

PUBLIC DEFENDER

PUBLIC DEFENDER2080

LINDA THOMPSON, Public Defender

PUBLIC DEFENDER'S BUDGET UNITS

Public Defender	2080
<u>Alternate Defender</u>	2085

PROGRAM DISCUSSION

Programs: The duties of the Public Defender are defined in Government Code §27706. Generally, the Public Defender is responsible for representing any person financially unable to employ counsel and who is charged with the commission of any contempt or criminal offense (felony and misdemeanor), within the jurisdiction of the Superior Courts of the County at all stages of the proceedings in each court at every calendar in Mendocino County. The Public Defender also represents minors in delinquency proceedings, petitioners for the restoration of rights, applications for pardons, persons alleged to be sexually violent predators (SVP's) or mentally disordered sex offenders (MDSO's), and mentally ill persons at hearings to determine mental condition (i.e. competency or NGI; restoration of sanity; extension of state hospital commitments), conservatorship proceedings, and some post-trial/post-probation proceedings including 1203.3 and 1203.4 requests.

Public Trust: The Public Defender provides mandated legal representation to indigent clients when appointed by the courts. The Public Defender protects the confidences and constitutional and statutory rights of every individual appointed by the courts in this County.

Practices: The employees of the Public Defender's Office take the office's motto seriously: "The Noblest Motive is the Public Good," and "That Justice Escapes None." It is an honor to serve clients. The Public Defender's personal motto is that "All employees, clients, and members of the public shall be treated with loyalty, integrity, confidentiality, and respect."

People: The Public Defender attempts to hire the most capable attorneys and encourages continuing education and training to maintain the highest level of competent representation.

MAJOR ACCOMPLISHMENTS IN F/Y 2009-10

Programs: Staff continued to represent clients in approximately 8,400 cases during 2009: these cases included felony cases (serious felonies such as homicides, three strikes cases, and other crimes of violence including home invasion robberies, residential burglaries and complex marijuana cases), misdemeanor cases, juvenile delinquency cases, conservatorship cases, mental health cases, and sexually violent

predator cases. Services were provided to courts in Ukiah, Fort Bragg, Covelo, Point Arena, and Willits—until the Willits Branch's closure in December of 2009. The attorney staffing level has remained relatively constant despite dramatic increases in both caseloads and complexity of cases. Statistics show the number of felony cases approximately doubled this past year. The ability to effectively handle the volume of cases is directly attributable to the dedication and flexibility of the staff, as well as the Public Defender maintaining a full caseload.

Encouraged training of attorneys beyond the minimum continuing education required by the State Bar of California. Some attorneys have in the past received National Drug Court Training. Public Defender's attorneys continue to receive valuable training for the most minimal investment, though they are no longer able to access CPDA scholarships as in the past. The office continued to have access to the statewide Public Defender case law computer research system, resulting in increased efficiency and cost savings for the office.

Public Trust: The Public Defender continued to strive to provide excellence in the representation of its clients. In addition, members have continued, as in many years past, to volunteer time to the community by participating in programs such as the High School "Mock Trial" competition, as well as the "Every 15 Minutes" program sponsored by the California Highway Patrol and local high schools.

People: There have been no departures of either an attorney or support staff for at least four years; this stability has resulted in increased morale and more efficient and competent representation of our clients.

GOALS/OBJECTIVES FOR F/Y 2010-11

Programs:

- Improve attorney productivity and efficiency by:
 - ~ Re-evaluating attorney caseloads and assignments to assure an equal division of the workload.
 - ~ Continue increased training to add to each attorney's legal knowledge and skill.

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~ Continuing to expand the office’s already expansive brief bank, so that attorney time can be utilized more efficiently, as well as continuing computerization of the research library. This includes more full use of the network server, after the launching of a successful internal web site, which has given all staff access to Los Angeles County’s “Week’s Cases”, with hyper-links to all the new cases cited, as well as to pertinent office policy information.

~ Work vigorously with all other interested departments and agencies to ensure continued successful implementation of Penal Code §1210.1 dispositions, which mandates treatment rather than custody for specified drug possession and “under the influence” cases. Look to other avenues for handling these types of cases when 1210.1 resolution is not possible in an effort to avoid the cost of jailing these individuals for victimless crimes. With the budget crisis, waiting lists, lack of supervision, and limited resources for treatment, these cases have become a substantial time consuming caseload and require creativity to help clients succeed if possible.

~ Staffing attorney positions consistent with the present “master calendar” system along with the other courts covered by this office.

~ Continue working with the Sheriff’s Office with the jointly created video conferencing system which allows greater access between clients in custody and their attorneys. Continue to work with jail staff to arrange client interviews in an efficient and timely manner when contact interviews are necessary.

~ Continue to work with the Mental Health providers at the county jail to assist in the treatment, placement, and alternative avenues to address both the medical/legal issues that exist.

➤ Improve staff morale and decrease caseload pressures by:

~ Continue to work with the courts in perfecting the system allowing for court entry of cases into JALAN, which allows clerical staff to devote more time to more crucial functions.

~ Continue to work with the courts in improving the system for the filing, and processing of, pleadings and orders.

~ Continue to encourage staff to participate in community projects directed towards public awareness of the criminal justice system, including the local schools’ “Mock Trial” program, Every 15 Minutes, etc., as well as giving informational presentations in public forums.

~ Continue to work with the other criminal justice departments to develop a new case management system.

~ Continue working with Court Collections to ensure clients’ eligibility for services, and to improve the protocol for the consideration and orders for attorneys’ fees at the conclusion of adult and juvenile matters.

~ Continue working closely with the courts and other agencies in expanding the successful Drug Court and Proposition 36 programs aimed at rehabilitation of repeat substance abuse offenders.

Public Trust: Continue to represent clients with the utmost degree of competence, confidentiality, and professionalism while promoting a full understanding and trust in the employees of this office.

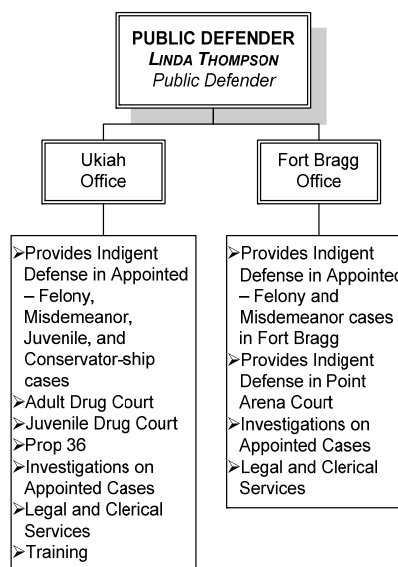
Practices: Continue to promote the continued education and training of its employees in order to provide the best legal representation possible with the resources provided.

People: Continue to promote stability (lack of turnover of attorneys) within the office in order to provide the most competent, efficient, and professional services possible.

CURRENT STAFFING

To view staffing levels for this budget unit, see the Position Allocation Table located in this document under the tab **L. Position Allocation Table**.

PROGRAM CHART



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SUMMARY OF MAJOR BUDGET ACCOUNTS

Salaries & Employee Benefits

- ◇ Acct. 1011 Provides funding for 20.8 full time positions.

Services & Supplies

- ◇ Acct. 2189 Provides for costs associated with experts, interpreters and lab testing.

Revenues

- ◇ Acct. 5463 Estimated revenue from homicide trials. No funding this year.
- ◇ Acct. 6163 Revenue from clients and the Courts for dependency cases.

CEO RECOMMENDED BUDGET COMMENTS

The CEO recommends funding as submitted by the department.

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LINDA THOMPSON, Public Defender

State Controller
County Budget Act
(1985)

County of Mendocino
State of California
Budget Unit Financing Uses Detail
Recommended Budget for Fiscal Year 2010-11

County Budget Form
Schedule 9

Classification:

Function: 2 Public Protection
Activity: 201 Public Protection - Judicial

Budget Unit: 2080 Public Defender
Fund: 1100 County General

Financing Uses Classification	2008-09 Budget	2008-09 Actuals	2009-10 Budget	2009-10 Actuals	2010-11 Request	2010-11 Recommend	2010-11 Adopted
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
<i>as of 5/31/10</i>							
Salaries & Employee Benefits							
861011 Regular Employees	1,637,531	1,590,242	1,606,706	1,399,208	1,327,004	1,504,992	
861012 Extra Help	0	0	0	0	0	0	
861013 Overtime Reg Emp	0	1,557	0	0	0	0	
861021 Co Cont Retirement	222,068	228,124	215,535	186,696	189,471	218,828	
861022 Co Cont OASDI	91,501	93,522	94,245	83,020	77,607	89,700	
861023 Co Cont Medicare	21,879	22,295	22,411	19,488	18,424	21,252	
861024 Co Cont Retire Incr	94,329	96,800	79,158	68,131	84,537	97,636	
861030 Co Cont Health Ins	182,096	197,993	203,647	193,106	189,037	217,435	
861031 Co Cont Unemp Ins	2,972	2,972	5,303	5,303	9,686	9,686	
861035 Co Cont Workers Comp	15,246	15,246	46,604	46,604	50,812	50,812	
Total Salaries & Employee Benefits	2,267,622	2,248,751	2,273,609	2,001,556	1,946,578	2,210,341	0
Services & Supplies							
862060 Communications	10,000	8,155	10,000	7,764	10,000	10,000	
862061 Comm Lease	7,115	7,224	7,115	7,224	7,334	7,334	
862101 Insurance - General	3,455	3,455	3,908	3,908	4,275	4,275	
862110 Jury/Witness Expense	500	0	500	0	500	500	
862120 Maint - Equip	0	0	0	0	0	0	
862150 Memberships	7,310	6,830	7,310	5,330	3,200	3,200	
862170 Office Expense	44,000	41,203	44,000	34,415	44,000	44,000	
862183 Legal Fee	0	0	0	(1,000)	0	0	
862187 Education & Training	5,000	0	5,000	274	5,000	5,000	
862189 Prof/Spec Svcs - Other	58,013	34,390	57,977	23,950	71,471	64,471	
862210 Rent/Lease - Bldg Grnds	53,550	46,992	53,550	51,264	53,550	53,550	
862239 Spec Dept Expense	0	0	0	0	0	0	
862250 Trans/Travel	3,970	7,868	3,970	3,954	4,000	4,000	
862253 Travel Out of County	9,000	2,236	9,000	5,023	4,000	4,000	
862260 Utilities	10,000	8,527	10,000	7,971	12,000	12,000	
Total Services & Supplies	211,913	166,879	212,330	150,076	219,330	212,330	0
Fixed Assets							
864370 Equipment	0	0	0	0	0	0	
Total Fixed Assets	0	0	0	0	0	0	0
Expend Transfer & Reimb							
865380 Intrafund Transfer	0	(205)	0	0	0	0	
Total Expend Transfer & Reimb	0	(205)	0	0	0	0	0
Total Net Appropriations	2,479,535	2,415,425	2,485,939	2,151,632	2,165,908	2,422,671	0
Less: Revenues							
823110 Crim Just Const Fund	0	0	50,000	0	0	0	
826163 Legal Svcs Reimb	30,000	25,789	30,000	24,947	72,000	72,000	
Total Revenues	30,000	25,789	80,000	24,947	72,000	72,000	0
Total Net County Cost	2,449,535	2,389,636	2,405,939	2,126,686	2,093,908	2,350,671	0

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ALTERNATE DEFENDER.....2085

LINDA THOMPSON, Public Defender

PROGRAM DISCUSSION

Programs: The Alternate Defender acts as a second Public Defender's department pursuant to Government Codes §27706. The Alternate Defender is appointed by the court in cases when the Public Defender declares a conflict of interest. The department handles every aspect of the representation of indigent persons accused of crime or those who are mentally ill and who are subject to conservatorship proceedings or petitions under Welfare and Institution Code §6500; and every aspect of the representation of juveniles accused of crime in delinquency proceedings under Welfare and Institutions Code §602 et. seq. The Alternate Defender is also appointed by the court in civil cases (usually in family law or child support matters) where litigants are facing jail sentences for contempt of court, that is, disobeying a court order or failing to make child support payments. The Alternate Defender also represents persons who petition for the restoration of rights, applications for pardons, persons alleged to be sexually violent predators (SVPs), or mentally disordered sex offenders (MDSOs). Staff's responsibility in these matters applies to all cases in the Ukiah and Round Valley (Covelo) branches of the court.

Public Trust: The Alternate Defender's staff provides mandated legal representation to indigent clients when appointed by the courts. Staff protects the confidences, and constitutional and statutory rights of every individual appointed by the courts in this county.

Practices: The job of the Alternate Defender's staff is to provide clients with the best possible legal representation. This remains our expectation, our goal and our practice.

People: The Alternative Defender's goal is to improve attorney productivity and efficiency by continuing education and training in order to maintain the highest level of competent representation.

MAJOR ACCOMPLISHMENTS IN F/Y 2009-10

Programs: During the last fiscal year, the Alternate Defender's Office continued to provide the highest level of representation for our clients in all appointed cases. The office continues to serve all courts in Ukiah branch of the Superior Court.

Public Trust: The Alternate Defender's staff has continued to strive this past year to provide excellence in the representation of clients. In addition, members of this office have continued, as in many years past, to volunteer time to the community by participating in

programs such as the high school mock trial competition.

Practices: Continued to promote a philosophy of treating clients and the public with respect and integrity while providing the best possible legal representation.

People: Continues to encourage training of attorneys beyond the minimum continuing education required by the State Bar of California at the most minimal costs.

GOALS/OBJECTIVES FOR F/Y 2010-11

Programs: The primary goal and objective of the Alternate Defender's staff is to continue to meet the expectations of the County and clients by providing maximum court coverage by being available to service every department of the Court as needed, while maintaining the highest quality of representation, all within the County budget structure. Staff will continue to be encouraged to engage in specialized training to accomplish this goal and to participate in community projects directed towards public awareness of the criminal justice system, including the local schools "Mock Trial" and "Every 15 Minutes" programs.

Public Trust: The Alternate Defender's Office will continue to provide clients with the best possible legal representation with the utmost degree of competence, confidentiality, and professionalism, while promoting full understanding and trust in the employees.

Practices: Continue to provide service to clients with honesty, integrity and compassion, while maintaining a good rapport with judges, fellow attorneys, court staff, other members of the criminal justice system and the general public.

People: Improve attorney productivity and efficiency by continuing education and training in order to maintain the highest level of competent representation.

CURRENT STAFFING

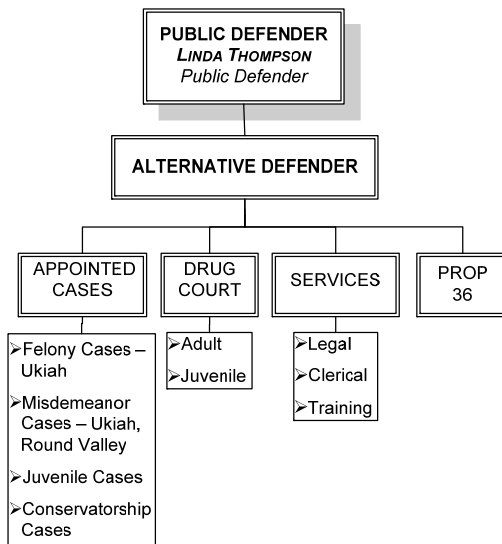
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ALTERNATE DEFENDER.....2085

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PROGRAM CHART



SUMMARY OF MAJOR BUDGET ACCOUNTS

Salaries & Employee Benefits

- ◇ Acct. 1011 Provides funding for 5.5 full time positions.

Revenues

- ◇ Acct. 5463 Provides for revenue from homicide trials
- ◇ Acct. 6163 Provides for revenue from dependency cases.

CEO RECOMMENDED BUDGET COMMENTS

The CEO recommends funding as submitted by the department.

County of Mendocino

2010-11

RECOMMENDED BUDGET

