



**September 4, 2026**

The Honorable Gavin Newsom  
Governor, State of California  
1021 O Street, Suite 9000  
Sacramento, CA 95814

**RE: AB 690 (Schultz) Criminal procedure: indigent defense compensation.  
Request for Veto (As enrolled September 2, 2026)**

Dear Governor Newsom,

The California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC) write to respectfully request your veto on Assembly Bill (AB) 690 by Assemblymember Nick Schultz. This legislation establishes new contractual requirements for counties to administer indigent defense services and prohibits the use of flat fee contracts for defense counsel in specified cases. Without commensurate resources, this measure will inadvertently exacerbate the underlying issue that the legislation seeks to address – improving the quality of public defense statewide.

The state and federal constitutions enshrine the right to counsel and equal protection for all criminal defendants. In California, the state has delegated this constitutional responsibility entirely to counties. Existing law grants counties the authority to design and fund their local public defense system, and county boards of supervisors may appoint a chief public defender. Accordingly, counties have the flexibility to establish systems that meet their county's specific needs which includes local caseload trends, staffing capacity, budget forecasting, and other considerations. In 34 counties, this means an institutional public defender office, whereas the remaining 24 counties and some of the public defender offices use various forms of contract models. Regardless of the model a county selects, the state cannot disclaim its constitutional responsibilities to ensure the right to counsel and equal protection for indigent defendants simply because it has delegated such responsibilities to its municipalities, nor can the state evade its constitutional obligation by passing statutes, even if the indigent defense system is

**AB 690 (Schultz) Criminal procedure: indigent defense compensation.**

CSAC, UCC, RCRC – REQUEST FOR VETO

Page 2 of 3

systematically flawed and underfunded (*Phillips v. State of California*). Although AB 690 does not seek to shift the state's constitutional obligation, it highlights the overarching problem – a lack of state funding and resources that will improve the quality of indigent defense consistently across all counties.

California is one of only two states in the nation that does not provide meaningful or consistent funding for counties to carry out duties on behalf of the state. As a result, counties have struggled with recruitment and retention of qualified, experienced criminal defense attorneys. This shortage has forced counties to structure contracts in a manner that provides attorney flexibility for fluctuating caseloads, budget predictability for counties facing serious cash-flow constraints and revenue instability, and competitive compensation levels to attract attorneys within a limited market. Requiring new contracts for specific cases, as AB 690 proposes, may result in the need to hire additional attorneys amongst an already shrinking pool of qualified candidates in many regions of our state. This proposed restriction on specific contract models could also lead to unintended impacts on the market rate for existing indigent defense contracts, without prioritizing and investing in a long-term plan to build a pipeline of new attorneys or improving recruitment and retention strategies for existing criminal defense counsel.

While we acknowledge the most recent amendments to the bill reduce the number of contractual requirements and narrow the types of cases where an attorney who has agreed to a flat fee contract is prohibited, there are still fiscal impacts that take away from indigent defense services. As drafted, counties would be required to devote additional time and resources to incorporate new contracting and procurement processes that comply with the new requirements. Further, because the prohibition on the use of flat fee contract models only apply for cases that carry a potential life without the possibility of parole or death sentence and other special circumstance murder convictions, it is difficult to ascertain the material impacts given that reported data points are for arrests and convictions, not criminal offense filings and special circumstances. A full assessment of the prospective impacts would entail a county-by-county analysis across departments to estimate the number of cases that necessitate a separate contract. Counties would then be required to develop new and distinct contracts, go out to bid, and hope that there will be attorneys to work exclusively on the most complex, lengthy, high-stakes felony cases in which the caseload is unknown. Unknown caseloads, compensated through hourly models for limited

**AB 690 (Schultz) Criminal procedure: indigent defense compensation.**

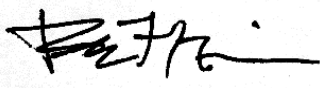
CSAC, UCC, RCRC – REQUEST FOR VETO

Page 3 of 3

case types, could mean an uncertain income for attorneys who could otherwise be on a contract, which guarantee a stable income.

Counties share the goal of reducing the workload of public defenders and improving the quality of representation for the most vulnerable populations. However, this effort must begin with funding as counties are the governmental partners that have been providing constitutionally mandated services on behalf of the state with inadequate support. Ultimately, while AB 690 is well intentioned, it will only exacerbate ongoing operational and fiscal challenges by codifying, in some cases, unattainable expectations while imposing contractual changes that do not ensure state funding and local flexibility which counties have long sought. Instead, we would encourage fostering state-local partnerships by building upon previous state general fund investments that help improve public defense systems and support the direct provision of indigent defense services.

For these reasons, we respectfully urge your veto on this piece of legislation. Should you have any questions, please do not hesitate to contact Ryan Morimune at CSAC ([rmorimune@counties.org](mailto:rmorimune@counties.org)), Josh Gauger at UCC ([jdg@hbeadvocacy.com](mailto:jdg@hbeadvocacy.com)), or Sarah Dukett at RCRC ([sdukett@rcrcnet.org](mailto:sdukett@rcrcnet.org)). Respectfully,



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CC: The Honorable Nick Schultz, California State Assembly  
Matthew Fleming, Deputy Legislative Secretary, Office of Governor Gavin  
Newsom