

PRELIMINARY TABULATION OF INSTITUTIONAL PUBLIC DEFENDER SURVEY

Total Responses: 14

QUESTIONS RELATED TO INDEPENDENCE

1. Has your department ever found it necessary to challenge a court's refusal to properly appoint the public defender?

Number of Yes Responses: 4 *% of Total Responses:* 29%

If Yes, please check any of the following which applies:

a. The refusal to appoint was based upon Penal Code section 987.05.

Number of Yes Responses: 0 *% of YES (to Q1):* 0%

b. The refusal purported to declare the public defender unavailable.

Number of Yes Responses: 0 *% of YES (to Q1):* 0%

c. The refusal purported to safeguard the defendant's Farretta rights notwithstanding the absence of a request for self-representation.

Number of Yes Responses: 1 *% of YES (to Q1):* 25%

d. The refusal was based upon People v. Lucey (1986) 188 Cal.App.3d 551, 556-557, or People v. Johnson (1980) 26 Cal.3d 557.

Number of Yes Responses: 1 *% of YES (to Q1):* 25%

In your opinion was the court's refusal:

e. a direct challenge to your independence.

Number of Yes Responses: 2 *% of YES (to Q1):* 50%

f. the result of insufficient public defender resources.

Number of Yes Responses: 2 *% of YES (to Q1):* 50%

g. In challenging an inappropriate refusal to appoint which of the following remedies have you used?

i. Filing of a writ.

Number of Yes Responses: 3 *% of YES (to Q1):* 75%

ii. Filing of a challenge for cause.

Number of Yes Responses: 1 *% of YES (to Q1):* 25%

iii. Filing of peremptory challenge.

Number of Yes Responses: 1 *% of YES (to Q1):* 25%

iv. Complaints to the Presiding Judge.

Number of Yes Responses: 2 *% of YES (to Q1):* 50%

v. Complaints to the Council on Judicial Performance.

Number of Yes Responses: 0 *% of YES (to Q1):* 0%

vi. Reports to the media or public disclosure during judicial elections or appointment investigations.

Number of Yes Responses: 0 *% of YES (to Q1):* 0%

2. Has the independence of your department ever been subject to challenge by federal, state, county, or local government, law enforcement, law schools, media, or individuals?

Number of Yes Responses: 3 *% of Total Responses:* 21%

If so, briefly describe the nature of that challenge:

3. Does your department require court appointment before commencing representation of a client who has requested your services, or for whom such services have been requested by someone acting in his behalf?

Number of Yes Responses: 2 *% of Total Responses:* 14%

QUESTIONS RELATED TO STANDARDS OF REPRESENTATION

4. Throughout the judicial proceedings are clients able to determine which attorney is assigned to represent them?

Number of Yes Responses: 9 *% of Total Responses:* 64%

5. Does your department provide, or arrange for, prejudgment writ litigation in appellate tribunals initiated by the defense?

Number of Yes Responses: 14 *% of Total Responses:* 100%

6. Does your department provide, or arrange for, prejudgment writ litigation in appellate tribunals initiated by the prosecution?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 13 | <i>% of Total Responses:</i> | 93% |
|---------------------------------|----|------------------------------|-----|
7. Does your department provide representation in response to requests for services at lineups?
- | | | | |
|---------------------------------|----|------------------------------|------|
| <i>Number of Yes Responses:</i> | 14 | <i>% of Total Responses:</i> | 100% |
|---------------------------------|----|------------------------------|------|
8. Does your department provide representation in response to requests for counsel pursuant to Miranda?
- | | | | |
|---------------------------------|----|------------------------------|------|
| <i>Number of Yes Responses:</i> | 14 | <i>% of Total Responses:</i> | 100% |
|---------------------------------|----|------------------------------|------|
9. If you answered "No" to any of questions 4-8, is it a result of insufficient resources?
- | | | | |
|---------------------------------|---|------------------------------|----|
| <i>Number of Yes Responses:</i> | 0 | <i>% of Total Responses:</i> | 0% |
|---------------------------------|---|------------------------------|----|

QUESTIONS RELATED TO QUALIFICATIONS OF INDIGENT DEFENSE PROVIDERS

10. Do you maintain a system for tracking the development of competency of your attorney staff members for providing representation in cases of varying complexity?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 12 | <i>% of Total Responses:</i> | 86% |
|---------------------------------|----|------------------------------|-----|
11. Is the assignment of case types to individual attorneys performed in conformance with a written set of guidelines?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 5 | <i>% of Total Responses:</i> | 36% |
|---------------------------------|---|------------------------------|-----|
12. Do you maintain any system for ongoing assessments of the current qualifications of your staff for case type assignments notwithstanding such staff member's previous qualifications?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 11 | <i>% of Total Responses:</i> | 79% |
|---------------------------------|----|------------------------------|-----|

QUESTIONS RELATED TO QUALITY CONTROL

13. Does your department maintain a continuous, interactive system in which mentors, supervisors and managers provide assessment, feedback, documentation, remediation and other functions to ensure that the quality of service being provided is assured?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 12 | <i>% of Total Responses:</i> | 86% |
|---------------------------------|----|------------------------------|-----|
14. Are newer employees provided a higher level of supervision?
- | | | | |
|---------------------------------|----|------------------------------|------|
| <i>Number of Yes Responses:</i> | 14 | <i>% of Total Responses:</i> | 100% |
|---------------------------------|----|------------------------------|------|
15. Are the expectations and standards by which the quality of service is assessed clearly and accurately communicated to all employees?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 12 | <i>% of Total Responses:</i> | 86% |
|---------------------------------|----|------------------------------|-----|
16. Are such expectations and standards in writing?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 6 | <i>% of Total Responses:</i> | 43% |
|---------------------------------|---|------------------------------|-----|
17. If you have answered "No" to any of questions 13-17, is that because of a lack of resources?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 2 | <i>% of Total Responses:</i> | 14% |
|---------------------------------|---|------------------------------|-----|

QUESTIONS RELATED TO TRAINING

18. Does your department maintain a system for monitoring your attorneys' compliance with MCLE requirements?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 7 | <i>% of Total Responses:</i> | 50% |
|---------------------------------|---|------------------------------|-----|
19. Do you require your experienced attorneys to complete a minimum of 15 hours of relevant legal education classes or equivalent training dealing specifically with juvenile (dependency or delinquency), mental health and/or criminal law, annually?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 5 | <i>% of Total Responses:</i> | 36% |
|---------------------------------|---|------------------------------|-----|
20. Do you require your attorneys who are in their first year of criminal practice to complete a minimum of 21 hours of relevant classes or equivalent training dealing specifically with juvenile, mental health and/or criminal law during that first year?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 7 | <i>% of Total Responses:</i> | 50% |
|---------------------------------|---|------------------------------|-----|
21. Do you require those attorneys who practice in specialty courts, collaborative justice courts, or problem solving courts (e.g., drug treatment courts, Prop. 36 courts, mental health treatment courts, DUI treatment courts, domestic violence courts, reentry courts, juvenile resource advocacy courts) to acquire specialized technical training (i.e., dynamics of disease and treatment) relevant to the medical or psychosocial field involved?
- | | | | |
|---------------------------------|---|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 7 | <i>% of Total Responses:</i> | 50% |
|---------------------------------|---|------------------------------|-----|
22. Do you provide an in-house training program for attorneys new to criminal practice?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 13 | <i>% of Total Responses:</i> | 93% |
|---------------------------------|----|------------------------------|-----|
23. Do you provide an in-house training program for more experienced attorneys?
- | | | | |
|---------------------------------|----|------------------------------|-----|
| <i>Number of Yes Responses:</i> | 11 | <i>% of Total Responses:</i> | 79% |
|---------------------------------|----|------------------------------|-----|

24. Do you provide, or arrange for, training in new legislation or judicial developments, forensic science, and technical support and administrative competencies?
Number of Yes Responses: 12 *% of Total Responses:* 86%
25. Is your department proactive in seeking out and maintaining an awareness of training opportunities (regardless of location of such training)?
Number of Yes Responses: 12 *% of Total Responses:* 86%
26. Does your department seek out resources, grants, partial scholarships, tuition waivers and other inducements and reimbursements to ensure the staff members acquire and maintain necessary competence?
Number of Yes Responses: 10 *% of Total Responses:* 71%
27. Does your department seek to be involved at the outset in leadership positions in novel overtures and cutting edge approaches that bring the benefits of academic and other research into multi-disciplinary efforts in dealing with human problems that end up under the purview of the courts staffed by institutional public defenders?
Number of Yes Responses: 9 *% of Total Responses:* 64%
28. If you have answered "No" to any of questions 18-27, is it due to a lack of sufficient resources?
Number of Yes Responses: 4 *% of Total Responses:* 29%

QUESTIONS RELATED TO JUVENILE PRACTICE

29. In providing representation to children within the juvenile courts, does your Department monitor how those clients are faring within the California Department of Corrections and Rehabilitation (formerly the CYA) pursuant to Senate Bill 459 (Welfare and Institutions Code section 731 et. seq.), to determine whether they are receiving services intended by the court?
Number of Yes Responses: 9 *% of Total Responses:* 64%
30. Under California Rule of Court 6.651 (formerly 1479), does your department perform resource advocacy (such as securing special education services for those who need it)?
Number of Yes Responses: 6 *% of Total Responses:* 43%
31. If you have answered "No" to any of questions 29-30, is it due to a lack of sufficient resources?
Number of Yes Responses: 7 *% of Total Responses:* 50%
32. Are the trial attorneys assigned to the juvenile courts primarily in entry level positions?
Number of Yes Responses: 0 *% of Total Responses:* 0%
33. Does assignment to juvenile court practice constitute a viable platform for upward mobility for employees?
Number of Yes Responses: 12 *% of Total Responses:* 86%

QUESTIONS RELATED TO WORKLOAD

34. Does your department maintain any system for determining the current workloads of its employees?
Number of Yes Responses: 13 *% of Total Responses:* 93%
35. Do you have a mechanism for determining whether a given employee's workload is excessive (given the parameters of the employee's assignment, i.e., the specific courtroom(s) in which he/she practices, the idiosyncrasies of the bench officers, and the prosecutors) to the extent that it threatens delivery of quality services by that employee?
Number of Yes Responses: 13 *% of Total Responses:* 93%
36. Are employees new to criminal practice given a reduced workload during the period of initial training and orientation?
Number of Yes Responses: 11 *% of Total Responses:* 79%
37. Does your department refuse to accept new cases when a determination is made that the combination of the existing and incoming workload exceeds the capacity of the employees to provide necessary services in a competent fashion in a timely manner, and without unduly risking the health of the defender workforce?
Number of Yes Responses: 8 *% of Total Responses:* 57%

QUESTIONS RELATED TO RESOURCES

38. Please check each of the following resources with regard to which your department enjoys parity, (with the prosecutor's office) on a relative scaled basis, to the extent permitted by law:
- a. Access to technology
Number of Yes Responses: 9 *% of Total Responses:* 64%
- b. Access to criminal history information
Number of Yes Responses: 5 *% of Total Responses:* 36%

c. Other criminal justice databases (e.g., DNA database)			
	<i>Number of Yes Responses:</i>	1	<i>% of Total Responses:</i> 7%
d. Legal research tools			
	<i>Number of Yes Responses:</i>	13	<i>% of Total Responses:</i> 93%
e. Travel budgets			
	<i>Number of Yes Responses:</i>	7	<i>% of Total Responses:</i> 50%
f. Expenses			
	<i>Number of Yes Responses:</i>	6	<i>% of Total Responses:</i> 43%
g. Paralegals			
	<i>Number of Yes Responses:</i>	3	<i>% of Total Responses:</i> 21%
h. Forensic laboratory fees and costs (including electronic data review and retesting of DNA evidence)			
	<i>Number of Yes Responses:</i>	9	<i>% of Total Responses:</i> 64%
i. Office and Library facilities			
	<i>Number of Yes Responses:</i>	9	<i>% of Total Responses:</i> 64%
j. Data processing			
	<i>Number of Yes Responses:</i>	11	<i>% of Total Responses:</i> 79%
k. Modern exhibit capabilities			
	<i>Number of Yes Responses:</i>	7	<i>% of Total Responses:</i> 50%
l. Investigators			
	<i>Number of Yes Responses:</i>	5	<i>% of Total Responses:</i> 36%
m. Qualified experts			
	<i>Number of Yes Responses:</i>	12	<i>% of Total Responses:</i> 86%
39. Is the net personal compensation of the defenders diminished by the costs of the above resources?			
	<i>Number of Yes Responses:</i>	0	<i>% of Total Responses:</i> 0%

QUESTIONS RELATED TO COMPENSATION

40. Check each of the following items of compensation for which your department enjoys at least full parity with the County Prosecutor's office regarding employee compensation:			
a. Salary			
	<i>Number of Yes Responses:</i>	13	<i>% of Total Responses:</i> 93%
b. Fringe benefits			
	<i>Number of Yes Responses:</i>	14	<i>% of Total Responses:</i> 100%
c. Retirement			
	<i>Number of Yes Responses:</i>	13	<i>% of Total Responses:</i> 93%
d. Vacation			
	<i>Number of Yes Responses:</i>	13	<i>% of Total Responses:</i> 93%
e. Reimbursement			
	<i>Number of Yes Responses:</i>	10	<i>% of Total Responses:</i> 71%
f. Special bonuses			
	<i>Number of Yes Responses:</i>	5	<i>% of Total Responses:</i> 36%
g. Student loan repayment assistance or forgiveness.			
	<i>Number of Yes Responses:</i>	5	<i>% of Total Responses:</i> 36%
41. In your opinion is there a difference in your total compensation package which causes your department to be at a disadvantage (compared to the prosecutor) in attracting and retaining talented candidates?			
	<i>Number of Yes Responses:</i>	2	<i>% of Total Responses:</i> 14%

QUESTIONS RELATED TO ETHICS

42. Has your department promulgated written policies or guidelines, and provided training to staff, regarding the ethical rules binding them and explaining the process whereby ethical issues are resolved.			
	<i>Number of Yes Responses:</i>	6	<i>% of Total Responses:</i> 43%
43. Does your department have a written policy regarding when, and under what conditions, a conflict of interest must be declared?			
	<i>Number of Yes Responses:</i>	10	<i>% of Total Responses:</i> 71%
44. Does your department have a policy about declaration of a conflict of interest when a colorable claim might be made that your department's prior representation failed to meet the standard of adequate assistance of counsel?			
	<i>Number of Yes Responses:</i>	11	<i>% of Total Responses:</i> 79%

QUESTIONS RELATED TO DEMOGRAPHICS/DIVERSITY/CULTURE

45. Does your department engage in a proactive outreach in order to successfully recruit a highly diverse and qualified staff?

Number of Yes Responses: 10 *% of Total Responses:* 71%

QUESTIONS RELATED TO MANAGEMENT/LEADERSHIP

46. Is your management structure sufficient to properly run all of your offices consistent with the Guidelines?

Number of Yes Responses: 6 *% of Total Responses:* 43%

47. Do you feel your department occupies a leadership role in the local criminal justice community, sufficient to be considered a co-manager of the entire criminal justice system in collaboration with the leaders of the other criminal justice agencies and branches of government responsible for the justice system?

Number of Yes Responses: 14 *% of Total Responses:* 100%

48. Does the leadership provided by your department include conceiving and implementing criminal justice policy on a national, state, regional and local level, including maintaining an affirmative legislative agenda as well as addressing the proposals submitted by other entities.

Number of Yes Responses: 8 *% of Total Responses:* 57%

49. Please identify any aspect of your department's delivery of criminal defense services for indigents which you feel might not fully comport with the State Bar's Guidelines because of insufficient resources.