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CHAMBERS OF THE
CHIEF JUSTICE

Dependency Legal Group of San Diego

A Non-Profit Public Benefit Corporation

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July 22, 2012

Chief Justice Tani Cantil-Sakauye
350 McAllister Street
San Francisco, CA 94102

Re: The Administrative Office of the Courts Dependency Representation, Administration, Funding, and Training Program.

Dear Chief Justice Cantil-Sakauye,

I am writing to you today on behalf of the Dependency Legal Group of San Diego (DLG), regarding the decisions that you will be making about changes to the Administrative Office of the Courts (AOC) in the wake of the Strategic Evaluation Committee's report and their recommendations, specifically as they relate to the court appointed counsel program for juvenile dependency cases, the Dependency Representation, Administration, Funding, and Training (DRAFT) Program.

DLG is a non-profit public benefit corporation providing legal representation to indigent families involved in the juvenile dependency court in San Diego County. We are a 501(c)(3) charity formed for the sole purpose of providing dependency representation. DLG currently has 64 attorneys on staff dedicated to this work and prior to creating this law firm, I provided direct representation to these families as their trial attorney. As a trial attorney, I participated in the pilot and implementation of DRAFT in San Diego County. I am now the executive director of DLG and a child welfare law specialist.

One of the things that I have learned over the years is that attorneys who haven't practiced in juvenile dependency and judges who have never presided over a juvenile dependency calendar have no idea what it is that we actually do every day. Juvenile dependency truly is a very specialized area of the law that can often go unnoticed but the AOC, through the Center for Families, Children, and the Courts (CFCC) via the DRAFT program has helped to ensure that the children and families involved in juvenile dependency were not overlooked in the judicial process. The standardization of best practices and reporting as well as the access to support and training has increased the quality of legal representation for California's families who have been affected by child abuse and neglect. The statistics gathered to determine success, failure, areas for growth, and innovative practices are better because the data is collected and reported with consistency using the same measures throughout the State. Unlike the now infamous court case management system (CCMS), the web-based case calendaring and tracking system that the DRAFT counties now use is easily accessible via any computer with an internet

connection and has greatly improved the accuracy with which data is collected and reported. While our system certainly has room for improvement, under DRAFT we are now being held accountable in a way that never existed before and we are learning from each other about what is working and what needs to change. Our caseloads are getting more manageable, our staff is better trained, our retention of quality lawyers is beginning to improve, and the families we represent are benefiting.

The judicial council and the SEC report have made clear their desire for more efficient and transparent business practices within the AOC. As a business woman, I can certainly appreciate those objectives and am pleased to report that the DRAFT program continues to meet those goals by making the practices of court appointed counsel in juvenile dependency law in California more efficient and transparent. For example, the creation and support of the California Dependency On-line Guide (CalDOG) has allowed practitioners to have access to training announcements, dependency specific resources, and web-based training that is especially invaluable in a time when on-line legal research tools like LexisNexis and Westlaw are well out of the budgetary reach for many attorneys and law firms, particularly in a public interest area like juvenile dependency. The inability of these attorneys to afford these tools is no longer a barrier to providing competent and efficient representation to their clients and allows calendars to move more quickly because the attorneys are better prepared.

Another example of increased efficiency and transparency under the CFCC administration of the DRAFT program is found in the formal Request for Proposal process they implemented to contract for this work. In many counties around the state, prior to the DRAFT, attorneys signed up to be on an appointment list with individual judges or courts and then issued paper bills based on an hourly rate. In addition to having high administrative costs and being difficult to manage, the billing rates were often inconsistent and unpredictable which, as you know, causes serious problems with regard to budgetary planning. Under DRAFT we now have a formal RFP process that allows public and private firms to engage in a competitive bidding process. The RFP is readily available via the AOC website so that everyone knows what the expectations and requirements are for the contract and the proposals submitted in response are also available to the public. In addition to the consistency and transparency this provides, the ability for a firm to enter into a term-certain contract for this work allows very practical business needs, such as negotiating leases, equipment purchases, and financing, to be addressed in a cost-effective manner. These types of savings are not as readily apparent as others but are important considerations when evaluating the overall effectiveness of the DRAFT and its administration by CFCC.

I am sure that you have received many letters in the past months from individuals urging you to spare their favorite project and look elsewhere to make budget cuts. I appreciate that these are challenging times with uneasy choices that have to be made that will affect many both directly and indirectly so my request to you is simply to ask that you support budget items that have proven to be successful and safeguard the court appointed counsel program by securing adequate funding to allow the AOC to continue the DRAFT program.

Sincerely,



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