

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: FW: BASF Letter of Support to SF BOS re Public Defense Pilot Program Resolution
Date: Friday, April 7, 2023 10:30:49 AM
Attachments: [BASF Letter of Support for Supervisor Chan Resolution re Full Funding of Public Defense Pilot Program 4.7.2023.pdf](#)
Importance: High

Hello,

Please see below and attached for communication from The Bar Association of San Francisco regarding File No. 230383.

File No. 230383 - Opposing Funding Cuts to the Statewide Public Defense Pilot Program

Sincerely,

Joe Adkins
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
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From: Mikele Lewis-Nelson <mlewis@sfbar.org>
Sent: Friday, April 7, 2023 9:37 AM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Cc: Yolanda Jackson <yjackson@sfbar.org>; Julie Traun <jtraun@sfbar.org>
Subject: BASF Letter of Support to SF BOS re Public Defense Pilot Program Resolution
Importance: High

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Good Morning,

Please see the attached letter *sent on behalf of Yolanda Jackson, Executive Director of The Bar Association of San Francisco and Julie Traun, Director of the Court Appointment Program at the Bar Association of San Francisco.*

Thank You,
Mikele Lewis-Nelson

Mikele Lewis-Nelson | Executive Assistant
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April 7, 2023

Angela Calvillo
Clerk of the Board of Supervisor
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San Francisco, CA 94102-4689
board.of.supervisors@sfgov.org

Re: Support for Resolution Urging Governor Newsom to Retain the Full Funding of the Public Defense Pilot Program

Dear President Peskin, Supervisors Chan, Dorsey, Engardio, Mandelman, Melgar, Preston, Ronen, Safai and Stefani,

We write on behalf of the Bar Association of San Francisco (BASF) in support of Supervisor Connie Chan's important Resolution (Resolution) introduced on April 4, 2023 urging Governor Newsom to retain the full funding of the Public Defense Pilot Project (PDPP).

In recent years the State legislature has passed numerous laws providing post-conviction relief for people currently in state prison. These laws are intended to address mass incarceration, allowing people who no longer *need* to be in prison an opportunity to come before a judge, be resentenced and, if appropriate, safely returned to their families and communities. Importantly, these laws mandate legal representation of individuals who qualify for post-conviction relief, requiring additional work for defense attorneys and legal teams. As you know, BASF is in contract with the San Francisco Superior Court to qualify, calendar, train, and support the attorneys assigned to represent indigent clients of the criminal courts whenever the San Francisco Public Defender (Public Defender) declares a conflict of interest. These laws have therefore created significant increases in caseloads and new areas of work for the panel of attorneys that we coordinate.

Despite the passage of these new laws, the state only recently funded this work via the three-year Public Defense Pilot Program. Both the office of the Public Defender and BASF are recipients of funds under this grant, which was established by the Budget Act of 2021 (Senate Bill 129). This funding is absolutely critical to the work of the Public Defender as well as the BASF's Indigent Defense Administration program to meet this new legal obligation to those individuals eligible under the new laws.

With these grant funds, BASF created a new Post-Conviction Unit which commenced work in March 2022. Over the past 12 months, our unit has carefully and systematically reviewed cases for eligibility; recruited additional attorneys to take on post-conviction cases and ensured that counsel is appointed for those who



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qualify; we've provided critical paralegal support to attorneys for several dozen cases, recruited social workers to create reentry plans and mitigation reports for returning citizens, developed and provided nine (9) hours of training on these new laws to our legal teams, and more. These cases are challenging and require careful legal analysis under these new laws, and some are 30-40 years old and require complex reviews of California Department of Corrections and Rehabilitation and other files that include thousands of pages. As funds are limited, we carefully designed our work to make the most efficient and effective use of our funds and we can safely conclude that through the design of our program, we are able to save hundreds of thousands of dollars each year. Importantly, we have made remarkable progress, but there is so much more work to do.

We were devastated to learn that the Governor now intends to end this pilot project one year early. This is not because the pilot has been unsuccessful – to the contrary, it has likely led to millions of dollars of state savings and many hundreds of thousands of dollars in savings to San Francisco between the Public Defender's work and ours, not to mention the number of years returned to people's lives and the number of families reconnected.

To be clear, the results of these proposed funding cuts will be two-fold: First, the financial burden of implementing these changes in law and providing counsel will fall to the counties. Second, already overburdened indigent defense attorneys and legal teams will lose the effective and efficient support our unit provides, adding more strain to an already strained legal system and less effective and efficient representation for low-income Californians.

This is a justice issue and an equity issue. For these reasons, we are grateful to Supervisor Connie Chan for her introduction of this important Resolution addressing this issue and we urge the San Francisco Board of Supervisors to pass it unanimously.

Sincerely,

Yolanda Jackson
Executive Director and General Counsel
Bar Association of San Francisco

Julie Traun
Director, Court Appointment Program
Bar Association of San Francisco