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April 14, 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 employing 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, Michael Theberge, to a 120-day temporary assignment as a Deputy Public Defender II in the Department's Appellate Unit.

2. Approve the request for Michael Theberge 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 and 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.

Mr. Theberge retired from Appellate as a highly skilled and experienced attorney who consistently managed a complex caseload. The Department intends to assign him to Appellate to provide specialized legal support, including consultation with the Post-Conviction Unit, Immigration Unit, and trial teams. In this role, he will provide consultative support to attorneys engaged in legal research and law and motion matters. He will assist with research and post-conviction case strategy, helping to reduce attorney workload.

Mr. Theberge has a unique skill set and extensive experience preparing Appellate briefs and is a subject-matter expert, providing specialized guidance to the Appellate team. In addition, Mr. Theberge's specialized knowledge and expertise will be used to assist train departmental staff on various legal topics in coordination with the Training Division.

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. Mr. Theberge's salary will be paid for by funds from a Board of State and Community Corrections grant for performing work associated with the grant objectives.

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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.

On February 3, 2026, the Board of Supervisors approved a hard hiring freeze and a freeze on non-essential services, supplies, and equipment. Although 120-day retiree appointments were not exempted, the Board authorized an exception for positions included on the Exempt Positions List, which includes the Deputy Public Defender II classification.

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