

ATTACHMENT A

SIGNATURE PAGE

(PROPOSER TO COMPLETE AND PLACE IN FRONT OF PROPOSAL)

INDIVIDUAL/COMPANY: Law Office of Joseph M. Ahart, Inc.

ADDRESS: 1548 West Street  
Redding, CA 96001

CONTACT PERSON: Joseph M. Ahart

TITLE: president


TELEPHONE NO. (530) 246 4357

E-MAIL ADDRESS josephahartlaw@gmail.com

The undersigned hereby certifies that he/she is a duly authorized official of their organization and has the authority to sign on behalf of the organization and assures that all statements made in the proposal are true, agrees to furnish the item(s) and/or service(s) stipulated in this Request for Proposal at the price stated herein, and will comply with all terms and conditions set forth, unless otherwise stipulated.

**"I certify that I have read the Sample Agreement (Exhibit 1) pursuant to the submittal of a Request For Proposal (RFP) and will comply with said Sample Agreement, unless otherwise noted by exception herein, as of the date and time of close of this proposal".**

\_\_\_\_\_  
Authorized Representative - Name Joseph M. Ahart Title president

  
\_\_\_\_\_  
Signature (in blue ink)

3/10/17  
\_\_\_\_\_  
Date

Professional License No.: California State Bar No 238700

Taxpayer Identification No.: 47-1519084

//

LAW OFFICE OF   
**JOSEPH M AHART**

A Law Corporation

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March 10, 2017

Lake County Office of Administration  
Attention: Jeff Rein, Chief Deputy County Administrative Officer  
255 N. Forbes Street  
Lakeport, California 95453

707 263 2580

Re: REQUEST FOR PROPOSAL NUMBER: 1012-0217

Dear Mr. Rein,

I am writing to introduce the Law Office of Joseph M. Ahart, Inc. as the proposer for the attached Response to Request for Proposal Number 1012-0217.

Sincerely



Joseph M. Ahart

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#### **4.2.5 Executive Summary**

##### **Organization Type and Model**

The proposer is the Law Office of Joseph M. Ahart, Inc., which is a law corporation registered with the State of California and will be referred to as "proposer" hereinafter. The proposer will utilize the organizational model of a centralized administration of a panel of independent subcontractors. Joseph M. Ahart will be the administrator of the services provided by the proposer and will be referred to as "administrator" hereinafter.

##### **Proposed Independent Subcontractors**

At this time, proposer intends on subcontracting with local attorneys who are currently practicing in Lake County as appointed counsel. Proposer intends on negotiating with local attorneys until all vacancies in the proposed rotation of subcontractors are filled. If any vacancies remain, proposer intends on subcontracting with attorneys outside of the currently appointed counsel. Proposer intends on subcontracting with attorneys who have extensive experience providing legal representation to indigent criminal defendants which requires communication skills, capacity to handle high volume caseloads in a rapidly paced structure, refined case analysis skills and localized practice. These primary criteria will be utilized in order to provide cost effective, high quality legal representation.

#### **4.2.6 Exceptions**

Proposer accepts all terms and conditions with the following exceptions:

All terms of proposal can be modified throughout the negotiations between the parties

#### **4.2.7 Approach**

##### **General Administrative Methodology**

The general administrative methodology is based on the goals of minimizing costs for the county, creating a structure with long term sustainability and providing high quality legal services.

##### **Administrative Meet and Confer**

The administrator will meet and confer with the Court, the District Attorney and any county personnel at the request of any of those entities in order to ensure the proper administration of legal services and functioning of the Court and county offices affected by the administration of legal services under this proposal. The administrator will be especially sensitive to the fiscal impact to the county of any policies and actions taken by the administrator. The administrator will welcome input from all affected parties during the term of any contract for services.

Proposer will provide court appointed attorneys for ALL qualified defendants in cases filed by the Lake County District Attorney except cases in which the District Attorney is seeking the death penalty or take extraordinary time. Such cases will be considered outside this proposal.

Proposer will provide court appointed attorneys under the "subcontractor" model whereby proposer contracts with independent subcontracting attorneys who will then provide legal services for clients who fall within one or more of the descriptions in Schedule A.

The administrator will manage the proposed appointment structure and provide additional administrative services designed to improve the quality and efficiency of court appointed legal services during the course of the service agreement.

### **Centralized Administrative Services**

Proposer will administer defense services and provide attorneys and such other services as are necessary to assure constitutionally-effective assistance for the indigent criminal defendants or parties in all phases of criminal actions to which attorneys are appointed by the Lake County Superior Court, including but not limited to all necessary court appearances for the defendant/party, motions, writs, trials, preliminary hearings, violation of probation hearings, report and sentencing, and legal research, in all divisions of the Lake County Superior Court, Adult Divisions, and in the Juvenile Division, in delinquency cases only. See Schedule A.

All appointed attorneys will represent clients according to the performance standards as set by the Judicial Council of California, the State Bar of California and American Bar Association Standards on Ethics, the State Bar of California Standards of Representation for Indigent Defense Services, the California Rules of Professional Conduct, Business & Professions Code §6000, *et. seq.*, and the Performance Guidelines for Criminal Defense Representation of the National Legal Aid and Defender Association and in compliance with the California Rules of Court and the Lake County Superior Court Local Rules.

### **Contractual Policies and Strategies**

The administrator will require subcontractors, by way of contractual agreement, to adhere to a series of policies and strategies to ensure high quality service, including but not limited to the following:

**1. Preparation/Timeliness** – Subcontracting attorneys will be required to be adequately prepared and punctual for all court appearances. In the event subcontracting attorneys have calendar conflicts, subcontracting attorneys are required to immediately inform the administrator in order to schedule an appropriate substitute attorney.

**2. Meet and Confer** – Subcontracting attorneys are required to meet and confer with opposing counsel at least two days prior to all contested hearings.

**3. Special Appearances** – In the event of calendar conflicts, subcontracting attorneys are to prioritize appearances in the Lake County criminal court over other proceedings, unless other proceedings have legal preference (juvenile dependency). In the event that calendar conflict is unavoidable, special appearances will be permitted on the condition that the attorney specially appearing is able to competently discuss substantive issues from the perspective of the attorney who is unavailable, able to schedule future dates that will not create calendaring conflicts, and avoid continuances not related to the substantive issues in the case. If such special appearance will occur, the administrator will be advised of such.

**4. In-Custody Defendants** – Subcontracting attorneys are required to consult with in-custody clients prior to future court dates or within 72 hours of appointment, whichever is sooner in time.

**5. Court Calendar Congestion and Continuances** – Subcontracting attorneys are required to avoid continuances and calendaring that may result in any unnecessary court calendar congestion.

**6. Out of Custody Defendants** – Subcontracting attorneys are required to consult with out of custody clients prior to future court dates. Subcontractors will be available for office conferences for out of custody clients.

**7. Reporting Requirements** – Subcontracting attorneys are required to prepare and maintain time records sufficient to enable the county to determine the cost of representing each person represented by it. Subcontractors shall provide the Court with the total time on each case after final disposition or upon request of the Court or the county.

**8. Training** – Subcontracting attorneys are required to participate in meaningful and applicable continuing legal education.

### **Case Management**

Proposer will require that all cases be brought to the administrative office for processing, which will include statistical tracking, calendar tracking, and creation of a case file. When the case is closed, the subcontracting attorney will return the case to the administrative and report that the case is closed. Proposer will have an accurate caseload statistical analysis.

By the fifteenth working day of each calendar quarter, the administrator will submit to the County Administrative Office, a report reflecting caseload data for the prior three month period.

Subcontractors will be required to keep time spent on each case and report that information to proposer when the case is closed. Each case file will include a time spent summary questionnaire.

Proposer will retain client files in the manner of and for the time period required by California State Bar Ethics Formal Opinion Number 2001-157.

Proposer will provide a reasonable means of releasing all client related materials, including but not limited to files, work notes, police reports, investigation reports, and expert reports to Proposer's successor in interest.

Proposer will provide secure file storage facilities for retention of case files and storage of electronic information consistent with all state and federal privacy laws and the attorney-client privilege.

### **Client Guidelines**

Attorneys will be required to visit in custody clients prior to every meaningful court appearance and within five days of notice of appointment.

For out of custody clients, attorneys will be required to have the client fill out a client information sheet so that the client may be contacted. Attorneys will be required to give each client a document containing the court dates, the attorney's contact information and advisements to make an appointment with counsel **PRIOR** to the next court date.

Proposer will resolve any complaints, concerns and disputes arising from clients regarding appointed counsel.

### **Courtroom Coverage and Calendar Management**

At least one attorney will be available at all scheduled calendar times in every courtroom to accept appointment or specially appear for absent subcontractors. All attorneys will be licensed with the California State Bar and contractually required to represent the client competently and vertically, from arraignment to the filing a notice of appeal.

In the event of illness, vacation, or other unavoidable absence, attorneys may specially appear unless special appearance would result in incompetent representation. In the event that attorneys have calendaring conflicts, attorneys may specially appear for each other only if the attorney specially appearing is able to competently discuss the substantive issues on behalf of the attorney not present. Attorneys are encouraged to avoid calendar conflicts and are required to prioritize subcontractor duties over all other matters.

#### **Appointment Structure Felony**

The proposer will utilize a weekly rotation of four attorneys for appointment in felony cases. Each week, one of the four subcontractors will accept appointment as the primary attorney. Subcontractors will accept appointment to represent classes of parties based on the grade of the offense. Subcontractors will be appointed according to the following:

The four felony attorneys will alternate acceptance of primary appointment on felony cases on a weekly basis. Subcontractor A will accept first appointment to represent defendants for week one. Subcontractor B will accept first appointment to represent defendants for week two. Subcontractor C for week three. Subcontractor D for week four.

In the event of co-defendants, the subcontractor assigned to that particular week will accept the primary appointment while the subcontractor for the subsequent week will accept the secondary appointment. For example, if there are three codefendants on the same case, subcontractor A will accept appointment for codefendant one, subcontractor B will accept appointment for co-defendant two and subcontractor C will accept appointment for co-defendant three.

Should a subcontractor have a conflict of interest, the subcontractor next in sequence will accept appointment. In order to minimize conflicts, subcontractors will accept appointment on former clients, regardless of which week, unless a conflict arises from said acceptance.

If all felony attorneys have a conflict, then the misdemeanor attorney for the month during which the conflict is discovered will accept secondary appointment and the sequence of conflict appointment will follow the misdemeanor conflict sequence.

#### **Appointment Structure Misdemeanor, Conservatorship/Guardianship, Juvenile**

For purposes of misdemeanors and juveniles, three misdemeanor attorneys will accept primary appointment on a monthly basis. Subcontractor E will accept first appointment to represent defendants for month one. Subcontractor F will accept first appointment to represent defendants for month two. Subcontractor G for month three. If Subcontractor E has a conflict on the misdemeanor, subcontractor F will accept appointment and if subcontract F has a conflict subcontractor G will accept appointment. Subcontractor H will accept appointment when subcontractor E, F, and G have all declared conflicts.

Subcontractor H will be the primary attorney accepting appointment on all juvenile, conservatorships, and contempt actions. If subcontractor H has a conflict, then the misdemeanor attorney for the month during which the conflict is discovered will accept secondary appointment and the sequence of conflict appointment will follow the misdemeanor conflict sequence.

If all primary subcontractors are exhausted and parties require appointment, proposer will provide additional subcontractors for appointment.

### **Penal Code §187**

Any subcontractors qualified to handle case where a violation of Penal Code may accept appointment on cases per year where an allegation that the defendant violated Penal Code §187. The proposer will provide subcontractors for appointment on cases consisting of an allegation that the defendant violated Penal Code §187 and when the District Attorney is not seeking the death penalty.

### **Marsden Hearings**

Proposer will keep records regarding all Marsden hearings after which counsel was relieved. Records will include case name, case number, and assigned attorney, the date the Marsden hearing occurred, and the name of the new attorney appointed.

Proposer will report this information to the County on a monthly basis or as earlier requested.

As a matter of policy, subcontractors will be discouraged from being relieved after a Marsden hearing. Any time a subcontractor is relieved after a Marsden hearing, subcontractor will be interviewed by the proposer and such interviews will be considered as part of the evaluation process. Excessive Marsden hearings where counsel is relieved will be grounds for termination, as permitted by the law.

### **Conflicts of Interest Evaluation Process**

The proposer will implement a conflict of interest evaluation process for subcontractors as follows:

1. Subcontractors will evaluate for conflicts on a case by case basis;
2. If the subcontractor believes that a conflict of interest exists, the subcontractor will submit to the administrator for evaluation;
3. If the administrator agrees that a conflict exists, the administrator will then reassign the case to a subcontractor without a conflict of interest; and
4. If the administrator agrees that a conflict exists, the subcontractor will sign a declaration of a conflict of interest and the administrator will file that document with the court in order to avoid calendar congestion.

### **Conflict of Interest Policy regarding Private Practice**

Subcontractors will be required to contractually agree to the following term:

Subcontractors may engage in the private practice of law, including the defense of those charged with crimes or involved in juvenile court proceedings, provided that no private client shall be accepted which may cause a conflict of interest to arise whereby the contractor would not be able to represent any indigent who would otherwise be eligible for services under this contract.

A failure to abide by this term constitutes grounds for termination of contract.

### **Conflict of Interest Outside of Eight Primary Subcontractors**

Counsel will be contracted by the proposer, on a case by case basis, to handle any conflict cases outside of the eight primary subcontractors that do not involve a codefendant. The county will have no additional cost for conflicts.

### **Support Services for Attorneys**

The proposer will have a centralized administrative office, which will be staffed and open during regular business hours.

The proposer will provide online legal research services through WestLaw or LexisNexis, whichever is most cost efficient.

All subcontractors will be required, as an explicit contractual term, to have independent office space, equipment and legal research support available.

With respect to ongoing training, the proposer intends on obtaining certification as an MCLE provider. Joseph M. Ahart has personally provided trainings for the Shasta County Public Defender's Office regarding matters involving various areas of criminal defense.

### **Ancillary Services**

Proposer suggests that the investigative and expert/consultant services be provided according to one of the following alternatives:

#### **Formal Investigator Approach**

When a subcontractor requires investigative services, the subcontractor will be required to formally request that the court appoint an investigator by filing a legal motion. Although this approach may require increased work load, it will potentially decrease the cost of investigative services because subcontractors will not be requesting investigative services unless necessary.

#### **Informal Investigator Approach**

When a subcontractor requires investigative services, the subcontractor will be required to informally request from the administrator that an investigator be assigned to the case. If the administrator approves the assignment of an investigator, the investigator will complete the work and bill the county directly after both the subcontractor and the administrator have reviewed the bill. This is the process utilized by the conflict panel in Shasta County. However, the proposer believes that this process could result in higher costs for the county than the formal approach.

#### **Expert Consultants/Witnesses**

When a subcontractor requires expert witness services, the subcontractor will be required to formally request that the court permit the subcontractor to retain expert witnesses. This approach is utilized by subcontractors appointed in Shasta County dependency matters. Although this approach may require increased work load, it will potentially decrease the cost of consultant/expert witness services because subcontractors will not be requesting such services unless necessary.

### **Start Up and Transition Plan**

Subcontracting attorneys will be prepared to accept assignment of cases by May 7, 2017 if the contract is awarded.

Proposer will be prepared to provide administrative services by May 7, 2017 if the contract is awarded.

Pending negotiations, subcontractors will be prepared to accept appointment on any cases abandoned by counsel previously appointed by the court. Proposer and the county will specify which cases will be transferred at the beginning of the contract period and how the remaining cases will be transitioned including the timeline.

Proposer will not assume liability for any outstanding costs from counsel who remain appointed on cases where the appointment predated May 7, 2017.

#### **Reporting and Billing Requirements**

Accounting records including but not limited to a statement of profit and loss, and balance sheet shall be prepared on a monthly basis in accordance with Generally Accepted Accounting Principles of the United States (GAAP). All financial records including supporting documentation shall be kept on file for a minimum of 3 years or longer as required by law.

All financial and supporting documentation shall be available for financial review or audit as required. Billing shall be submitted for a fixed monthly payment, with any supporting detail or documentation as required.

Subcontracting attorneys will be paid a flat rate monthly on the final day of each month. If a case goes before a jury, subcontracting attorneys will be paid an additional fee for each day after three complete trial days. Cases with an alleged violation of Penal Code §187 will be contracted separately from the flat monthly rate.

Proposer will maintain receipts for all reimbursed expenses, which will delineate the defendant's name, case number, the provider, services provided, address of provider, hourly cost, breakdown of charges, any installment payment, other relevant information, total amount billed, and signature of the person authorizing the payment. A log of these receipts will be submitted to the County monthly along with an invoice from Proposer requesting payment. Proposer will maintain accounts and records, which sufficiently and properly reflect and identify the direct costs of the representation (investigative, expert and other direct trust fund costs). Proposer will submit all report(s) in a format approved by the County.

#### **Independent Oversight/Individualized Assessment**

Proposer will observe and assess attorney performance during court proceedings. Proposer will also assess attorney performance through interviews, discussions and training sessions with attorneys.

Proposer will utilize caseload and time spent statistics to assess attorney work.

Proposer will also discuss performance of attorneys informally with the Court, staff and other counsel.

Proposer will conduct interviews with subcontractors and audit files on a random basis.

#### **Public Accountability**

Proposer guarantees that all budgeted monies for this contract be used exclusively to fulfill Proposer's obligations under this contract and will not to subsidize the private business or the private practice of law of Proposer or Proposer's staff or subcontractors.

**4.2.8 Proposer's Qualifications**

The Law Office of Joseph M. Ahart, Inc. currently contracts with the Shasta County Superior Court to provide and administer court appointed legal representation to all parties in juvenile dependency actions in Shasta County.

The Law Office of Joseph M. Ahart, Inc. currently provides, by way of subcontract, legal representation to criminal defendants on a court appointed basis in Shasta County. The Law Office of Joseph M. Ahart, Inc. is one provider of these services in a panel of nine primary subcontractors. Joseph M. Ahart personally provides the legal representation in those cases. Additionally, Joseph M. Ahart has practiced law in California for over a decade, which included over six years in the Shasta County Public Defender's Office as a Deputy Public Defender. See attached resume for more detail.

**Professional References****Melissa Fowler-Bradley, Court Executive Officer**

Shasta Superior Court  
1500 Court Street  
Redding, CA 96001

(530) 245 6761

**Jeff Jens, Administrator Shasta County Conflict Public Defender**

1558 West Street, Suite 1  
Redding, CA 96001

(530) 243-3071

**Timothy Pappas, El Dorado County Assistant Public Defender**

3976 Durock Road, Suite 104  
Shingle Springs, CA 95682-8567

(530) 621 6440

**4.2.9 Cost Proposal****Budget**

Administrative Costs	\$200,000
Investigative Costs	\$250,000
Legal Representation Costs	\$850,000

**Flat Fee**

\$1,300,000 per year (\$108,353.33 per month) including investigation costs.

\$1,050,000 per year (\$87,500 per month) without including investigation costs.

Contract Price does not include representation for death penalty cases, cases including extraordinary time, expert consultant/witness, any other ancillary services excluded by the Request for Proposal.

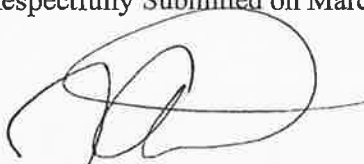
**Additional Compensation for Special Cases**

Hourly or flat fee negotiated as necessary.

**4.2.10 Financial Assurances**

The Law Office of Joseph M. Ahart, Inc. has sufficient cashflow to finance one month of all costs in advance to payment by the County. Documentation available upon request.

Respectfully Submitted on March 10, 2017,

A handwritten signature in black ink, appearing to be 'J. M. Ahart', written over a horizontal line.

Joseph M. Ahart

Schedule A – Public Defender Services

Proposed public defender services:

- a. Representation of accused persons (excluding infractions), from the time of appointment to final adjudication or disposition and, as necessary, filing appeal or other legal documents pursuant to Penal Code Section 1240.1.
- b. Representation of any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to Juvenile Court Law, when such proceedings are concerned with a person alleged to be or who has been found to be within the description of the provisions of Sections 601 and 602 thereof.
- c. Services are provided to financially eligible accused persons without expense to the defendant except as provided by Section 987.8 of the Penal Code.
- d. Representation of any eligible person in any proceeding brought by a County agency or department which may result in involuntary detention or treatment.
- e. Representation of any eligible person in proceedings under Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code, relating to the Lanterman-Petris-Short Act.
- f. Representation of any eligible person who requires counsel pursuant to Section 686.1 of the Penal Code (capital cases), depending on contract negotiations.
- g. Representation of any eligible persons in Habeas Corpus proceedings related or stemming from underlying criminal cases.
- h. Representation of an eligible defendant whose case was transferred from Lake County to another county as a result of a change of venue.
- i. Provide the County with relevant workload and case related statistics, as required, and to actively participate in any and all cost-recapture mechanisms for services provided as specified by statute or County policy.

Schedule B – Resume of Proposed Administrator

Please see attached.

**Joseph M. Ahart**  
1548 West Street  
Redding, CA 96001  
(530) 246 4357  
josephahartlaw@gmail.com

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**Objective** To secure a contract to provide court appointed legal services for indigent clients in Lake County

**Experience** **Sole Practitioner**

Law Office of Joseph M. Ahart, Inc., Redding, CA  
*June 2013 – present*

Contracted with the Shasta County Superior Court to provide and administer legal services for all court appointed attorneys in juvenile dependency cases

Provided legal representation to indigent clients in the felony departments of the Shasta County Superior Court

Provided legal representation to the children in guardianship matters and gravely disabled in conservatorship matters in the probate department of the Shasta County Superior Court

**Deputy Public Defender III**

Shasta County Public Defender's Office, Redding, CA  
*November 2006 – June 2013*

Provided legal representation to indigent clients in the juvenile delinquency, felony, and misdemeanor departments of Shasta County Superior Court

Provided legal representation to the children in guardianship matters and gravely disabled in conservatorship matters in the probate department of the Shasta County Superior Court

Member of the collaborative justice team administering the Intoxicated Driver's Program (IDP) in the misdemeanor department of the Shasta County Superior Court

Provided legal representation to criminal defendants entering and engaged in the Addicted Offender Program

Provided MCLE training regarding taking a holistic approach to preparing clients to successfully complete terms of probation and other various legal points; mentored and trained Deputy Public Defenders; developed efficient practice strategies for fellow Deputy Public Defenders

**Associate**

Rich, Fuidge, Morris and Lane, Marysville, CA  
*January 2006 – November 2006*

Provided legal representation to parties in dissolution and child custody matters in both the Yuba County and Sutter County Superior Courts

Provided legal representation to clients in the felony and misdemeanor departments of the Yuba, Sutter, Butte and Yolo County Superior Courts

**Certified Law Clerk**

Sutter County District Attorney's Office

*May 2004 – June 2006*

Conducted preliminary hearings and court trials; researched legal points and drafted motions and responses in homicide, felony vandalism, driving under the influence, juvenile proceedings and other criminal cases; attended meetings consisting of senior prosecutors, defense attorneys and probation officers; developed a law and motion database and revised existing law and motion documents for future use

**Education**

**Juris Doctorate**

University of California, Hastings, San Francisco, CA

*May 2005*

**Bachelor of Arts, Political Science**

University of California, Berkeley, Berkeley, CA

*May 2002*

**Bar Admissions**

Admitted to practice law under California State Bar Number 238700 in December 2005.

**References**

References are available on request.