

**AMENDMENT TO AGREEMENT FOR INDIGENT DEFENSE ATTORNEY  
JUVENILE COURT**

This Amendment, by and between Weber County ("County"), a political subdivision of the State of Utah, and Mary Anne Ellis ("Attorney") (collectively referred to as the "Parties"), amends and modifies the Parties' Agreement for Indigent Defense Attorney in Juvenile Court.

**RECITALS**

**WHEREAS**, Attorney has a contract with County to represent indigent defendants in juvenile court ("Agreement"); and

**WHEREAS**, County has incurred reporting obligations to the Indigent Defense Commission in exchange for grant money;

**WHEREAS**, County has approved a pay increase for Attorney for the 2021 year;

**NOW THEREFORE**, for good and valuable consideration, it is agreed between the Parties as follows:

1. Paragraph 5 of the parties' Agreement shall be modified as follows:

Attorney agrees to provide the Coordinating Attorney with various caseload information on a monthly basis in a format approved by the Coordinating Attorney. Attorney will use Defender Data, or other software that may be required by the County, as a means of tracking and reporting various information about Attorney's assigned cases. In the event Attorney fails to provide the caseload information timely, County may impose a financial penalty on Attorney that will be deducted from Attorney's paycheck. The financial penalty shall be \$75 for a first offense, \$100 for a second offense, and \$250 for a third and subsequent offenses.

2. Paragraph 23 of the parties' Agreement shall be modified as follows:

County agrees to pay Attorney the following amounts annually:

<b>Basis for Amount</b>	<b>Amount</b>
Juvenile Court Child Welfare Calendars	\$76,393
Juvenile Detention Hearings	\$10,500
Mental Health Court	\$4,875
Juvenile Court Coordinating Attorney	\$10,400
<b>Total</b>	<b>\$102,168</b>

Payments shall be made to the Attorney in equal monthly installments of \$8,514.00 per month.

The first installment at this rate is due before the end of March 2021 and a like sum on the last day of each month thereafter through December 31, 2021.

3. The following paragraphs shall be added to the Agreement.

Beginning on March 1, 2021, Attorney agrees to act as the assistant coordinator and supervisor to the Coordinating Attorney ("Assistant Coordinating Attorney"). In the capacity as Assistant Coordinating Attorney, Attorney shall be responsible for the following:

- a. Attorney shall supervise the provision of indigent defense services within the Juvenile Court in Weber County to ensure that said services meet or exceed the requirements of the Sixth Amendment and the Utah Indigent Defense Act.
- b. Attorney shall coordinate assignments for all juvenile defense attorneys who have a contract with the County ("Juvenile Public Defenders"). This shall include but not be limited to assigning attorneys to courts and court calendars in juvenile courts, drug courts, mental health courts, detention hearings, and other hearings as necessary.
- c. Attorney shall assist the Coordinating Attorney to develop, monitor, and coordinate the preparation and implementation of policies and procedures to ensure that the County's indigent defense system is in compliance with the Indigent Defense Commission's Core Principles and assist in the preparation of long range planning proposals and policies related to those Core Principles.
- d. Attorney shall meet regularly with the Juvenile Public Defenders and review caseload information to ensure that each Juvenile Public Defender has a substantially equivalent case load in comparison to other Juvenile Public Defenders based on their respective compensation.
- e. Attorney shall meet quarterly with Juvenile Public Defenders to determine if their respective caseloads are manageable under the Rules of Professional Conduct. If a Juvenile Public Defender reports that his or her caseload is too great to manage in accordance with rules or ethics, Attorney shall take appropriate action to resolve the problem. Resolution may include but not be limited too, reassigning a case or cases; assigning an additional attorney for complex cases; requesting the attorney to lessen or eliminate private practice matters, or find other solutions.
- f. If Attorney believes that the overall caseload for the Juvenile Public Defenders is not manageable under the rules of professional conduct, he shall immediately contact the Coordinating Attorney and the liaison county commissioner to seek additional resources and present a plan that defines the problem and provides possible solutions.
- g. Attorney shall receive, respond to, and attempt to resolve complaints that may be

lodged by anyone against the Juvenile Public Defenders and seek to identify potential conflicts or complaints that persons may have against the Juvenile Public Defenders.

- h. Attorney shall establish a rotation for assignment of conflicts among the Juvenile Public Defenders.
  - i. Attorney shall establish and maintain a system for gathering data and compiling that data into statistical reports that demonstrate gross trends and caseload management. Said data and statistical reports shall be reported to the County on a regular basis. Attorney shall also compile and provide any data and reports that are required to comply with the terms of any grant award agreements.
  - j. Attorney shall meet with the Coordinating Attorney and the county commissioner liason at least once quarterly to report on gross trends, caseload management, and statistical reports for the Juvenile Public Defenders.
  - k. Attorney shall meet with the Coordinating Attorney in advance of the annual budget hearings with the County to discuss compensation rates and contract provisions for the Juvenile Public Defenders.
  - l. Attorney shall develop and implement a system for the collection of closed files from Juvenile Public Defenders and the storage of such files in a secure location deemed appropriate by County and Attorney.
  - m. Attorney shall develop a list of court-approved expert witnesses and encourage other Juvenile Public Defenders to utilize the experts on the list. Attorney will monitor the Juvenile Public Defenders in their use of court-appointed expert witnesses.
  - n. Attorney shall assist the Coordinating Attorney in establishing and maintaining a system to monitor the quality of indigent defense services provided within the County. At a minimum, the system should require Juvenile Public Defenders to meet with Attorney at least twice per year to report on their work and to provide objective evidence of the quality of their work. Should the quality of a Juvenile Public Defender's work fall below standards established by Attorney, County, required by the law, the Utah Bar Association, or the Sixth Amendment, Attorney shall report the deficiency to the Coordinating Attorney and the County and propose a course of action to correct the deficiency which may include advertising the position and terminating the Juvenile Public Defender's contract.
4. All other terms and conditions of the Parties Agreement for Indigent Defense Attorney in Juvenile Court shall remain unchanged.

IN WITNESS WHEREOF the Parties have hereunto set their hands as of the \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By \_\_\_\_\_  
James "Jim" Harvey, Chair

Commissioner Harvey voted \_\_\_\_\_  
Commissioner Froerer voted \_\_\_\_\_  
Commissioner Jenkins voted \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County

ATTORNEY

By Mary Anne Ellis  
Mary Anne Ellis  
Date 2-25-2021

INDIGENT DEFENSE COORDINATOR

By Michael D. Bouwhuis  
Michael D. Bouwhuis  
Date 2/25/21