



COUNTY OF YOLO

Office of the County Counsel

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County Counsel

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Request for Qualifications Conflict Indigent Defense Panel Attorney—Misdemeanor Appeals

Introduction:

The County of Yolo discharges its obligation to provide legal defense to indigent defendants primarily through the Office of the Public Defender. However, section 987(a)(3) of the California Penal Code provides that where the Public Defender refuses or is unable to provide a defense, whether due to conflicts of interest or for other reasons, the Yolo Superior Court shall assign counsel to represent a defendant. For these defendants, the County has developed a panel of attorneys who accept a pro-rata share of the conflict indigent defense cases. This panel currently consists of six attorneys who handle conflict cases, with one attorney assigned exclusively to the handling of misdemeanor appeals arising from criminal proceedings in Yolo Superior Court. Panel attorneys contract with and are paid by the County.

There is currently a need for a qualified attorney **to represent indigent defendants in misdemeanor appeals and writs** arising from proceedings in Yolo Superior Court. The selection of an attorney to provide these services will be made by the County pursuant to this Request for Qualifications (RFQ). Other assignments for the selected attorney are not anticipated at this time, but could arise subsequently in individual cases upon appointment by the Yolo Superior Court.

Any attorneys wishing to apply for this position need to provide a cover letter and resume of professional qualifications, as described in more detail below. The County will review and consider all qualified applications. It is anticipated that the selection of one or more qualified candidates will occur in June 2021, with contract execution expected within 1-2 weeks following selection. The selected attorney will be required to execute a standard conflict panel agreement with the County and provide proof of insurance as described in the agreement (and summarized below).

Scope:

Assignments for the selected attorney will be limited to the handling of all aspects of misdemeanor appeals and writs involving indigent defendants arising from proceedings in the Yolo Superior Court, whether filed by the defendant or by the District Attorney. The number and nature of cases assigned is difficult to predict and, at times, no such appeals may be pending. While the frequency of appeals has diminished during the COVID-19 pandemic, the pre-pandemic workload averaged about one appeal per month.

The selected attorney will be required to commence services on **July 1, 2021** or as soon thereafter as a contract can be executed.

Compensation:

The rate of compensation will be determined through negotiation with the selected attorney. Proposed rate(s) of compensation should be included with the submission of materials in response to this RFQ.

Compensation for appeals will be paid monthly within fifteen (15) days following submission of an invoice reflecting each task performed (in general detail) and time spent in quarter or tenth of an hour increments for each appeal handled by the selected attorney. The attorney will provide at his or her own expense all appropriate office and legal staff as necessary to provide competent legal services in the cases covered by the agreement. The attorney will bear at their own expense all normal office costs, including but not limited to, communication services, copy expenses, legal research, in state travel, insurance, etc. With advance approval by the County Counsel or a court order, the County will pay reimbursement of actual costs borne by the selected attorney for unusual or extraordinary expenses not typically incurred in handling a misdemeanor appeal.

General Qualifications:

Applicants must be a current member in good standing of the California State Bar, with at least three years of experience as an attorney engaged in the practice of law in the State of California. Experience in the practice of criminal law, including misdemeanor defense, is required.

Insurance Requirements: The selected attorney must maintain, at their sole expense, the following coverages: \$1,000,000 aggregate comprehensive general liability, with broad form property damage insurance; and \$300,000 aggregate professional liability. The County and its elected officials, officers, agents, employees and volunteers shall be named as additional insureds on all but the professional liability insurance. Additional requirements apply and will be set forth in an agreement to be negotiated with the selected attorney.

Questions:

Any questions regarding this position should be submitted to Phil Pogledich, County Counsel, via email at philip.pogledich@yolocounty.org. Questions should be submitted no later than **5:00 p.m. on Tuesday, June 8, 2021**. Answers to all questions received will be posted to the webpage for the Office of the County Counsel on the Yolo County website by 5:00 p.m. on Friday, June 11, 2021.

Submission Requirements:

Please submit a cover letter and resume summarizing your professional qualifications and experience emphasizing your experience in criminal law generally, plus any relevant experience in misdemeanor appeals. Your cover letter should also identify a proposed rate of compensation and affirm your ability to meet the County's insurance requirements, as set forth above. All materials must be submitted to the Office of the County Counsel **by 5:00 p.m. on Tuesday, June 15, 2021**. You may submit your materials via email to Phil Pogledich, County Counsel (preferred) or in person (with advance arrangements only) to the Office of the County Counsel:

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