



Community Safety and Justice

Nicole Gorle

Council Initiated:

☐ Yes

☒ No

ECAF: 2024-1054

Motion: 24-229

Type:

- ☒ Contract
☐ Board Appt.
☐ Code Amendment
☐ Budget Action
☐ Other

Requested Handling:

- ☐ Normal
☒ Expedite – 5/31/24
☐ Urgent

Fund Source:

- ☒ General Fund
☐ Other
☐ N/A

Executive Rec:

- ☒ Approve
☐ Do Not Approve
☐ N/A

Approved as to

Form:

- ☒ Yes
☐ No
☐ N/A

Subject: Office of Public Defense – Indigent Defense Contracts

Scope: Under the contract Roger Atreya, Attorney at Law, will provide legal defense services for cases dealing with children age 12 or over who are involved in a dependency action and Superior Court miscellaneous hourly proceedings when there is a conflict of interest with the County's primary indigent defense provider, the Public Defender Association.

Schedule A outlines the scope of services and Schedule B outlines compensation. Under the contract Roger will be paid:

- \$50/per hour for Superior Court Miscellaneous proceedings
- \$65/per hour for Child Representation in Dependency Proceedings (not ordinarily to exceed \$1,500)

Duration: June 1, 2024 through December 31, 2024 (two additional one-year extensions allowed)

Fiscal Impact: ☒ Current Year ☒ Future-Year ☐ N/A

Expenditures	Current Year	2025	2026	2027	2028	Total
002.5321274118	\$250,000					\$250,000
Total's	\$250,000					\$250,000

Revenue	Current Year	2025	2026	2027	2028	Total
Total's	\$0					\$0

Authority Granted: Authorize the Executive to execute the contract and any subsequent amendments.

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, and then in 2000 under the Office of Public Defense upon its creation. Today, the largest contract is with the Snohomish County Public Defender Association (PDA), who is the main provider of legal

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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.

Requested Action: Move to GLS June 12th for consideration.