

# Indigent Legal Defense Services

March 12, 2024



NEVADA  
COUNTY  
CALIFORNIA



# What are Indigent Legal Defense Services?

- **Constitutionally guaranteed right to legal representation**
- **In California, responsibility for providing and funding legal representation for those who cannot afford counsel falls to each individual county**
- **Nevada County meets this responsibility primarily through a County Public Defender's Office ("PD")**
- **When there is a conflict that prevents PD from representing a client, representation provided by an outside attorney**

# Background

- **Superior Court (“Court”) assigns outside counsel when PD cannot manage a case (“Conflict Case”).**
- **Increasingly challenging to find enough local attorneys to meet Conflict Case demands**
  - **County and Court met to collaboratively identify solutions**
- **RFP Issued seeking a firm or group of attorneys to be a single point of contact to meet Conflict Case needs**

# Proposed Contract

- **Cohen Defense Group (“CDG”) provides similar services to Placer County**
- **Proposal recommended by all participants on RFP review panel, which included representation from the Court and PD.**
- **CDG will serve as single point of contact for Court in assignment of Conflict Cases**
- **Fixed annual price with offices established in both Western and Eastern county**

# Fiscal Impact

- **5-Year average of Budgeted Attorney Costs: \$416,459**
  - **Proposed Contract Cost: \$3,028,780**

| <b>Fiscal Year</b>                    | <b>Proposed Contract Cost</b> | <b>Contract vs. Average Budget</b> |
|---------------------------------------|-------------------------------|------------------------------------|
| <b>23/24</b>                          | <b>\$198,166</b>              | <b>NA</b>                          |
| <b>24/25</b>                          | <b>\$906,780</b>              | <b>\$435,704</b>                   |
| <b>25/26</b>                          | <b>\$943,056</b>              | <b>\$471,980</b>                   |
| <b>26/27</b>                          | <b>\$980,778</b>              | <b>\$509,702</b>                   |
| <b>Total 3-Year Budgetary Impact:</b> |                               | <b>\$1,417,385</b>                 |

## **Fiscal Impact *(continued)***

- **Recent caseloads and corresponding costs likely artificially low due to the COVID-19 impact on court schedules**
- **In the absence of a solution to Conflict Caseload problem, Court will likely need rely more on out-of-area attorneys, which would come at a higher cost**
- **Contract allows for a utilization review, wherein the cost may be reduced if caseload demands do not justify the proposed costs**
- **Estimated costs for the County to establish internal conflict office are essentially the same as those included in the proposed contract**

# Agreement with Placer County

- **Costs for services in the Truckee area will be shared with Placer County**
  - **Results in cost savings for Nevada County, estimated at 12%**
- **Agreement by and between the two counties is presented along with the contract**

## In Summary...

- **Proposed contract the result of a collaborative process between Court and County to solve a persistent problem**
- **Proposed contract supported by all stakeholders**
- **Agreement supports collaboration with Placer County to reduce costs while meeting needs of Eastern county**
- **Annual budgetary increase of approximately \$472,000**



# Questions?



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