

SAN FRANCISCO PUBLIC DEFENDER

MANOHAR RAJU – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



May 2, 2025

The Honorable Rochelle C. East
Presiding Judge of the San Francisco Superior Court
400 McAllister Street
San Francisco, CA 94102

Re: Notice of Public Defender Declaring Unavailability Beginning the Week of 5/5/25

Dear Judge East:

I am writing to inform the Superior Court that beginning next week, the San Francisco Public Defender's Office will start declaring unavailable one day a week in all misdemeanor arraignments in an effort to reduce the caseloads each of our attorneys is currently handling. We will also be declaring unavailable in new arraignments in select felony matters where felony lawyers are already carrying caseloads and workloads which exceed reasonable professional norms. We arrive at this decision after a careful evaluation of our constitutional obligations and after evaluating our staffing capacity in light of the recent proliferation of arraignments.

Since 1921 the elected San Francisco Public Defender has been representing indigent persons accused of crimes in San Francisco (pursuant to Sec. 6.104 of the City Charter). We currently represent the overwhelming majority of adult individuals accused of crime in San Francisco. Our office has had a long history of not just providing competent representation, but rather a robust and effective defense that takes into account community and family impacts of prosecutions. We are proud to have previously received the American Bar Association's Hodson Award for Public Service recognizing our office as an outstanding government and public sector office, numerous awards from the California Public Defenders Association, and countless other tributes from organizations that are aware of our commitment to zealous, comprehensive, and holistic defense.

Our office offers a wide array of services to meet the challenges posed by law enforcement, who aggressively take action against the populations we serve, including units focused on Mental Health, Youth Defender, and Immigration defense. Our two main trial units, the Felony and Misdemeanor divisions, which account for the bulk of our work, have seen an unprecedented increase in the volume of cases they handle. According to the Superior Court's own Criminal Case Dashboard, the number of arraignments has increased from 5002 in 2021 to 7841 in 2024, a 57% increase. Just between 2023 and 2024, the number of arraignments increased from 6046 to 7841, nearly a 30% increase. In 2025, those numbers are continuing to climb. There have been over 200 more arraignments in the first four months of

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Juvenile Division - YGC
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San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.642.8017
www.bayviewmagic.org

MoMagic
P: 415.567.0400
www.momagic.org

this calendar year compared to the first four months of last year. (According to the District Attorney, in 2021, the police referred 8,000 cases for prosecution. By 2024, the number increased to 10,000, a 25% increase in three years.)

With more filings and arraignments as well as fewer cases being diverted, our caseloads are predictably expanding. The number of active pending felony cases has increased from 2706 in January 2020 (pre-pandemic) to 4081 in January 2025, and the number of pending misdemeanor cases has increased from 2108 to 2675 in this time period. Overall, this represents a 40% increase in pending cases in the last five years.

The impact of these additional arraignments and growing caseloads was evidenced by the unprecedented 91 felony cases our defense teams took to trial in 2024, the most felony trials in the history of our office and almost as many as 2022 (31) and 2023 (62) combined. Of these felony trials, 40% resulted in acquittals or hung juries (meaning the District Attorney did not obtain a single conviction) and another 30% resulted in mixed verdicts (meaning our clients were acquitted of some charges). These results are a testament to the dedication and hard work of our attorneys and staff, but in our view they also reflect systemic overcharging practices by the District Attorney which also contributes to our workload issues.

As of April 30, 2025, the Misdemeanor Unit has completed 47 jury trials this year, with an additional 7 trials currently in progress. At this pace the unit is projected to complete between 140 and 160 trials by the end of the year. Notably, across the 47 completed trials, our clients faced a total of 166 charges. Of those, 133 counts resulted in either not guilty or hung juries, while only 33 counts resulted in guilty verdicts. In other words, clients were acquitted, or juries could not reach a verdict in 80% of the charges.

This spike in the number of new cases aligns with the stated priorities of our District Attorney and Police Chief. In their 2025-26 budget narrative the District Attorney has stated “We anticipate that the police will be arresting more people, and we will need to rise to meet that challenge in charging and seeing cases through to conviction. Estimating an additional 10 arrests a day would result in a 25% increase in annual arrests amounting to approximately 2,000 more cases filed annually.” (Page 2, DA 25-26 Budget Narrative). Without commenting on the efficacy of these recent law enforcement priorities, we note the obvious downstream impact such actions have on our caseloads and workloads. While we respect the right of policy makers and law enforcement leaders to implement decisions to aggressively arrest and prosecute persons they believe are breaking the law, it cannot be assumed our office can handle these additional cases with our existing staff. Predictably, the jail population is at or over 100% capacity with as many as 1300 people incarcerated on any given day. The number of contested hearings and jury trials our attorneys are conducting, and the number of bail and other motions we are filing, continue to multiply.

Currently the average caseload of our felony attorneys is 65. For our misdemeanor attorneys it is 145. These caseloads exceed those of our counterparts in neighboring public defender offices. The average felony public defender caseload across neighboring Bay Area counties is approximately 42 felony cases (Contra Costa: 40, Alameda: 50, Santa Clara: 30, Solano: 45, Santa Cruz: 35). In neighboring Bay area counties, misdemeanor caseloads are about 75 per attorney; in some counties they are as low as 50 per attorney.

The recent promulgation of the National Public Defender Workload Study (NPDWS) conducted by the RAND Corporation; the National Center for State Courts; and the American Bar Association among others, assists in confirming our workloads also exceed national norms. Rather than simply counting the number of cases a lawyer is handling, the analysis looked to the nature of the types of cases and the generally expected time those cases require. Using the NPDWS as well as California-specific guidance from the California Council of Chief Defenders and the California Public Defenders Association, we mapped our attorneys' caseloads into the NPDWS's 11 case types to estimate attorney workloads. The study identified the following Case Types and Case Weights (Hours per Case): (1) Felony-High-Life Without Possibility of Parole (286.0), (2) Felony-High-Murder (248.0), (3) Felony-High-Sex (167.0), (4) Felony-High-Other (99.0), (5) Felony-Mid (57.0), (6) Felony-Low (35.0), (7) DUI-High (33.0), (8) DUI-Low (19.0), (9) Misdemeanor-High (22.3), (10) Misdemeanor-Low (13.8), and (11) Probation/Parole Violations (13.5). Under this weighing system, we have evaluated the current average workload our felony and misdemeanor attorneys are currently handling; in both instances, they exceed the requisite hours under the NPDWS analysis. (The study also assessed the reasonable hours a single public defender can devote to their work in a given year. The study's annual workload recommendations are based on a default of 2080 casework hours per attorney/per year, or 40 hours per week for 52 weeks per year. When adjusted for legally allowed time off, the annual hours available for defense case related work is 1700 hours a year.)

Since the Public Defender cannot handle this recent influx of cases, we have made the decision to declare ourselves unavailable in some arraignment matters to attempt to lower caseloads our attorneys carry. Our current plan is to declare unavailable beginning one day a week in misdemeanor cases and to do so in select felony cases, where our attorneys already carry a caseload of multiple homicide cases in addition to an array of felony matters which exceeds reasonable standards. We will closely monitor the effect on our caseloads and immediately discontinue the declaration of unavailability when caseloads and workloads return to manageable levels.

Before making this decision, we have carefully made staffing choices to make our trial units the most robust they have ever been in the history of our office. Of approximately 120 total attorneys in our office, over 90% carry cases and directly represent clients. Most managing attorneys carry partial caseloads and/or are a regular part of their unit's rotation in addition to being responsible for supervising and mentoring attorneys and staff in their units. The elected Public Defender tried a several-month-long homicide trial last year.

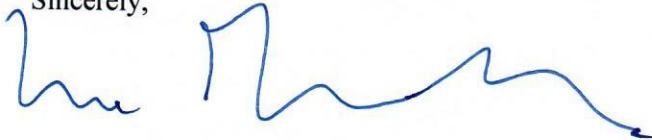
Because the cases we decline to accept appointment in will be handled by the indigent defense panel, we will work closely with them to implement this action. We will continue to urge City Hall adequately work with the Superior Court and Bar Association of San Francisco to fund the Indigent Defense Administration (Adult Criminal Court Appointment panel) to meet the new need.

There are many other issues that need to be addressed at the Hall of Justice including what we believe is the slow dismantling of diversion programs, the overcharging of cases, and the lack of corrective remedies for late discovery in cases ready to go to trial; all of which would have an impact on caseloads and trial delays.

The constitutionally mandated duty of providing effective representation to poor persons charged with crimes is implicated when resources do not keep pace with workload. When a defense attorney has too many cases, they cannot give the appropriate time and attention to each client. Having more clients than an attorney can defend not only imperils clients' lives and denies them their constitutional right to effective assistance of counsel, it also significantly affects the client's family, community, and future generations impacted by their incarceration and criminal conviction. Unmanageable caseloads also effect the lawyers and their respective team members whose responsibility it is to defend persons often facing serious consequences, including life in prison, if convicted. The stress of this work, particularly when caseloads are too high or when resources are not made sufficiently available, is a factor we have also taken into account. Excessive workloads have led to physical and mental trauma which necessitates leaves and other absences. Lawyers already burdened with the responsibility to mitigate the consequences their clients are facing should not have to contend with excessive workloads which contribute to outcomes that a less burdened attorney could have avoided.

We welcome an opportunity to discuss these issues when the affected parties make a commitment to do so.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Gonzalez', with a stylized, flowing script.

Matt Gonzalez
Chief Attorney

cc: Paul Yep, Chief of Public Safety, SF Mayor's Office
Staci Slaughter, Chief of Staff, SF Mayor's Office
Superior Court Judge Teresa Caffese, Dept. 22
Julie Traun, Director of Court Programs, SF Bar Association
Yolanda Jackson, Ex. Dir., SF Bar Association
Brooke Jenkins, San Francisco District Attorney