



# Committee of the Whole

Nicole Gorle

**Council Initiated:**

Yes

No

**ECAF:** 2024-0382

**Motion:** 24-141

**Type:**

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

**Requested Handling:**

- Normal
- Expedite – 4/1/24
- 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:** Jason Moore, with Paradigm Law PLLC, 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. The do not exceed amount of the contract is \$250,000 and it may be extended for two additional one-year terms.

**Duration:** April 1, 2024 through December 31, 2024

**Fiscal Impact:**  Current Year  Future-Year  N/A

The adopted 2024 budget included \$1,104,183 for Conflict Felony Attorney Fees. Council has approved contracts for this purpose/DAC with a do not exceed amount totaling \$1 million dollars. While the OPD does not anticipate reaching the total do not exceed amount under each of the approved contracts, this contract would push the cumulative do not exceed amount \$145,817 over what was budgeted in the 2024 budget.

Expenditures	Current Year	2024	2025	2026	2027	Total
002.5321274114	\$250,000					\$250,000
<b>Total's</b>	<b>\$250,000</b>					<b>\$250,000</b>

Revenue	Current Year	2024	2025	2026	2027	Total
<b>Total's</b>	<b>\$0</b>					<b>\$0</b>

**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

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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.