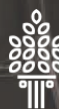


California Indigent Defense Summit:

Connecting Panel & Contract Systems



Office of the State Public Defender
Indigent Defense Improvement Division

Center
for
Justice
Innovation

Office of the State Public Defender

Center for Justice Innovation

May 10, 2023

Thank you to Arnold Ventures for providing funding support for this event and to California Endowment for providing the event space

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First Statewide Convening of Panel and County Leaders

Background

Purpose of the Summit

On May 10, 2023, the Office of the State Public Defender (OSPD) and the Center for Justice Innovation (the Center) convened people working on indigent defense¹ panels across California at The California Endowment in Sacramento. Attendees included defense attorneys leading panel and contract systems, county administrators and county counsels who oversee indigent defense contracts. This forum encouraged participants to strategize on common goals and created a space of peer-learning to help advance indigent defense in California.

Importance of the Event

Encompassing a population of more than 39 million people and the home of the nation's largest court system, California's 58 counties are all separately tasked with individually designing and funding their own indigent defense systems—a task that is becoming increasingly difficult due to many factors including funding limitations, growing caseloads, attorney shortages and capacity challenges. Twenty-five counties in California rely on panel or contract systems as their primary provider of indigent defense because there is no county public defender office, and almost all counties rely on these systems for their conflict systems. More than ever, panel and county leaders need to connect with one another to share resources and strategize on how to improve indigent defense in all counties, both urban and rural, throughout the state.

Immediate Outcomes

This convening fostered new and critical connections across counties and between OSPD and counties. In preparation for the event and to identify potential participants and encourage participation, OSPD attorneys traveled to rural counties with contract systems and personally met with defenders and county officials in counties without institutional public defenders, including Yuba, Sutter, Butte, Glenn, Tehama, Colusa, and Lassen. The Summit itself resulted in tangible and immediate benefits. After the Summit, one County Counsel asked OSPD to conduct a comprehensive evaluation of the county's indigent defense system and the county's Board of Supervisors quickly approved it. The comprehensive evaluation work in that county has begun. A panel leader who previously worked as a law professor reached out after the event to collaborate with OSPD on ideas

¹ The term “indigent defense” is used throughout this report as a point of clarification because institutional public defender offices were not a part of this convening. However, these systems provide public defense services and would otherwise be referred to as providing public defense services.

to create a pipeline of law students to work in rural counties. A statewide plan to increase interest in public defense in rural counties is underway. Counties whose systems are in transition, such as Lake and Del Norte, shared ideas and worked with counties who have already gone through system transitions.

Although every county in California maintains an independent indigent defense system, this convening acted as a first step to build a cohesive community amongst contract and panel systems that can work together to bring about advances in California's indigent defense system.

Counties Represented at the Summit

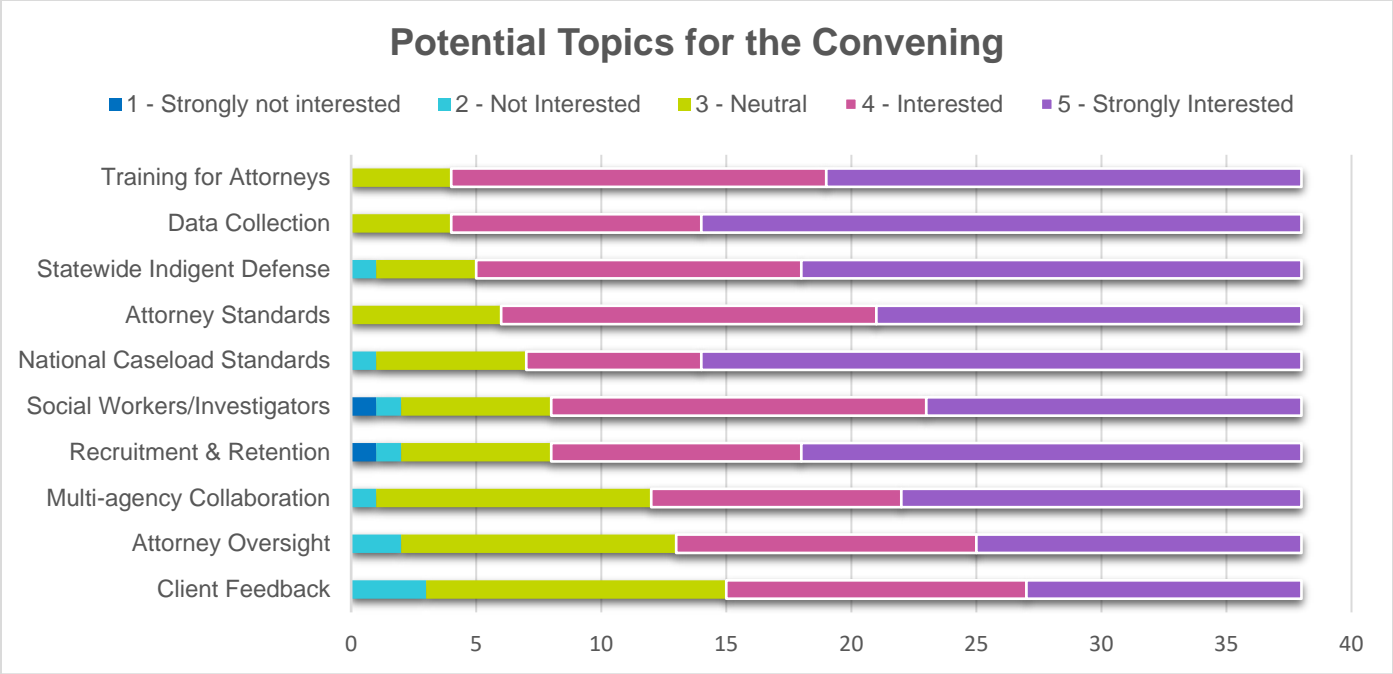
Alameda	Lake	San Joaquin
Butte	Los Angeles	San Mateo
Colusa	Marin	Santa Barbara
Contra Costa	Riverside	Santa Clara
Del Norte	Sacramento	Santa Cruz
Glenn	San Benito	Sonoma
Kern	San Diego	Stanislaus
Kings	San Francisco	

Other Organizations Represented as Participants & Presenters

Committee on Revision of the Penal Code
California State Association of Counties (CSAC)
Legislative Analyst's Office of California (LAO)
UC Davis School of Law
National Legal Aid and Defender Association (NLADA)
New York Indigent Legal Services
Bexar County Texas Managed Assigned Counsel

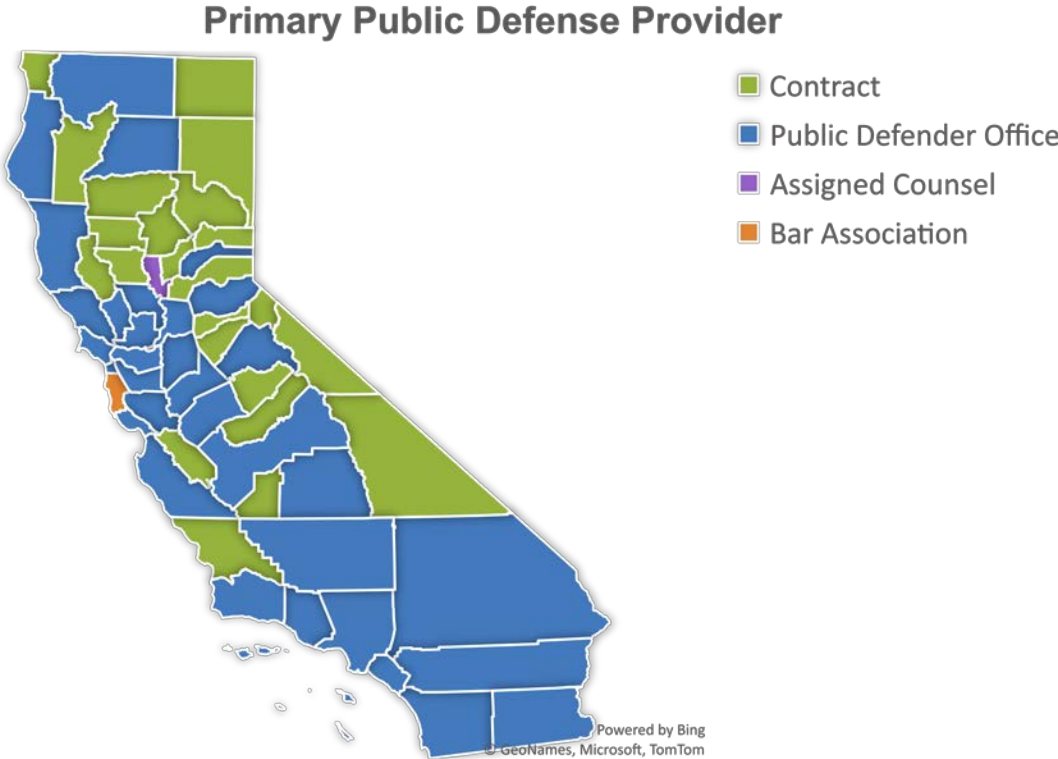
Identification of Participants' Needs

Upon registration for the event, participants were surveyed on pressing needs and interests and the agenda was created in response to attendees' preferences. Presentations on attorney training, the importance of data collection, indigent defense in California and standards for assigned counsel programs were provided based on registrants' interests.



Identification of County Primary Public Defense Provider

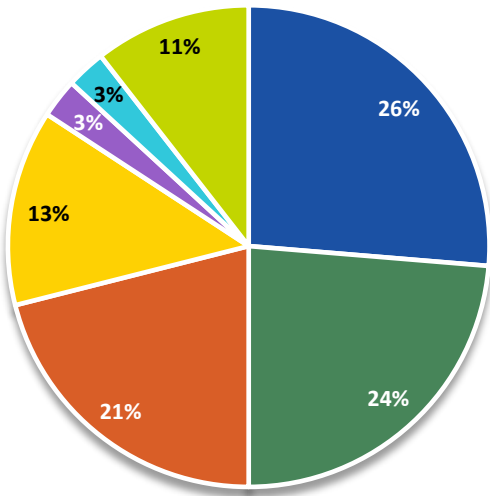
In the survey, participants were asked to identify the primary public defense provider in the county they practice. The survey result along with our field visit research showed that many rural counties rely on contract attorneys to provide their primary system of indigent defense, rather than public defender systems.



Participants Represented a Range of Panel and Contract Systems

Representatives from the largest to some of the smallest counties across the state attended. Attendees represented many different types of systems, including non-profits, bar associations and subcontractor systems.

Types of Contract & Panel Systems for Attendees



- Multiple attorneys are on separate contracts directly with the county
- Primary contract awarded to attorney(s) who then subcontracts with private contractors
- Panel of contract attorneys managed by an attorney who is a county employee
- Contract with a County Bar Association which maintains lists of attorneys for appointment
- Contract with non-profit corporation (not a Bar Association) which maintains lists of attorneys for appointment
- Panel of contract attorneys managed by a non-profit
- Others

The Convening

Welcoming Participants

Galit Lipa, Executive Director of the Indigent Defense Improvement Division at the Office of the State Public Defender, and Chidinma Ume, Director of West Coast Initiatives at the Center for Justice Innovation, welcomed attendees and encouraged active participation throughout the day stating, “We are all in this together.”



Galit Lipa, Executive Director of the Indigent Defense Improvement Division at the Office of the State Public Defender



Chidinma Ume, Director of West Coast Initiatives at the Center for Justice Innovation

Oceana R. Gilliam, Senior Program Manager from the Center for Justice Innovation, led an icebreaker to invite people to speak about what motivated them to attend. Participants expressed interest in raising the level of practice in assigned counsel systems, building partnerships within the space and sharing strategies to overcome challenges in providing quality representation.



Oceana R. Gilliam, Senior Program Manager from the Center for Justice Innovation

Keynote Address: Assemblymember Mia Bonta



Assemblymember Mia Bonta, District 18

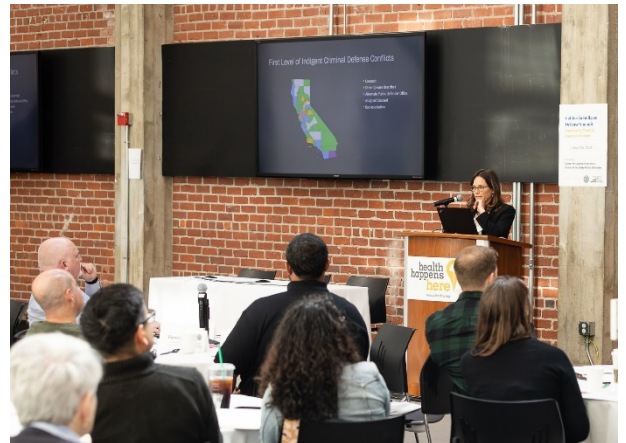
Assemblymember Mia Bonta, District 18, delivered an inspiring keynote address, congratulating public defense attorneys for being “legal rockstars” who treat people with humanity in their darkest moments. She pledged to support the indigent defense community through her advocacy in the legislature, including [legislation](#) for preventing illegal searches via geo-tracing, reforming [restitution](#) for youth in the delinquency system and [reforming](#) transfer law for youth. As chair of Budget Subcommittee No. 5 on Public Safety, she pledged to advocate for the Public Defense Pilot Grant.

Presentation: Overview of Indigent Defense in California

Laurel Arroyo, Director of Capacity Building for the Office of the State Public Defender’s Indigent Defense Improvement Division

presented an analysis of results from a recent OSPD-led statewide questionnaire, including:

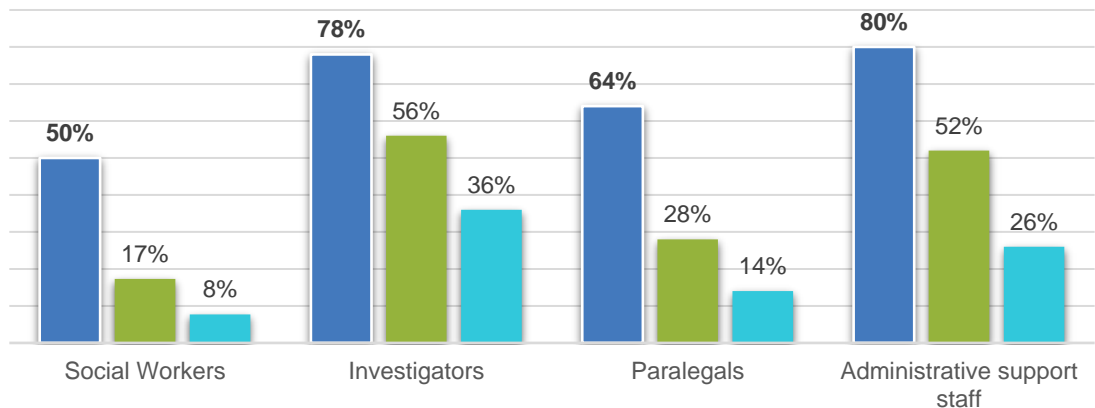
- o Significant disparities in access to resources for clients within counties, in that primary public defense systems have social workers, investigators, paralegals and support staff at higher rates than conflict systems.



Laurel Arroyo, Director of Capacity Building, OSPD-IDID

Access to Non-Attorney Staff

■ Primary Defense System ■ 1st Level Conflict System ■ 2nd Level Conflict System



- Ms. Arroyo also presented data collected by OSPD regarding the number of attorneys in each county that are registered with the California State Bar.
- There is a severe shortage of attorneys in the central and eastern regions of California, as compared to coastal regions. For example, San Francisco and Kern counties have similarly sized populations, yet San Francisco has 20,753 registered attorneys while Kern only has 1,074 total attorneys in the county.
- Comparing the data on attorney shortages with publicly available data from Vera Institute, many of the counties with the smallest number of registered attorneys also have some of the highest incarceration rates in the state.

Training Panel: Building Zealous and Supportive Defense Culture Through Trainings

Jenny Andrews, Director of Training at the Office of the State Public Defender's Indigent Defense Improvement Division presented with Alison Bloomquist, National Legal Aid and Defender Association.

Ms. Andrews provided a synopsis of training resources available through OSPD, including live regional trainings and a library of recorded webinars and on-demand courses available at no cost to all indigent defense attorneys throughout the state. Ms. Bloomquist explained how attorney training that is relevant, practical, and engaging can create a culture to support recruitment and retention



Speakers from left to right: Brett Taylor, Jenny Andrews, Alison Bloomquist

of attorneys in panel systems. Brett Taylor, Senior Advisor from the Center for Justice Innovation, moderated a robust discussion among attendees regarding training needs for panel systems throughout California.

Attendees shared challenges and ideas, including: the difficulty of training and supervision in contract systems, creating mentorship opportunities for less experienced attorneys; weekly lunch gatherings to provide support to newer attorneys; partnering with local Tribal Courts to educate judges on restorative justice and wellness practices to promote healing; and requiring an enforceable mandatory training provision in contracts.

Data Panel: Why Standards and Data Collection are Critical

Anita Lee, Principal Fiscal and Policy Analyst at California's Legislative Analyst's Office described the report the LAO recently issued, *Assessing the Provision of Criminal Indigent Defense* and detailed gaps in statewide data regarding indigent defense and the importance of data for spurring effective legislative changes.

- Ms. Lee recommended that the public defense community define metrics on workload efficiency and outcomes to measure the quality of indigent defense. She also recommended that counties collect and report data to inform future legislative action.

Tatyana Kaplan, Research and Data Specialist for the Indigent Defense Improvement Division at Office of the State Public Defender presented on the importance of collecting data in indigent defense for multiple reasons: assessing the quality of representation, identifying needed resources, assessing and managing workloads, and advocating for funding in county budget negotiations.

- Ms. Kaplan provided a model for data collection and offered to support counties who want to create a data tool for their jurisdiction.



Speakers from left to right: Irene O. Joe, Tatyana Kaplan and Anita Lee

Irene O. Joe, Professor at U.C. Davis School of Law presented how different types of data collection inform her research on supporting public defenders.

- As moderator, Professor Joe led a fruitful discussion on what types of data individuals would like to collect, what roadblocks need to be overcome and the importance of utilizing data to improve the quality of indigent defense. Participants shared ideas with one another on how they collect data on caseloads, including the caseloads of attorneys who also have private practices, as well as ideas for recording data on motions, investigation requests and client visits to measure attorney performance.

Presentation: The Importance of Caseload Standards

Allison Bloomquist from National Legal Aid and Defender Association provided a national perspective on workload studies and their limitations and benefits. California does not have caseload standards or caps. She noted that:



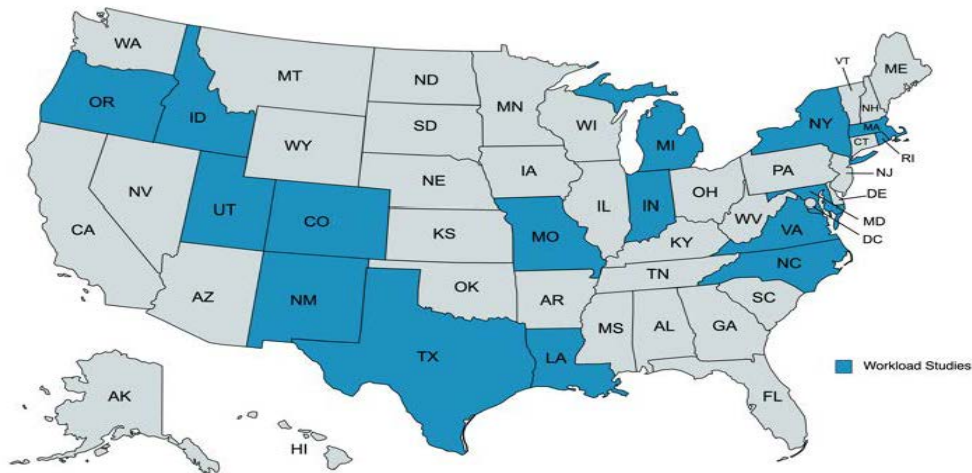
Image of Allison Bloomquist presenting at the summit

- o Counties must track caseload numbers to ensure that attorneys have sufficient time to work on their cases.



Image of a public defender with his large caseload (from Ms. Blomquist's presentation on caseloads)

- o Higher caseloads correlate with higher rates of pretrial detention and longer sentences of incarceration. Jurisdictions that have caseload "caps" may promote better retention and well-being of attorneys as well as better client services.



States that have undergone workload studies to set appropriate caseload guidelines for public defenders

Panel: Learning from Other Jurisdictions

Patricia Warth, Director of New York's Indigent Legal Services presented on the core features of a quality Assigned Counsel Program:



Patricia Warth, Director of New York's Indigent Legal Services

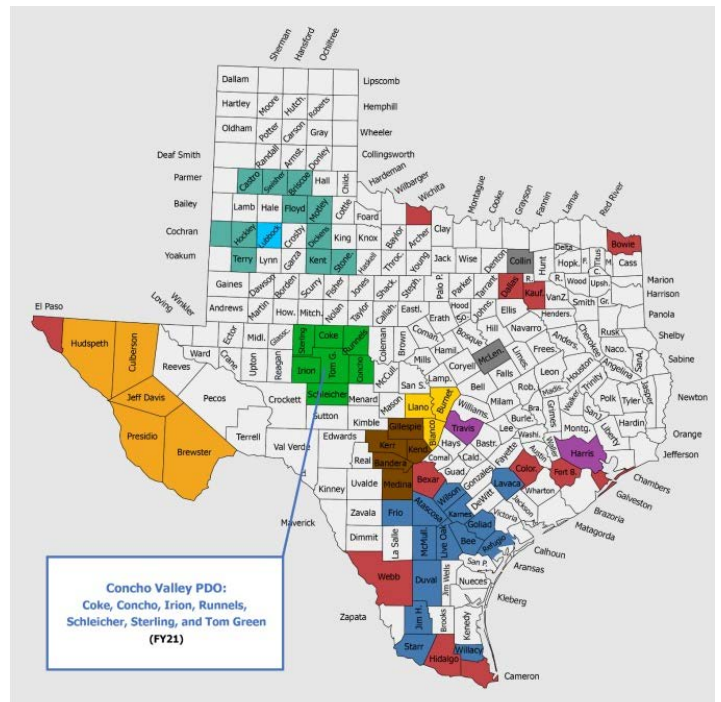
- 1) A Vibrant Administrative Structure
- 2) Mentor and Resource Attorneys
- 3) Access to and protocols for non-attorney professionals
- 4) Training Programs
- 5) Second Chair Programs

She offered tips to panel administrators on how to foster a healthy system, including concrete steps such as hosting annual convenings, providing free MCLE trainings for the attorneys, sending out newsletters and working to create a culture of collaboration among the attorneys.

Rocky Ramirez, technology attorney from Bexar County Managed Assigned Counsel explained the structure of Texas' public defense system and highlighted regional agreements for multi-county public defender and managed assigned counsel systems.



Rocky Ramirez, technology attorney from Bexar County Managed Assigned Counsel



Multi-county collaborations in Texas where counties have joined together to create regional public defender and managed assigned counsel systems.

Mr. Ramirez encouraged defenders to look for opportunities to automate routine tasks that computers could be doing to free up time for defenders to do important defense work. He reported that he was able to save new in custody clients 11 days of incarceration by automating the process by which the paperwork for appointed counsel traveled through the court system. Rather than have a physical paper file travelling through multiple clerks and lawyers over the course of several days, computer generated notices indicating the need for conflict counsel were automated and expedited.

Wrapping Up: Next Steps



Ashanti Mitchell & Jason Gundel from the Office of the State Public Defender, along with Brett Taylor for the Center for Justice Innovation led participants in end of the day discussion on ideas for collaboration going forward. Participants expressed interest in developing standards, data collection, toolkits for solo practitioners and model contracts.



Additional Convening Highlights

Legislative Visits

Participants were invited to meet with their Assemblymembers and Senators or their legislative staff the day before the event.



Ashanti Mitchell

Evening Reception



Attendees were invited to attend a reception at Prelude Bar and Grill in downtown Sacramento the evening before the Summit. **Center for Justice Innovation's Tia Strozier and Oceana R. Gilliam** organized the lively event, just steps from California's State Capitol.

Headshots

Participants were invited to have professional headshots taken by the event photographer.

Next Steps

After the event, a post-convening questionnaire was distributed to all invitees. Participants requested further assistance, including: subgroups and facilitated conversations regarding the creation of standards, best practices and data collection for panel and contract systems; training on utilization of social workers in panel systems; management training; mentoring programs for panel leaders; toolkits for solo practitioners; model contracts for panel systems; a library of documents such as budgets, contracts, job applications and request for proposals to share with attendees to improve the quality and consistency around the state. The Office of the State Public Defender is assessing which of these needs to address first.

Attendee Comments:

"This was a wonderful experience. Collaboration and coordination across the state is very critical and OSPD's leadership on this is wonderful. Great job!"

"I loved the variety of topics and variety of attendees. The group was a combination of lawyers, administrators, government employees, private practice, etc. I also liked interacting with other counties and listening to the way everyone does things and manages their operations."

"This is the best training I have ever attended in my entire life!"



For more information on the event, please contact laurel.arroyo@ospd.ca.gov.