

File # 190619, 190620
Received in Committee
6/13/19
sm

Superior Court

Budget & Finance Committee

June 13, 2019

Michael Yuen
Chief Executive Officer

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

Civil Grand Jury

- County function managed by the Court
- Staff the needs of the jury
- Fiscal agent for jury's expenses
- Budget: \$0.2 M

Indigent Defense Administration

- IDA provides representation to the accused whenever the Public Defender cannot
- Justice: all persons are innocent unless proven guilty
- The accused are entitled to representation
- Guaranteed right:
 - U.S. Constitution, Amendment VI
 - California Penal Code, Section 987

Current Year

- Budget:
 - \$7.4 M for IDA

- Increased Workload
 - 22% increase in appointments
 - 28 SB 1437 cases

- Projected to end the year on budget

Erosion of Representation Providers

- IDA has been losing attorneys due to insufficient compensation
- Main competitor is federal defense panel (CJA Panel)

	Federal Panel (CJA)	SF Panel (IDA)
ADULT CRIMINAL		
Misdemeanor	\$148	\$ 74
Misdemeanor Appeal	\$148	\$100
Regular Felony	\$148	\$100
Serious Felony	\$148	\$119
JUVENILE DELINQUENCY		
Misdemeanor	\$148	\$ 74
Regular Felony	\$148	\$ 95
Serious Felony	\$148	\$114

- 19-50% lower than federal rates

Crisis: Losing Available Attorneys

- Only 2 rate increase in last 12 years (2007 and 2014)

- IDA Panel Size

	2009-10	2014-15	2018-19	10 Year Decrease
Adult Criminal	105	90	58	-45%
Juvenile Delinquency	27	22	12	-56%

- Percentage of Attorneys Declining to Take New Cases

	Jan 2019	Feb 2019	Mar 2019
Adult Criminal	54%	56%	65%
Juvenile Delinquency	55%	60%	61%
Homicide	63%	75%	69%

Increasing Rates to Uphold Rights of the Accused

	Federal Panel (CJA)	SF Panel (IDA)		
		Current	2019-20	2020-21
ADULT CRIMINAL				
Misdemeanor	\$148	\$ 74	\$100	\$110
Misdemeanor Appeal	\$148	\$100	\$120	\$133
Regular Felony	\$148	\$100	\$120	\$133
Serious Felony	\$148	\$119	\$135	\$148
JUVENILE DELINQUENCY				
Misdemeanor	\$148	\$ 74	\$100	\$110
Regular Felony	\$148	\$ 95	\$120	\$133
Serious Felony	\$148	\$114	\$135	\$148

- Proposed rates are still 9-32% lower than federal rates
- Will narrow the compensation gap, stem tide of attrition, and attract new attorneys

Bridging the Compensation Gap

- Mayor's Budget
 - FY 19-20: \$0.3M
 - FY 20-21: $\$0.3M + \$0.3M = \$0.6M$
 - 16-48% lower than federal rates
 - 10-25% lower than proposed rates

- Additional Need
 - FY 19-20: \$945,000
 - FY 20-21: $\$945,000 + \$797,000 = \$1,742,000$

Upholding Trust & Confidence in Justice System

- No Attorneys to Staff Courtrooms
 - Lack of IDA attorney for felony arraignment courtroom
 - Court needed to find defense attorney in the hallway
 - Risks:
 - Questionable qualifications
 - Lack of time to provide quality representation
 - Rendering ineffective assistance of counsel
- Jamal Trulove
 - 2007: arrest for murder, convicted
 - 2014: appeals court overturned and ordered new trial
 - 2015: 2 IDA attorneys represent and won a jury acquittal

Questions?