


**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Philip Morley, County Administrator 

DATE: December 20, 2010

SUBJECT: Amendment No. 2 to Public Defender Agreement; Jefferson Associated Counsel

STATEMENT OF ISSUE:

Board of County Commissioner approval is requested for Amendment No. 2 to the Public Defender Agreement with Jefferson Associated Counsel for indigent defense.

ANALYSIS:

On January 14, 2008, Jefferson County entered into an agreement with Jefferson Associated Counsel to provide indigent defense and related services in Jefferson County in 2008 and 2009. On November 9, 2009, the County and JAC approved Amendment No. 1, extending the term through December 31, 2010, and providing for representation for an extraordinary criminal justice case in Superior Court, now concluded.

Section 3: Case Load / Special Appointments of the original agreement establishes annual case limits for the original scope of services by JAC and a process for evaluating and compensating for cases in excess of these limits; and

By a letter received December 6, 2010, JAC notified the County that JAC has exceeded the 800 District Court case limit. The County and JAC have subsequently evaluated the number and nature of the Jefferson County cases to date and projected through the end of 2010 in District Court, Juvenile Court and Superior Court, and reviewed the variety of approaches taken statewide to determine "full case equivalents."

JAC states it is able to absorb any overage without exceeding individual attorney caseload limits set forth in Standard 3 of Jefferson County Ordinance 04-0323-09.

Amendment No. 2 provides for \$20,000 in additional compensation for cases above JAC's original scope of services and will ensure continued and uninterrupted indigent defense at a predictable and appropriate cost. As such, it is in the interest of both parties and in the public interest.

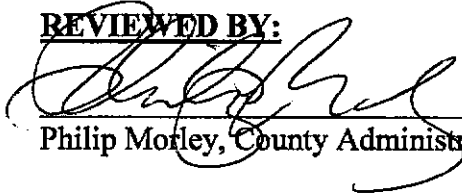
FISCAL IMPACT:

This additional \$20,000 can be absorbed by the existing Nondepartmental budget of the General Fund.

RECOMMENDATION:

Approve and sign the proposed Amendment No. 2 to the Public Defender Agreement with Jefferson Associated Counsel.

REVIEWED BY:


Philip Morley, County Administrator


Date

PUBLIC DEFENDER AGREEMENT
By and Between
JEFFERSON ASSOCIATED COUNSEL
And
JEFFERSON COUNTY

AMENDMENT No.2

Purpose: The purpose of this amendment is to provide additional compensation for cases exceeding the 2010 annual caseload.

WHEREAS, on January 14, 2008, Jefferson County, a municipal corporation (herein known as "County") entered into an agreement ("original agreement") with Jefferson Associated Counsel, a non-profit corporation (herein known as "JAC") to provide criminal defense and related services in 2008 and 2009 for indigent defendants and other persons facing commitment or incarceration in Jefferson County; and

WHEREAS, on November 9, 2009, the County and JAC approved Amendment No. 1, extending the term through December 31, 2010, and providing for representation for an extraordinary criminal justice case in Superior Court, now concluded.; and

WHEREAS, Section 3: Case Load / Special Appointments of the original agreement establishes annual case limits for the original scope of services by JAC and a process for evaluating and compensating for cases in excess of these limits; and

WHEREAS, on November 1, 2010, JAC notified the County Administrator of the potential for exceeding case limits, and by a letter received December 6, 2010, JAC notified the County Administrator that JAC had exceeded the 800 District Court case limit; and

WHEREAS, the County and JAC have subsequently evaluated the number and nature of the Jefferson County cases in District Court, Juvenile Services, and Superior Court to date and projected through the end of the year, and the variety of approaches taken statewide to determine "full case equivalents;" and

WHEREAS, JAC notified the County it is able to absorb the overage without exceeding individual attorney caseload limits set forth in Standard 3 of Jefferson County Ordinance 04-0323-09; and

WHEREAS, ensuring continued and uninterrupted indigent defense at a predictable and appropriate cost is in the interest of both parties and in the public interest and constitutes good and valuable consideration in support of this contract amendment;

AMENDMENT NO. 2 TO PUBLIC DEFENDER AGREEMENT By and Between
Jefferson Associated Counsel and Jefferson County

NOW, THEREFORE, the parties agree the original January 14, 2008 agreement as amended by Amendment No. 1 is further amended as follows:

1. JAC will continue to take assignments for indigent defense through December 31, 2010 and pursuant to the original agreement.
2. The County shall provide JAC additional compensation of Twenty Thousand Dollars Even (\$20,000.00) to cover all cases above and beyond the original annual case limits of 400 Superior and Juvenile Court cases and 800 District Court cases. This compensation is in addition to, and separate from, the annual contract amount of \$405,193 per year for original services.
3. Except as set forth in this Amendment No. 2, all other terms of the original January 14, 2008, Public Defender Agreement as amended by the November 9, 2009 Amendment No. 1, remain in full force and effect.

APPROVED and signed this _____ day of _____, 2010.

Attest:

**JEFFERSON COUNTY
BOARD OF COMMISSIONERS**

Lorna Delaney, Clerk of the Board

David Sullivan, Chair

Approved as to Legal Sufficiency Only:

JEFFERSON ASSOCIATED COUNSEL

David Alvarez 12/16/2010

David Alvarez, Deputy Prosecuting Attorney

Richard Davies