

March 18, 2008

Honorable Nancy Wieben Stock
Presiding Judge of the Superior Court of California
700 Civic Center Drive West
Santa Ana, CA 92702

Subject: Status Update on Open Grand Jury Implementation Items

Dear Judge Stock:

Per your request, and in accordance with Penal Code 933, enclosed please find the County of Orange response to the subject report as approved by the Board of Supervisors. If you have any questions, please contact Theresa Stanberry at (714) 834-3727 in the County Executive Office who will either assist you or direct you to the appropriate individual.

Very truly yours,

Thomas G. Mauk
County Executive Officer

2006-07 Follow Up to Grand Jury Open Implementation Items

Report: Offices of the Public Defender

Released: April 17, 2007

R-1 **Compensation:** Continue to alleviate the attorney compensation disparities between Orange County and the surrounding counties created by findings in F-1 and F-2.

Original Response: The recommendation requires further analysis. It should be noted that there is not always equality between the neighboring counties; therefore, it would be impossible to always maintain parity of attorneys' compensation. Many other factors enter into the computation of compensation—salary is only one. Furthermore, it would place the County of Orange in the position of being required to give salary increases every time a neighboring county gave an increase to its attorneys, effectively undermining the ability of the County of Orange to participate in the collective bargaining process.

Finally, not one of the ex-County employees that the Grand Jury interviewed indicated that he or she left employment with Orange County and took a similar job with a neighboring county because of the variation in salary between the counties. Of the seven ex-County employees interviewed, only two indicated that money was an issue. Yet, money was not the only issue; one said "money wasn't an issue"; one left to have a baby and hoped to return; one didn't want to be a Public Defender any more; one left because he/she had to work too hard; and one didn't feel appreciated and the "money was a lesser issue."

Current Status: This recommendation has been implemented. Deputy Public Defenders have secured significant additional compensation since the time of the grand jury analysis. The County of Orange and the Orange County Attorney Association (OCAA), the bargaining unit for non-management county attorneys including deputy Public Defenders, agreed to a new Memorandum of Understanding for the time period from June 22, 2007 through June 18, 2009. The new agreement incorporates two annual pay increases of 3.75% each, with the next raise to take effect in the summer of 2008. This is in addition to the regular promotions for new lawyers from Attorney I to Attorney II, and Attorney II to Attorney III, which include pay increases. The Attorney III, Deputy Attorney IV and Senior Deputy Attorneys who are not already at the top step of their pay range also receive annual merit pay increases that average 5.5% per year. Other components of the agreement increase attorney compensation, such as an increase in the optional benefit package from \$1,500 to \$2,000 per year and an increase in the number of hours of Annual Leave that can be converted to cash each year.

R-2 **Automation:** Continue the development and implementation of a computerized management system which would address the concerns in finding F-3.

Original Response: The recommendation has not yet been implemented, but should be completely developed and fully implemented within eighteen months barring unforeseen circumstances.

Current Status: The Orange County Board of Supervisors has authorized the Offices of the Public Defender to purchase LegalEdge Software for a new Case Management System. The new application will meet the Department needs, goals, and objectives and includes the capacity for future integration with all the justice partners. The project will take three years to fully implement beginning March 1, 2008, with the core system to be installed and implemented during the first year. In the second year, enhancements will be developed and implemented, adding functionality to the core system.