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## **Economy & Efficiency Commission Presentation**

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*Editorial Note: Although every effort has been made to insure the accuracy of the material in this presentation, the scope of the material covered and the discussions undertaken lends itself to the possibility of minor transcription misinterpretations.*

**PRESENTATIONS BY  
Janice Fukai  
Alternate Public Defender  
Los Angeles County**

**November 06, 2008**

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Chairman Ikejiri greeted Ms. Fukai, Alternate Public Defender and welcomed her while turning it over for her to speak to the Economy and Efficiency Commission (EEC). Ms. Fukai expressed that she was honored to be there and thanked Executive Director Edward Eng for inviting her to speak to the EEC.

### **History of the Alternate Public Defender**

Ms. Fukai stated that the Board of Supervisors appointed the first Public Defender in the United States in 1913 and the office has been providing constitutionally mandated and quality legal representation to indigent people since that time. The Public Defender can only ethically represent certain people and not others due to conflicts of interest. This situation most typically arises where more than one person is charged with a crime in the same case. Ms. Fukai explained that the Public Defender can only represent one person in those types of cases since each person charged with a crime is entitled to have their own lawyer devoted to protecting their interest in the case. If the other person or persons are indigent, the court must appoint other counsel to represent them. The most common way to handle this situation had been for the courts to appoint counsel from the ranks of a private bar. There were, of course, variations. There were panels of private attorneys and even an ill-fated attempt to create a county-wide contract program to handle the Public Defender conflict cases. All attempts turned out to be very expensive and not cost effective.

Ms. Fukai also explained that as costs continued to rise, the Board of Supervisors authorized a study to look for better ways to provide high quality and cost effective legal representation for indigent persons who could not be represented by the Public Defender because of a conflict of interest. The study included a review of the Alternate Public Defender office created by the San Diego Board of Supervisors in 1990.

The leaders of Los Angeles County soon saw the value of the San Diego experience. In February 1992, County Counsel recommended to the Superior Court that Los Angeles County develop an Alternate Public Defender (APD) based on the San Diego Model.

In the fall of 1993, the Board of Supervisors appointed Bruce Hoffman as the first Los Angeles County Alternate Public Defender. He immediately selected his executive team consisting of Chief Deputy Janice

Fukai, the current Alternate Public Defender, and Administrative Deputy James P. Schoonover to begin the arduous task of building a Public Defender office from scratch. Within 45 days, Alternate Public Defender lawyers started appearing on cases in the Downtown Civic Center Courts. Over the succeeding years the APD has implemented Board ordered expansions into courts in Pasadena, Long Beach, Norwalk, Santa Monica, Van Nuys, San Fernando, Antelope Valley, Torrance, Compton, and Pomona.

In April 2002, the Board of Supervisors took the Alternate Public Defender to an entirely new level. By unanimous vote, the Board appointed Ms. Fukai as the new Los Angeles County Alternate Public Defender. Ms. Fukai shared that she is the first woman of Asian American heritage to serve as a Department in the County of Los Angeles. Building on the foundation she created as Chief Deputy Alternate Public Defender, Ms. Fukai is leading the department into the 21st Century. Ms. Fukai also shared that she places a premium on teamwork, camaraderie, and the wonderful sense of "family" that was cultivated when the office was small, and that continues to flourish today.

A 15-minute PowerPoint presentation were used to highlight some of the technological innovations and accomplishments of APD: Inmate Video Conferencing System, allowing attorneys to interview incarcerated inmates; Case Management System, a case tracking and database management system designed to organize information about every APD case, and; Performance Evaluation Management System that helps create goals and track progress of performance evaluations.

### **Questions**

Commissioner Reznik asked who has access to the Inmate Video Conferencing System. Ms. Fukai replied that the Inmate Video Conferencing System is available to the District Attorney's Office, Public Defender's Office, and the Alternate Public Defender's Office. Ms. Fukai explained that out of the three offices, the Public Defender and Alternate Public Defender use the system more since all their clients are incarcerated.

Commissioner Fuhrman asked why we should have two separate departments with essentially the same functions but use entirely different personnel, IT, and organizational support systems. Commissioner Fuhrman commented on why not merge the two departments operationally since they have the same personnel, IT, and office support systems. Ms. Fukai replied that that would be okay with her. She stated that there has to be two different departments for ethical reasons. Commissioner Fuhrman asked how the County might reduce the census in jails given that so many people in jails are pretrial. Ms. Fukai stated that the Alternate Public Defender is doing a lot of great things under Doyle Campbell, DCEO of the Safety Cluster. There is currently a pilot project going on in Burbank where the department is trying Video Arraignments. Instead of the Sheriff Department transporting the inmates to the Courts it is being done through the video conference system. The department has also looked at the Early Disposition Program (EDP) so that cases can be resolved and settled especially for the cases that can be resolved at an earlier date. The department is also looking into electronic monitoring for the less violent inmates, or people that have been convicted for a lower non-violent crime to reduce the population. Commissioner Fuhrman asked whether the Public Defender's Office is also looking into all these ideas. Ms. Fukai responded that she is unaware of what the Public Defenders Office is doing and that the E&E Commission would need to address the Public Defenders Office on those issues.

Commissioner Glassman asked how the WorkLoad Difficulty Index was developed for the Caseload Management System. Ms. Fukai replied that it took years to tailor the WorkLoad Difficulty Index and the formula that was used had to be constantly modified. Ms. Fukai stated that department staff put their ideas together and thought about all the critical things that make a caseload difficult, the number of cases, the types of cases, and experience of the Lawyer has on the case. The department took all these factors and assigned numerical values to them. Commissioner Glassman asked whether other departments have inquired on the sharing and use of this system. Ms. Fukai replied that no one in particular has asked. However, the APD has shared its Performance Evaluation Measurement System (PEMS) with other departments such as: Public Defender, Animal Care & Control, and Agricultural Weights and Measures.

Commissioner Sax asked how APD deals with the confidentiality of sharing data. Ms. Fukai replied the department does not share data and that it is an in-house and completely confidential system.

Chairman Ikejiri expressed his appreciation to Ms. Fukai for coming to speak to the EEC and the Commissioners applauded.

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