



# OFFICE OF THE PUBLIC DEFENDER TURNS 60!

By G. Christopher Gardner

On September 21, 2019, the San Bernardino County Public Defender will celebrate 60 years as the primary provider of criminal defense in our county for those unable to afford representation. We are grateful to the San Bernardino County Board of Supervisors, and the office of the CEO for recognizing the importance of the work we do and insuring that we have the resources necessary to fulfill our mission. We also could not do our job without our relationships with the other members of the San Bernardino County Law and Justice Committee (Sheriff, District Attorney, Probation, Courts, Department of Behavioral Health and Public Health), and appreciate their willingness to work with us when they can to achieve the best outcomes for our clients. Today, the Public Defender's office is seen as an integral part of the county family and a department whose services are recognized and valued as necessary to help achieve the county vision of "insuring the success of our residents from cradle-to-career".

How did the San Bernardino County Public Defender get to this point? Through hard work, perseverance and the unwavering dedication of our employees to serve the less fortunate even when there are times when the rest of society can't understand why, or how we do what we do. Our mission statement reads, **"Defending Constitutional Rights & Pursuing Justice Through Excellent Representation"**, and we are committed as an organization to finding ways to do it better each time. The practice of indigent defense is constantly changing. In order to truly understand the strides we have made, it is important to take a look back and see how we began.....and to thank the SBCBA for their efforts in getting us started!

It was May 1941, nearly 22 years before the United States Supreme Court decided *Gideon v. Wainwright* (372 U.S. 335) when members of the SBCBA presented a petition with 336 signatures to the San Bernardino County Board of Supervisors requesting the creation of a Public Defender office. Various arguments were used to justify the request for an office. These included complaints that the attorneys being appointed to represent the poor in criminal court at that time were expected to handle the cases pro bono, the fact that the attorneys appointed were often not qualified to handle the cases, and the belief that the existence of a Public Defender would result in more cooperation with the Courts and District Attorney and lead to a more efficient criminal justice system. The Board of Supervisors decided not to create the office at that time, and instead chose to improve the system incrementally by authorizing pay for the appointed attorneys.

On September 21, 1959, still three (3) years before *Gideon*, members of the SBCBA were back at the Board of Supervisors,

this time joined by the District Attorney, Chief Probation Officer and Presiding Judge to advocate again for the creation of our office. While many of the arguments were the same, a new one that proved persuasive was the fact that the number of appointments had greatly increased and it would be more cost-efficient to create a Public Defender to handle the volume. After much discussion a motion was made and the position was approved. Further debate occurred and Chief Deputy District Attorney Ed Foley was selected to become the first Public Defender of San Bernardino County. His salary was set at \$866.00 a month and he was provided a staff of three, a Deputy Public Defender, an Investigator and a Clerk. The total budget was \$28,000 a year.

It is fair to assume Mr. Foley would not recognize the Public Defender's office today. The Board of Supervisors approved our 2019/20 budget for a little more than \$45 million. Our staff consists of 277 employees, including 21 managing attorneys and 118 Deputy Public Defenders. We also have 38 investigators and 18 social workers, and the most dedicated support staff anywhere. The department is divided into four (4) main divisions throughout the county and we routinely handle over 50,000 cases a year. Aside from our general adult units, we have a very robust Human Services Division which houses our Juvenile Delinquency, Civil Commitment (mentally disordered offenders and sexually violent offenders) Post-Conviction, Immigration, Training and Social Worker teams.

The department also has a pre and post-bar law clerk program and social worker intern program. These clerks and interns are recruited locally and nation-wide; however, our office has a specific emphasis on investing in our community by building relationships and recruiting from local colleges and universities. Both programs enable us the opportunity to develop and evaluate talent and often lead to entry level positions in the department.

While those numbers illustrate our dramatic growth, they don't begin to tell the whole story. For the past 10 years our office has been dedicated to providing holistic, client-centered representation to our clients. While our primary obligation will always be to protect each client's constitutional rights and zealously defend them in court, we use our defense team to learn more about our clients as individuals and try to find ways to assist them reach self-sufficiency and well-being. This team approach works because each member of the team has its role to play. The Deputy PD's direct the flow of their cases and are assisted by an investigator to investigate the client's criminal case, as well as, a social worker to support and advocate for the client as a person. The Deputy PD uses the information learned during each unique

## SAN BERNARDINO COUNTY PUBLIC DEFENDERS FROM 1959...



Edward P. Foley  
1959-1961



Charles E. Ward  
1961-1983



David McKenna  
1983-2000



Jane Lawrence  
2000, Interim



John Roth  
2000-2005

investigation to achieve the best outcome for the client. Holistic representation also means that we help our clients even after their case is complete to clear their record, or assist them to locate services to help them be successful.

We helped create a nationwide trend when we embraced holistic defense and this has enabled us to respond quickly to the many criminal justice reforms in California since 2010. Our programs are often cited as models by other public defender offices throughout California, and several managers and deputies from our department have traveled across the country to train on our programs. We have received numerous recognitions over the past decade from agencies like the California Public Defender Association (CPDA), National Association of Counties (NACo), and California State Association of Counties (CSAC).

As the Public Defender, I am in awe on a daily basis at the dedication our staff has to our clients. We are very proud to do what we do, and our department is, or has been home to many of the best criminal defense practitioners to ever practice in the area. Whether attorneys began their careers in our office and moved

on, or remained a part of our team throughout their careers, we consider ourselves an extended family united in a cause that our Founders believed to be necessary to prevent tyranny, protect the individual and insure that everyone has a voice. We have one of the best public defense agencies in California and will continue to push the bounds of indigent defense to lead on the issues of the day. We are fortunate to be able to help people every day, and believe that no one should be judged solely by the worst thing they have ever done. Thanks to the SBCBA for your help getting us going.....look at what you have started! Here's to another 60 years!

*G. Christopher Gardner has been the Public Defender of San Bernardino County since April 2018. He has been with the Public Defender's office since 2006 and before that was a partner in the San Bernardino law firm Friedman, Gebbie and Gardner. He currently sits on the Boards of Directors for the National Legal Aid and Defender Association (NLADA) and the Pacific Juvenile Defender Center (PJDC), and is a member of the California Judicial Council for Family and Juvenile Law. He graduated from McGeorge School of Law and the University of Redlands.*



*Second District Supervisor, Janice Rutherford welcomes Juvenile Justice Practitioners from across the State to her district, at a conference held at Victoria Gardens in Rancho Cucamonga.*



*2019 State of the Office held at Victoria Gardens in Rancho Cucamonga with guest speaker, Amanda Knox. Pictured Left to Right: Chief Alexander, Chief Cannady, Public Defender Gardner, Amanda Knox, Chief Canty, Assistant Public Defender Sone, and Chief Sterling.*



*Members of our Post-Conviction Unit, at a record clearing event.*



*The Parent and Child Connection Program is designed to strengthen parent-child relations through reading and communication.*

*Assistant Public Defender, Thomas Sone engages with members of the Inland Empire National Council of Negro Women, as part of our community speaker engagement series.*



## ... TO THE PRESENT



Gerald Farber  
2005, Interim



Doreen Boxer  
2005-2010



Phyllis K. Morris  
2010-2018



G. Christopher Gardner  
2018 to Present



*Attorney staff from our office participating in the Parent and Child Connection Program assisting inmates to record books for 34 children.*