

Alternate Defender Program Worries Conflicts Attorneys

By Robert Selna

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Alameda County criminal conflicts panel attorneys are in a bind.

They have seen their relatively low pay stagnate for years. But they don't want to push for more, fearing that might put them out of business.

During previous economic downturns, counties have created second public defenders' offices, or "alternate" offices, as a cost-effective way to deal with conflicts.

But such offices take work away from private criminal defense attorneys who in many instances depend on conflicts cases to pay the bills.

In January, Alameda County Public Defender Diane Bellas took a step in the direction of a second defender's office. On a pilot basis, she created a separate division

where five experienced deputy public defenders handle conflicts.

While there is no plan to establish a larger, more permanent alternate defender's office, attorneys in Alameda County say the threat is always looming, forcing conflicts lawyers to take less pay to avoid losing work.

"Compared to other counties we are underpaid — grossly underpaid," said Jim Giller, an Oakland private criminal defense attorney who is chairman of the county's conflicts panel committee. "But we have to walk a fine line because the argument is always out there that the alternate defender's office is cheaper."

Comparing the conflicts pay in Alameda to other large urban counties is difficult because pay scales differ. One significant drawback to Alameda's fee schedule, say

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