



# Transitioning to a Public Defender Office

The Board of Supervisors in every county has the statutory authority under Government Code §27700 to create a public defender office or regional public defender office.



**Office of the State  
Public Defender**

Indigent Defense Improvement Division

## Benefits of establishing a public defender office

34 of California's 58 counties have county-run public defender offices to ensure effective representation. Research demonstrates the benefits of institutional public defender offices as compared to contract-based indigent defense delivery systems,<sup>1</sup> including:

**Leadership and supervision** that ensure high quality representation and accountability through attorney training and development.<sup>2</sup>

**Increased efficiencies and long-term cost savings** through full-time county employees working exclusively on their county's indigent criminal cases.<sup>3</sup>

**Greater system efficacy**, lower incarceration rates, and more appropriate sentences.<sup>4</sup>



## Logistics

### Key steps to establishing a public defender office

<b>Develop budget</b>	County leaders assess funding sources and develop budget allocations to ensure sufficient resources for complete and effective defense, taking into account resources available to the District Attorney.
<b>Pass resolution</b>	The Board of Supervisors formally votes to establish a Public Defender office.
<b>Establish an oversight board or committee (optional)</b>	The Board of Supervisors creates an oversight board or committee comprised of defense stakeholders and community members to oversee the hiring of the Chief Public Defender, while providing independence and accountability. Alternatively, county leaders can hire the Chief Public Defender.
<b>Select leadership</b>	Once hired, the Chief Public Defender leads transition efforts including hiring staff, creating policies, implementing a case management system, and creating a physical office space.
<b>Transition representation</b>	By prioritizing defense attorney retention and establishing a clear plan to transition cases on a predetermined schedule, the new Chief Public Defender can ensure continuity of representation for all appointed clients.

## Timeline: Transition year

**Note:** This timeline contemplates a one-year transition but can be extended to an 18–24 month timeline as needed.

### Month 1

#### Getting started

- Assess budget.
- Place public defender discussion on Board of Supervisors meeting agenda for subsequent meeting.
- Create potential transition plan.

### Month 2

#### Board meeting

- Approve transition plan.
- Pass a resolution to establish public defender office.
  - » Option to pass a resolution to establish an oversight board.

### Month 3

#### If applicable, establish an oversight board

- Recruit and assemble oversight board.
- Develop bylaws and protocols for oversight board.

### Month 4–8

#### Hiring a Chief Public Defender

- Draft job description and post Chief Public Defender position.
- Screen applications, conduct interviews, and hire Chief Public Defender.

### Month 9–12

#### Chief Public Defender leads transition efforts

- The Chief Public Defender begins position and champions transition by:
  - » Hiring attorneys and staff.
  - » Developing office infrastructure, including caseload standards, a policy manual communicating clear attorney expectations, and plans for attorney oversight, assessment, and training.
  - » Implementing a case management system and establishing a data collection strategy.
  - » Collaborating with justice partners to create a transition plan for cases.
  - » Creating a public facing website to facilitate transparency and open communication.

### Month 13

#### Public Defender Office opens

- Public defender office opens and receives appointment on all new criminal cases.
- Pre-existing cases are managed according to case transition plan overseen by the Chief Public Defender.

1 Primus, “The Problematic Structure of Indigent Defense Delivery” (2023) 122 Mich. L. Rev. 207, 240-254, [found here](#).

2 Id. at 247.

3 Id. at 249-254.

4 Id. at 241; Heaton & Anderson, “How Much Difference Does the Lawyer Make? The Effect of Defense Counsel on Murder Case Outcomes (2012) 122 Yale L.J. 154, [found here](#); Cohen, “Who is Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes?” (2014) 25 Criminal Justice Policy Review 29, [found here](#).



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