

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
ADOPTING STANDARDS FOR THE PROVISION OF PUBLIC DEFENSE SERVICES.

WHEREAS, the City of Olympia prosecutes misdemeanor offenses that are committed within the Olympia city limits; and

WHEREAS, the misdemeanor offenses are filed in the Olympia Municipal Court; and

WHEREAS, in accordance with the Sixth Amendment to the United States Constitution and Washington State Constitution, Article I, Section 22, persons charged with misdemeanors who are deemed indigent are entitled to the effective assistance of counsel at public expense; and

WHEREAS, RCW 10.101.030 requires that municipalities adopt standards for the delivery of public defense services; and

WHEREAS, in accordance with RCW 10.101.030, the City desires to adopt standards for the delivery of public defense services;

NOW, THEREFORE, be it resolved by the City Council of the City of Olympia as follows:

Section 1. Definitions. The following terms as used in this Resolution are defined as follows:

Attorney: The term "attorney" shall mean an attorney under contract with the City of Olympia for the provision of public defense services, and shall also mean the law firm, if any, for which the attorney works. Therefore, the standards set forth in this Resolution shall also apply to law firms who are under contract with the City of Olympia for the provision of public defense services.

Defendant: The term "defendant" shall mean a person who has been charged with a misdemeanor offense in the Olympia Municipal Court, and who is represented by an attorney as the term attorney is defined in this Resolution.

Section 2. Standards. The following standards apply to all public defense services provided to the City of Olympia:

Standard 1: Compensation. The City's contract for public defense services shall provide for payment at a rate that is competitive for like services in the Thurston County area. No contract for public defense services shall require the attorney to pay any compensation to another attorney in the event the attorney is disqualified from representing a defendant due to a conflict of interest.

Standard 2: Duties and Responsibilities of Counsel. Attorneys shall provide services in a professional and skilled manner consistent with the minimum standards of the Washington State Supreme Court, the Washington State Bar Association, Washington's Rules of Professional Conduct, applicable case law, the Constitutions of the United States and the State of Washington, and the court rules that define the duties of counsel and the rights of defendants. At all times during the representation of a defendant, the attorney's primary responsibility shall be to protect the interests of the defendant.

Standard 3: Caseload Limit, Types of Cases and Limitations on Private Practice. Attorneys shall comply with all caseload limitations imposed pursuant to Washington Court Rules CrR 3.1, CrRLJ 3.1 and JuCR 9.2 and the Standards for Indigent Defense adopted by the Washington State Supreme Court.

Standard 4: Responsibility for Expert Witnesses and Investigative Services. Attorneys shall be free to retain experts and investigators of the attorney's choosing, and may apply to the court for such services pursuant to applicable court rules.

Standard 5: Support Services. Any contract for the provision of public defense services should provide for or include administrative costs and support costs. Attorneys may use qualified paralegal, secretarial, and other services as deemed appropriate. Attorneys shall maintain an office that accommodates confidential meetings with defendants, the receipt of mail, and service of process. Attorneys shall maintain adequate communication services, including but not limited to telephone and email, to provide for efficient communication with defendants, the court, and the City. The City of Olympia shall provide adequate conference space for attorney/client meetings at the City of Olympia Lee Creighton Justice Center.

Standard 6: Training. Attorneys must engage in regular training in the areas of criminal defense law, criminal process, ethics, or any other subject that, in the opinion of the attorney, is applicable to the work of public defense services.

Standard 7: Supervision, Monitoring and Evaluation of Attorneys. For contracts with firms that have more than one attorney, attorneys in that firm shall establish a system in which more senior attorneys regularly review the work of more junior attorneys. The more senior attorneys shall review the case outcomes, caseloads, and any other information deemed appropriate, and shall regularly monitor the attorney's interactions with defendants, case preparation, and in-court activities of more junior attorneys. Attorneys may seek input from judges and other attorneys if appropriate.

Standard 8: Substitution of Counsel and Assignment of Contracts. Attorneys shall not assign a defendant to another attorney or subcontract with another attorney without first obtaining the express written permission of the City and shall remain directly involved in the representation of assigned defendants.

Standard 9: Qualifications of Attorneys. Attorneys shall endeavor to provide the highest quality public defense services. At a minimum, attorneys shall comply with the following: satisfy the minimum qualifications to practice law as established by the Washington State Supreme Court; be familiar with the statutes, court rules, case law and constitutional law applicable to misdemeanor criminal defense work; be familiar with Washington's Rules of Professional Conduct; become familiar with performance guidelines for misdemeanor public defense if adopted by the Washington State Bar Association; be familiar with the consequences of any conviction or adjudication including but not limited to immigration implications; and be familiar with mental health and substance abuse issues applicable to misdemeanant defendants.

Standard 10: Disposition of Defendant Complaints. Attorneys shall establish a process for responding to complaints made by defendants. Complaints that are not resolved by the attorney shall be directed by the attorney to the Olympia City Manager's Office, or may be directed to the Washington State Bar Association. Complaint forms shall be readily available in the Olympia Municipal Court.

Standard 11: Cause for Termination of Defender Services and Removal of Attorney. Contracts with the attorney shall include grounds for termination. Such grounds for termination shall be based on good cause, which shall include, but shall not be limited to, the failure to provide effective assistance of counsel, the disregard of the rights and interests of the defendant, and or a willful disregard for these standards.

Standard 12: Non-Discrimination. Attorneys shall not, in the hiring of employees or the provision of services made possible or resulting from a contract with the City, discriminate on the grounds of race, color, religion, national origin, age marital status, gender, sexual orientation or disability.

PASSED BY THE OLYMPIA CITY COUNCIL this 23rd day of September 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

INTERIM CITY ATTORNEY