



Committee of the Whole

Nicole Gorle

Council Initiated:

Yes

No

ECAF:

2024-0042

2024-0043

2024-0047

2024-0048

Motion:

24-024

24-025

24-026

24-027

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

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: Contractors will provide legal defense services in cases where it has been determined that there is a conflict between the client and the County’s primary legal defense contractor, the Public Defenders Association.

| Motion | Contractor | Duration | Amount |
|--------|------------------------|---|---------------------|
| 24-024 | Natalie Findley-Wolf | 1/1 – 12/31/24 Option to extend two (2) one (1) year terms | \$250,000 / each |
| 24-025 | Kristen Gestaut-Elsner | | |
| 24-026 | Stephen Ritchie | | |
| 24-027 | Timothy Johnson | | |

Duration: 2024 Calendar Year

Fiscal Impact: Current Year Future-Year N/A

The adopted 2024 budget included \$1,004,183 for Conflict Felony Attorney Fees. The four motions before you would approve contracts that commit all but \$4,183 of the 2024 appropriation under this DAC.

| Expenditures | Current Year | 2024 | 2025 | 2026 | 2027 | Total |
|----------------|--------------------|------|------|------|------|-------|
| 002.5321274114 | \$1,000,000 | | | | | |
| Total's | \$1,000,000 | | | | | |

| Revenue | Current Year | 2024 | 2025 | 2026 | 2027 | Total |
|----------------|--------------|------|------|------|------|-------|
| | | | | | | |
| Total's | \$0 | | | | | |

Authority Granted: Authorize the Executive to execute the contract(s) 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

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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.

Requested Action: For Council to consider taking action.