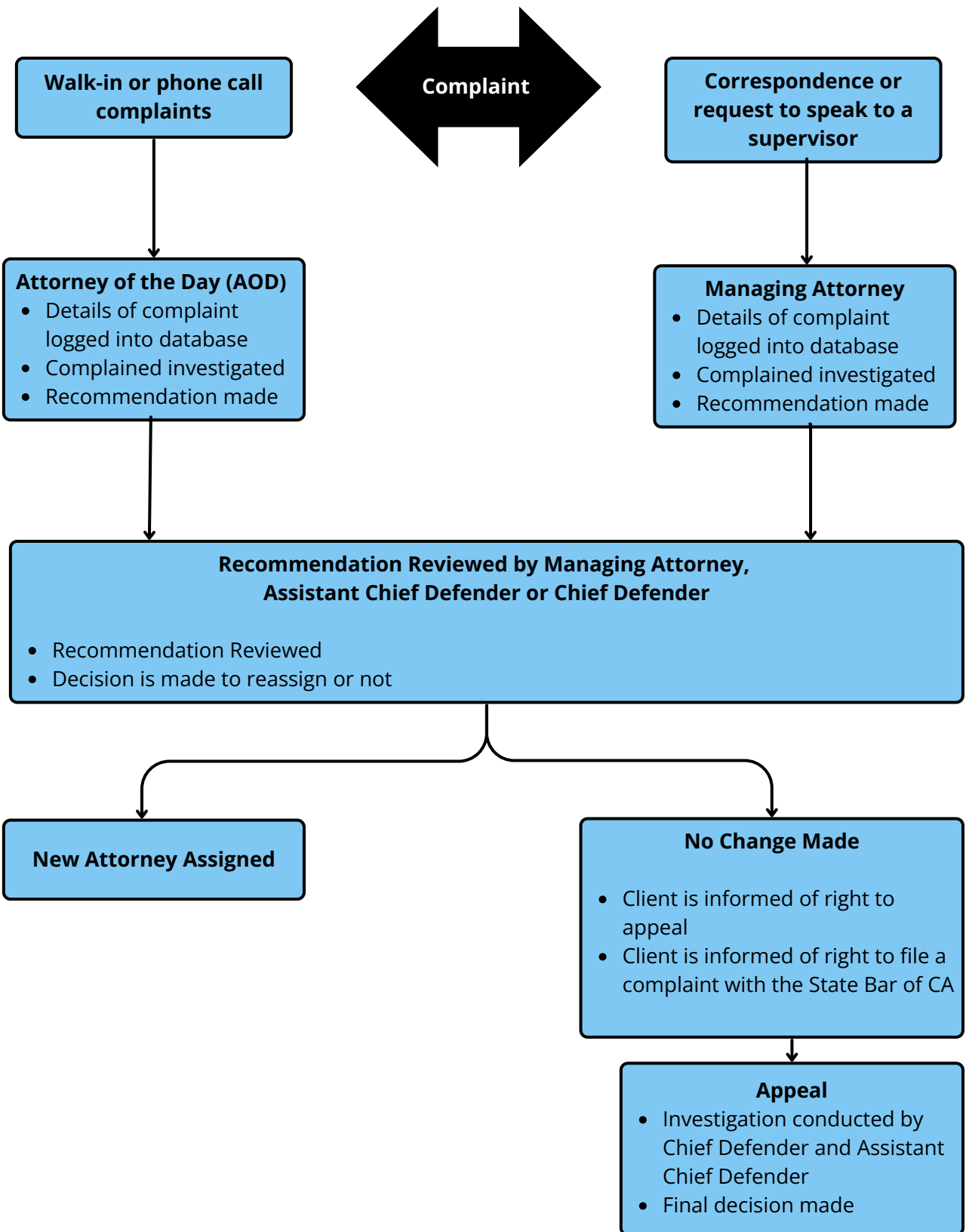
B. Mileage Reimbursement

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. Effective Use of Investigation: The attorney recognizes those cases in which investigation is required. Requests are reasonable, appropriate, and communicated in a clear and timely manner.
5. 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 the presentation of expert testimony.
6. 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.
7. 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 potential 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 OSPD, 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.

Court Appearances: The attorney appears in court punctually and keeps the court apprised of his or her whereabouts. If the attorney is unable to attend a court appearance, they arrange for coverage by another qualified attorney in advance and ensure that their client is informed of the situation. The attorney arrives at court appearances prepared and, whenever possible, has communicated with their client beforehand.

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, difficult 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 conducts themselves with professionalism and respect in interactions with judicial officers, prosecutors, courtroom personnel, and others in the justice system. The attorney is mindful that their behavior reflects on their client and ensures that it does not negatively impact the client's interests.

APPENDIX

3

2024-2025 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) 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 hours of training 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 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.

NOTE- attorneys on the panel are expected to complete at least 15 hours of MCLE training per fiscal year

8. Please list any experts you have worked with during the past fiscal year, along with the areas of expertise for which you consulted them. *

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 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 appropriate next section. *
- Section (3) is for attorneys who represent adults in criminal cases.
 - Section (4) is for Juvenile Justice Attorneys.
 - Section (5) is for Dependency Attorneys.
 - Section (6) is for LPS/Probate Attorneys.
 - Section (7) is for all 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 in Juvenile Justice cases. *Skip to question 29*
- ☐ Send me to section 5, because I represent juveniles or adults in Juvenile Dependency cases. *Skip to question 37*
- ☐ Send me to section 6, because I represent LPS/Probate only. *Skip to question 44*
- Other:
- ☐ _____

Adult Panel Attorneys (Section 3)

12. Years of Criminal Defense Practice*

13. How many total jury trials have you tried to verdict in your career? (total or approximate) *

14. Have you had a jury trial for a PDP case in the last fiscal year? (July 1, 2024 and June 30, 2025?) *

Mark only one oval.

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

15. How many jury trials for PDP cases have you completed in the last fiscal year?

16. 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, and I filled out the form.
- ☐ No, but I will do it right now: <https://forms.gle/LhipcoSERLJd446g7>
(seriously, please do it right now)
- ☐ I did not do a trial this year.
- ☐ I do not do trial work.

17. Have you had a jury trial for a retained case or a case where you were appointed by a different panel in the last fiscal year? *

Mark only one oval.

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

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

19. Please provide two PDP cases that went to an evidentiary hearing on issues raised in written points and authorities during the last fiscal year. Include the client's name, case number, the type of motion, the judge who presided over the motion, and the outcome." *

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

Mark only one oval.

- ☐ More than 10
- ☐ 6-10
- ☐ 2-5
- ☐ 1
- ☐ None

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

*

Mark only one oval.

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

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

*

23. Please list other substantive motions you have filed in the last fiscal 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.

24. Please estimate the percentage of in-custody clients you have visited prior to their * first court appearance following arraignment.

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

25. Please estimate the percentage of out-of-custody clients with whom you had a * substantial meeting - whether in person, via Zoom, or by phone-prior to their first court appearance following arraignment

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

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

If not, why not?

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

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

28. This question is to direct you to the next section you need to fill out. * - Section (4) is for Juvenile Justice Attorneys. -Section (5) is for Dependency Attorneys. -Section (6) is for LPS/Probate Attorneys. If you do 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 in Juvenile Justice cases.
- ☐ Send me to section 5, because I represent juveniles or adults in Juvenile Dependency matters. *Skip to question 37*
- ☐ Send me to section 6, because I do LPS/Probate, but I do not represent juveniles. *Skip to question 44*
- ☐ Send me to section 7 for my feedback. *Skip to question 48*

Juvenile Justice Attorneys (Section 4)

29. Please list 1 PDP (WIC 602) 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.

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

31. 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.

32. *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>

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

34. From July 1, 2024 until June 30, 2025, with how many of these detained PDP (WIC 602) clients did you have a substantive meeting (in person or remotely) prior to the detention hearing? *

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

36. 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. *Skip to question 37*
- ☐ Take me to section 6, because I do LPS/Probate, but not dependency. *Skip to question 44*
- ☐ Take me to section 7. *Skip to question 48*

Dependency Attorneys (Section 5)

37. 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.

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

39. *For Juvenile Panel Dependency 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/xYTtoocYPrJ3oZK5a8>

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

41. Between July 1, 2024 and June 30, 2025, how many of these children did you visit (in person or remotely) ? *

42. 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.

43. 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. (All Attorney Feedback) *Skip to question 48*

LPS and Probate Attorneys (Section 6)

44. Have you had a jury or bench trial in the time period between July 1, 2024 and June 30, 2025? *

Mark only one oval.

- ☐ Yes
- ☐ No

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

46. 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

47. 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

Please rate how well the PDP is doing in the following areas:

48. Access to Immigration/***Padilla*** advice*

PDP needs to improve
access to immigration
advice

1	2	3	4	5
☐	☐	☐	☐	☐

PDP currently has
great access to
immigration advice

49. Access to investigators*

PDP needs to improve
access to investigators

1	2	3	4	5
☐	☐	☐	☐	☐

PDP provides great
access to investigators

50. Access to experts*

PDP needs to improve
access to experts

1	2	3	4	5
☐	☐	☐	☐	☐

PDP provides great
access to experts

51. Access to social workers*

PDP needs to improve
access to social
workers

1	2	3	4	5
☐	☐	☐	☐	☐

PDP provides great
access to social
workers

52. Access to legal training/MCLE *

PDP needs to improve
access to MCLE &
legal trainings

1	2	3	4	5
☐	☐	☐	☐	☐

PDP provides great
access to MCLE's &
trainings

53. Please list any training topics you would like to see offered in the upcoming year. *

54. Please provide any additional information you believe would help us 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
Fiscal Year Ended June 30, 2025

	Percentage of time spent on PDP Cases	A	B	C	D	E	G	X
1	100%	0	399	0	0	0	0	56
2	98%	77	106	0	0	1	0	0
3	98%	2	418	0	0	0	0	0
4	99%	83	144	0	0	0	0	94
5	60%	2	0	25	0	44	0	14
6	75%	144	135	2	0	0	7	10
7	65%	0	0	0	15	97	0	8
8	10%	1	40	0	0	0	1	7
9	15%	11	1	0	0	0	0	0
10	100%	224	225	0	0	0	0	21
11	99%	18	385	0	0	0	1	33
12	40%	10	1	0	0	0	0	7
13	90%	135	382	0	0	0	0	109
14	90%	175	419	0	0	0	0	19
15	90%	8	31	0	0	0	0	12
16	40%	13	6	0	0	0	0	0
17	100%	1	118	0	0	0	0	0
18	75%	93	516	0	0	0	0	64
19	10%	10	0	0	0	0	0	14
20	45%	1	0	0	0	0	0	0
21	70%	19	8	0	0	0	0	0
22	100%	1	0	0	0	0	2	0
23	95%	84	362	0	0	0	0	27
24	100%	0	90	0	11	69	0	58
25	5%	5	0	0	0	0	0	0
26	100%	0	0	0	0	0	0	1
27	99%	44	337	0	0	43	0	46
28	98%	35	267	0	0	0	0	50
29	35%	23	10	0	0	0	0	8
30	80%	39	11	13	0	0	0	8
31	80%	0	0	0	30	152	0	3
32	98%	79	152	0	0	0	0	77
33	100%	10	0	0	44	0	0	1
34	40%	5	1	0	0	0	0	0
35	50%	6	0	0	0	42	0	33
36	100%	0	205	0	0	0	0	18
37	90%	35	31	0	0	0	0	3
38	95%	87	181	0	0	0	0	28
39	30%	32	52	0	0	0	0	0

PDP Caseloads by Attorney
Fiscal Year Ended June 30, 2025

	Percentage of time spent on PDP Cases	A	B	C	D	E	G	X
40	99%	176	431	0	0	0	0	22
41	90%	6	1	0	0	0	0	4
42	20%	0	1	0	0	0	21	0
43	75%	87	39	0	0	0	13	4
44	20%	124	111	0	0	40	0	18
45	85%	85	25	1	0	3	0	0
46	75%	26	46	0	0	0	0	14
47	85%	136	74	0	0	0	0	4
48	95%	233	402	0	0	0	0	10
49	99%	0	509	0	0	0	0	0
50	75%	26	13	0	0	0	0	1
51	70%	65	124	0	0	0	0	1
52	95%	142	521	0	0	0	0	120
53	70%	0	0	0	0	0	0	1
54	100%	2	0	55	35	0	0	14
55	75%	1	0	0	31	4	0	0
56	100%	0	237	0	0	0	0	17
57	90%	23	83	0	0	0	0	2
58	90%	119	416	0	0	0	0	7
62	75%	2	0	0	0	0	0	11
63	95%	1	80	0	0	153	0	1
65	100%	17	1	0	0	0	0	62
67	100%	78	117	0	0	0	0	3
68	100%	0	0	0	0	113	0	0
69	100%	60	2	0	0	0	0	53
70	25%	6	0	0	0	0	0	0
71	60%	1	0	0	0	0	0	0
72	100%	5	3	0	0	0	0	402
73	100%	196	50	0	17	128	0	71
74	98%	0	575	0	0	0	5	23
75	75%	1	0	0	0	10	0	1
76	100%	5	0	0	0	3	0	0
78	85%	49	38	0	0	0	0	0
79	40%	7	1	0	0	0	0	0
80	1%	3	0	0	0	0	0	0
81	100%	0	85	0	0	0	0	15
82	80%	175	379	0	0	0	0	2
83	10%	11	0	0	0	0	0	0
84	100%	14	2	0	0	52	0	154

PDP Caseloads by Attorney
Fiscal Year Ended June 30, 2025

	Percentage of time spent on PDP Cases	A	B	C	D	E	G	X
86	90%	0	14	0	0	0	0	151
87	1%	0	0	0	0	0	5	0
88	100%	23	638	0	0	0	0	33
89	50%	2	0	0	0	0	0	0
90	50%	83	32	0	0	0	0	0
91	95%	218	184	0	0	0	0	4
92	80%	1	0	0	0	0	2	0
93	100%	0	7	0	0	0	0	12
94	95%	10	0	81	4	1	0	52
95	10%	30	0	9	0	0	0	11
96	30%	2	0	0	0	0	0	0
97	20%	5	0	0	0	0	0	0
100	80%	129	346	0	0	0	0	19
101	99%	149	333	0	0	0	0	34
102	85%	209	389	0	0	0	0	6
103	98%	44	225	0	0	0	0	38
104	95%	89	246	0	0	0	0	1
105	37%	6	0	1	0	0	8	0
106	50%	5	1	0	0	0	0	7
107	100%	0	1	0	0	0	2	280
108	80%	49	84	1	0	1	0	1
109	100%	1	0	0	39	190	0	22
110	18%	1	0	0	0	0	0	0
111	30%	3	29	0	0	0	0	0

APPENDIX

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**PRIVATE DEFENDER PROGRAM CASE COUNTS
FOR FISCAL YEAR ENDED JUNE 30, 2025**

		July 2024	Aug. 2024	Sept. 2024	Oct. 2024	Nov. 2024	Dec. 2024	Jan. 2025	Feb. 2025	March 2025	April 2025	May 2025	June 2025	Year End True-up	Grand Totals
"A" CASES															
	1170(D)														0
	1171/1171.1														0
	1172.1		1			1		2	1				1		6
	1172.6			1	1	1	1		2	1					7
	SB-1437														0
	1473.7			1		3			2						6
	YOP - Resentencing						1		1						2
	1367, 1368														0
	Appeals	1					3	3		4	1		1	1	14
*	Contempts	3	1	3	2		2	5	3	3	1			1	24
*	Contempt-OSC Fam				3	1	1		1	3	2	1		2	14
*	Probate		4	5	4	1	1	2		8	7	5	2	6	45
*	Probate / Medical Consent										1				1
	Probate/Guardianship		1	1								1		1	4
	Probate/Limited		8	5	3	5	5	8		7	7	8	4	4	64
*	SVP							1					1	-1	1
	SVP / Criminal													1	1
	Parole Violation	9	9	7	4	8	6	6	1	9	7	3			69
	PRCS	20	21	13	10	5	14	21	19	22	17	25	19		206
	Probation Violation	62	57	54	80	65	55	57	38	54	64	62	65	1	714
	Sexually Violent Predator (SVP)														0
*	Adoption / Guardianship		1			1	1								3
*	Military Civil Relief Act														0
	Witness Representations - GJ														0
	Witness Representations	2	2	4	2	2	4	1	2	5	1	2	1		28
	Special Assignment / Witness Rep														0
	187			1	1		1	1							4
	187 - DP		1		1										2
	187 - Spec Circ														0
	187 - DP - GJ														0
	187 - GJ														0
	Life - GJ														0
	Super Felony - GJ														0
	NGI Extension										1			1	2
	Other Mental														0
	3 Strikes Review														0
	3 Strikes / 1 Strike Life								1				1	2	4
	Life	5	6	4	3	1	2	5	2	1	2	1	2	3	37
	P47														0
	P64														0
	P57														0
	Felony - No SCR	82	99	77	81	64	88	75	80	74	95	88	90	7	1000
	Felony - SCR	153	113	109	136	117	156	179	150	174	213	215	164	-1	1878
	Super Felony	34	32	25	36	17	32	21	19	20	24	22	28	2	312
	Calendar Closed	1	1	2	3	1		1		1	4	1	2	-1	16
	Superior - Consolidated PV														0
	Superior - Unconsolidated PV														0
	Writs / Criminal Superior											1		1	2
	Writs														0
	Veterans Resentencing (AB865)														0
	859a	1	1	1	6	1	3		1						14
	Sex Registration Relief		1	1		3	1						1		7
	Compassionate Release					1	1		1			1			4
	Restitution	4		6	4	2	3	3	4	4					30
	Monthly Totals	377	359	320	380	300	381	391	328	390	447	436	382	30	4521
	Cumulative Totals	377	736	1056	1436	1736	2117	2508	2836	3226	3673	4109	4491	4521	
"B" CASES															
	Calendar Closed	61	74	75	58	41	45	39	30	38	21	33	22	-3	534
	Criminal Contempt														0
	DV Misdemeanor	53	47	46	45	43	48	45	42	59	81	59	89	3	660
	General Misdemeanor	925	870	756	795	592	824	868	747	822	1000	1129	1047	-16	10359
	Misdemeanor Diversion											2	3	1	6
	Probation Violation	80	82	53	80	69	60	83	61	56	85	55	66	14	844
	Lineups														0
	Lineups / Special Assignment														0
	Writs / Criminal Municipal														0
	Witness Representations		1		1		1								3
	Monthly Totals	1119	1074	930	979	745	978	1035	880	975	1187	1278	1227	-1	12406
	Cumulative Totals	1119	2193	3123	4102	4847	5825	6860	7740	8715	9902	11180	12407	12406	
"C" CASES-LPS															
	LPS - Regular	10	9	7	1	3	5	4	3	12	8	5	10	6	83
	LPS - DNR / Medical Consent	1	1			1	2	1		2		1	2	1	12

**PRIVATE DEFENDER PROGRAM CASE COUNTS
FOR FISCAL YEAR ENDED JUNE 30, 2025**

	LPS - Rehearing Petition	4		2				1	2		1		5	15	
	LPS - Writs	4	1	6	8	5	9	5	6	7	5	2	11	8	77
	CARE Court		1		3	1		3	7	5	4	2	6	7	39
	Civil/Writ												1		1
	AOT Petition														0
	Monthly Totals	19	12	15	12	10	16	13	17	28	17	11	29	28	227
	Cumulative Totals	19	31	46	58	68	84	97	114	142	159	170	199	227	
"E" CASES															
	P57														0
	P47														0
	602 -Delinquency	38	30	40	62	32	24	45	40	54	38	37	48	-5	483
	602 - GAL														0
	Special Advocate	12	3	6	12	9	1	3	7	9	8	6	15		91
	Witness Representations - JV							2							2
	SB 203	31	32	30	31	30	31	31	28	31	30	31	31		367
	Miranda - SB 395	23	16	9	25	15	10	12	11	16	11	21	24	7	200
	Prob. Req. Miranda Advice	8	1	5	13	6	1		7	23	9	9	11	6	99
	Monthly Totals	112	82	90	143	92	67	93	93	133	96	104	129	8	1242
	Cumulative Totals	112	194	284	427	519	586	679	772	905	1001	1105	1234	1242	
"G" CASES															
	1170(D)/1170.03	1									8			-8	1
	1170.95														0
	1473.7	8	4	6	2	10	8	5	1	6		5	3	19	77
	3051														0
	Monthly Totals	9	4	6	2	10	8	5	1	6	8	5	3	11	78
	Cumulative Totals	9	13	19	21	31	39	44	45	51	59	64	67	78	
"X" CASES															
	1370 Court	5	4	4	4	3	4	3	3	4	4	3	5		46
	A. Gun Violence RO		1	1	3	2		1	2	2	1	4		-2	15
	B. Civil Restraining Orders	2		5			1			2		1	2	5	18
	Contempt Calendar	5	4	4	5	4	3	4	4	4	5	4	4		50
	Drug Court/Prop 36	2	2	2	2	2	2	2	2	2	2	2	2		24
	DUI Confrence Calendar	4	4	4	4	2	3	3	3	4	4	4	4		43
	DUI Review Calendar														0
	Expungement	68	57	8	64	44	23	5	21	8	11		1	359	669
	Girls Program	1	1	1	1	1	1								6
	I/C Muni Arraignment	43	43	38	45	34	42	42	41	40	44	42	40	1	495
	LPS Calendar	5	5	4	5	4	4	4	4	4	5	4	4	1	53
	Mentor			1			2			3	1		1	3	11
	Mental Health Diversion	5	9	8	9	6	6	7	8	8	8	8	9		91
	Military Diversion	1	2	1	1	1	1	1	1	1	1	1	1		13
	Misd. Diversion Calendar	2	2	1	2	2	1								10
	O/C Muni Arraignment Calendar	40	39	35	42	31	28	34	32	36	40	37	37		431
	Officer Of The Day	27	30	26	34	23	25	29	21	22	28	24	22	4	315
	Pathways Court	4	5	2	4	4	3	4	4	4	4	5	4		47
	Restitution Court	1	1	1	1	1	1	1	1	1	1	1	1		12
	Special Asgmt	2	3	7	8	5	1	1	1		4	1	2	5	40
	Special Project														0
	Sprcial Project / Sup Atty														0
	Superior Arraignment Calendar	22	22	19	23	18	21	21	18	20	22	21	20		247
	Veterans Court	1	1	1	1	1	1	1	1	1	1	1	1	1	13
	Witness Rep./ Not Appointed		1									1			2
	Monthly Totals	240	236	172	259	188	173	163	167	166	186	164	160	377	2651
	Cumulative Totals	240	476	648	907	1095	1268	1431	1598	1764	1950	2114	2274	2651	
	MONTHLY GRAND TOTALS	1876	1767	1533	1775	1345	1623	1700	1486	1698	1941	1998	1930	453	21125
	FY 2024-2025 CUMULATIVE GRAND TOTAL	1876	3643	5176	6951	8296	9919	11619	13105	14803	16744	18742	20672	21125	
	* = "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
182.5	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)(4)	7	
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(a), 191.5(b)	5	

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(c)	4	
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	
422.7	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 notes	Determine level based on underlying offense, EXCEPT: • If underlying offense is 187, see below • If underlying offense is punishable by any other indeterminate term, it is a level 5
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	7, 8	If the enhancement is 667.61(j)(1) or 667.61(l) it is a 8. Any other subdivision(including 667.61(j)(2)) is a 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)(a) (H & S)	4	
11370.4(a)(1)(b) (H & S)	4	
11370.4(a)(1)(c) (H & S)	5	
11370.4(a)(1)(d) (H & S)	5	
11370.4(a)(1)(e) (H & S)	5	
11370.4(a)(1)(f) (H & S)	5	

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

All Vehicle Code Sections are a “3”, except the following:

2800.3 (VC)	4
23104(b) (VC)	4
23105(a) (VC)	4
23566(b) (VC)	4
23566(c) (VC)	4

All Welfare and Institutions Code Sections are a “3”, except the following:

14107(e) (WI)	7	
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All Health and Safety Code Sections are a “3”, except the following:

11353 (H & S)	4
11353.5 (H & S)	4
11353.7 (H & S)	4
11370.4(a)(1)(c) (H & S)	5
11370.4(a)(1)(d) (H & S)	5
11370.4(a)(1)(e) (H & S)	5
11370.4(a)(1)(f) (H & S)	5
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

APPENDIX

7



Private Defender Program

San Mateo County Bar Association
Budget vs. Actual with Monthly Trend
Private Defender Program
As of June 30, 2025

	Month Ending 07/31/2024	Month Ending 08/31/2024	Month Ending 09/30/2024	Month Ending 10/31/2024	Month Ending 11/30/2024	Month Ending 12/31/2024	Month Ending 01/31/2025	Month Ending 02/28/2025	Month Ending 03/31/2025	Month Ending 04/30/2025	Month Ending 05/31/2025	Month Ending 06/30/2025	Year To Date 06/30/2025			
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	BUDGET	Budget Diff	Budget Ratio
Revenues over Expenditures																
Revenues																
Program Service Revenue																
Program Revenue																
SM County Contract Revenue	6,094,007.75	0.00	0.00	6,234,006.75	0.00	0.00	6,234,006.75	0.00	0.00	6,234,006.75	0.00	0.00	24,796,028.00	24,796,861.90	(833.90)	1.00
CARE Court Fees	0.00	0.00	0.00	1,436.55	0.00	16,562.59	0.00	0.00	14,278.70	0.00	0.00	23,119.07	55,396.91	0.00	55,396.91	0.00
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	508,244.63	508,244.63	422,243.10	86,001.53	1.20
BSCC Grant Revenue	87,920.09	89,060.89	65,138.73	68,272.65	68,939.31	65,234.55	41,542.31	53,137.78	59,647.95	65,543.56	88,144.43	45,749.32	798,331.57	0.00	798,331.57	0.00
Court Funding 300 W & I - JV	181,202.75	0.00	181,202.75	0.00	0.00	181,202.75	0.00	0.00	181,202.75	0.00	0.00	0.00	724,811.00	906,513.00	(181,702.00)	0.80
JCC Funding	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21,269.21	14,719.21	36,915.29	29,255.60	154,126.69	256,286.00	0.00	256,286.00	0.00
Total Program Revenue	6,363,130.59	89,060.89	246,341.48	6,303,715.95	68,939.31	262,999.89	6,275,549.06	74,406.99	269,848.61	6,336,465.60	117,400.03	731,239.71	27,139,098.11	26,125,618.00	1,013,480.11	1.04
Total Program Service Revenue	6,363,130.59	89,060.89	246,341.48	6,303,715.95	68,939.31	262,999.89	6,275,549.06	74,406.99	269,848.61	6,336,465.60	117,400.03	731,239.71	27,139,098.11	26,125,618.00	1,013,480.11	1.04
Investment Income																
Investment Income	30,116.54	27,519.74	20,926.77	20,603.77	25,184.08	10,909.29	23,477.98	31,531.19	18,551.27	26,974.50	24,922.88	18,620.56	279,338.57	150,000.00	129,338.57	1.86
Total Investment Income all	30,116.54	27,519.74	20,926.77	20,603.77	25,184.08	10,909.29	23,477.98	31,531.19	18,551.27	26,974.50	24,922.88	18,620.56	279,338.57	150,000.00	129,338.57	1.86
Total Revenues	6,393,247.13	116,580.63	267,268.25	6,324,319.72	94,123.39	273,909.18	6,299,027.04	105,938.18	288,399.88	6,363,440.10	142,322.91	749,860.27	27,418,436.68	26,275,618.00	1,142,818.68	1.04
Expenditures																
Program																
Attorney Fees	905,387.25	1,075,381.72	1,115,379.23	1,240,055.27	1,260,222.88	1,202,231.83	1,103,562.61	1,177,407.86	1,128,695.63	1,288,792.00	1,171,488.40	1,763,129.16	14,431,733.84	15,698,138.00	(1,266,404.16)	0.92
Investigator Fees	210,001.90	242,609.71	243,445.59	266,629.03	237,492.18	215,515.33	222,020.79	300,270.50	252,052.33	330,332.04	267,991.66	323,556.63	3,111,917.69	2,600,000.00	511,917.69	1.20
Paralegal Fees	6,281.54	6,592.00	10,799.58	9,498.50	7,280.00	12,730.25	20,726.43	7,969.35	15,304.90	12,334.89	18,700.65	38,691.65	166,909.74	50,000.00	116,909.74	3.34
Social Worker Fees	75,717.94	86,718.46	84,038.71	92,602.45	81,477.70	74,330.36	94,445.73	99,553.46	100,204.52	86,064.41	68,107.24	71,966.35	1,015,227.33	850,000.00	165,227.33	1.19
Expert & Related Services	43,772.41	67,548.08	37,876.36	60,693.05	95,394.40	55,139.06	42,378.30	42,171.24	139,820.55	70,111.12	83,201.28	113,380.71	851,486.56	900,000.00	(48,513.44)	0.95
Answering Service & Other Expenses	402.21	339.00	339.00	470.94	354.36	349.00	349.00	349.00	349.00	349.00	385.18	481.66	4,517.35	4,956.00	(438.65)	0.91
SB395																
Education Reimbursements - Attorneys	0.00	1,104.00	745.00	1,745.20	829.00	1,324.97	1,569.99	0.00	1,475.00	1,246.02	1,827.66	5,544.65	17,411.49	24,007.00	(6,595.51)	0.73
Education Reimbursements - Investigators	500.00	0.00	299.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	799.00	11,199.00	(10,400.00)	0.07
In-House Training Sessions	0.00	9,600.00	0.00	0.00	281.37	271.04	4,000.00	4,000.00	4,030.00	7,756.82	3,320.00	3,179.88	36,439.11	22,510.00	13,929.11	1.62
Lexis Nexis	7,175.20	6,835.20	9,725.20	5,730.20	6,410.20	6,750.20	7,355.61	6,930.61	6,760.61	6,590.61	6,930.61	6,760.61	83,954.86	79,475.00	4,479.86	1.06
Data Analytics	615.00	0.00	0.00	180.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	795.00	0.00	795.00	0.00
Other Program Expense	9,840.67	8,499.00	23,407.61	9,047.74	22,448.08	18,015.71	14,959.55	10,252.09	17,174.00	10,334.74	12,881.01	20,608.99	177,469.19	42,594.00	134,875.19	4.17
Discovery Costs	2,072.70	2,499.95	3,624.80	3,281.87	2,550.07	2,072.70	3,608.42	2,072.70	3,070.80	3,140.92	4,886.10	3,693.95	36,574.98	45,495.00	(8,920.02)	0.80
Events Expense	0.00	65.00	509.53	130.00	650.00	5,138.56	600.00	100.00	0.00	718.02	0.00	3,678.20	11,589.31	5,628.00	5,961.31	2.06
Card Key Expense	0.00	0.00	0.00	0.00	8,455.12	40.00	0.00	4,945.86	40.00	0.00	2,534.70	40.00	16,055.68	17,524.00	(1,468.32)	0.92
Total Program	1,261,766.82	1,507,792.12	1,530,189.61	1,690,064.25	1,723,845.36	1,593,909.01	1,515,576.43	1,656,022.67	1,668,977.34	1,817,770.59	1,642,254.49	2,354,712.44	19,962,881.13	20,351,526.00	(388,644.87)	0.98
Personnel																
Salary and Wages	295,814.76	302,841.26	283,757.19	307,305.54	304,561.94	314,460.82	322,905.65	317,995.95	351,813.43	324,027.93	322,320.88	360,760.93	3,808,566.28	3,781,916.00	26,650.28	1.01
PR Benefits	43,926.19	40,989.52	39,925.33	87,117.57	48,567.35	42,824.68	65,125.34	56,155.88	57,410.07	52,545.43	46,420.05	244,419.92	825,427.33	872,875.00	(47,447.67)	0.95
PR Taxes	20,032.46	17,602.31	14,434.88	13,963.03	12,333.46	12,838.07	29,938.65	24,643.92	25,411.53	24,736.94	24,496.10	25,406.90	245,838.25	302,553.00	(56,714.75)	0.81
Total Personnel	359,773.41	361,433.09	338,117.40	408,386.14	365,462.75	370,123.57	417,969.64	398,795.75	434,635.03	401,310.30	393,237.03	630,587.75	4,879,831.86	4,957,344.00	(77,512.14)	0.98
Occupancy	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	34,792.29	35,872.52	35,872.52	418,542.93	420,435.00	(1,892.07)	1.00
Professional Fees																
IT Services	2,870.00	2,870.00	2,870.00	2,870.00	2,870.00	2,870.00	2,870.00	3,480.00	3,480.00	3,480.00	3,480.00	3,480.00	37,490.00	29,175.00	8,315.00	1.29
HR & Payroll Consulting	6,687.35	6,593.02	5,698.20	7,618.69	7,041.10	7,366.59	9,382.05	7,607.06	7,655.13	7,425.40	7,417.23	7,417.23	87,909.05	54,989.00	32,920.05	1.60
Other Professional Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,000.00	(5,000.00)	0.00
Accounting Services	6,060.50	6,687.82	6,885.02	6,251.61	6,582.05	6,078.00	5,400.00	7,486.11	7,628.85	6,551.13	7,214.13	6,345.50	79,170.72	81,037.00	(1,866.28)	0.98
Audit & Tax Prep Fees	0.00	4,926.00	11,778.80	2,480.20	34,835.00	5,880.00	0.00	0.00	5,964.00	0.00	0.00	0.00	65,864.00	55,202.00	10,662.00	1.19

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, 2025

	Month Ending 07/31/2024	Month Ending 08/31/2024	Month Ending 09/30/2024	Month Ending 10/31/2024	Month Ending 11/30/2024	Month Ending 12/31/2024	Month Ending 01/31/2025	Month Ending 02/28/2025	Month Ending 03/31/2025	Month Ending 04/30/2025	Month Ending 05/31/2025	Month Ending 06/30/2025	Year To Date 06/30/2025			
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	BUDGET	Budget Diff	Budget Ratio
Legal Services	0.00	0.00	0.00	0.00	100.00	2,000.00	0.00	856.25	0.00	343.75	0.00	510.00	3,810.00	24,040.00	(20,230.00)	0.16
Total Professional Fees	15,617.85	21,076.84	27,232.02	19,220.50	51,428.15	24,194.59	17,652.05	19,429.42	24,727.98	17,800.28	18,111.36	17,752.73	274,243.77	249,443.00	24,800.77	1.10
General and Administrative Ex- penses																
Credit Card and Other Service Charges	418.02	90.59	267.32	398.39	914.16	254.99	239.57	0.00	320.66	272.80	92.98	66.03	3,335.51	0.00	3,335.51	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	20,750.37	20,750.37	0.00	20,750.37	0.00
Due and Subscriptions	195.00	0.00	0.00	0.00	0.00	0.00	8,035.00	612.95	3,023.05	1,113.95	0.00	0.00	12,979.95	15,183.00	(2,203.05)	0.85
Equipment Rental	714.93	714.93	455.82	1,095.70	714.93	714.93	723.51	732.10	732.10	732.10	732.10	2,591.05	10,654.20	14,609.00	(3,954.80)	0.73
Facilities	5,998.06	401.22	3,103.97	1,607.74	0.00	263.94	14,208.17	0.00	0.00	342.78	79.70	0.00	26,005.58	7,219.00	18,786.58	3.60
Insurance	7,344.12	7,344.45	7,344.45	7,344.45	7,344.45	5,773.14	7,344.45	7,344.45	7,356.62	7,023.52	7,023.55	7,023.55	85,611.20	79,953.00	5,658.20	1.07
Meals and Entertainment	0.00	340.35	455.61	611.20	162.19	688.44	124.26	694.57	41.25	93.32	239.33	558.56	4,009.08	5,377.00	(1,367.92)	0.75
Office Expenses																
Publication and Books	61.52	0.00	0.00	0.00	480.56	1,211.85	1,746.46	0.00	530.26	(118.54)	1,995.55	0.00	5,907.66	9,004.00	(3,096.34)	0.66
Office Supplies	2,581.13	3,063.18	3,735.08	3,003.93	2,607.85	2,809.72	5,367.97	1,590.60	2,171.94	4,037.61	1,187.65	4,039.32	36,195.98	36,212.00	(16.02)	1.00
Computer Hardware & Equipment	3,602.59	2,638.36	76.90	69.52	1,273.88	6,402.74	415.16	0.00	1,454.40	701.40	0.00	7,622.57	24,257.52	12,280.00	11,977.52	1.98
Computer Software	6,240.72	1,662.46	10,062.35	10,073.48	8,302.16	9,267.47	6,363.68	7,174.70	13,875.05	9,345.40	10,651.50	9,458.11	102,477.08	60,777.00	41,700.08	1.69
Total Office Expenses	12,485.96	7,364.00	13,874.33	13,146.93	12,664.45	19,691.78	13,893.27	8,765.30	18,031.65	13,965.87	13,834.70	21,120.00	168,838.24	118,273.00	50,565.24	1.43
Postage and Delivery	0.00	148.55	171.22	4.88	0.00	0.00	221.30	0.00	0.00	0.00	0.00	0.00	545.95	437.00	108.95	1.25
Repairs and Maintenance	0.00	0.00	0.00	2,015.00	0.00	0.00	1,290.00	0.00	3,060.00	0.00	0.00	0.00	6,365.00	0.00	6,365.00	0.00
State and Local Taxes	56.74	56.74	56.74	56.74	56.74	56.74	56.74	56.74	56.74	58.27	58.27	58.27	685.47	0.00	685.47	0.00
Telecommunication	3,328.39	6,853.53	8,385.49	2,447.15	5,187.25	2,996.46	5,016.89	6,734.05	5,834.76	5,690.06	5,785.18	11,209.76	69,468.97	50,979.00	18,489.97	1.36
Travel Expenses	806.95	1,897.74	120.23	1,123.67	583.87	0.00	107.56	709.30	2,263.64	2,385.87	79.73	337.51	10,416.07	4,840.00	5,576.07	2.15
Total General and Administrative Ex- penses	31,348.17	25,212.10	34,235.18	29,851.85	27,628.04	30,440.42	51,260.72	25,649.46	40,720.47	31,678.54	27,925.54	63,715.10	419,665.59	296,870.00	122,795.59	1.41
Total Expenditures	1,703,298.54	1,950,306.44	1,964,566.50	2,182,315.03	2,203,156.59	2,053,459.88	2,037,251.13	2,134,689.59	2,203,853.11	2,302,226.99	2,117,400.94	3,102,640.54	25,955,165.28	26,275,618.00	(320,452.72)	0.99
Total Revenues over Expenditures	4,689,948.59	(1,833,725.81)	(1,697,298.25)	4,142,004.69	(2,109,033.20)	(1,779,550.70)	4,261,775.91	(2,028,751.41)	(1,915,453.23)	4,061,213.11	(1,975,078.03)	(2,352,780.27)	1,463,271.40	0.00	1,463,271.40	0.00