



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/3/2015

Agenda Placement: 6N

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Leanne Link for Nancy Watt - County Executive Officer  
County Executive Office

**REPORT BY:** Helene Franchi, PRINCIPAL MANAGEMENT ANALYST - 253-4820

**SUBJECT:** Conflict Public Defender Agreement - Hammond Amendment No. 1 to A-6849-1

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### **RECOMMENDATION**

County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6849-1 with Jeffrey E. Hammond for additional compensation of \$5,536 per month, for a new maximum of \$14,358 per month (plus additional compensation for certain types of cases and reimbursement of extraordinary expenses, if any), for the term of the amendment from November 1, 2015 through October 31, 2016, in exchange for his performance of providing legal representation as a Conflict Public Defender for indigent adult defendants in addition to the current scope of his services in representing indigent juvenile defendants.

### **EXECUTIVE SUMMARY**

The Public Defender provides legal representation to persons charged with a criminal offense or certain other offenses involving liberty interests who are financially unable to pay for private legal assistance. When the Public Defender is unable to represent a client due to a conflict of interest, the case is handled by the Conflict Public Defender. Since 2007, the County of Napa has provided Conflict Public Defender services through a panel of attorneys individually contracted with the County. One conflict attorney, Mark Henderson, has submitted his resignation effective October 31, 2015. In order to have a full conflict panel to whom cases can be assigned, County staff is recommending adding (for the effective period of the amendment) the representation of indigent adult defendants to the existing contract of another Conflict Public Defender panel member, Jeffrey Hammond.

### **FISCAL IMPACT**

Is there a Fiscal Impact?            Yes

Is it currently budgeted?            Yes

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Where is it budgeted?	Conflict Public Defender
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	The agreement extends through October 31, 2016 and will be budgeted accordingly in future fiscal years, including any subsequent CPI increases.
Consequences if not approved:	If this amendment is not approved, the County will rely on court appointed Conflict Public Defenders that bill hourly. The County will likely lose the ability to appropriately predict and budget costs in future fiscal years.

Additional Information:

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

The Public Defender provides legal representation to persons charged with an offense and who are financially unable to pay for private legal assistance. When the Public Defender is unable to represent a client due to a conflict of interest, the case is handled by the Conflict Public Defender.

One member of the Conflict Public Defender panel of attorneys, Mark Henderson, submitted his resignation due to his retirement, effective October 31, 2015. Another panel member, Jeffrey Hammond, has been under contract with Napa County as a Conflict Public Defender since January 1, 2009 and currently handles representation of juvenile defendants. In order to have a full conflict panel to whom cases may be assigned, County staff recommends amending Jeffrey Hammond's existing Conflict Public Defender contract, to include representation of indigent adult defendants in addition to his existing indigent juvenile defendant caseload. Mr. Hammond was admitted to California State Bar in 1996 and worked as a Napa County Deputy District Attorney for six years as well as working as a Child Support Attorney for three years. He has been in private practice in Napa since 2005.

Under the proposed amendment to his agreement, Mr. Hammond will be paid an additional amount of \$5,536 per month to provide indigent adult defendants with representation. Additional compensation is provided if a Class 1 case (a Murder case as defined by Penal Code Section 187 where the accused faces death or life in prison without the possibility of parole) or a Class 2 case (Non-Capital and Non-Life without the possibility of parole murder cases) is assigned to the attorney. If a Class 1 case is assigned, he will receive an additional \$3,500 per month for up to 18 months. If a Class 2 case is assigned, he will receive an additional \$2,500 per month for up to 18 months. It is not anticipated that this will be applied to Mr. Hammond's contract but is available if necessary. Mr. Hammond will continue representation of indigent juvenile defendants at his current rate of compensation under this existing contract of \$8,822 per month (subject to adjustments as provided for in his existing contract).

Mr. Hammond is a local vendor.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Molly Rattigan