



Snohomish County Council

Committee: CSJ
ECAF: 2023-0532 and 2023-0531
Proposal: Motion 23-199 and 23-201

Analyst: Heidi Beazizo
Date: May 15, 2023

Consideration

The Executive’s Office requests Council consider approving proposed Motions 23-199 and 23-201 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 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 and Duration:

Motion	Name	Duration*
23-199	Carlos Gonzales	1/1/2023-12/31/2023
23-201	Karim Merchant	5/1/2023-12/31/2023

**Extensions allowed for two (2) additional one (1) year terms*

Fiscal Implications: 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.

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

2023 Budget: YES

Future Budget Impacts: YES

Handling: URGENT

Approved-as-to-form: YES

Risk Management: YES

Executive Recommendation: APPROVE

Request: Move to GLS on May 24th for Council to consider taking action.

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