



**COUNTY OF NEVADA  
COUNTY EXECUTIVE OFFICE**

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**NEVADA COUNTY BOARD OF SUPERVISORS**

**Board Agenda Memo**

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**MEETING DATE:** March 12, 2024

**TO:** Board of Supervisors

**FROM:** Alison Lehman, CEO

**SUBJECT:** Resolution approving execution of an agreement by and between the County of Nevada and the County of Placer for conflict indigent legal defense services in the Eastern region

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**RECOMMENDATION:** Approve the attached Resolution.

**FUNDING:** N/A. The agreement by and between the County of Nevada and the County of Placer for conflict indigent legal defense services in the Eastern region (the “Agreement”) will govern the sharing of services to be provided under the contract presented in this Resolution’s companion Resolution, which will help to mitigate contact costs, but the Agreement itself has no fiscal impact.

**BACKGROUND:** The Constitution of the United States and California statutory provisions guarantee the right to legal representation for those facing criminal charges, juvenile delinquency and other matters for any person who is not financially able to retain counsel. In California, the responsibility for providing and funding legal representation for those who cannot afford counsel falls to each individual county. The County of Nevada meets this responsibility primarily through a County Public Defender’s Office, staffed by salaried public employees.

However, when there’s a conflict of interest or when the Public Defender’s Office is otherwise unable to represent an indigent client, legal representation must be provided by an outside attorney. For the past several years, the Superior Court (the “Court”) has taken the role of assigning outside counsel. Increasingly, the Court has experienced difficulty in finding local attorneys to take indigent defense cases, resulting in delays in assigning attorneys, or assignment of more expensive non-local attorneys.

Accordingly, Court and County staff met to discuss solutions to this issue. Options included continuing as is, establishing a conflict office with the County staffing structure, or contracting with a single firm or group of attorneys to provide “turnkey” management of defense attorneys. The goals of the discussions were to identify the best solution to comply with the constitutional mandates of effective counsel, while maintaining best

practices of governmental efficiency, economy and accountability. The preferred solution was the turnkey approach, and to that end a Request for Proposals (the “RFP”) was issued on April 7, 2023, seeking a firm or group of outside attorneys to be the single point of contact to meet conflict indigent defense needs.

A proposal was received from Cohen Defense Group (CDG), which provides similar services to Placer County. Included in the proposal from CDG is the establishment of an office in eastern Nevada County. In recognition of the fact that Placer County has clients in the Truckee-Tahoe region who require the same services, and that CDG would be Placer’s contracted provider of those services, the Agreement has been developed to ensure the efficient and effective sharing of the CDG’s services.

Item Initiated by: Barry Anderson, Sr. Management Analyst

Approved by: Alison Lehman, County Executive Officer