



Legislation Text

File #: 17-269, Version: 2

MEMORANDUM

TO: Board of Supervisors

FROM: Carol J. Huchingson, County Administrative Officer

DATE: March 21, 2017

SUBJECT: Approve Contract between the County of Lake and the Law Office of Pekin & Pekin for Indigent Defense Services; and Authorize County Administrative Officer to sign

EXECUTIVE SUMMARY:

The County is obligated by law to provide public defender services to those that cannot otherwise afford such defense services. Most indigent defendants are accommodated pursuant to the County's master public defense contract with Lake Legal Defense. Due to multiple conflicts of interest, Lake Legal Defense was not able to provide defense services in the case of homicide defendant Gary Williams. In addition to a homicide charge, this case also has special circumstance allegation and thus holds the potential for the death penalty.

Consequently, public defense services have been provided by an attorney working under a separate contract. That attorney, however, recently requested and was granted release from representation by the court, necessitating staff's search for another qualified attorney.

Because of the seriousness of the charges, this case is likely to be protracted. In such instances, staff attempts to find a qualified attorney willing to accept a cap on their compensation. Although challenging, staff has identified an attorney, which the court has already appointed, who is willing to accept a rate of \$80 per hour for the first \$40,000 and thereafter a rate of \$80 per hour not to exceed \$10,000 per month. This compensation structure is consistent with the approach that staff has previously employed in such cases.

Although the court has already made this appointment, staff believes this is the best deal that could have been negotiated even if more time had been provided by the court.

FISCAL IMPACT: ☐ None ☒ Budgeted ☐ Non-Budgeted
Estimated Cost: see narrative
Amount Budgeted:

FISCAL IMPACT (Narrative):

\$80 per hour for the first \$40,000 and thereafter a rate of \$80 per hour not to exceed \$10,000 per month

STAFFING IMPACT (if applicable): N/A

RECOMMENDED ACTION:

Approve Contract between the County of Lake and the Law Office of Pekin & Pekin for Indigent Defense Services; and Authorize County Administrative Officer to sign