



# California Standards for Contract and Panel Defense Systems

Almost half of California's 58 counties utilize panel or contract systems as the primary indigent defense provider for their communities, and nearly all California counties rely on a panel or contract system for conflict representation. Recognizing the need for statewide guidance and standards in such systems, the Office of the State Public Defender undertook an 18-month research and collaboration project

that combined national best practices with input and practical insight from panel, contract, and county leaders from across California. The resulting **California Standards for Contract and Panel Defense Systems** provide a rubric for the development and management of an appointed counsel system that ensures both accountability and quality representation.

## 1: Independence

**Defense system administration must be independent and free from political or judicial influence.**

- The attorney administrator hires or contracts with attorneys, assigns cases, and sets program policies independently.
- All funding determinations for ancillary defense resources, such as experts and investigators, are approved by the attorney administrator rather than the court.

## 2: Leadership and Structure

**Strong, effective leadership via an attorney administrator is essential to provide guidance and accountability.**

- The defense program is run by an attorney administrator with extensive criminal defense and leadership experience.
- The attorney administrator develops attorney standards and implements systems for case assignments, attorney training, and accountability.
- The leader gives a voice to panel attorneys and their clients by participating in county meetings to weigh in on community needs.

## 3: Tiered Attorney Classification and Case Assignment Based on Experience

**Attorneys entrusted with protecting the constitutional rights of appointed clients must demonstrate their qualifications, and cases must be assigned based on attorneys' experience level.**

- Inclusion in the panel/contract program is by application, with attorneys vetted by the attorney administrator, in cooperation with other defense leadership or advisory committee.
- Attorneys are classified based on their documented level of experience, and case assignments are made based on the training and experience level required in a given case.
- Attorney compensation is tiered and reflects case complexity.



#### 4: Client-Centered Representation Model

Program policies and procedures reflect and enforce standards to support prepared and zealous advocacy.

- Panel procedures contemplate and enforce evidence-based practices, including continuous representation, early and consistent client contact, and holistic defense.
- Case assignment systems ensure attorneys hold a sustainable and appropriate caseload of appointed matters.

#### 5: Oversight and Guidance

There must be oversight, regular assessment, and support of attorneys to ensure high-quality representation.

- Program design and funding must allocate sufficient resources for the attorney administrator to meaningfully and regularly evaluate attorney qualifications and performance.
- Attorneys' supports and tools are woven into program design to ensure all appointed counsel have the resources necessary to effectively advocate for their clients.

#### 6: Training and Attorney Development

Attorneys must receive regular criminal and delinquency-specific training, in addition to mentorship opportunities for growth.

- The panel/contract system sets meaningful guidelines for ongoing attorney training in the field of criminal/juvenile defense.
- The program provides or makes accessible relevant trainings on new laws and specialty areas to panel attorneys. For less experienced attorneys, attorneys new to criminal defense, and attorneys transitioning from misdemeanors to felonies, a formal mentorship program is offered/required.

#### 7: Data Collection

The defense system must prioritize data collection as a means of evaluating attorney workloads and performance.

- Data on attorney workload and efforts is gathered and evaluated to enforce accountability and empower leadership to identify weaknesses, strengths, and program needs.
- Utilization of a case management system facilitates real-time collection of caseloads, attorney effort, and case outcome data critical to meaningful oversight of the panel. Such systems can also streamline case assignment and billing.



### 8: Funding and Access to Defense Resources

The defense system must provide their attorneys with the funding, tools, and resources necessary to render effective representation on par with institutional defender offices.

- The program ensures all attorneys have access to and use of research tools, experts, investigators, and other defense supports critical to current defense practice.
- To ensure parity between panel/contract representation and that provided by institutional public defense offices, the program provides attorneys access to or consultations with immigration attorneys, appellate support, and in the most complex cases, co-counsel.

### 9: Adequate Compensation Structure

Attorneys must receive competitive compensation commensurate with their skill and experience, the complexity of cases handled, and in parity with comparable attorney rates.

- The program does not engage in flat fee arrangements, and instead compensates attorneys for actual work performed in order to incentivize meaningful advocacy.
- Billing and payment systems are overseen by the attorney administrator and include attorney reimbursement for expenses directly incurred on appointed cases.

### 10: Transparency and Client Access

The defense system emphasizes the importance of client access and communication through all available means.

- The program prioritizes attorney-client communication and provides the tools necessary for attorneys to engage in such communication with clients both in and out of custody.
- Community transparency and accountability is emphasized through a user-friendly, public-facing website that explains the work of the program, facilitates client-attorney contact, and provides a straightforward process for receiving and addressing complaints against attorneys.

