

# EXECUTIVE OFFICE

CONFLICT DEFENDER..... 2086

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## EXECUTIVE OFFICE'S BUDGET UNITS

Conflict Defender .....2086

### PROGRAM DISCUSSION

**Programs:** This budget was created in Fiscal Year 1998-99 to track the expenditures of the third level conflict defenders. In the past, these expenditures were found in Budget Unit 2080 (Public Defender) but were not controllable by the Public Defender. After the Public Defender and Alternate Defender have declared a conflict, the Judges of the Superior Courts of Mendocino County appoint private attorneys and experts. These attorneys have a previously set rate determined by the courts in which to receive reimbursement for legal services. Attorneys assigned to conflict cases and one County contracted attorney on the coast are paid from this budget. Prior to the creation of this budget, the County was paying much greater costs for conflict cases. This budget can now be monitored more easily to ensure that the conflict cases remain at a minimum. This budget has allocated Criminal Justice Improvement funding to offset general fund dollars in covering the costs for third level conflict cases.

**Public Trust:** Monitors the third level conflict cases to ensure that every County dollar spent for third level conflict cases provides a valuable service to the public.

**Practices:** Promotes the assurance that the cases identified are the best use of County funding.

**People:** Supports the staff needed to effectively monitor the payments to outside attorneys and ensures they are correctly paid at the rate of pay pre-determined by the Courts.

### MAJOR ACCOMPLISHMENTS IN F/Y 2009-10

**Programs:** The Executive Office continues to closely monitor payments to the attorneys. In the last few years, the cost to the County for private attorneys has increased by 10%. This is due to the increased assigned

private attorneys assigned by the Courts. The County has no jurisdiction in the assignments of attorneys on cases, and therefore is at the mercy of the Court when a private attorney is appointed instead of the public defender or alternate defender. The County will continue to communicate this concern to the judges at the Courts. The negotiation of the coast attorney contract was completed. The Executive Office has now required the reporting of hours and caseload for the contract, and the reports are provided quarterly before payment of services.

**Public Trust:** Monitored every County dollar spent for third level conflict cases which are providing a valuable service to the public.

**Practices:** Provided the assurance that the cases identified were the best use of County funding.

**People:** Staff provided effective monitoring of the payments to outside attorneys and ensured payment was at the rate of pay pre-determined by the Courts.

### GOALS/OBJECTIVES FOR F/Y 2010-11

**Programs:** Continue to evaluate the effectiveness of the third level conflict budget, and successfully negotiate the contract for the attorney on the coast. Continue the goal of a cooperative relationship between the Superior Courts and the County.

**Public Trust:** Continue to monitor the effectiveness of attorneys and experts paid by this budget unit in cooperation with the Superior Courts of Mendocino County.

**Practices:** Continue to promote the assurance of best use of County funding.

**People:** Continue to closely examine claims for accuracy and make sure payments are made from the proper budget unit.

