



24-5601

DATE: May 7, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Tony LoPresti, County Counsel

SUBJECT: Amendments to Independent Defense Counsel Office Legal Services Agreements

RECOMMENDED ACTION

Consider recommendations relating to amendments to Independent Defense Counsel Office legal services agreements. (LA-1)

Possible action:

- a. Approve First Amendment to Agreement with Leah N. Gillis relating to providing criminal defense legal services for indigent defendants increasing the maximum contract amount by \$50,000 from \$300,000 to \$350,000, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality.
- b. Approve First Amendment to Agreement with Brian C. McComas relating to providing criminal defense legal services for indigent defendants increasing the maximum contract amount by \$50,000 from \$300,000 to \$350,000, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality.
- c. Approve First Amendment to Agreement with Jamyrson L. Pittori relating to providing criminal defense legal services for indigent defendants increasing the maximum contract amount by \$50,000 from \$300,000 to \$350,000, with no change to the term of the Agreement, that has been reviewed and approved by County Counsel as to form and legality.

FISCAL IMPLICATIONS

At the April 16, 2024 Board of Supervisors meeting, the Board approved additional funds for the Office of the County Counsel budget relating to Independent Defense Counsel Office expenditures for Fiscal Year 2023-2024. There are adequate funds in the Fiscal Year 2023-2024 budget to support these amendments.

CONTRACT HISTORY

The Agreements between the County of Santa Clara with Leah Gillis, Brian McComas, and Jamyrson Pittori, respectively, for Fiscal Year 2023-2024 became effective on July 1, 2023, for a one-year term and each has a maximum compensation amount of \$300,000.

These Agreements were entered into pursuant to a delegation of authority granted to the Director, Independent Defense Counsel Office by the Board of Supervisors on June 7, 2022 (agenda item 87).

REASONS FOR RECOMMENDATION AND BACKGROUND

The Independent Defense Counsel Office (IDO) is a separate function within the Office of the County Counsel. The IDO administers the indigent defense conflicts program for the County. This is the program where private attorneys are nominated by the Director of IDO for appointment by the court to represent indigent defendants when the Public Defender and Alternate Defender have declared a conflict. Nominations are made from a list of highly qualified criminal defense attorneys developed and maintained by the Director of IDO.

Effective July 1, 2023, the County contracted with Leah Gillis, Brian McComas, and Jamyrson Pittori to serve as IDO panel attorneys providing criminal defense services for indigent defendants. Approval of an amendment to each agreement is requested to ensure that funding is readily available for these panel attorneys to continue providing necessary criminal defense services on an ongoing basis through June 30, 2024.

Due to the volume and complex nature of the criminal defense matters that Leah Gillis, Brian McComas, and Jamyrson Pittori are handling, their services for Fiscal Year 2023-2024 will exceed the total compensation limit amount of \$300,000 per agreement. Ms. Gillis is currently assigned to 52 felony cases, including 27 cases in which the client faces a potential life sentence. Mr. McComas is currently assigned to 48 serious felony cases, 24 of which are highly complex. Ms. Pittori has been assigned to several time-sensitive felony cases with serious charges and significant court activity this fiscal year.

Pursuant to Board Policy 5.6.5.1(D)(1)(k), contracts with law firms hired by the County to assist with legal matters are exempt from competitive procurement.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

CONSEQUENCES OF NEGATIVE ACTION

The County will not be able to continue to compensate Leah Gillis, Brian McComas, and Jamyrson Pittori for the criminal defense service that they provide to indigent defendants in Santa Clara County.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will notify Kim Forrester in the Office of the County Counsel when the fully executed, approved First Amendments are available.

ATTACHMENTS:

- Legal Services Agreement with Leah Gillis for Fiscal Year 2023-2024
- First Amendment to Legal Services Agreement with Leah Gillis for Fiscal Year 2023-2024
- Legal Services Agreement with Brian McComas for Fiscal Year 2023-2024
- First Amendment to Legal Services Agreement with Brian McComas for Fiscal Year 2023-2024
- Legal Services Agreement with Jamyrson Pittori for Fiscal Year 2023-2024
- First Amendment to Legal Services Agreement with Jamyrson Pittori for Fiscal Year 2023-2024