



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-22

For the meeting of: January 3, 2017

Date: December 23, 2016

To: Board of Supervisors

From: Greg Elvine-Kreis, Acting Department Head
Public Defender and Conflict Counsel

Subject: Authorize Temporary Increase in pay for Luke Brownfield, Deputy Public Defender, pursuant to the County Salary Resolution, Section 8.D.

RECOMMENDATION(S):

That the Board of Supervisors:

1. It is recommended that the Board of Supervisors authorize temporary increase in pay for Deputy Public Defender, Luke Brownfield (Class 0604, Range 517) as though promoted to Supervising Attorney (Class 0610, Range 550) beginning January 1, 2017 and continuing until the board appoints a Department Head.

SOURCE OF FUNDING:

~~Public Defender Fund~~ General Fund

DISCUSSION:

On November 6, 2016 Mr. Brownfield assumed the principle duties of the Supervising Attorney in accordance with County Salary Resolution, Section 8.D, for anything beyond 20 consecutive work days. The Public Defender Department is requesting that the Board of Supervisors approve continuance of the acting supervisor salary until the board appoints a Department Head to the office.

Prepared by SC Stacey Costa, Legal Office Business Manager

CAO Approval TLFR Chy

REVIEW:

Auditor MSM

County Counsel _____

Personnel Ref

Risk Manager _____

Other _____

TYPE OF ITEM:

- ☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Sundberg Seconded by Supervisor Fennell

Ayes Sundberg, Fennell, Bass, Bohn, Wilson
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Jan. 3, 2017

By: Kathy Hayes
Kathy Hayes, Clerk of the Board

FINANCIAL IMPACT:

The financial impact to the Public Defender budget unit 1100-219 for this temporary increase in pay will be \$308 per pay period. There is sufficient salary savings projected for FY 2016-17 budget to accommodate this recommendation.

Approving this recommendation will support the Board's Strategic Framework by providing and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

None are recommended

ATTACHMENTS:

Assignment of Supervising Attorney Duties

SUPERVISING ATTORNEY

DEFINITION

Under direction, administers and coordinates the work of the Alternate Counsel's office; performs specialized and complex legal work in connection with the more significant, technical and/or complex issues in the defense of court-referred persons accused of crimes; performs related work as assigned.

DISTINGUISHING CHARACTERISTICS:

This class is responsible for the administration of the day to day operations and activities of the Alternate Counsel's Office. This includes policy interpretation, program planning, fiscal management, budget development, supervising and evaluating the work of staff. In addition this class acts as senior counsel in the defense of serious, controversial and high penalty cases within the Alternate Counsel's Office. This class is distinguished from Conflict Counsel in that the latter has overall management administrative responsibility for both of the county conflict offices.

EXAMPLES OF DUTIES (Illustrative Only)

- Assists in the development and implementation of goals, objectives, policies, procedures and work standards for conflict offices; assists in the preparation of the department budget.
- Plans, organizes, administers, reviews and evaluates the activities of professional and support staff within the Alternate Counsel's Office; assists with the selection of staff and provides for their training and professional development.
- Reviews cases for potential conflict of interest.
- Reviews, evaluates, modifies and approves requests for expert fees and other expenses related to the representation of clients.
- Directs staff in developing the legal strategy for representation of clients; assigns cases to attorneys, supervises implementation of strategies; assists in monitoring caseload.
- Provides technical assistance and advice to attorneys in the office; defends the more complex, difficult, sensitive and high penalty cases.

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- Serves as staff defense attorney for court-referred clients by:
 - Interviewing potential clients, advising them of their legal rights, determining their eligibility for defense, including potential admission to State mental health facilities.
 - Preparing and conducting a legal defense, from pretrial through appellate stages.
 - Negotiating with prosecution attorneys for case disposition or modification.
 - Performing trial work, including jury selection, examination and cross-examination and arguing the defense case.
- Monitors legal developments including legislation and court decisions related to criminal and juvenile defense.
- Represents the Alternate Counsel's Office in meetings with a variety of public and private groups and individuals.
- Assists the Conflict Counsel in advising county management in cases involving potential criminal and juvenile defense issues.
- Assists the Conflict Counsel in developing and implementing policies and procedures to maintain an ethical separation between the two County conflict offices.

QUALIFICATIONS

Knowledge of:

Principles, philosophy and practice of criminal law, especially as related to the defense of court-referred clients.

Principles, methods and practices of legal research and investigation.

Judicial procedures and rules of evidence.

Pleadings and practices and effective techniques in the presentation of trial cases.

State and federal laws and constitutional provisions affecting public defense from pre-trial through appeal.

Principles and practices of professional employee supervision and evaluation.

Basic budgetary principles and practices.

Skill in:

Planning, organizing, directing and reviewing the work of and providing technical assistance to assigned staff.

Assisting in developing and implementing goals, objectives,

policies, procedures and work standards.
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Performing complex, legal research, analyzing multi-faceted problems, evaluating alternatives and making sound recommendations.

Exercising independent judgment within general policy guidelines and legal parameters.

Analyzing and applying legal principles and precedents and making effective court and hearing presentations.

Representing the assigned client effectively in hearings, courts of law, and meetings with others.

Preparing clear, concise and complete legal documentation and reports, correspondence and other written materials.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Other Requirements:

Must possess a valid California driver's license. Must be a current member of the California Bar Association.

Desirable Education and Experience:

A typical way to obtain the knowledge and skills outlined above is:

Equivalent to graduation from a four year college or university, plus an appropriate law degree and five years of experience in the active practice of law in the State of California which has included experience in the defense of court-referred clients and significant trial experience. Prior lead or supervisory experience is desirable.