

# PUBLIC DEFENDER

**PUBLIC DEFENDER .....2080**

*WESLEY S. HAMILTON, Public Defender*

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## PUBLIC DEFENDER'S BUDGET UNITS

Public Defender .....	2080
Alternate Defender .....	2085

## MISSION

**Programs:** The duties of the Public Defender are defined in Government Code Section 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 triable in the Superior Courts of the County at all stages of the proceedings in every criminal court at every calendar in Mendocino County. The Public Defender also represents minors in wardship 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, and in conservatorship proceedings.

**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 2007-08 FISCAL YEAR

**Programs:** During the past fiscal year, the Public Defender's office was allocated and funded two additional Deputy Public Defender positions. Staff continued to represent clients in approximately 9600 cases this past year (2007): these cases included felony cases (serious felonies such as homicides, three strikes cases, and other crimes of violence), misdemeanor cases, juvenile delinquency cases, conservatorship cases, mental health cases, and sexually violent predator cases. Services were provided to courts in Ukiah, Willits, Fort Bragg, Covelo, and Point Arena. 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. The Public Defender continued to attempt to hire local attorneys with ties to this community as an effort to reduce the turnover that has plagued the office the last several years.

Encouraged training of attorneys beyond the minimum continuing education required by the State Bar of California. Some attorneys have received National Drug Court Training. Attorneys continued to be supplemented with scholarships to the California Public Defenders' Association seminars. Public Defender's attorneys received valuable training for the most minimal investment. 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.

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**People:** The addition of the two attorney positions and the salary increases this past fiscal year has done a great deal to stabilize the turnover that has plagued this office the past ten years. This has resulted in increased morale and more efficient and competent representation of our clients.

## GOALS/OBJECTIVES FOR 2008-09 FISCAL YEAR

### **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.
  - ~ 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 our network server, after the launching of our 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 Proposition 36, which mandates treatment rather than custody for specified drug possession and "under the influence" cases.
  - ~ 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 Department with the jointly created video conferencing system which allows greater access between clients in custody and their attorneys.
- Improve staff morale and decrease caseload pressures by:
  - ~ Continuing 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 attempt to hire local attorneys when vacancies occur in order to promote stability of the office.
  - ~ 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, as well as giving informational presentations in public forums.
- 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.

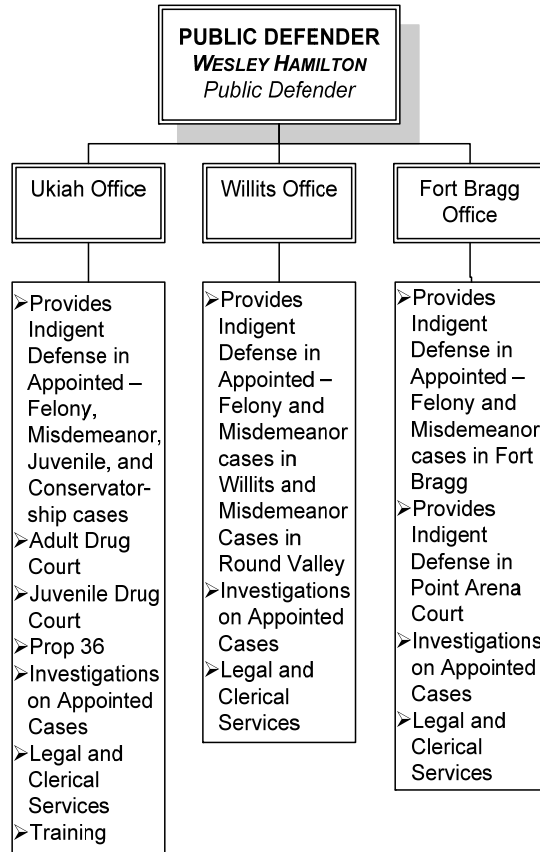
**People:** Continue to promote stability (lack of turnover of attorneys) within the office in order to provide the most competent, efficient, and professional services possible.

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*WESLEY S. HAMILTON, Public Defender*

## PROGRAM CHART



## BUDGET UNIT 2080 SUMMARY

Fund: 1100

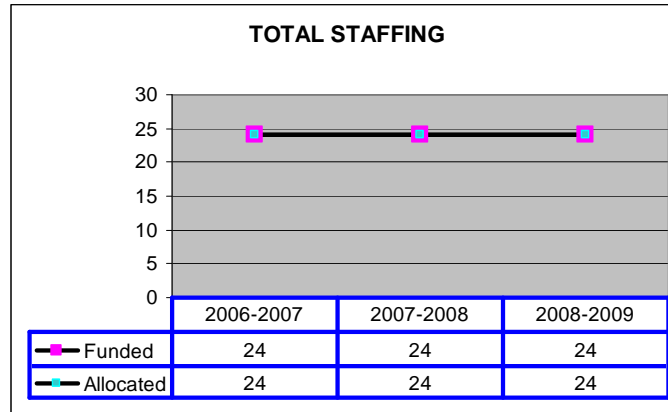
	Actual 2005-06	Actual 2006-07	Adopted 2007-08	Actual 2007-08	Recommend 2008-09	Adopted 2008-09
Salaries & Employee Benefits	1,708,566	1,908,485	1,939,369	2,021,564	2,267,622	2,267,622
Services & Supplies	160,783	176,216	207,163	175,364	211,913	211,913
Fixed Assets	3,220	0	0	0	0	0
<b>Net Appropriations</b>	<b>1,872,569</b>	<b>2,084,701</b>	<b>2,146,532</b>	<b>2,196,928</b>	<b>2,479,535</b>	<b>2,479,535</b>
Revenues	168,708	310,888	30,993	77,156	30,000	30,000
<b>Total Net County Cost</b>	<b>1,703,861</b>	<b>1,773,813</b>	<b>2,115,539</b>	<b>2,119,772</b>	<b>2,449,535</b>	<b>2,449,535</b>

# PUBLIC DEFENDER

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## STAFFING CHART



### **FINAL BUDGET ~ MAJOR BUDGET CHANGES**

(2008-09 Recommended Compared to 2008-09 Adopted)

During the Final Budget Deliberations the Board of Supervisors approved the Recommended Budget from the Executive Office for Public Defender.

#### ***Salaries & Employee Benefits***

- ◇ Acct. 1011 Provides funding for 24 full time positions. Increase of \$328,253 over prior year for salaries and benefits.

#### ***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.

# PUBLIC DEFENDER

ALTERNATE DEFENDER.....2085

WESLEY S. HAMILTON, *Public Defender*

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## 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; as well as 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. Additionally, the Alternate Defender 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). Responsibility in these matters applies to all cases in the Ukiah, Willits and Round Valley (Covelo) branches of the court. Staff does not handle cases from/on the Coast unless prosecuted in Ukiah.

**Public Trust:** The Alternate Defender's staff takes pride in maintaining a strong working relationship with all other agencies within the criminal justice system, while ensuring that the criminal justice system and the general public are treated with honesty and integrity, and clients are provided with the best possible representation.

**Practices:** The job of the Alternate Defender's staff is to guide clients through the court process, and to provide this service 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:** Staff consists of some of the most experienced and dedicated trial attorneys and support personnel of any law office in the County. The Alternate Defender staff is experienced, highly organized, and well trained to provide the best defense available to clients within the structure of the County government.

## MAJOR ACCOMPLISHMENTS IN 2007-08 FISCAL YEAR

**Programs:** As more and more of the County's criminal cases are being prosecuted in the Ukiah Branch of the Superior Court, 2007 saw a record caseload handled by some of the most experienced criminal trial lawyers. In May, the Alternate Defender relocated for the second time in three years. The new space consolidated the office into a wholly contiguous space that allows the Alternate Defender to better serve clients and the general public, and continue to offer the best possible legal representation in a more professional atmosphere.

**Public Trust:** The Alternate Defender's staff took pride in maintaining a strong working relationship with all other agencies within the criminal justice system. In addition, staff continued to volunteer and participate in various community programs, such as Mock Trial and Career Day events, thus informing the general public about the legal system.

**Practices:** Provided the best defense available to clients within the structure of the County government 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:** The addition of a half-time attorney position has enabled the Alternate Defender's staff to better serve clients and to be more receptive to the needs of the courts.

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## GOALS/OBJECTIVES FOR 2008-09 FISCAL YEAR

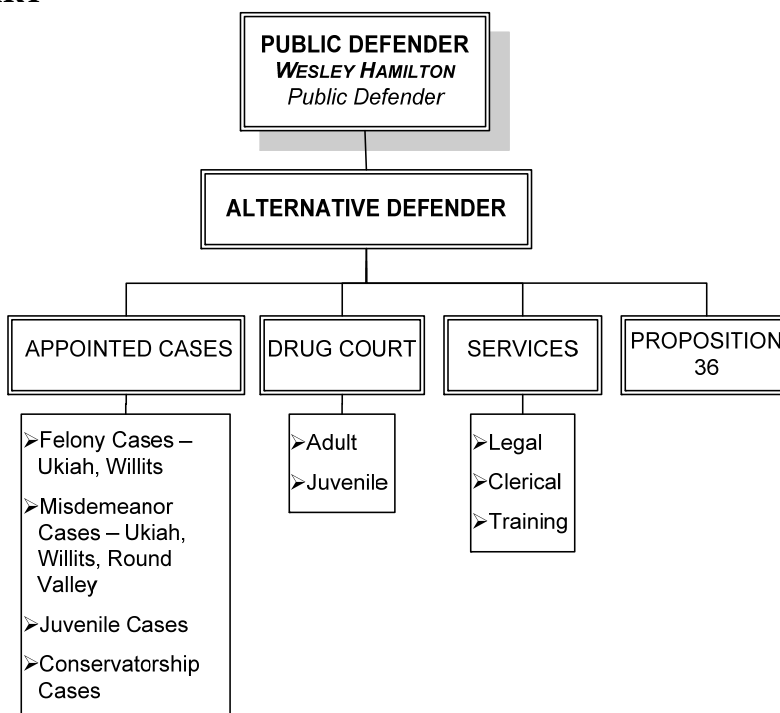
**Programs:** The primary goal and objective of the Alternate Defender’s staff is to continue to meet the expectations of the County and clients by providing maximum court coverage by being available to service every department of the Court as needed, while maintaining the highest quality of representation, all within the County budget structure.

**Public Trust:** To ensure that the criminal justice system and the general public are treated with honesty and integrity, while working to provide clients with the best possible representation.

**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:** Maintain this excellence through mandatory continuing education and training.

## PROGRAM CHART



# PUBLIC DEFENDER

**ALTERNATE DEFENDER.....2085**

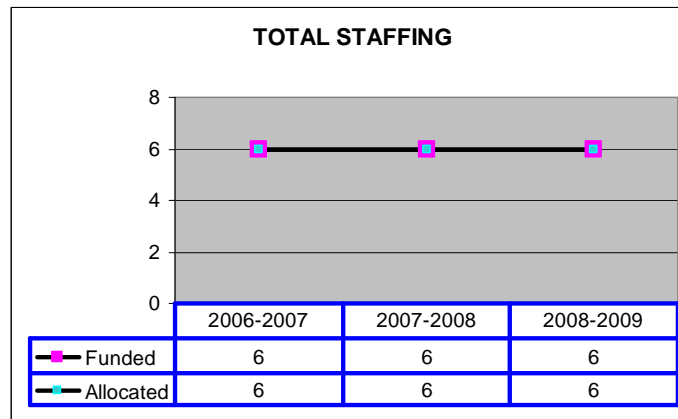
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## BUDGET UNIT 2085 SUMMARY

Fund: 1100

	Actual 2005-06	Actual 2006-07	Adopted 2007-08	Actual 2007-08	Recommend 2008-09	Adopted 2008-09
Salaries & Employee Benefits	544,175	476,538	528,618	538,045	595,674	595,674
Services & Supplies	42,872	48,099	60,265	53,373	60,770	60,770
Expenditure Transfer and Reimbursement	0	5,242	0	0	0	0
<b>Net Appropriations</b>	<b>587,047</b>	<b>529,879</b>	<b>588,883</b>	<b>591,418</b>	<b>656,444</b>	<b>656,444</b>
Revenues	70,195	-10,094	0	0	0	0
<b>Total Net County Cost</b>	<b>516,852</b>	<b>539,973</b>	<b>588,883</b>	<b>591,418</b>	<b>656,444</b>	<b>656,444</b>

## STAFFING CHART



## FINAL BUDGET ~ MAJOR BUDGET CHANGES

(2008-09 Recommended Compared to 2008-09 Adopted)

During the Final Budget Deliberations the Board of Supervisors approved the Recommended Budget from the Executive Office for the Alternate Defender.

### *Salaries & Employee Benefits*

- ◇ Acct. 1011 Provides funding for 6 full time positions. Increase of \$67,056. CEO recommended over prior year for salaries and benefits.

### *Revenues*

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

# County of Mendocino

**2008-09**

*FINAL BUDGET*

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