



Public Defender's Office  
County of Humboldt

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March 24, 2017



To The Humboldt County Board of Supervisors,

We, the undersigned, write this letter to express our belief that David Marcus is not qualified for the position of Humboldt County Public Defender. We do this with great reluctance and trepidation as we have no ill will towards Mr. Marcus, but feel compelled given our duty to our clients to voice the following.

We believe under the plain language of Government Code Section 27701, Mr. Marcus is not legally qualified for the position. Mr. Marcus has been asked numerous times by different employees of the office what sort of law he practiced in the year prior to his appointment. He has given vague, nonresponsive answers, alluding to some sort of consultation work done remotely from Florida. We do not believe this qualifies as practicing law in all courts of the state for the year prior to appointment, nor does it fulfill the obvious intent of the law, to wit, to ensure appointment of someone current on criminal law who is ready and able to handle all manner of criminal cases.

The Humboldt County Public Defender's Office is a small office with a very large caseload. It is true that in much larger offices with many more attorneys, the position of Public Defender may fulfill a more administrative function, and may not actively handle cases. However, that is not the situation in Humboldt. In this office, the Public Defender must be able to actively represent clients in court and handle all manner of cases, from minor misdemeanors to serious felonies, as well as civil commitments and juvenile proceedings. Mr. Marcus has not shown himself willing or able to do this. He does not appear to be current on the state of criminal law in California, which has undergone significant changes over the past five years, during which time Mr. Marcus was not practicing criminal

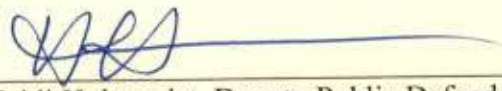
law or even living in California. He is not capable of giving sound advice or input because he lacks the foundation to do so. Since joining the office, Mr. Marcus has displayed difficulty handling simple misdemeanor matters, and we have no confidence whatsoever that he is capable of handling more serious matters, or that he is even willing to handle such cases. His inability and unwillingness is creating a situation where already overburdened attorneys are carrying caseloads that are unsustainable. This not only jeopardizes the rights of our clients to the effective assistance of counsel, but puts staff at risk of unhealthy and unethical work conditions.

As deputy public defenders, we have a duty to zealously protect the rights of our clients to have effective assistance of counsel. We all take that duty extremely seriously. The Board's decision to hire an unqualified attorney to be the Public Defender compromises those rights and puts our clients at a very real and immediate risk. As such, we implore you to reconsider the hiring of David Marcus.

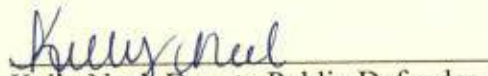
Sincerely,



Casey Russo, Deputy Public Defender  
(6 years of service for the County)



Heidi Holmquist, Deputy Public Defender  
(7 years of service for the County)



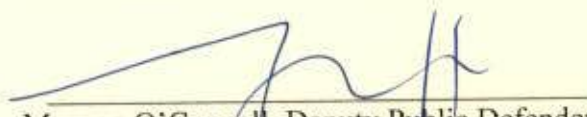
Kelly Neel, Deputy Public Defender  
(10 years of service for the County)



Owen Tipps, Deputy Public Defender  
(8 years of service for the County)



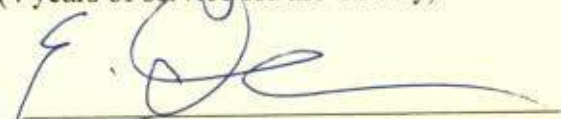
Luke Brownfield, Deputy Public Defender  
(6 years of service for the County)



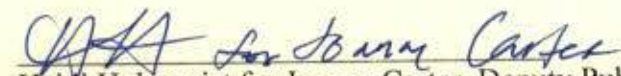
Meagan O'Connell, Deputy Public Defender  
(4 years of service for the County)



Jennifer Dixon, Deputy Public Defender  
(14 years of service for the County)



Eric Fleischaker, Deputy Public Defender  
(6 months of service for the County)



Heidi Holmquist for Joanne Carter, Deputy Public Defender  
(18 years of service for the County)