



# Monterey County

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## Board Report

Legistar File Number: 17-0614

July 25, 2017

Introduced: 7/11/2017

Version: 1

Current Status: Agenda Ready

Matter Type: General Agenda Item

- a. Approve and authorize the Contracts/Purchasing Officer to execute Professional Services Agreements for legal representation in indigent adult and juvenile criminal cases, through the Alternate Defenders Office, with effective terms retroactive to July 1, 2017 through June 30, 2018, with the following attorneys in these amounts: Chenoa Summers for \$109,500; Jeffrey Gobell for \$109,500; Kelly Duncan for \$84,000; Jan Lindberg for \$96,000; Roland Soltesz for \$138,000; Richard West for \$138,000; Scott Erdbacher for \$138,000; and Eric Dumars for \$138,000; and;
- b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments to these agreements, extending the terms of each by one (1) fiscal year per amendment, subject to County Counsel review and provided there is no significant change to the scope of work or increase in cost that exceeds five percent (5%) of the original amount of the Agreement per amendment.

### RECOMMENDATION:

- a. Approve and authorize the Contracts/Purchasing Officer to execute Professional Services Agreements for legal representation in indigent adult and juvenile criminal cases, through the Alternate Defenders Office, with effective terms retroactive to July 1, 2017 through June 30, 2018, with the following attorneys in these amounts: Chenoa Summers for \$109,500; Jeffrey Gobell for \$109,500; Kelly Duncan for \$84,000; Jan Lindberg for \$96,000; Roland Soltesz for \$138,000; Richard West for \$138,000; Scott Erdbacher for \$138,000; and Eric Dumars for \$138,000; and;
- b. Approve and authorize the Contracts/Purchasing Officer to execute up to three (3) amendments to these agreements, extending the terms of each by one (1) fiscal year per amendment, subject to County Counsel review and provided there is no significant change to the scope of work or increase in cost that exceeds five percent (5%) of the original amount of the Agreement per amendment.

### SUMMARY:

The Monterey County Alternate Defender's Office (ADO) finds it necessary to assign qualified trial counsel to represent indigent defendants, other parties, or juvenile offenders in cases in which the Monterey County Public Defender has declared a conflict of interest and the courts appoint the ADO to serve as counsel.

To fulfill these alternate defense requirements, and to obtain qualified outside professional legal services, the ADO solicited qualifications from legal firms and/or attorneys to provide legal representation for adult criminal clients and juvenile offers -Request for Proposals (RFP) #10589. Following the evaluation of proposals submitted and an interview process, eight attorneys were selected to provide defense services. The ADO recommends that the Board

authorize the Contracts/Purchasing Officer to execute contracts with the Law Office of Chenoa Summers, Law Office of Jeffrey Gobell, Law Office of Kelly Duncan, Law Office of Jan Lindberg, Law Office of Roland Soltesz, Law Office of Richard West, Law Office of Scott Erdbacher, and Law Office of Eric Dumars for criminal defense services for the fiscal year 2017/2018. The ADO further recommends that the Board authorize the Contracts/Purchasing Officer to execute up to three extensions of these agreements by amendment, for one additional year per amendment.

DISCUSSION:

Language has been added to the proposed Professional Services Agreements to ensure that legal services are provided in compliance with ADO policies regarding legal representation and procedures. The proposed Professional Services Agreements are attached to this Board report and are on file with the Clerk to the Board's Office.

OTHER AGENCY INVOLVEMENT:

The ADO worked with the Contracts/Purchasing Division during the RFP solicitation to ensure the process was fair and transparent. County Counsel and the Auditor-Controller have reviewed and approved these Agreements as to legal form and fiscal provisions respectively. All the insurance and indemnifications are compliant with the standard requirements set forth by the Risk Manager.

FINANCING:

The annual compensation for each of the contracts is funded through Fund 001-Public Defender PUB001-2270-Budget Unit 8168-Court Assigned Counsel, as follows:

<u>Contractor</u>	<u>Maximum Annual Amount</u>	<u>Case Type</u>
Law Office of Chenoa Summers	\$109,500.00	Juvenile
Law Office of Jeffrey Gobell	\$109,500.00	Juvenile
Law Office of Kelly Duncan	\$84,000.00	Misdemeanor
Law Office of Jan Lindberg	\$96,000.00	Light Felony
Law Office of Roland Soltesz	\$138,000.00	Felony
Law Office of Richard West	\$138,000.00	Felony
Law Office of Scott Erdbacher	\$138,000.00	Felony
Law Office of Eric Dumars	\$138,000.00	Felony

Funding for the Agreement is included in the **FY 2017-2018** Approved Budget and will be included in the FY 2018-19 Requested Budget, Budget Unit 8168-Court Assigned Counsel. Approval of the recommended actions will have no additional impact on the County General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

**PUBLIC SAFETY:** The Alternate Defender Office strives to protect the constitutional rights of the indigent by providing them quality representation in a society free and safe from unlawful State interference, by vigorously defending individual rights where the Public Defender has a conflict of interest. Acceptance of the recommendations ensures the continuation of criminal defense services to the indigent.

X Public Safety

Prepared by: Latasha Ellis, Management Analyst, ext.5082  
Approved by: Susan Chapman, Public Defender, ext.5806

Handwritten signatures of Latasha Ellis and Susan Chapman. The signature of Latasha Ellis is written in a large, cursive script above the signature of Susan Chapman, which is written in a smaller, cursive script.

- Attachments: 1 through 8
- Attachment 1: Agreement Chenoa Summers
- Attachment 2: Agreement Jeffrey Gobell
- Attachment 3: Agreement Kelly Duncan
- Attachment 4: Agreement Jan Lindberg
- Attachment 5: Agreement Roland Soltész
- Attachment 6: Agreement Richard West
- Attachment 7: Agreement Scott Erdbacher
- Attachment 8: Agreement Eric Dumars