



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: County Executive Office

Subject: Criminal Defense Conflicts Program Fee Schedule and Indigent Defense Conflict Firm Contract

Meeting Date: June 10, 2025

Formal Title: Approve changes to the Criminal Defense Conflicts Program fee schedule for Fiscal Year 2025-26, approve amendment to agreement with Page & Dudley increasing compensation in the amount of \$4,867,047, for indigent defense conflict services through June 30, 2027, and take related actions

Recommended Actions

1. Approve changes to the Criminal Defense Conflicts Program fee schedule for Fiscal Year (FY) 2025-26;
2. Approve first amendment to agreement (contract 25C4607) with Page & Dudley, increasing the amount by \$4,867,047, for a total not-to-exceed amount of \$11,651,875 and extending the term to June 30, 2027, for indigent defense conflict services; and
3. Authorize the County Executive Officer, or designee, to execute the first amendment.

Executive Summary

The agreement (contract 25C4607) with Page & Dudley for indigent defense conflict services expires June 30, 2025. The first amendment will extend the contract for two years and increase the not-to-exceed amount. As part of the agreement, the law firm and County Executive Office, in collaboration with the Public Defender, will assess options for aligning and supporting conflict services, and make recommendations to the Board to ensure sustainable and just services for indigent clients. Secondary conflict defense has been provided by the Criminal Defense Conflict Program (CDCP) since December 1, 2014 and is administered by the County Counsel's Office. The CDCP is now in its 11th year of operation, and fees were last updated in 2021. The updated fee structure will support attracting and retaining attorneys, paralegals, investigators, social workers, and other professionals providing ancillary services.

Discussion

Santa Cruz County has three ways to deliver legal defense services to adults and juveniles accused of a crime who cannot afford their own attorney: the institutional Office of the Public Defender (PDO), a conflict firm, and a panel of experienced criminal defense attorneys to provide secondary conflict legal representation and ancillary services.

Indigent Defense Conflict Services

The institutional PDO was established in 2022. Prior to its establishment, the County had two conflict firms: Page & Dudley (Page) and Walraff & Associates (Walraff). The Walraff law firm indicated they would not be pursuing a contract with the County after June 30, 2022. The County is currently under contract with Page through June 30,

2025. When the PDO cannot represent clients due to a conflict of interest, these clients are referred to the conflict defense firm.

With the Page contract expiring at the end of FY 2024-25, and pursuant to the County's Policy and Procedures Manual Title III, Section 100, the County solicited a Request for Proposal for indigent defense conflict services in November 2024. Page was the only respondent.

The County Executive Office (CEO) and Page subsequently negotiated an amendment to the current agreement. In the attached first amendment, Page will be paid in the amounts of \$2,397,560 for 2025-26 and \$2,469,487 for 2026-27. The amendment incorporates new contract language based on indigent defense contract best practices, including reporting hours worked by assigned attorneys on assigned cases. Previously, there was a \$100,000 additional not-to-exceed for social workers and investigators. These services will now be reimbursed based on the actual hours spent. The amendment also requires that attorneys report their time spent on assigned cases per month.

Finally, the CEO and Page have agreed to work together in developing a plan to transition conflict services to a sustainable and complimentary model to that of the new PDO. Options to evaluate include, but are not limited to, creating a County Alternate Defender's Office, continuing to contract with a private law firm, and expanding the CDCP to provide representation in all cases in which a conflict arises.

Project milestones for the transition of conflict services are as follows:

- a) By December 2025, develop project charter for transition of conflict services.
- b) By July 2026, conduct system analysis and recommend conflict services model to key stakeholders including the Superior Court and Board of Supervisors.
- c) By December 2026, present case transition plan from Page to new conflict services model to the Superior Court and Board of Supervisors, for implementation on July 1, 2027.

Criminal Defense Conflicts Program

Clients that cannot be served by either the institutional PDO or the conflict firm are served by the CDCP. Launched on December 1, 2014, the CDCP Administrator maintains a panel of skilled private defense attorneys who are independent contractors of the County. The CDCP Administrator nominates attorneys from this panel for appointment by judges of the Santa Cruz County Superior Court to represent indigent defendants, both adult and juvenile, who are facing criminal charges, have *habeas corpus* matters, or are appealing misdemeanor convictions.

The CDCP Administrator also authorizes all funding requests for ancillary defense service providers, such as experts, investigators and paralegals, for all indigent criminal matters in the County. The CDCP Administrator must approve any claim for funding and compensation submitted by the panel attorneys, the Page firm, individual service providers, and private criminal defense counsel whose clients may be able to afford attorney's fees but not ancillary defense service providers, before those claims are paid.

The panel's fee schedule was last updated in 2021. County Counsel has proposed a new fee schedule that will support attracting and retaining experienced attorneys. The proposed fee schedule was determined based on comparisons to other counties, such

as Santa Clara, Monterey, Alameda, and the Central District of California.

The FY 2025-26 CDCP fee schedule includes modest increases in compensation rates across most case types and services. Base case fees, trial fees, and hearing rates for both adult and juvenile cases have generally increased by \$25-\$100 per session, with particular emphasis on aligning compensation with the complexity of the work. Notable adjustments include higher fees for review hearings, motion drafting, and complex case types such as serious felonies, homicides, and juvenile transfer cases. New and revised categories—like early intake for juvenile and adult cases and post-conviction resentencing—clarify eligibility, hourly limits, and required documentation.

The attached schedule also reflects increased hourly rates for support roles including investigators, interpreters, paralegals, and legal assistants, with expanded ranges based on experience and case complexity. Attorneys are now expected to provide case estimates for complex or high-exposure cases and seek prior approval for exceeding fee caps. Clearer definitions have been provided for standard vs. substantial motions, with written motions required for reimbursement. Additional billing policies now guide compensation for consolidated cases, early representation, and failure to appear scenarios, with more discretion granted to the CDCP Administrator to approve exceptions and ensure accountability.

Financial Impact

The 2025-26 contract amount for Page & Dudley is included in the Proposed 2025-26 Budget for 591000/62384. The Proposed 2025-26 Budget for the CDCP covers the anticipated increase in costs based on 2024-25 actuals (591000/62386). Average CDCP case costs are expected to increase between 5 and 10 percent across case types.

Strategic Initiatives

Operational Excellence

Submitted By:

Carlos J. Palacios, County Executive Officer

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.