

# The San Diego Union-Tribune.

## County seeks group for indigent counsel

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Legal representation for the county's poorest defendants could change hands again, as negotiations have stalled on a new contract to provide outside lawyers in roughly 5,000 cases annually.

The county is searching for a group to run a program that gives legal counsel to indigents who can't be represented by the public defender because of conflicts.

The program's future is in question because the county has been unable to work out a deal with the San Diego County Bar Association – which has run the program for 12 years – since its contract expired June 30.

If the county can't find a replacement, officials would have no choice but to create an in-house office to administer the program – an idea that some lawyers say won't ensure independent counsel for indigents.

**Michael Crowley**, president of the Criminal Defense Bar Association of San Diego, said the program's independence is crucial and questioned whether it would remain so if sharing the same offices and computers as the public defender.

“We are concerned very much about proper representation of defendants in criminal cases, especially indigent defenders because they always get the short end of the stick,” **Crowley** said. “It's been a continuous fight to make sure that that representation is *real* representation.”

The county is mandated to provide a legal defense for those who cannot afford an attorney. To provide that, the county has a Public Defender's Office.

However, some cases, such as a drug arrest, have several defendants with each needing separate legal counsel. The Alternate Public Defender's Office is the second line of defense. A third office handles high-level felony cases with conflicts.

All others are then represented through the county bar association's Private Conflict Counsel program.

The program, which cost about \$7.1 million last year, is run by an eight-member administrative staff and has a panel of about 150 lawyers independent of one another that can be tapped for indigents.

“We've been really honored to do this program,” said Heather Rosing, the county bar association's president. “We feel like we're doing something good for the community.”

It continues to run the Private Conflict Council program on a contract extension that expires Oct. 31.

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One of the sticking points in negotiations with the county has been the bar association's decision to seek an administrative rather than full-service contract.

Basically, the association wants to administer the program but have attorneys and investigators paid directly by the county. Right now, the county simply pays the association a lump sum, which it uses to pay attorneys.

Rosing said the financial burden on the nonprofit association can be too much to bear if costs increase unexpectedly.

Dorothy Thrush, finance director for the county's Public Safety Group, which oversees the Public Defender's Office, declined to discuss specifics about the negotiations, other than to say no progress was being made when talks were cut off in July.

This will be the second time in a year that the county has sought out other bidders. In November, the bar association was the only respondent to an official request for information. The deadline for a new attempt is Sept. 23.

Public Defender Steve Carroll said the lack of competition created “difficulties in coming to an agreement.”

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