

NEVADA COUNTY PUBLIC DEFENDER

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NEVADA COUNTY BOARD OF SUPERVISORS

Board Agenda Memo

MEETING DATE: June 6, 2017

TO: Board of Supervisors

FROM: Keri Klein, Public Defender

SUBJECT: Public Hearing to consider recommendations to adopt a resolution that would approve a revised fee schedule for the Public Defender's Office

RECOMMENDATION: Conduct the Public Hearing, adopt the attached resolution revising the fee schedule for the Public Defender's Office.

FUNDING: Fees collected impact the General Fund and the budget of the Public Defender's Office. The revenue is monitored. There will be no negative impact to the General Fund.

BACKGROUND: In 2011, the Public Defender's Office adopted a flat fee system pursuant to Penal Code Sections 987.5, 987.8 and 1463.007 as well as Welfare and Institutions Code Sections 659, 903.1, 903.15, 903.45. While costs have increased in the last six years, there had not been a review of the fees until 2017. In recognition that those who are appointed the services of the Public Defender's Office are indigent, the proposed fees are less than the actual costs of the representation. In addition, they are only ordered by the court on those clients who have the ability to pay. The court also has the statutory authority to deviate from the flat fee.

The Nevada County Fee Committee comprised of The County Auditor-Controller, County Executive Office and County Counsel have reviewed the proposed fee schedules and time studies and determined the increase in fees is justified and necessary. The proposed fees are attached as Exhibit A. The previous fee schedule is attached for reference as Exhibit B.

PROCESS: At the time of their first appearance in court, a client is asked by the court if they intend to hire an attorney or whether they would like the Public Defender's Office appointed. If they indicate that they would like the Public Defender's Office appointed, the court advises them that they may be required to reimburse the county the costs of their defense and has them fill out a financial affidavit. The judge reviews the affidavit and makes a determination of whether or not the person qualifies for the services of the Public Defender's Office. If they do qualify, the Public Defender's Office is appointed to represent them. At that time, a statutorily authorized Public Defender registration fee is usually imposed by the court. That fee is \$50 for adult cases and \$25 for juvenile cases. If the registration fee is imposed, that amount is deducted from the flat fee that can be ordered at the conclusion of the case.

At the client's first meeting with their attorney, they are advised in writing of the flat fee amounts and of their right to have a hearing at the end of their case to determine if they qualify for a fee waiver. They are further advised that if they do not request the hearing, the fee will be imposed. The client signs an acknowledgement of this advisement. The advisement is thereafter provided to the court.

Adoption of this resolution and attached Exhibit A shall supersede and replace all other resolutions pertaining to the fees that are addressed.

As required, notice of the public hearing to discuss these fees has been published. We feel these fee increases are fair and equitable to the recipients of such services and County Taxpayers. The increase in fee recovery will partially offset operational costs for the Public Defender's Office. If adopted, these fees will become effective August 6, 2017.

Initiated and Approved by: Keri Klein
May 31, 2017