



## Snohomish County Council

**Committee:** LJHS  
**ECAF:** See Chart Below  
**Proposal:** See Chart Below

**Analyst:** Heidi Beazizo  
**Date:** February 15, 2023

### Consideration

The Executive’s Office requests Council consider approving proposed motions to authorize agreements with outside counsel for indigent services.

### Background

The [Sixth Amendment](#) of the United States Constitution states that the accused has the right to the assistance of counsel for their defense in criminal prosecutions. As not every defendant can afford an attorney, in 1989 Washington State implemented [Chapter 409 \(RCW 10.101\)](#) stating that “legal representation should be provided for indigent persons and persons who are indigent and able to contribute.” This chapter also requires counties and cities to establish standards for the delivery of defense services to indigent defendants.

Since the enactment of [RCW 10.101](#), the County has contracted with outside attorneys for legal services to indigent defendants through the courts<sup>1</sup>, and then in 2000 under the Office of Public Defense upon its creation.<sup>2</sup> Today, the largest contract is with the Snohomish County Public Defender Association (PDA), who is the main provider of legal services to indigent defendants in the County. When PDA has a conflict of interest in a case, the case is deferred to one of the County’s other contracts that specifically picks up cases where there is a conflict of interest between the defendant and the PDA.

### Current Proposal

*Scope:* Approval of motions authorizing agreements with outside counsel for indigent services when there is a conflict with the Snohomish County Public Defender’s Association. Each agreement specifies a not-to-exceed amount and the types of cases the agreement covers.

<b>ECAF</b>	<b>Motion</b>	<b>Name</b>
2023-0095	23-055	Mark Middaugh
2023-0100	23-057	Ann Mahony
2023-0098	23-073	Samantha Sommerman
2023-0140	23-074	Walter Peale
2023-0142	23-075	Vanessa Martin

*Duration:* January 1, 2023-December 31, 2023. Extensions allowed for up to two additional one year terms.

*Fiscal Implications:* Each agreement has a not-to-exceed amount of \$250,000. Hourly rates are set based on the court the case is filed in, and the type of case assigned (Misdemeanor, felony, miscellaneous, child dependency, no contact order, etc.) Rates are outlined in Schedule B – Compensation.

<sup>1</sup> Motion: 90-132; ECAF #: n/a; Leg. Title: Relating to “Conflicts Contracts” for Indigent Legal Services in Criminal Cases

<sup>2</sup> Ordinance: 00-072; ECAF #: 20001559; ECAF Title: Establish an Office of Public Defense

Time is reported and compensated in tenth-of-an-hour increments.

**2023 Budget:** YES

**Future Budget Impacts:** YES

**Handling:** EXPEDITE

**Approved-as-to-form:** YES

**Risk Management:** YES

**Executive Recommendation:** APPROVE

**Request:** Move to GLS on March 1<sup>st</sup> for Council to consider taking action.