



LA County Indigent Criminal Defense Appointments Program

December 23, 2022

BACKGROUND

Los Angeles County is required to provide criminal defendants with legal representation. The Public Defender and Alternate Public Defender typically provide this representation. However, in cases where the Public Defender or Alternate Public Defender is unable to represent a criminal defendant due to a legal conflict or other lawful unavailability, the County maintains a panel of independent attorneys who can provide a legal defense.

Since 1998, the County of Los Angeles contracted with the Los Angeles County Bar Association (LACBA) to administer the County's Indigent Criminal Defense Appointments (ICDA) program known as the Independent Defense Program (IDP) to represent indigent people who cannot be represented by the Public Defender or Alternate Public Defender. LACBA provided administrative oversight of IDP and a panel of qualified attorneys, proficient in the defense of indigent criminal defendants. Panel attorneys are independent and responsible for their assigned cases.

WHAT'S HAPPENING NOW?

The existing LACBA contracts are scheduled to expire on June 30, 2023. The County is preparing for the current contracts to end and to transition the responsibilities for the administration of the IDP program to the County Public Defender's office.

There will be no impact on services provided and the transition will be seamless for the panel attorneys and their clients.

The County and LACBA have agreed to work together to ensure a seamless transition that does not negatively impact panel attorneys, their clients who depend on the program, or court operations. This transition will not affect Public Defender attorneys and support staff. The County will continue to leverage IDP contracted attorneys to represent clients in cases where a conflict exists.

The County believes that enhanced services can be provided more cost effectively under this new administrative model and will leverage economies of scale to reach that goal.

NEXT STEPS

- The Public Defender will establish an Office of Assigned Counsel (OAC) within the department. The OAC will manage all aspects of panel administration and will be ethically "walled off" from other departmental operations, including a separate "fire walled" partition within the department's case management system, to ensure no conflicts of interest.

- The OAC will assume all responsibility for quality control of the panel and ensure that panel attorneys are trained and use existing resources provided by the court.
- Panel attorneys will remain independent contractors and continue using court-appointed resources to represent their clients.
- Panel attorneys will use a case management system similar to Public Defender's to ensure consistency and transparency in data gathering and reporting.
- The Public Defender's model is based on an existing model established by the County of San Diego.

FUTURE COMMUNICATIONS

The Public Defender's communication with stakeholders (e.g., Alternate Public Defender, Los Angeles County Bar Association, panel attorneys, and the court) regarding the transition and administration of this program will continue through the transition period. We will be posting additional information in an FAQ format in the days ahead.

COUNTY'S COMMITMENT

During this transition, the County remains committed to ensuring that every person charged with a crime and cannot afford an attorney has effective, equitable, and culturally competent legal representation. We are grateful to the Los Angeles County Bar Association for their long partnership with the County, which reflects our shared interest in making sure the justice system serves everyone in our communities. These upcoming changes reflect that commitment, and we look forward to a smooth transition.