



COUNTY OF HUMBOLDT

For the meeting of: 3/12/2019

File #: 19-315

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Consent

SUBJECT:
Rate Schedule Adjustment for Court-Appointed Attorneys

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve the adjusted schedule of rates for court-appointed attorneys representing indigent defendants in the Humboldt County Superior Court, effective immediately;
2. Authorize the County Administrative Officer, County Counsel and Humboldt County Court Executive Officer, or designees thereof, to serve as the committee to oversee the Humboldt County Court-Appointed Attorney Program and carry out the duties described in the rate schedule (Attachment 1);
3. Delegate authority to the above committee to establish criteria for attorney classes described in the rate schedule; and
4. Authorize the Committee to modify the agreement (Attachment 3) with approval from Risk Management and County Counsel.

SOURCE OF FUNDING:

General Fund

DISCUSSION:

The Humboldt County Superior Courts have recently been experiencing difficulties when trying to find attorneys to appoint to represent indigent defendants. These attorneys represent clients when defendants' cases cannot be handled by either the Humboldt County Public Defender or Conflict Counsel, primarily due to conflicts of interest. Currently, these court-appointed attorneys receive a flat hourly rate of \$65 per hour, regardless of case, to perform these services. This hourly rate is lower than most counties in the state, leading to fewer attorneys being willing to accept these local appointments.

The recommendation to update the schedule of rates is aimed at bringing Humboldt County's pay rate for court-appointed attorneys more in-line with other similar counties. Several other similar counties that staff analyzed pay between \$75 to \$100 per hour, depending on case type and attorney qualifications.

The proposed schedule of rates would allow court-appointed attorneys to charge the county set hourly rates dependent on type of crime:

- Class 1: \$90 per hour
Cases where a defendant is charged with certain felonies listed in Penal Code 667.5(C)(1),(2), (7),(16), which include murder, mayhem, felonies with a death or life sentence, and continuous sexual abuse of a child.
- Class 2: \$85 per hour
All felonies as defined in 667.5 not listed in class one; AND all other felonies carrying a maximum exposure of 10 years or more; OR a combination of felonies, and or combination of felonies and special allegations carrying a maximum exposure of ten years or more.
- Class 3: \$80 per hour
All felonies not described by Classes One and Two and any misdemeanor that requires registration as a sex offender.
- Class 4: \$75 per hour
All misdemeanors not described by Class Three and misdemeanor appeals.

The rate schedule also includes billing guidelines, allowable and non-billable expenses, and it imposes pretrial caps for certain cases. This is meant to ensure that services are provided professionally and efficiently. It should also help the county to control some of its costs in these matters. There are no caps for felonies or murder charges.

The rate schedule calls for a committee to oversee several parts of court-appointed attorney services. The committee would be comprised of three individuals, one separately designated by each the Humboldt County Administrative Officer (CAO), County Counsel, and the Humboldt County Court Executive Officer. The committee will oversee this process, called the Humboldt County Court-Appointed Attorney Program, and is tasked to review applications submitted by attorneys who wish to be eligible for assignment, and other tasks associated with proper billing and review. Applications and supporting documentation will be available on the county's website at <http://humboldt.gov/attorneys>.

Once attorneys are approved through the application process (Attachment 3) then their names are added to a panel, which lists the attorneys available for assignment, by class. Courts will then assign attorneys who are on the panel.

FINANCIAL IMPACT:

The total cost for court-appointed attorneys in Fiscal Year 2017-18 was \$365,772. Staff estimates that approval of this adjusted rate schedule would result in roughly \$82,000 in additional costs per year. For FY 2018-19, the additional cost would be approximately \$23,917. Additional funding would need to be allocated to Budget Unit 1100250.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by protecting vulnerable populations .

OTHER AGENCY INVOLVEMENT:

Humboldt County Superior Court

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to modify the attached rate schedule or leave the rate schedule unchanged. Increasing the rates in the rate schedule would further impact the General Fund. Staff does not recommend leaving the rate schedule unchanged as that would continue to strain the court's ability to find qualified, competent attorneys to represent indigent defendants.

ATTACHMENTS:

1. Humboldt County Court-Appointed Attorney Program Rate Schedule
2. Hourly Rates Cost Comparison
3. HCAAP application

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A