



Snohomish County Council

Committee: LJHS

Analyst: Heidi Beazizo

ECAF: 22-0725

Proposal: Mot. 22-312

Date: August 1, 2022

Consideration

The Executive's Office requests Council consider approving proposed Motions 22-312 which would approve and authorize an agreement with Laura Shaver to provide 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 courts¹, and then in 2000 under the Office of Public Defense upon its creation.² 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: Motion 22-312 authorizes the County Executive to sign an agreement with Laura Shaver for indigent services when a conflict of interest occurs between the defendant and the Snohomish County Public Defender's Association. Types of cases covered in the agreement include: Misdemeanors, Felonies, Expedited Felonies, Juvenile Criminal Charges, and Miscellaneous Superior Court cases.

Duration: January 1, 2022 through December 31, 2022. Each agreement includes an option to extend for up to two (2) additional one (1) year terms. Termination is allowed with thirty (30) days written notice.

Fiscal Implications: The Contract establishes different rates and fees depending on the type of each case. The rates and fees can be found in Schedule B of the contract along with the case type for each contractor.

- Expert witness fees and other costs associated with representation are paid from the resources of the various courts

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

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

- Additional compensation, as approved by the Administrator, may be allowed if determined it is reasonable and necessary. Some considered factors are case complexity, number of hours, number of pre-trial motions, etc.

2022 Budget: Not to exceed amount of \$140,000

Future Budget Impacts: N/A

Handling: NORMAL

Approved-as-to-form: YES

Risk Management: YES

Executive Recommendation: YES

Attachments: N/A

Amendments: N/A

Request: Move this motions to GLS on August 10, 2022 for Council to consider taking action.