

## **Proposed Alternate Public Defender's Office (APDO)**

### **Frequently Asked Questions**

This FAQ explains Santa Cruz County's proposal to establish an in-house Alternate Public Defender's Office (APDO). The new office will help the County provide high-quality legal defense services while responding to budget challenges and preserving the public defense workforce.

#### **What is a conflict case?**

A conflict arises when the Primary Public Defender's Office (PPDO) cannot represent a person because doing so would create an ethical conflict. For example, the office may already represent another person involved in the same case. In those situations, the case must be assigned to a separate attorney or a different office. This ensures that every person accused of a crime has an attorney who is free from competing interests and able to provide effective, conflict-free representation.

#### **How are conflict cases currently handled and what is changing?**

All conflict cases are currently handled by outside entities. The County has had a long-standing contract with the Page & Dudley law firm to handle conflict cases. County Counsel oversees the Criminal Defense Conflicts Panel (CDCP), which handles additional levels ("tiers") of conflicts. CDCP is comprised of law firms and attorneys that are independent contractors.

For Fiscal Year (FY) 2026-27, Santa Cruz County is proposing to restructure the conflict system so that the Public Defender's Office can handle first-tier conflict cases. The department will house two offices: a PPDO that will handle non-conflicted cases; and an APDO that will handle the first-tier conflict cases currently handled by Page & Dudley. Further conflicts cases would still be handled by the CDCP.

If approved by the Board of Supervisors, the APDO will begin taking new first-tier conflict cases on October 1, 2026, and the contract with Page & Dudley will end on September 30, 2026. The County recognizes the valuable expertise and experience the legal professionals at Page & Dudley have contributed to the community. While future plans for the firm are a matter for its leadership, attorneys are invited to join the Criminal Defense Conflicts Program (CDCP).

Attorneys interested in positions with the Alternate Public Defender's Office (APDO) are encouraged to apply and will receive priority consideration during program implementation.

### **Why is the County proposing this change?**

When Santa Cruz County opened the County Public Defender's Office in 2022, it was clear the conflict model would need to be evaluated in the coming years to ensure consistent representation in indigent defense. The County faces significant budget challenges in FY 2026-27, accelerating the evaluation of the model and the proposal to transition handling conflicts in-house.

The contract model has served the County well, but it is less integrated with the broader public defense system. Emerging best practices also favor moving away from fixed-cost contracts toward models that provide greater oversight, transparency, and accountability, and support holistic defense models like the one currently used by the Public Defender's Office that address clients' interconnected legal and social needs.

Establishing an in-house APDO will also improve coordination, provide more consistent services, and improve cost certainty, while retaining County employees and maintaining high-quality legal representation. These factors informed the County's decision to bring first-tier conflict representation in-house.

Establishing an in-house APDO will:

- Strengthen oversight and accountability
- Improve efficiency and coordination
- Protect clients' constitutional rights
- Maintain high-quality legal representation
- Provide holistic defense to more clients
- Reduce costs
- Avoid reductions in County staff

### **Have other counties implemented this model?**

Yes. This model follows precedents set by the Counties of Santa Clara, Solano, Contra Costa, San Diego, and Stanislaus, all of which provide conflict representation under similar structures.

## **What will happen to cases that continue past September 30, 2026?**

To ensure continuity of service and promote optimal client outcomes, attorneys at Page & Dudley are invited to finish any cases that may extend beyond September 30, 2026. The attorneys will be compensated at the hourly rates paid to the CDCP panel for these services.

## **Will the APDO be independent from the Public Defender's Office?**

Yes. The APDO and PPDO will operate as two functionally independent offices within the Public Defender's Office, each acting as a separate law firm for purposes of client representation. APDO will maintain full independence in all client-related matters.

The Public Defender will provide administrative oversight only, including administrative supervision of APDO's Managing Attorney and management of the overall budget. A small administrative team will support both divisions under strict confidentiality protocols to ensure no client information is shared.

Both APDO and PPDO will operate under the same mission, values, policies, and defense model, including a commitment to holistic, interdisciplinary representation, ensuring consistency, quality, and accountability across both divisions.

Independence and conflict-free representation between the two offices (PPDO and APDO) will be ensured through:

- Separate attorneys and supervision within each office
- Policies to assure individuals accused of crimes receive conflict-free representation, including independent case supervision for PPDO and APDO
- Physically separate office space
- Distinct communication systems and contact points
- Strict confidentiality protocols and data access controls
- Independent case strategy and decision-making in every case

## **How will conflicts be identified?**

Conflicts will be identified during intake using limited, non-confidential information.

The screening process will include:

- Standardized conflict checks based on State Bar of California rules governing conflicts of interest
- Documentation of screening decisions
- Regular review of the process itself

No one outside the APDO will review confidential case details, legal strategy, or attorney judgment.

### **Will APDO clients receive the same quality of representation?**

Yes. APDO clients will receive the same high-quality representation as those served by PPDO. As clients of a single County department, all individuals with first-tier conflicts will have equal access to the same standards of practice and holistic, interdisciplinary services.

The APDO will have equal access to:

- Investigators
- Social workers
- Legal support staff
- Expert witnesses and other needed resources
- Training and professional development
- Supportive supervision

The social workers are eligible to draw down Medical Administrative Activity (MAA) revenue, which will offset some of the cost of expanding these services. The ability of outside private law firms to draw down some of these resources is constrained.

### **What are the legal and ethical considerations?**

The APDO model is designed to comply with:

- [California Rules of Professional Conduct](#)
- [State Bar of California Formal Opinion 2002-158](#)
- [American Bar Association Ten Principles of a Public Defense Delivery System](#)
- [National Legal Aid and Defender Association standards](#)
- Applicable case law

These standards require conflict-free representation, independent professional judgment, and equal access to necessary resources.

### **Who will oversee client representation at the APDO?**

All legal decisions involving clients will be made solely by APDO attorneys overseen by the Managing Attorney, a senior attorney qualified to supervise an interdisciplinary team and handle complex cases.

### **Will the Public Defender have any role in the APDO?**

The Public Defender will provide administrative oversight, including managing the overall budget of the Public Defender's Office and providing administrative supervision of APDO's Managing Attorney. Neither the Public Defender nor the staff of the PPDO will have access to:

- Confidential client information
- Case strategy
- Legal advice or decisions

### **How will client confidentiality be protected?**

Client confidentiality is a core requirement. The APDO will use:

- Secure and separate office space
- Restricted access to files and records
- Separate communications systems
- Role-based access controls in the case management system
- Separate digital work environments

Only authorized APDO staff will be able to access APDO case information.

### **Will the APDO use the same case management system as the Public Defender?**

The APDO will operate on a separate, secure version of the same case management system used by the PPDO. Each office will have access only to its own cases, ensuring clear separation and confidentiality. This structure supports efficient case management and reporting while maintaining independence between the offices.

### **What types of cases will the APDO handle?**

The APDO will handle all case types currently handled by the Public Defender's Office, including felony, juvenile justice, and misdemeanor cases. The office

will also represent clients in probate matters, Lanterman-Petris-Short Act (LPS) conservatorships, child support contempt proceedings, and CARE Act service cases. Additional responsibilities include handling Mentally Disordered Offender program (MDO) and Sexually Violent Predator law (SVP) matters, collaborative court matters, and post-conviction relief matters, including record clearance. The APDO will also handle other criminal and civil cases requiring conflict representation.

### **Will this affect current County employees?**

This change will not result in layoffs of current County employees. Most positions will be reassigned internally to support a smooth transition, with the goal of preserving the workforce while expanding the holistic defense model. Some roles will be filled through internal or external recruitment, while others will remain vacant to meet fiscal targets. As a result, the PPDO will operate with a 6.25% reduced capacity.

### **How will this affect Page & Dudley employees?**

To ensure continuity of service and promote optimal client outcomes, the attorneys at Page & Dudley are invited to finish any cases that may extend beyond September 30, 2026. The attorneys will be compensated at the hourly rates paid to CDCP for these services.

Additionally, all employees with Page & Dudley are encouraged to apply for positions within the Alternate Public Defender's Office (APDO) and other County departments. During program implementation, applicants from Page & Dudley will receive priority consideration for APDO positions, including additional credit for their experience and expertise serving Santa Cruz County as defense providers.

### **Will this reduce legal services?**

While the restructuring includes necessary changes in staffing capacity, the County expects service levels and quality to remain strong. This is because the proposed model will:

- Improve coordination
- Increase operational efficiency
- Strengthen supervision and accountability

- Enhance consistency in public defense services

Workloads will be closely monitored to ensure the Public Defender's Office can continue to provide effective representation.

**How will immigration consequences be addressed?**

The APDO will continue to have access to specialized immigration expertise. This ensures compliance with legal requirements under *Padilla v. Kentucky* and helps attorneys properly advise clients about potential immigration consequences.