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March 17, 2026

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**AUTHORIZE THE LOS ANGELES COUNTY PUBLIC DEFENDER  
TO EMPLOY ONE RETIRED COUNTY EMPLOYEE ON A TEMPORARY BASIS  
AND GRANT AN EXCEPTION TO THE  
180-DAY WAITING PERIOD REQUIRED UNDER THE  
CALIFORNIA PUBLIC EMPLOYEES' PENSION REFORM ACT**

**(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

The Los Angeles County Public Defender requests the Board's approval to grant an exception to the 180-day waiting period required under the California Public Employees' Pension Reform Act (PEPRA) of 2013 before reinstating retired County employees as 120-day rehired retirees. The Department affirms that the retiree is highly skilled and that the work he will be performing is critical.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Waive the 180-day break in service requirement and reemploy retired County employee, David Marsh, to a 120-day temporary assignment as a Deputy Public Defender II in the Department's Special Services, Post-Conviction Unit.

2. Approve the request for David Marsh to receive compensation at the rate of \$75.37 per hour and work no more than 960 work hours within a fiscal year, upon the Board's approval of his temporary reemployment as a Deputy Public Defender II.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Public Defender's request to waive the 180-day break-in-service requirement is intended to provide additional staffing support to ensure operational continuity in light of higher-than-average attorney attrition and recent staffing reductions, while the Department continues efforts to recruit, hire, and train permanent attorney staff.

The Department has implemented multiple mitigation measures to address challenges related to attorney recruitment, attrition, and workload. These efforts include streamlining recruitment and hiring processes to more efficiently backfill vacant attorney positions and utilizing Civil Service Rule 13.04 (Emergency Appointments) to further expedite hiring. In addition, the Department continues to leverage its attorney law clerk program, which has proven to be an effective pipeline for recruiting and hiring entry-level attorneys.

The Department intends to assign Mr. Marsh to the Post-Conviction Unit (PCU) to assist with the Unit's ongoing post-conviction workload. Mr. Marsh retired from PCU as a highly skilled and experienced attorney who consistently managed a substantial and complex caseload. Work in the PCU requires specialized training and extensive experience in post-conviction related law. Throughout his tenure, Mr. Marsh was heavily relied upon for his expertise in the most complex and intricate post-conviction matters.

Mr. Marsh's return will provide immediate operational relief by allowing for a more manageable distribution of cases. His extensive background in post-conviction litigation and complex felony defense enables him to contribute effectively without the need for additional training. As a 120-rehired retiree, Mr. Marsh will provide essential coverage to mitigate staffing gaps and ensure the Department continues to meet its constitutionally and statutorily mandated obligation to provide post-conviction representation to indigent clients.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

Approval of the recommended actions is consistent with the County's Strategic Plan North Star 1, Make Investments that Transform Lives and North Star 2, Foster Vibrant and Resilient Communities.

### **FISCAL IMPACT / FINANCING**

The Department will utilize an ordinance-only item and fund the requested rehired retiree utilizing one-time State grant funds.

The Honorable Board of Supervisors

March 3, 2026

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**FACTS AND PROVISION/LEGAL REQUIREMENTS**

The recommended action is consistent with the California Public Employee's Pension Reform Act of 2013, which allows a person who retired from County service to serve without reinstatement from retirement or loss or interruption of benefits provided by the retirement system before a period of 180 days following the date of retirement if the Board certifies the position is critically needed and the retiree possesses the critical skills to perform the work in limited duration.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The recommended actions will provide the Department with additional staffing support to help address operational gaps resulting from higher-than-average attorney attrition and vacancies.

Respectfully submitted,



RICARDO D. GARCÍA  
Public Defender

RDG:JT:BD

Enclosures

c: Executive Office, Board of Supervisors  
Chief Executive Officer  
County Counsel  
Auditor-Controller  
Human Resources  
Los Angeles County Employees Retirement Association