



ASSEMBLY MEMBER — DISTRICT 44

# Nick Schultz

## AB 690 – Fair Representation Act

### Summary:

Twenty-four out of fifty-eight counties in California do not have a public defender office and instead rely on contracted attorneys to provide all public defense representation. In addition, nearly all California counties rely on contracted attorneys when the public defender cannot take the case. California does not currently provide any guidance related to these contracts, leading to wide variation in the quality of legal representation. AB 690 creates standards for contracts for indigent defense services to ensure that all Californians receive equal access to quality legal services.

### Background:

Many California counties use flat-fee compensation models for indigent defense contracts, paying their attorneys a predetermined amount to take an unrestricted number of cases over a set period of time. Since attorneys are paid a flat rate regardless of the amount of time or work allocated to a case, attorneys are encouraged to prioritize efficiency and cost-effectiveness over their client's interests. These compensation models create ethical issues for attorneys and contribute to unjust outcomes for clients with a disproportionate impact on lower income people, people of color, and noncitizens.

Studies show that attorneys working under flat-fee contract systems rush to dispense with cases quickly, prior to performing necessary investigation or research. Many states have banned flat-fee compensation models and courts in other jurisdictions have found that the economic conflict of interest can create an inference of inadequate representation. The lack of any standard for indigent defense contracts results in a statewide system with

disparate outcomes and a lack of transparency or accountability.

AB 690 will improve Californians' access to justice by prohibiting the use of flat-fee compensation models and by providing standards for indigent defense contracts.

### AB 690 (as amended on 03/27/2025):

- Requires proposals and final indigent defense contracts comply with the Office of the State Public Defender's standards for contract/panel systems;
- Requires explicit language demonstrating a direct relationship between the contract amount and the number of cases; and
- Requires that indigent defense contracts are structured to ensure attorneys receive the compensation, resources, and support necessary to provide each individual client the effective representation our Constitution mandates.

### Sponsors:

Silicon Valley De-Bug  
California Public Defenders Association  
California Attorneys for Criminal Justice

### Support:

Smart Justice California (priority support)

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