



SOLANO
COUNTY

PUBLIC DEFENDER AND CONFLICT DEFENDER

2011/2012 Annual Report | Lesli M. Caldwell, Public Defender

Public Defender and Conflict Defender

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Mission Statement

The Mission of Solano County is to serve the people and to provide a safe and healthy place to live, learn, work and play. To contribute towards these objectives, it is the Mission of the Solano County Public Defender to protect and defend the rights of our indigent clients through effective, vigorous, zealous, compassionate, ethical and creative legal advocacy. The Office of the Public Defender, as guardians of liberty, ensures that the accused of today and tomorrow are given the fundamental protection of the United States Constitution, The Bill of Rights, and the California Constitution.



Our Objectives

In Fulfilling our Mission we will:

- Reflect the department's position that it is an honor to serve each and every client.
- Quickly undertake productive representation of our clients
- Provide effective defense to all clients so that constitutional rights are guaranteed.
- Support our clients as diligent and conscientious advocates, maintaining the highest levels of professional integrity
- Maintain our County's vision, and core values of integrity, dignity, excellence, accountability and leadership
- Collaborate with other law and justice agencies to develop and implement legally appropriate and cost-effective alternative punishment and rehabilitation options
- Serve, honor and protect the Constitutional rights of the People of Solano County.

Letter from the Public Defender

The function of a public defender is to provide the due process safeguard that the Supreme Court deemed necessary for a constitutionally sound criminal justice system; effective assistance of counsel. We represent people in criminal and quasi criminal proceedings that cannot afford to hire an attorney.

Clara Shortridge Foltz was the first woman lawyer in California and the creator of the Public Defender System. She was admitted to the California State Bar in 1878 after writing the amendment to the Code of Civil Procedure that, at the time, allowed admission to white males only. She recognized that criminal defendants had the right to counsel but there was no right to have the state pay for defense counsel. She began working on the concept of a Public Defender in the 1890s and was successful when Los Angeles County opened the first Public Defender office in the country in 1914. California adopted the public defender plan in 1921. However, the law of the land was still not clear on who was to pay for the defense of the indigent.



Lesli M. Caldwell, Public Defender

In 1962 Clarence Gideon, after being denied, by the court, free counsel in his criminal case, wrote to the US Supreme Court requesting review of this decision. In 1963 the US Supreme Court decided Gideon v. Wainright stating that individuals charged with felonies had the constitutional right to counsel paid for by the state. The Court later expanded this rule to people charged with misdemeanors and juvenile matters.

In 1968 the County of Solano created the Office of the Public Defender, and the first Public Defender was Paul Ligda. The doors opened to clients on November 16, 1968. The first annual report was written for the fiscal year 1968/1969. In that time period (six months) the office, staffed with five lawyers, two investigators and three secretaries, represented 966 clients. In the 1990's the County opened the Conflict Defender's Office to handle the cases that, due to conflict or other unavailability, the Public Defender's Office could not.

In the fiscal year 2011/2012 The Office of the Public Defender and the Office of the Conflict Defender with a diverse staff of 43 lawyers, 9.5 investigators and 17 clerical, worked hard to represent well over 15, 000 clients.

We continue to provide excellent criminal defense within a fiscally responsible budget, protecting the rights of the citizens of Solano County.

Sincerely,

Lesli M. Caldwell

PROGRAMS

Each Office, The Public Defender and The Conflict Defender, has two physical offices, one each in Vallejo and Fairfield. In each Office there is a Felony Unit and Misdemeanor Unit. In the Fairfield Offices there are also Juvenile Units that handle both Delinquency and Dependency cases.



Public Defender

Cases opened: 11, 019

Cases closed: 10,247

Homicides pending 30

Trials Completed: 94

Dismissals: 60% at Trial Management Conference

Conflict Defender

Cases opened: 2672

Cases closed: 2186

Homicides pending 13

Trials Completed: 33

Dismissals: 60% at trial management conference



Therapeutic Courts

Lawyers in the Offices, with the assistance of Clerical, Paralegals, Investigators and Law Clerks represent clients in Drug Court, Proposition 36 Court, Dependency Drug Court and informal calendars addressing the needs of Veterans and the Mentally Ill or Infirm.

COMMUNITY INVOLVEMENT AND SPECIAL PROJECTS

Public Defender Lesli Caldwell has been speaking at Rotary Clubs and Kiwanis Clubs about the Office of the Public Defender as well as AB 109 over the last eighteen months as well as reaching out to City Mayors and Police Chiefs.

Members of the Office of the Public Defender and the Office of the Conflict Defender have been working with the Department of Health and Human Services presenting on the rules of clearing one's record of convictions in order to secure housing and employment.

Members of both offices are working with high school mock trial teams, food banks in their neighborhoods, their places of worship and with children's organizations throughout the Bay Area. Further, we are deeply involved in our children's schools.

Many members of both offices are deeply involved with and serve on the local Boards of the Solano County Bar Association, La Raza Lawyers Association, Black Lawyers Association, Asian Pacific American Bar Association and the Solano County Reentry Council. The Public Defender and all Chief Deputies are active in the national organizations National Association of Criminal Defense Attorneys, the National Legal Aid and Defense Association and the American Council of Chief Defenders.



Members of both offices are involved in and serve on the Boards of Governors of the California Public Defenders Association, the California Attorneys for Criminal Justice, and on Committees of the National Legal Aid and Defenders Association, the Women Defenders of California, and the National Association of Criminal Defense Lawyers, as well as the American Bar Association.

The Offices also are involved with the *Driving Under the Influence* in the Schools program, in which we represent actual criminal defendants in trials in front of high school students.

Lawyers in the offices also participate in the annual Operation Stand Down providing legal services for Veterans.

TRAINING and STAFF DEVELOPMENT

In House Training Program

The Offices provide monthly training on a variety of current and on-going issues for the attorney staff, and are members of the California State Bar Association certified Mandatory Continued Legal Education, MCLE providers.



Felony Transition College

The Office is planning a Third Felony Transition College, a week long program for attorneys recently taking on a felony caseload or soon to enter into the Felony Unit.

New Lawyers Training

The Office is preparing an annual 'New Lawyers Training' over a three to five day period to train entering and relatively new attorneys and in-coming Interns and Externs for work in the Misdemeanor Unit.

Internship Program

The Offices have internship programs for Interns, externs and Post Bar lawyers. The Program allows the law students and persons who have taken the Bar Examination and are awaiting results to work with the lawyers on all phases of litigation. This allows for practical training for the Intern/Externs and assists the lawyers in their very heavy caseloads.

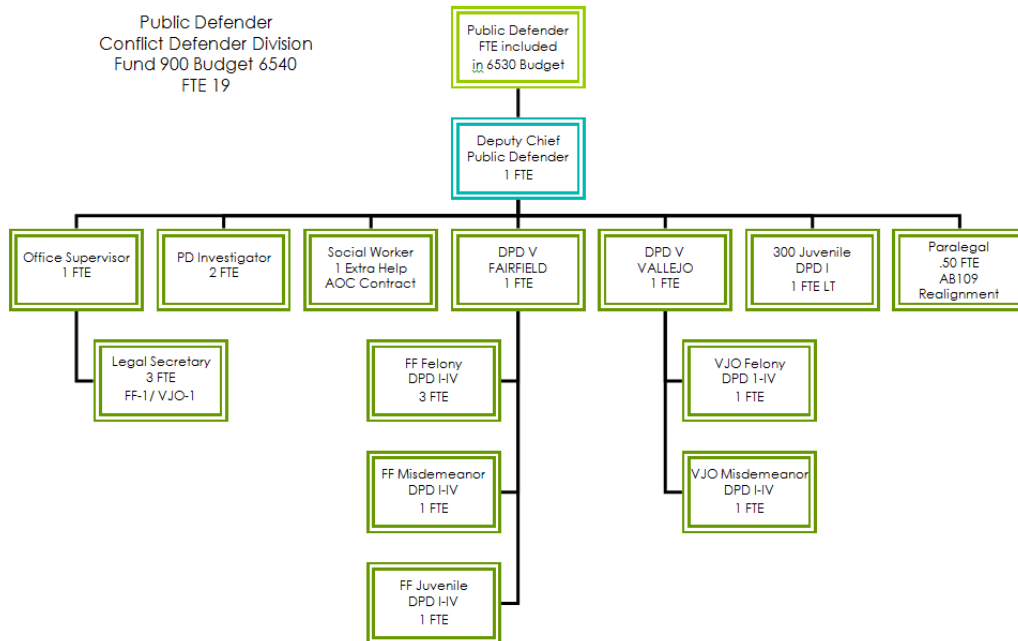
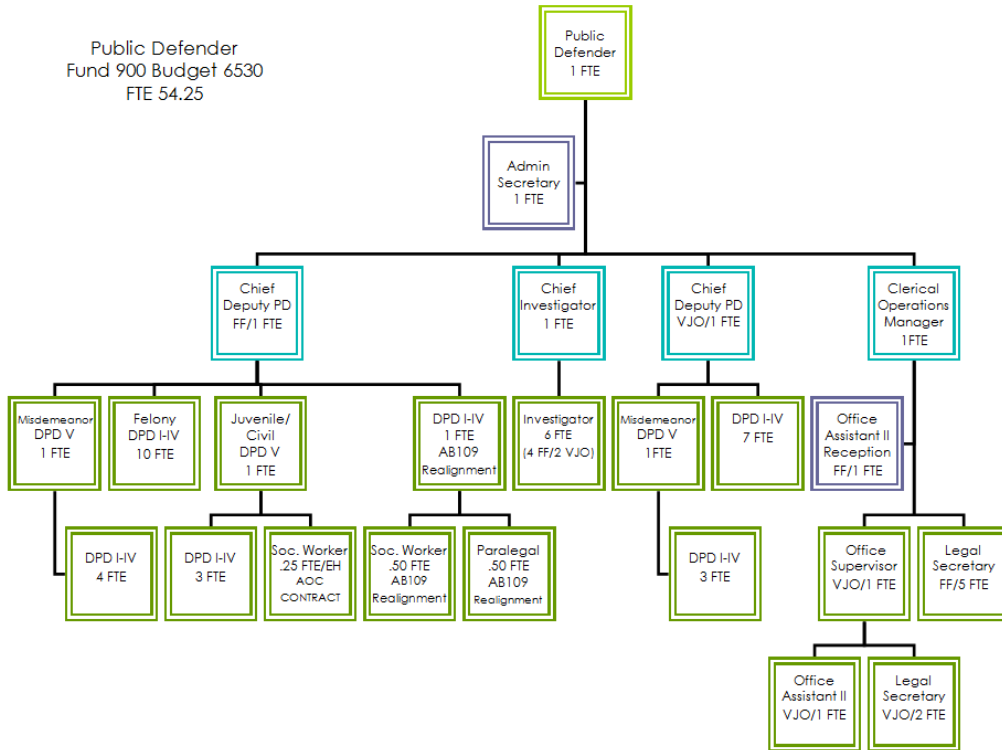
Further, the Offices have an on-going internship program for Investigators that accepts students from Solano Community College in the Criminal Justice Program to have hands on experience in the work of an investigator. These students work closely with seasoned Public Defender and Conflict Defender Investigators.

Also, the Offices have an on-going internship program for Paralegal students in conjunction with California State College East Bay. Students in a Paralegal program work with attorneys on a variety of litigation preparation, gaining experience in a law office.

Outside Training

For further training the attorneys in the Offices attend a myriad of conferences and programs provided by the California Public Defenders Association, California Attorneys for Criminal Justice, National Association of Criminal Defense Attorneys, Women Defenders of California and the National Legal Aid and Defense Attorneys Association.

ORGANIZATIONAL CHARTS

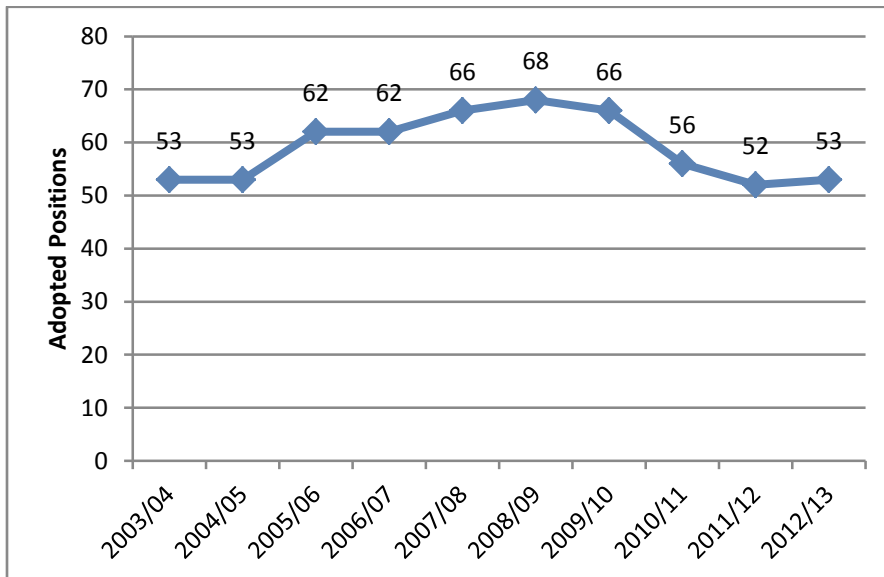


BUDGET ILLUSTRATIONS

Public Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND APPROPRIATION CATEGORY	2010/11 ACTUALS	2011/12 ADOPTED BUDGET	2012/13 RECOMMENDED	FROM ADOPTED TO RECOMMENDED	PERCENT CHANGE
REVENUES					
Intergovernmental Rev State	227,322	227,321	502,363	275,042	121%
Intergovernmental Rev Federal	21,443	6,253	0	(6,253)	(100%)
Charges For Services	278,777	107,012	72,668	(34,344)	(32%)
Misc Revenue	180	0	0	0	0%
Other Financing Sources	14,298	0	0	0	0%
General Fund Contribution	8,888,945	9,600,747	9,187,238	(413,509)	(4%)
TOTAL REVENUES	9,430,965	9,941,333	9,762,269	(179,064)	(2%)
APPROPRIATIONS					
Salaries and Employee Benefits	7,366,525	8,055,190	7,750,069	(305,121)	(4%)
Services and Supplies	958,619	1,021,026	1,209,516	188,490	18%
Other Charges	774,949	492,073	477,967	(14,106)	(3%)
Other Financing Uses	327,418	369,544	324,717	(44,827)	(12%)
Intra-Fund Transfers	0	3,500	0	(3,500)	(100%)
TOTAL APPROPRIATIONS	9,427,510	9,941,333	9,762,269	(179,064)	(2%)
NET CHANGE	(3,455)	0	0	0	0%

Public Defender Staffing Trend



Conflict Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND APPROPRIATION CATEGORY	2010/11 ACTUALS	2011/12 ADOPTED BUDGET	2012/13 RECOMMENDED	FROM ADOPTED TO RECOMMENDED	PERCENT CHANGE
REVENUES					
Intergovernmental Rev State	0	0	93,457	93,457	0%
Charges For Services	187,537	87,012	10,000	(77,012)	(89%)
Other Financing Sources	98,603	0	0	0	0%
General Fund Contribution	2,680,400	2,956,908	2,831,966	124,942	(4%)
TOTAL REVENUES	2,966,540	3,043,920	2,935,423	(108,497)	(4%)
APPROPRIATIONS					
Salaries and Employee Benefits	2,406,149	2,562,577	2,381,356	(181,221)	(7%)
Services and Supplies	215,624	207,413	271,519	64,106	31%
Other Charges	244,998	155,898	183,748	27,850	18%
Other Financing Uses	99,768	118,032	98,800	(19,232)	(16%)
TOTAL APPROPRIATIONS	2,966,540	3,043,920	2,935,423	(108,497)	(4%)
NET CHANGE	1	0	0	0	0%

“Injustice anywhere is a threat to justice everywhere.”

~ Martin Luther King, Jr.



DEPARTMENTAL PERFORMANCE GAUGED BY POSITIVE CASE OUTCOMES FOR CLIENTS

A person accused of a crime benefits from representation by an attorney. An attorney reviews the prosecution's case with a professional eye to determine the strength and weakness of the case and advises the client about how to proceed. A lawyer who reviews the case can identify any legal or factual impediments in the prosecution's case. This attorney can negotiate a disposition, conduct an investigation, with the help of an investigator, and in many instances use courtroom forensic skills that weaken or diminish significantly the peril faced by the client. Having skilled counsel for the accused invariably leaves the client better off than a client who represents him/herself. Indeed, it was this very obvious fact that caused the United States Supreme Court to mandate the appointment (and payment by the State for indigents) of counsel in local trial courts nearly 50 years ago in *Gideon v. Wainwright*.

“Lawyers in criminal courts are necessities, not luxuries.”

~ Justice Hugo Black
Gideon v. Wainwright
372 U.S, 335, 344 (1963)

In the effort to provide the general public with quantifiable information, the prosecutors and law enforcement often point to a high percentage “conviction” rate of the cases they charge in court. In an effort to identify specific and quantifiable case outcomes that mirror those “conviction rate” statistics we have analyzed the degree to which clients of the Department were positively benefited by not suffering a conviction for a crime charged. Our focus was on the rate of non-conviction for clients of the Public Defender and Conflict Defender.

We define a non-conviction as one or more of the charges brought by the prosecution that was either dismissed by the Court (at the request of the prosecution or on the Court's own motion) or found through court action (a trial or preliminary examination) to have not been proven. The data for this analysis was drawn from monthly statistics reports from the misdemeanor units, monthly activity reports from the felony and juvenile units and trial reports completed by all lawyers. A positive outcome rate or non-conviction rate of 90 – 95% in both misdemeanor and felony units was found. This means that there was a positive outcome for the client obtained by virtue of one or more charges being dismissed or found not true by a Court or a Jury before the disposition of the case.

2013 marks the 50th anniversary of the Supreme Court's *Gideon v. Wainwright* decision that imposed on counties like Solano a constitutional mandate to provide counsel to indigent persons accused in criminal courts. For 44 of the past 50 years, since the appointment of the first Public Defender of Solano County, the Department has provided representation to indigent persons in hundreds of thousands of cases in the County's courts. The mandate and responsibility is carried out – as it always has been – by the talented and committed staff of the Department who struggle to fulfill the County's constitutional commitment to ordered liberty, in a fiscally responsible manner.

A LOOK TO THE FUTURE

In 2013 the Offices of the Public Defender and the Conflict Defender look forward to being on the fore front of engaging the Community in the issues of the positive reintroduction of former offenders back into society as well as our volunteer works of caring, learning and compassion. We also will be working to integrate technology into our daily work, streamlining data collection and striving toward a paperless office in the next few years; collaborating with other County Departments in this endeavor. We will continue to advance the professional and career development of the staff with training and experience to ensure excellence in the representation of all the children, men and women that we serve. Lastly, we will be striving to enhance our positive outcome rate for our clients, the citizens of Solano County.



2012 Public Defender and Conflict Defender Staff