



SOLANO
COUNTY

PUBLIC DEFENDER AND CONFLICT DEFENDER

2013 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

In March 2013 we celebrated the 50th Anniversary of *Gideon v. Wainwright* which established the right to a public defender.

We are rightly very proud of our legal system. For all of its perceived faults it is the very best system in the world. I make this bold claim not based upon personal experience of other systems, but upon philosophical truths which we as Americans hold to be self-evident.

When our founders set out to form a new revolutionary government they did so based upon the premise that power in our land would flow from the people to the government, not the other way around, and that safeguards were critical to check the potentially awesome power of government.

The Bill of Rights was not designed to protect the people from one another, but to protect us from a government potentially spinning out of control. Nowhere is the rule of law more evident than in the Bill of Rights as it relates to the rights of the criminally accused. The 5th Amendment tells us: No person shall be deprived of life, liberty, or property, without due process of law. The 6th Amendment goes on to provide: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury. . . and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him. . . and to have the *Assistance of Counsel* for his defense. It is no accident that criminal defense lawyers are the only attorneys mentioned in the entire Constitution of the United States.

It was 50 years ago this last March that a unanimous United States Supreme Court decided the case of *Gideon v. Wainwright* which held that indigents who cannot afford a lawyer must be provided one. Clarence Gideon was a 51 year old poor man with an 8th grade education when he was charged with stealing some coins from a cigarette machine in a pool hall. Gideon asserted his innocence, but his request for counsel was denied. He was forced to represent himself at trial, was convicted and sentenced to five years in prison. From his Florida prison cell he hand wrote a petition to the U.S.



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Supreme Court, arguing that the U.S. Constitution does not allow poor people to be convicted and sent to prison without legal representation. The Supreme Court agreed, reversed his conviction and ordered the state of Florida to appoint a lawyer to represent him. Gideon was, with the assistance of counsel, acquitted in his new trial. In its unanimous opinion the justices said, “That government hires lawyers to prosecute, and defendants who have money hire lawyers to defend them, are the strongest indications of the wide spread belief that lawyers in criminal courts are *necessities*, not luxuries.”

Effective assistance of counsel not only protects the innocent from conviction, but also upholds the integrity and efficiency of the system. In Solano County we are very fortunate to have the support of local government that traditionally has sustained and sufficiently funded indigent defense services. The quality of indigent defense here is excellent and that makes all inhabitants of our county safer. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before fair tribunals in which every defendant stands equal before the law.

The office of the Solano Public Defender and the office of the Conflict Defender (now the Alternate Public Defender) have evolved into a sophisticated, modern law office of 49 highly trained and successful legal professionals and allied support staff including clerical and investigative defense team members who handled some 15,000 cases in 2013.

While our primary mission remains true to the fundamental spirit of *Gideon* – providing competent, economical indigent defense services - we have also become an integral part of the criminal justice system and true partner in ensuring balance and to the extent possible, justice for all. As we go forward, we continue to pledge ourselves to the central principal of Gideon that “None shall face his/her accuser alone”.

Sincerely,

Lesli M. Caldwell
Public Defender

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: 11,326

Cases closed: 11,535

Homicides pending: 17

Trials Completed: 115

Dismissals: 27% at Trial Management Conference

Conflict Defender

Cases opened: 2704

Cases closed: 2600

Homicides pending: 6

Trials Completed: 16

Dismissals: 24% 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.

50th Anniversary of *Gideon vs. Wainwright*, Celebrating 50 years of the Right to a Public Defender



“...[I]n our adversary system of justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.”

Gideon v. Wainwright, 372 U.S. 335, 344 (1963)

March 18, 2013 was the 50th Anniversary of the United States Supreme Court decision in *Gideon v. Wainwright*, a case synonymous with the Right to Effective Counsel. In 1963, the Supreme Court’s decision in *Gideon* recognized the constitutional right to counsel in criminal cases for people unable to afford their own attorneys. Thereafter, the Court expanded the responsibilities of public Defenders to include providing counsel in juvenile and misdemeanor proceedings.

On March 26, 2013 the Public Defender presented to the Board of Supervisors, an over view of the *Gideon* decision, cases leading up to the decision and cases that followed and expanded the *Gideon* decision. She also presented information on the history of Public Defenders Offices, the history of the Solano County Public Defender’s Office along with current information about the work of the offices.



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Tommy Barrett and Ricardo Cruz

On March 29, 2013 the Office of the Public Defender and Conflict Defender celebrated the 50th Anniversary with a half day training. At the training, Mr. Ricardo Cruz spoke movingly to the staff about undergoing two jury trials for a murder charge, finally being acquitted after the second trial, and his experiences with his public defender Tommy Barrett.

History of the Public Defender

In 1893, the idea of the Public Defender's office was presented by Clara Shortridge Foltz, the first female attorney in California. This, then radical, idea was presented at the 1893 World's Fair in Chicago.

In 1914, Los Angeles County opened the nation's first Public Defender's Office and in 1921, the lawmakers of California extended the public defender system (the right to appointed counsel) to all state courts.

On November 4, 1968 Solano County opened the doors of the Office of the Public Defender. Five lawyers, two investigators and three secretaries closed 966 cases in the first six months of operation. In 1989 the Office of the Conflict Defender was established and the two offices were consolidated under the administration of the Public Defender in 2000. The office of the Conflict Defender is now called the Alternate Public Defender's Office.

At this time the Offices have a dedicated, combined staff of 49 defense attorneys, 9.5 investigators, 17.5 Clerical, 3 part time Social Workers and 2 part time Paralegals.



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

In May 2013, the Office held the Third Felony Transition College, a four day long program for attorneys recently taking on a felony caseload or soon to enter into the Felony Unit.

New Lawyers Training

In March 2013, the Office held an annual 'New Lawyers Training' over a four 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 University 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.

COMMUNITY AND SPECIAL PROJECTS

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

Lawyers in the offices participate in the annual Operation Stand Down, providing legal services for Veterans. The Offices also are involved with the Driving Under the Influence in the Schools program, in which we represent actual defendants in trials in front of high school students.



Staff in both offices are working with high school mock trial teams and speak regularly at schools regarding alcohol, drug use, our career paths and the Constitution. We work at food banks in our neighborhoods, our places of worship, Little League and children's organizations throughout the Bay Area. Many members of both offices regularly support local charities in 5k to marathon races. Further, we are deeply involved in our children's schools.

This year our office took the lead in coordinating the Solano County United Way Campaign and was very active in the drive for the Solano Contra Costa Food Bank. We also worked with the Riley 100 Foundation and Fighting Back Partnership giving gifts for foster children at the Holiday time. We had a Solano County Public Defender/Conflict Defender canned Foods/Non Perishable items drive for the victims of the Philippine Typhoon and several staff members were very active in other organizations raising funds for the Typhoon victims.



We donated boxes full of personal sized toiletries to Mission Solano in March of 2013 and collected nearly 200 new children's' books for donation to the Emergency Room at North Bay Healthcare.



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, Filipino Bar Association of Northern California and the Solano County Reentry Council. The Public Defender and all Chief Deputies are active in national organizations; the National Association of Criminal Defense Attorneys, The National Legal Aid and Defense Association, the American Council of Chief Defenders and the Standing Committee on Legal Aid and Indigent Defendants of the American Bar Association.

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



DEPARTMENTAL PERFORMANCE GAUGED BY POSITIVE CASE OUTCOMES FOR CLIENTS



A person accused of a crime benefits from representation by an attorney. The 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.

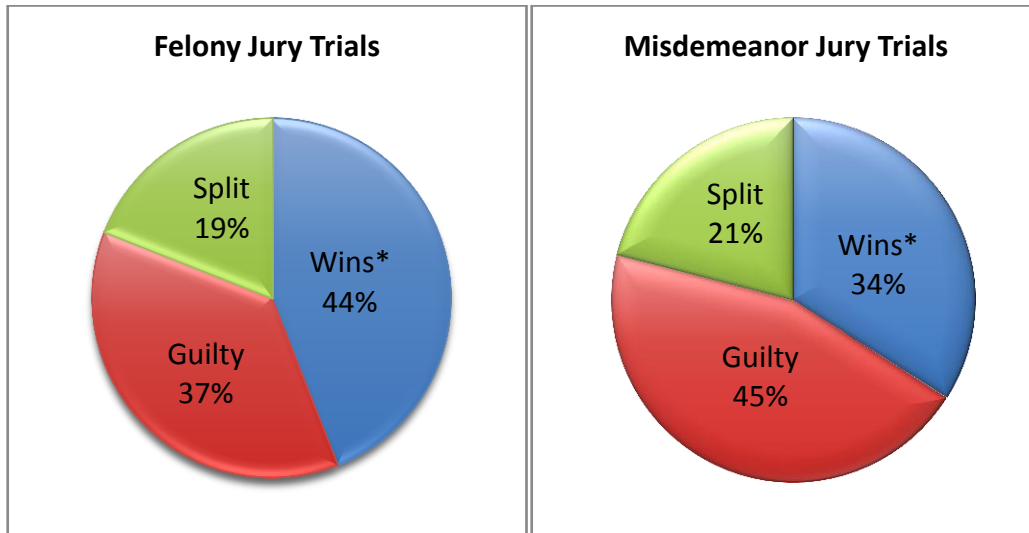
The lawyer, in reviewing the case, can identify any legal or factual impediments in the prosecution's case. The attorney can conduct an investigation, with the help of an investigator, review mental health, collateral consequences and scientific issues, negotiate a disposition, and use courtroom forensic 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 of and payment for counsel for indigents in local trial courts over 50 years ago in *Gideon v. Wainwright*.



Public Defender
The
Constitution
is not a technicality.

In an effort to provide the general public with specific and quantifiable case outcome information, 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 is on the rate of non-conviction for the clients of the Public Defender and the Conflict Defender.

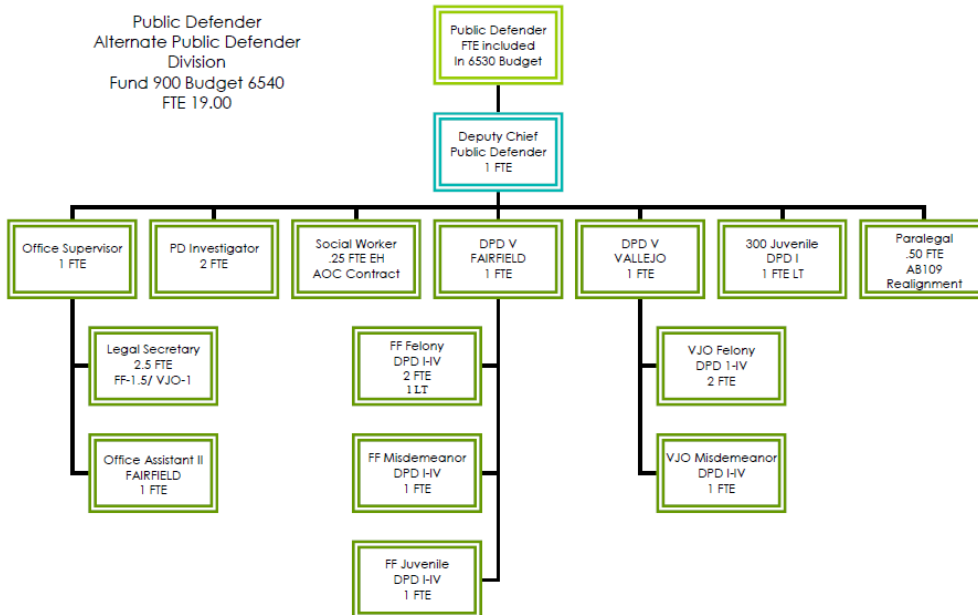
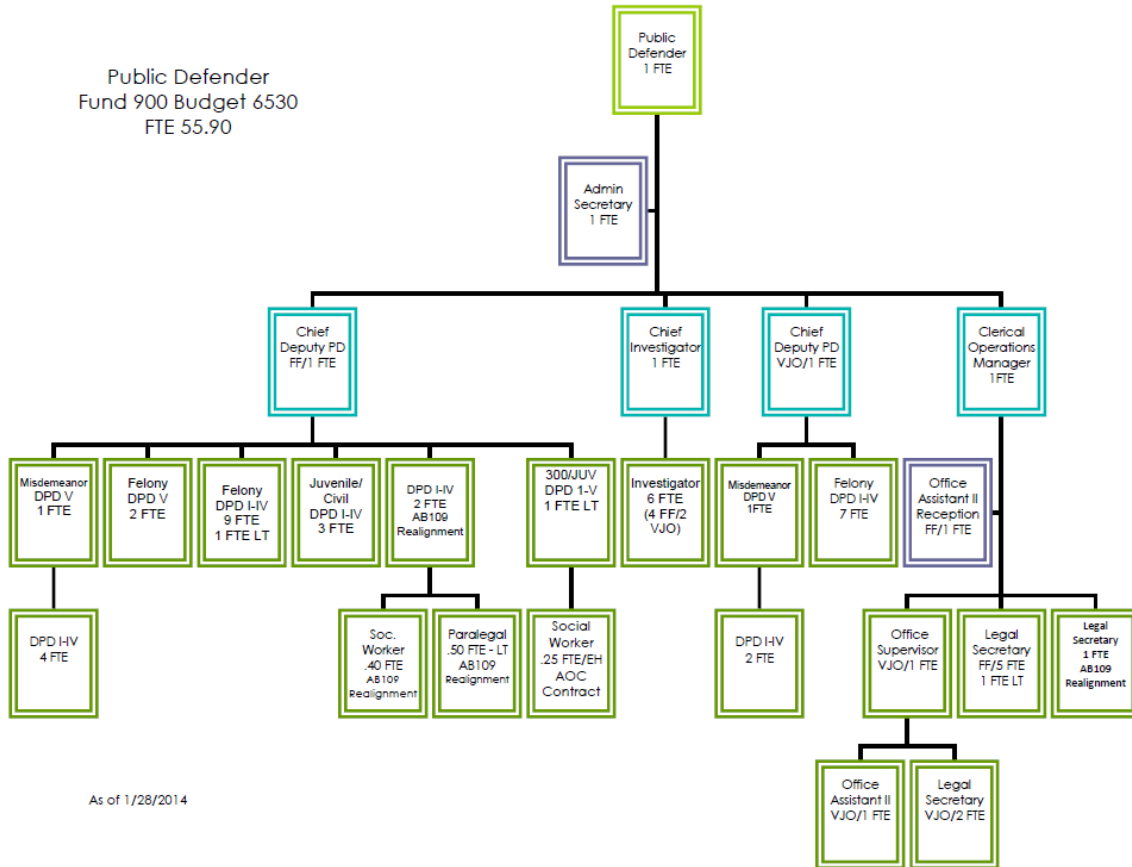


*Wins are defined as acquittals or hung juries.

We define a non-conviction or positive outcome as a situation where one or more of the charges brought by the prosecution was either dismissed by the Court (at the request of the prosecution or on the Court’s own motion or legal finding) or found through court action to have not been proven (in a trial or preliminary examination). 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 a non-conviction rate of 90 – 95% across the units; misdemeanors, felonies and juvenile delinquency cases, was found for the year of 2013.

2013 marked the 50th anniversary of the Supreme Court’s *Gideon v. Wainwright* decision that imposed a constitutional mandate to provide counsel to indigent persons accused in criminal courts. For 45 years, since the appointment of the first Public Defender of Solano County, Paul Ligda, the Department has provided representation to indigent persons in hundreds of thousands of cases in the County’s courts. The mandate and responsibility is still carried out by the talented and committed staff of the Department who work hard to fulfill the County’s constitutional commitment to excellent representation in a fiscally responsible manner.

ORGANIZATIONAL CHARTS



BUDGET ILLUSTRATIONS

Public Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND EXPENDITURE OBJECT	2010-11 ACTUAL	2011-12 ACTUAL	2012-13 RECOMMENDED	2012-13 ADOPTED
REVENUES				
Intergovernmental Rev State	\$ 227,322	\$ 289,500	\$ 502,363	\$ 490,694
Intergovernmental Rev Federal	21,443	11,376	0	0
Charges For Services	278,777	277,898	72,668	158,902
Misc Revenue	180	0	0	0
Other Financing Sources	14,298	0	0	0
General Fund Contribution	8,888,945	8,621,125	9,187,238	9,254,680
TOTAL REVENUES	\$ 9,430,965	\$ 9,199,899	\$ 9,762,269	\$ 9,904,276
EXPENDITURES/APPROPRIATIONS				
Salaries and Employee Benefits	7,366,525	7,491,314	7,750,069	7,879,139
Services and Supplies	958,619	889,250	1,209,516	1,219,823
Other Charges	774,949	487,255	477,967	477,967
Other Financing Uses	327,418	332,080	324,717	327,347
TOTAL EXPENDITURES/APPROPRIATIONS	\$ 9,427,511	\$ 9,199,899	\$ 9,762,269	\$ 9,904,276
NET COUNTY COST	\$ (3,454)	\$ 0	\$ 0	\$ 0

Conflict Defender Budget Summary

DETAIL BY REVENUE CATEGORY AND EXPENDITURE OBJECT	2010-11 ACTUAL	2011-12 ACTUAL	2012-13 RECOMMENDED	2012-13 ADOPTED
REVENUES				
Intergovernmental Rev State	\$ 0	\$ 0	\$ 93,457	\$ 40,355
Charges For Services	187,537	178,977	10,000	92,785
Other Financing Sources	98,603	0	0	0
General Fund Contribution	2,680,400	2,670,340	2,831,966	2,853,129
TOTAL REVENUES	\$ 2,966,540	\$ 2,849,317	\$ 2,935,423	\$ 2,986,269
EXPENDITURES/APPROPRIATIONS				
Salaries and Employee Benefits	\$ 2,406,149	\$ 2,358,184	\$ 2,381,356	\$ 2,423,392
Services and Supplies	215,625	236,002	271,519	279,549
Other Charges	244,998	154,395	183,748	183,748
Other Financing Uses	99,768	100,736	98,800	99,580
TOTAL EXPENDITURES/APPROPRIATIONS	\$ 2,966,540	\$ 2,849,317	\$ 2,935,423	\$ 2,986,269
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0

A LOOK TO THE FUTURE

*“Injustice anywhere
is a threat to
justice everywhere.”*

~ Martin Luther King Jr.

In 2014, the Offices of the Public Defender and the Conflict Defender (now named the Alternate Public Defender’s Office) continue to look forward to being on the forefront of engaging the community in the issues of the positive reintroduction of former offenders back into society. We will also continue our volunteer works of caring, learning and compassion. We continue to work 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 and the Courts in this endeavor. We will continue to advance the professional development of the staff with training and experience to ensure excellence in the representation of all of the children, women and men that we serve. We will be striving to enhance our positive outcome rate for our clients, the citizens of Solano County.



2013 Public Defender and Conflict Defender Staff