

WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE

# ANNUAL REPORT

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FISCAL YEAR 2007



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**OFFICE OF PUBLIC DEFENSE**

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## MISSION STATEMENT

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The mission of Washington State Office of Public Defense (OPD) is to "implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of indigent appellate services funded by the state of Washington." RCW 2.70.005.

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## INTRODUCTION

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The Washington State Office of Public Defense is an independent judicial branch agency. Created by the Legislature in 1996, the agency works to ensure high quality legal representation by:

- implementing procedures for appointment of appellate attorneys and evaluation of indigent appellate attorney services;
- administering funds appropriated for court-appointed counsel in appellate cases and supporting the appellate cost recovery system through timely responses to requests;
- administering state funds and supporting efforts to improve the quality of trial level indigent defense in Washington state;
- initiating and responding to legislative proposals and court rule changes;
- administering a state-funded Parents Representation Program; and
- providing information, special reports and recommendations to the Legislature, including an annual prioritized list of aggravated murder costs submitted by the counties.

The Washington State Office of Public Defense Advisory Committee, made up of state legislators and members appointed by the Governor, the Washington State Supreme Court Chief Justice, the Court of Appeals Executive Committee, and the Washington State Bar Association, oversees the activities of the agency.

During fiscal year 2007, the Advisory Committee conducted business at quarterly meetings and met additionally as necessary to consider time-sensitive issues. The Advisory Committee reviewed draft legislation and court rule proposals, established agency policies and procedures, provided oversight of the budget and agency programs, and resolved fiscal appeals pursuant to court rules.

Both the federal and state constitutions as well as state statutes guarantee the right to counsel for indigent persons in criminal cases and other cases involving basic

rights, including dependency proceedings, parental rights terminations, criminal contempt convictions, and involuntary civil commitments. Indigent parties involved in these cases, in which their fundamental interests are at risk, are entitled to representation at state expense. Indigent defendants are also entitled to court-appointed representation for responses to state appeals and for motions for discretionary review and petitions for review that have been accepted by an appellate court, personal restraint petitions in death penalty cases, and non-death penalty personal restraint petitions that the court has determined are not frivolous.

In addition to improving the delivery of appellate level indigent defense in fiscal year 2007, OPD continued to expand its Parents Representation Program to nearly half of the counties across the state. OPD also continued to work with concerned legal community leaders on critical issues regarding the delivery of trial level criminal indigent defense in Washington State. The agency worked with counties to develop appropriate uses for state funds to improve public defense, provided Continuing Legal Education (CLE) throughout the state for local public defense providers, and monitored three pilot programs designed to identify best practices for public defense in the trial courts.

OPD's enabling statute has a sunset date for the agency of June 30, 2008. As required by statute, the Joint Legislative Audit & Review Committee (JLARC) must conduct a sunset review to determine whether the agency should be terminated or reauthorized by the Legislature. JLARC began planning its evaluation of OPD during the last quarter of the fiscal year for a report due to the Legislature in January 2008. The Sunset Act requires OPD to provide JLARC with performance goals and targets at the time the sunset is established. OPD worked with JLARC in 2000 to meet this requirement for the appellate indigent defense program, which was OPD's primary duty at the time. Since then, the Legislature has greatly expanded OPD's duties to include a Parents' Representation Program and a criminal Trial-Level Public Defense Program, and JLARC has developed the scope and objectives of the sunset review to include the expanded range of duties. JLARC's non-partisan staff employ Generally Accepted Government Auditing Standards, which require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The audit objectives for the OPD sunset review address the inquiry, "To what degree is the state Office of Public Defense: 1) Complying with legislative intent as contained in Chapters 2.70, 10.73, 10.101, and 43.330 RCW and budget provisos? 2) Operating in an efficient and economical manner, with adequate cost controls in place? 3) Reaching expected performance goals and targets? and 4) Duplicating activities performed by another agency or the private sector?"

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## AGENCY STRUCTURE

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During fiscal year 2007, the agency staff was composed of a director, a deputy director, an executive assistant, a budget manager, a senior financial analyst, an administrative technical assistant, three public defense services managers, two parents representation managing attorneys, a parents representation social services manager, and two administrative assistants.

The budget manager analyzed the budget and processed invoices and the senior financial analyst processed invoices for indigent appellate defense services; they both also responded to inquiries regarding billing procedures and allowable claims. The executive assistant responded to inquiries related to cost-recoupment and managed office and document preparation matters, and the administrative assistants provided support and technical expertise. The public defense services managers and parents representation managing attorneys developed and implemented procedures to improve the provision of defense services to indigent defendants in trial-level criminal proceedings and to indigent parents in dependency and termination proceedings. The parents representation social services manager implemented procedures to improve social services to assist parents and their attorneys in dependency and termination proceedings. The director and deputy director oversaw the budget and managed staff and the tasks described below.

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## AGENCY TASKS AND ACCOMPLISHMENTS IN FISCAL YEAR 2007

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*The agency ensured quality indigent appellate services through the appellate appointment system, supports for appellate attorneys, and evaluations of attorney work products*

**Appellate Appointments.** During fiscal year 2007, OPD worked with the Courts of Appeal to continue implementing the agency's appointment system, including the Appellate Appointment Program, first initiated in 2005. Pursuant to court rule, the agency designates appellate attorneys for appointment by the courts in approximately 1,500 cases per year. In Division I, the Court makes rotating appointments to two OPD contract attorney firms. In Divisions II and III, the Courts appoint an OPD contract attorney designated for each individual case through the Appellate Appointment Program. Located at OPD, the system is accessible to the courts through a password-protected web page. Attorneys are selected in rotation based on their location, the case type, and the number of cases assigned in the current year and month. The Appellate Appointment Program continued to operate efficiently in fiscal year 2007, allowing OPD to monitor the program effectively and

ensuring that the courts were timely provided qualified and available attorneys for these cases.

**Contract Evaluations.** Prior to entering into new contracts with the 33 contract attorneys who worked in Division II and III and 21 attorneys who worked in Division I, OPD in 2007 conducted a formal evaluation of each attorney's performance during the 2005-2007 biennium. The agency worked with two expert criminal appellate attorneys who are former law school legal research and writing professors. OPD provided the evaluators with randomly selected briefs written by the appellate attorneys during the biennium. The evaluators read each brief, rated it in accordance with criteria established by the agency in 2001, and communicated the results to OPD.

This year, OPD decided to provide evaluator feedback to each contract attorney. At an appellate conference held in June 2007, individual attorneys met with the evaluators for a half-hour conference to discuss the attorney's work. The contract attorneys appreciated this opportunity for individual feedback. Thus, the evaluation process provided both quality-monitoring information and a unique learning experience for ongoing contractors. Following the evaluation, OPD entered into contracts with all previous appellate attorneys, but required one, as a contract condition, to work with another contract attorney before filing any briefs.

**Resources for attorneys.** OPD expanded the agency's brief bank in fiscal year 2007, adding 827 new briefs. The brief bank then totaled 8,827 appellate briefs, allowing attorneys to save time and improve the quality of their research. Attorneys throughout the state and around the nation have accessed the brief bank, and upon request, OPD has provided information to other states that are interested in setting up similar on-line resources.

OPD continued to encourage the use of electronic resources as well. The agency provides the appellate contract attorneys with technical support and training updates on the use of the Judicial Information System (JIS). JIS is available to public defense attorneys at no cost through the Administrative Office of the Courts, allowing access to superior court and appellate court dockets. OPD also continued to work with attorneys and counties to encourage the use of electronic access to court files, which appellate attorneys must review to prepare their briefs. King and Pierce counties presently provide electronic access to their court files; OPD worked with other counties to expand this service in an ongoing effort to make this available statewide.

During fiscal year 2007, OPD presented Continuing Legal Education (CLE) programs for the contract attorneys in March 2007 and at a statewide conference in June 2007. The covered topics included developments in dependency/termination cases on appeal, interpreter issues, ethics, legal research, and an advanced writing course. Because many of the contract attorneys are sole practitioners who are

geographically remote from other contract attorneys, these CLEs provide unique opportunities to exchange information about current cases and build relationships for mutual support.

***The Parents Representation Program continued to improve practice standards, and was expanded to 5 new counties***

**Program Expansion.** The Parents Representation Program provides state-funded attorney representation for parents in dependency and termination cases. The program began as a pilot to improve standards for parents' representation in 2000 in Benton-Franklin and Pierce juvenile courts. After several positive evaluations of the pilot over a five year period, the Legislature appropriated funds in fiscal year 2006 to expand it to Cowlitz, Ferry, Stevens, Pend Oreille, Grant, Grays Harbor, Kittitas, Pacific, Skagit, and Yakima counties.

In fiscal year 2007, the Legislature authorized a further expansion of the program. This allowed OPD to implement improved attorney representation for parents in five additional counties that had applied for the program the previous year, including Clallam, Clark, Kitsap, Snohomish and Spokane counties. OPD selected parents' attorneys in each county through competitive solicitations, contracting with qualified attorneys for each juvenile court. The new attorneys were required to attend an orientation program and provided desk books and other resources such as LexisNexis on-line research capability. To ensure effective establishment of the new program, OPD also communicated with local attorneys, judges, court staff, the Office of the Attorney General, DSHS, and CASA programs during the implementation process.

**Program Structure.** Parents' attorneys follow enhanced practice standards developed by OPD during the program's pilot. These emphasize frequent communication with parent clients, careful case preparation, and vigilant oversight over parents' ability to access services ordered by the court. In addition, OPD makes limited social worker services available to program attorneys through contracts with program social workers, who work with individual parents as requested by attorneys. The social worker component of the program efficiently supports both attorneys and parents by providing access to social work theory and resources available in the community, and by helping attorneys evaluate ways their clients can participate in their cases successfully.

The Parents Representation Program was managed by two experienced attorneys who implemented the program expansions in fiscal years 2006 and 2007, conducted both formal and informal trainings, provided support and consultation for program attorneys, and oversaw the program's contracts. A Social Services Manager oversaw

the social worker component of the program, by selecting experienced social workers and managing their contracts, conducting training, and providing resources and support.

**Training and Quality Management.** During fiscal year 2007, OPD conducted two statewide Parents Representation Program trainings for program attorneys. Presentations were made on the impacts of poverty, ethics in representing parents, termination case representation, new legislative mandates and caselaw, and other relevant topics. Uniform, high quality education is viewed as a critical step for improving practice standards.

At the end of fiscal year 2007, OPD conducted individual evaluations of each contract attorney before entering into new contracts. Parents Representation Program managing attorneys examined attorney invoices, their requests for resources, their caseload records, and other information, and individually met with each attorney to discuss their performance during the year and elicit suggestions for program improvement. As a result, OPD did not offer new contracts to a handful of attorneys and reduced the caseload size of a few others' contracts. OPD was able to implement several program improvements as suggested during these evaluation conversations as well.

OPD attorneys participated in a number of the state's child welfare policy committees and groups during fiscal year 2007, including the Court Improvement Program Committee, the Joint Task Force on Child Safety, the Joint Task Force on Administration and Delivery of Services to Children and Families, Catalyst for Kids, the Birth Parent Advocacy Group, and the Committee on Expediting Dependency/Termination Appeals. The OPD director is a member of the Washington State Supreme Court Commission on Children in Foster Care.

The 2007 Legislature appropriated an additional \$3.3 million per fiscal year for another expansion of the program in fiscal year 2008. At the end of fiscal year 2007, OPD decided to add another Parents Representation Program managing attorney to help oversee the expanded program.

***OPD improved trial level public defense by distributing state funds and consulting services to counties and cities and providing training and resources to attorneys***

**State Funds to Improve Public Defense.** In recent years, the public and all branches of government have become aware of urgent problems in trial-level public defense in Washington. The courts' Justice in Jeopardy initiative and Washington State Bar Association (WSBA) reports have consistently emphasized the state's duty

to address chronic public defense underfunding and a general lack of adequate oversight over much of the state's public defense system. In 2005, the Legislature passed SB 5454, a Justice in Jeopardy initiated bill, which created a new public defense program at OPD, and HB 1542, which amended RCW 10.101 to create a state process for improving public defense. In 2006, the Legislature appropriated \$3 million annually for the new RCW 10.101 process. Public defense improvement funds are distributed to local jurisdictions by OPD under the new program.

In fiscal year 2007, OPD conducted the first RCW 10.101 application process, distributing each of the 38 participating counties' pro-rata share, calculated in accordance with a formula established in the statute. Pursuant to the statute, ten percent of the appropriated funds were distributed to cities, which competed for grants pursuant to a separate OPD application process. Thirty-three cities applied and five were awarded grants.

During the 2007 legislative session, OPD worked with the Association of Washington Cities to secure the adoption of House Bill 1793 to lift a five-city statutory maximum so more cities can be awarded grants in the future. During the fiscal year 2007 application process, it had become evident that a number of applying cities could effect substantial public defense improvements if they were awarded relatively small grants.

In January 2007, OPD published the *Status Report on Public Defense in Washington State*. This report compiles information reported by the counties in their RCW 10.101 state funding applications, as well as other statewide data, to describe Washington's public defense systems. Prior to the RCW 10.101 process, much of this information was not available in a comprehensive format. OPD plans to publish this document each year, providing an annual progress report on the public defense improvement efforts of the jurisdictions and the state.

**Resource Attorneys.** OPD's Public Defense Services Managers provide consultation services regarding public defense issues to local jurisdictions, among other tasks. During the year, these public defense consulting attorneys provided numerous in-person and telephone consultations to counties and cities upon request.

In addition, OPD continued to contract with Washington Defender Association for resource public defense attorney services during fiscal year 2007, pursuant to legislative directive and RCW 10.101. Two attorneys are funded through this program to provide consultation and support to individual public defense attorneys who contact them about specific case issues. The resource attorneys each provided hundreds of consultations with individual local attorneys during the year.

**Training Program.** OPD expanded its regional training program for trial-level public defense attorneys during fiscal year 2007. Many of Washington's public defense attorneys do not work in public defender offices, but rather have contracts

with jurisdictions to provide public defense. Most of these attorneys practice in remote geographic areas without professional supervision or access to locally available Continuing Legal Education (CLE) programs.

When setting up the CLEs, OPD concentrated on outreach and providing high-quality programs. OPD communicated with jurisdictions to compile contact lists of all contract public defense attorneys and in the various regions, and individually invited these attorneys to the CLE located closest to them. During fiscal year 2007 the agency presented one-day trainings in Wenatchee, Spokane, Richland, Ocean Shores, and Vancouver. Approximately 300 local public defense practitioners attended, and these attorneys evaluated the CLEs as being high-quality, often noting their appreciation of the programs' local nature. The legislative allotment to OPD for training covers the full cost of materials and CLE credits. These regional trainings help raise the quality of public defense practice and encourage networking among public defense practitioners.

**Pilot Programs.** Pursuant to legislative direction, in 2006 OPD established pilot programs in Bellingham Municipal Court, Thurston County District Court, and Grant County Juvenile Court, which continued in fiscal year 2007. The purpose of the pilot programs is to test the impacts of implementing the Washington State Bar Association's public defense standards in these courts.

Prior to the inception of the pilot programs, public defense attorneys in the three courts had caseloads far exceeding standards. Additional attorneys were obtained for each jurisdiction, bringing the caseloads of the municipal and district court attorneys down to 400 cases per year, and the juvenile offender attorneys down to 250 cases per year. The pilot programs will be evaluated in the fall of 2008.

***The agency worked with the Washington State Bar Association, the Washington Defender Association, and other interested groups to update statewide Standards for Indigent Defense Services***

Throughout fiscal year 2007, agency staff continued to work closely with interested groups participating in the WSBA's Committee on Public Defense to update caseload and other service standards that had last been reviewed in 1990.

The standards review was carried out by a subcommittee of the Committee on Public Defense, chaired by the OPD director and made up of individuals with varying perspectives and decades of criminal justice experience, including defense attorneys, prosecutors, state, county and city officials, law school professors, the private sector, and the judiciary. Preliminary data from OPD's public defense pilot program was used to inform and update the caseload standards review. Contemporaneously, the Washington Defender Association conducted its own

review, and the two groups communicated extensively. By the end of the fiscal year, the Committee on Public Defense had nearly completed recommendations for updating the standards, and anticipated final action by the WSBA Board of Governors within a few months.

***OPD developed and submitted the 2007 Extraordinary Criminal Justice Costs Act prioritized list***

The Extraordinary Criminal Justice Costs Act, RCW 43.330.190, allows counties which have experienced high-cost aggravated murder cases to petition for state reimbursement. Under the Act, OPD annually implements the petition process and submits a prioritized list to the Legislature. Pursuant to the statute, priority is based on the comparatively disproportionate fiscal impact on the individual county's budget.

In December 2006 petitions were filed by Grant, King, Skagit and Yakima counties. Costs claimed in these petitions were audited and verified by OPD, including costs for investigation, prosecution, indigent defense, jury empanelment, expert witnesses, interpreters, incarceration, and other allowable expenses. As required by the statute, OPD created a prioritized list in consultation with the Washington Association of Prosecuting Attorneys and the Washington Association of Sheriffs and Police Chiefs, and submitted the list to the Legislature, which granted the following reimbursements in the 2007 budget bill (SHB 1128): \$746,000 to Yakima County and \$162,000 to Grant County.

***The agency processed 15,283 invoices in fiscal year 2007***

During fiscal year 2007 OPD staff processed 15,283 invoices including attorney invoices, pro se transcripts invoices, court reporter invoices, county clerk invoices, appellate court brief photocopying invoices, and administrative invoices.

Vendors continued to submit invoices on a timely basis pursuant to OPD's payment policies posted on the OPD website. The policies, instituted in fiscal year 2004, require timely submission of vendor invoices and proscribe penalties for late invoices. These changes have improved OPD's ability to forecast future budget demands. Notwithstanding the policies, OPD's appellate funding requirements continue to fluctuate based on case filings, which vary for reasons beyond the control of OPD or its contract attorneys.

During daily operation, the agency in fiscal year 2007 also responded to approximately 1,800 requests for information and assistance from courts, attorneys, county officials, incarcerated persons, criminal defendants, and the public.

***The agency supported the appellate cost recovery system through rapid responses to cost summary requests***

Under the Rules of Appellate Procedure, the appellate court determines the costs assessed to unsuccessful appellants. When an indigent defendant is unsuccessful on appeal, the appellate costs become part of the legal financial obligations that can be imposed by judgment. The rules require that a cost bill, prepared by the original prosecuting attorney, be filed with the appellate court within 10 days of the filing of an appellate decision terminating review. Prosecutors' offices forward requests for appellate case cost summaries to OPD. The agency responds within 24 hours in most cases. In fiscal year 2007, OPD answered 909 prosecutors' requests.

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## CONCLUSION

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OPD continuously seeks ways to improve the quality of its services and more fully meet its joint mandates of implementing the constitutional guarantee of counsel and ensuring the effective and efficient delivery of indigent appellate services. During the course of the year, OPD formally evaluated contract attorneys in its appellate and parents representation programs. OPD provided resources and support for the attorneys as well.

In the area of appellate services, OPD assisted contract appellate attorneys by expanding the OPD on-line brief bank, helping attorneys gain access to AOC's on-line Judicial Information System, providing access to the LexisNexis on-line research system, and conducting Continuing Legal Education classes.

In the area of parents' representation, OPD implemented the Legislature's expansion of the program to almost half the counties. Pursuant to the objectives of the 2007 Legislature, OPD provided orientation and training programs for program attorneys and social workers in 18 counties.

In the area of trial level public defense, OPD continued three pilot programs, provided resource attorneys, advised counties when requested regarding public defense contracting, conducted regional trainings for attorneys throughout the state, and enhanced programs to distribute public defense funding to counties and cities to improve the local delivery of public defense services.

Throughout fiscal year 2007, OPD worked with the legal community, the courts, and interested groups to improve trial level public defense and will continue to seek increased funding from the Legislature to improve public defense in Washington State.

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**APPENDIX A**

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## CHAPTER 10.101 RCW

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### INDIGENT DEFENSE SERVICES

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#### [Chapter Listing](#)

#### RCW SECTIONS

[10.101.005](#) Legislative finding.

[10.101.010](#) Definitions.

[10.101.020](#) Determination of indigency -- Provisional appointment -- Promissory note.

[10.101.030](#) Standards.

[10.101.040](#) Selection of defense attorneys.

[10.101.050](#) Appropriated funds -- Application, reports.

[10.101.060](#) Appropriated funds -- Use requirements.

[10.101.070](#) County moneys.

[10.101.080](#) City moneys.

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#### 10.101.005 LEGISLATIVE FINDING.

The legislature finds that effective legal representation must be provided for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional requirements of fairness, equal protection, and due process in all cases where the right to counsel attaches.

[2005 c 157 § 1; 1989 c 409 § 1.]

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#### 10.101.010 DEFINITIONS.

The following definitions shall be applied in connection with this chapter:

(1) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(2) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

(3) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(4) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

[1998 c 79 § 2; 1997 c 59 § 3; 1989 c 409 § 2.]

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## 10.101.020

### DETERMINATION OF INDIGENCY — PROVISIONAL APPOINTMENT — PROMISSORY NOTE.

(1) A determination of indigency shall be made for all persons wishing the appointment of counsel in criminal, juvenile, involuntary commitment, and dependency cases, and any other case where the right to counsel attaches. The court or its designee shall determine whether the person is indigent pursuant to the standards set forth in this chapter.

(2) In making the determination of indigency, the court shall also consider the anticipated length and complexity of the proceedings and the usual and customary charges of an attorney in the community for rendering services, and any other circumstances presented to the court which are relevant to the issue of indigency. The appointment of counsel shall not be denied to the person because the person's friends or relatives, other than a spouse who was not the victim of any offense or offenses allegedly committed by the person, have resources adequate to retain counsel, or because the person has posted or is capable of posting bond.

(3) The determination of indigency shall be made upon the defendant's initial contact with the court or at the earliest time circumstances permit. The court or its designee shall keep a written record of the determination of indigency. Any information given by the accused under this section or sections shall be confidential and shall not be available for use by the prosecution in the pending case.

(4) If a determination of eligibility cannot be made before the time when the first services are to be rendered, the court shall appoint an attorney on a provisional basis. If the court subsequently determines that the person receiving the services is ineligible, the court shall notify the person of the termination of services, subject to court-ordered reinstatement.

(5) All persons determined to be indigent and able to contribute, shall be required to execute a promissory note at the time counsel is appointed. The person shall be informed whether payment shall be made in the form of a lump sum payment or periodic payments. The payment and payment schedule must be set forth in writing. The person receiving the appointment of counsel shall also sign an affidavit swearing under penalty of perjury that all income and assets reported are complete and accurate. In addition, the person must swear in the affidavit to immediately report any change in financial status to the court.

(6) The office or individual charged by the court to make the determination of indigency shall provide a written report and opinion as to indigency on a form prescribed by the office of public defense, based on information obtained from the defendant and subject to verification. The form shall include information necessary to provide a basis for making a determination with respect to indigency as provided by this chapter.

[1997 c 41 § 5; 1989 c 409 § 3.]

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#### 10.101.030 STANDARDS.

Each county or city under this chapter shall adopt standards for the delivery of public defense services, whether those services are provided by contract, assigned counsel, or a public defender office. Standards shall include the following: Compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and nondiscrimination. The standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.

[2005 c 157 § 2; 1989 c 409 § 4.]

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#### 10.101.040 SELECTION OF DEFENSE ATTORNEYS.

City attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will provide indigent defense services.

[1989 c 409 § 5.]

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#### 10.101.050

#### APPROPRIATED FUNDS — APPLICATION, REPORTS.

The Washington state office of public defense shall disburse appropriated funds to counties and cities for the purpose of improving the quality of public defense services. Counties may apply for up to their pro rata share as set forth in RCW [10.101.060](#) provided that counties conform to application procedures established by the office of public defense and improve the quality of services for both juveniles and adults. Cities may apply for moneys pursuant to the grant program set forth in RCW [10.101.080](#). In order to receive funds, each applying county or city must require that attorneys providing public defense services attend training approved by the office of public defense at least once per calendar year. Each applying county or city shall report the expenditure for all public defense services in the previous calendar year, as well as case statistics for that year, including per attorney caseloads, and shall provide a copy of each current public defense contract to the office of public defense with its application. Each individual or organization that contracts to perform public defense services for a county or city shall report to the county or city hours billed for nonpublic defense legal services in the previous calendar year, including number and types of private cases.

[2005 c 157 § 3.]

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#### 10.101.060

#### APPROPRIATED FUNDS — USE REQUIREMENTS.

(1)(a) Subject to the availability of funds appropriated for this purpose, the office of public defense shall disburse to applying counties that meet the requirements of RCW [10.101.050](#) designated funds under this chapter on a pro rata basis pursuant to the formula set forth in RCW [10.101.070](#) and shall disburse to eligible cities, funds pursuant to RCW [10.101.080](#). Each fiscal year for which it receives state funds under this chapter, a county or city must document to the office of public defense that it is meeting the standards for provision of indigent defense services as endorsed by the Washington state bar association or that the funds received under this chapter have been used to make appreciable demonstrable improvements in the delivery of public defense services, including the following:

(i) Adoption by ordinance of a legal representation plan that addresses the factors in RCW [10.101.030](#). The plan must apply to any contract or agency providing indigent defense services for the county or city;

(ii) Requiring attorneys who provide public defense services to attend training under RCW [10.101.050](#);

(iii) Requiring attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A felonies. This subsection (1)(a)(iii) does not apply to cities receiving funds under RCW [10.101.050](#) through [10.101.080](#);

(iv) Requiring contracts to address the subject of compensation for extraordinary cases;

(v) Identifying funding specifically for the purpose of paying experts (A) for which public defense attorneys may file ex parte motions, or (B) which should be specifically designated within a public defender agency budget;

(vi) Identifying funding specifically for the purpose of paying investigators (A) for which public defense attorneys may file ex parte motions, and (B) which should be specifically designated within a public defender agency budget.

(b) The cost of providing counsel in cases where there is a conflict of interest shall not be borne by the attorney or agency who has the conflict.

(2) The office of public defense shall determine eligibility of counties and cities to receive state funds under this chapter. If a determination is made that a county or city receiving state funds under this chapter did not substantially comply with this section, the office of public defense shall notify the county or city of the failure to comply and unless the county or city contacts the office of public defense and substantially corrects the deficiencies within ninety days after the date of notice, or some other mutually agreed period of time, the county's or city's eligibility to continue receiving funds under this chapter is terminated. If an applying county or city disagrees with the determination of the office of public defense as to the county's or city's eligibility, the county or city may file an appeal with the advisory committee of the office of public defense within thirty days of the eligibility determination. The decision of the advisory committee is final.

[2005 c 157 § 4.]

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#### 10.101.070 COUNTY MONEYS.

The moneys shall be distributed to each county determined to be eligible to receive moneys by the office of public defense as determined under this section. Ninety percent of the funding appropriated shall be designated as "county moneys" and shall be distributed as follows:

(1) Six percent of the county moneys appropriated shall be distributed as a base allocation among the eligible counties. A county's base allocation shall be equal to this six percent divided by the total number of eligible counties.

(2) Ninety-four percent of the county moneys appropriated shall be distributed among the eligible counties as follows:

(a) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the population of the county as a percentage of the total population of all eligible counties; and

(b) Fifty percent of this amount shall be distributed on a pro rata basis to each eligible county based upon the annual number of criminal cases filed in the county superior court as a percentage of the total annual number of criminal cases filed in the superior courts of all eligible counties.

(3) Under this section:

(a) The population of the county is the most recent number determined by the office of financial management;

(b) The annual number of criminal cases filed in the county superior court is determined by the most recent annual report of the courts of Washington, as published by the office of the administrator for the courts;

(c) Distributions and eligibility for distributions in the 2005-2007 biennium shall be based on 2004 figures for the annual number of criminal cases that are filed as described under (b) of this subsection. Future distributions shall be based on the most recent figures for the annual number of criminal cases that are filed

as described under (b) of this subsection.

[2005 c 157 § 5.]

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10.101.080  
CITY MONEYS.

The moneys under RCW [10.101.050](#) shall be distributed to each city determined to be eligible under this section by the office of public defense. Ten percent of the funding appropriated shall be designated as "city moneys" and distributed as follows:

(1) The office of public defense shall administer a grant program to select the cities eligible to receive city moneys. Incorporated cities may apply for grants. Applying cities must conform to the requirements of RCW [10.101.050](#) and [10.101.060](#).

(2) City moneys shall be divided among a maximum of five applying cities and shall be distributed in a timely manner to accomplish the goals of the grants.

(3) Criteria for award of grants shall be established by the office of public defense after soliciting input from the association of Washington cities. Award of the grants shall be determined by the office of public defense.

[2005 c 157 § 6.]

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**APPENDIX B**

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# WASHINGTON DEFENDER ASSOCIATION STANDARDS FOR PUBLIC DEFENSE SERVICES

Objectives and minimum requirements for providing legal representation to poor persons accused of crimes or facing Juvenile or Civil Commitment proceedings in Washington State

October 1989

## **ENDORSEMENT**

These Standards were endorsed by the Washington State Bar Association Board of Governors in January, 1990.

## **ACKNOWLEDGEMENTS**

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# STANDARDS FOR PUBLIC DEFENSE SERVICES

## STANDARD ONE: Compensation

Public defense attorneys and staff should be compensated at a rate commensurate with their training and experience. To attract and retain qualified personnel, compensation and benefit levels should be comparable to those of attorneys and staff in prosecutorial offices in the area.

For assigned counsel, reasonable compensation should be provided. Compensation should reflect the time and labor required to be spent by the attorney and the degree of professional experience demanded by the case. Assigned counsel should be compensated for out-of-pocket expenses.

Contracts should provide for extraordinary compensation over and above the normal contract terms for cases which require an extraordinary amount of time and preparation, including, but not limited to, death penalty cases. Services which require extraordinary fees should be defined in the contract.

## STANDARD TWO: Duties and Responsibilities of Counsel

The legal representation plan shall require that defense services be provided to all clients in a professional, skilled manner consistent with minimum standards set forth by the American Bar Association, applicable state bar association standards, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. Counsel's primary and most fundamental responsibility is to promote and protect the best interests of the client.

## STANDARD THREE: Caseload Limits and Types of Cases

The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle. The caseload of public defense attorneys should allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation.

The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

- 150 Felonies per attorney per year; or
- 300 Misdemeanors per attorney per year; or
- 250 Juvenile Offender cases per attorney per year; or
- 60 Juvenile dependency clients per attorney per year; or<sup>3</sup>
- 250 Civil Commitment cases per attorney per year; or
- 25 Appeals to appellate court hearing a case on the record and briefs per attorney per year.

A case is defined by the Office of the Administrator for the Courts as: A filing of a document with the court naming a person as defendant or respondent.

Caseload limits should be determined by the number and type of cases being accepted and on the local prosecutor's charging and plea bargaining practices. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the contracting agency should ensure that attorneys not

accept more cases than they can reasonably discharge. In these situations, the caseload ceiling should be based on the percentage of time the lawyer devotes to public defense.

#### **STANDARD FOUR: Responsibility for Expert Witnesses**

Reasonable compensation for expert witnesses necessary to preparation and presentation of the defense case shall be provided. Expert witness fees should be maintained and allocated from funds separate from those provided for defender services. Requests for expert witness fees under Court Rule 3.1 f should be made through an ex parte motion. The defense should be free to retain the expert of its choosing and in no cases should be forced to select experts from a list pre-approved by either the court or the prosecution.

#### **STANDARD FIVE: Administrative Expenses**

Contracts for public defense services should include the administrative costs associated with providing legal representation. These costs may include travel, telephones, law library, financial accounting, case management systems, the reporting requirements imposed by these standards, and other costs necessarily incurred in the day to day management of the contract.

#### **STANDARD SIX: Investigators**

Public defender offices, assigned counsel, and private law firms holding contracts to provide representation for poor people accused of crimes should employ investigators with criminal investigation training and experience. A minimum of one investigator should be employed for every four attorneys.

#### **STANDARD SEVEN: Support Services**

The legal representation plan should provide for adequate numbers of investigators, secretaries, paralegals, social work staff, mental health professionals and other support services. These professionals are essential to ensure the effective performance of defense counsel during trial preparation, in the preparation of dispositional plans, and at sentencing.

1. Secretaries - At least one full-time secretary should be employed for every four staff attorneys. Fewer secretaries may be necessary, however, if the agency has access to word processing or overload secretaries, or other additional staff performing clerical work.
2. Social Work Staff - Social work staff should be available to assist in developing release, treatment, and dispositional alternatives.
3. Mental Health Professionals - Each agency should have access to mental health professionals to perform mental health evaluations.

#### **STANDARD EIGHT: Report of Attorney Activity and Vouchers**

The legal representation plan shall require that the defense attorney or office maintain a case-reporting and management information system which includes number and type of cases, attorney hours and disposition. This information shall be provided regularly to the Contracting Authority and shall also be made available to the Office of the Administrator of the Courts. Any such system shall be maintained independently from client files so as to disclose no privileged information.

A standardized voucher form shall be used by assigned counsel attorneys seeking payment upon completion of a case. For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

## **STANDARD NINE: Training**

Attorneys providing public defense services should participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice.

In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedure and policy. All attorneys should be required to attend regular in-house training programs on developments in criminal law, criminal procedure and the forensic sciences. Attorneys in civil commitment and dependency practices should attend training programs in these areas. Offices should also develop manuals to inform new attorneys of the rules and procedures of the courts within their jurisdiction.

Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and tapes.

## **STANDARD TEN: Supervision**

Each agency or firm providing public defense services should provide one full-time supervisor for every ten staff lawyers or one half-time supervisor for every five lawyers. Supervisors should be chosen from among those lawyers in the office qualified under these guidelines to try Class A felonies. Supervisors should serve on a rotating basis, and except when supervising fewer than ten lawyers, should not carry caseloads.

## **STANDARD ELEVEN: Monitoring and Evaluation of Attorneys**

The plan for public defense services should establish a procedure for systematic monitoring and evaluation of attorney performance based upon publicized criteria. Supervision and evaluation efforts should include review of time and caseload records, review and inspection of transcripts, in-court observations, and periodic conferences.

Performance evaluations made by a supervising attorney should be supplemented by comments from judges, prosecutors, other defense lawyers and clients. Attorneys should be evaluated on their skill and effectiveness as criminal lawyers or as dependency or civil commitment advocates.

## **STANDARD TWELVE: Substitution of Attorneys or Assignment of Contract**

The attorney engaged by local government to provide public defense services should not sub-contract with another firm or attorney to provide representation and should remain directly involved in the provision of representation. If the contract is with a firm or office, the contracting authority should request the names and experience levels of those attorneys who will actually be providing the services, to ensure they meet minimum qualifications. The employment agreement shall address the procedures for continuing representation of clients upon the conclusion of the agreement.

## STANDARD THIRTEEN: Limitations on Private Practice of Contract Attorneys

Contracts for public defense representation with private attorneys or firms shall set limits on the amount of privately retained work which can be accepted by the contracting attorney. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

## STANDARD FOURTEEN: Qualifications of Attorneys

1. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services should meet the following minimum professional qualifications:
  - A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and
  - B. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.
2. **Trial attorneys' qualifications according to severity or type of case:**
  - A. **Death Penalty Representation.** Each attorney acting as lead counsel in a death penalty case shall meet the following requirements:
    - i. The minimum requirements set forth in Section 1; and
    - ii. at least five years criminal trial experience; and
    - iii. have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and
    - iv. have served as lead or co-counsel in at least one jury trial in which the death penalty was sought; and
    - v. have completed at least one death penalty defense seminar within the previous two years.
  - B. **Adult Felony Cases - Class A.** Each staff attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:
    - i. Minimum requirements set forth in Section 1, and
    - ii. Either:
      - a. has served two years as a prosecutor; or
      - b. has served two years as a public defender; or
      - c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in five felony cases that have been submitted to a jury.
  - C. **Adult Felony Cases - Class B Violent Offense or Sexual Offense.** Each attorney representing a defendant accused of a Class B violent offense or sexual offense as defined in RCW 9A.20.020 shall meet the following requirements:
    - i. Minimum requirements set forth in section 1, and
    - ii. Either:
      - a. has served one year as prosecutor; or
      - b. has served one year as public defender; and
      - c. has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.
  - D. **Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation.** Each staff attorney representing a defendant accused of a Class B felony not defined in c above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:
    - i. Minimum requirements set forth in section 1, and
    - ii. Either:
      - a. Has served one year as a prosecutor; or
      - b. Has served one year as a public defender; or

- c. has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and
    - iii. Each attorney shall be accompanied at his or her first felony trial by a supervisor.
  - E. **Juvenile Cases - Class A** - Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:
    - i. Minimum requirements set forth in section 1, and
    - ii. Either:
      - a. has served one year as a prosecutor; or
      - b. has served one year as a public defender; or
      - c. has been trial counsel alone of record in five juvenile Class B and C felony trials; and
    - iii. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor.
  - F. **Juvenile Cases - Classes B and C**. Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:
    - i. Minimum requirements set forth in Section 1; and
    - ii. Either:
      - a. has served one year as a prosecutor; or
      - b. has served one year as a public defender; or
      - c. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and
    - iii. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor
  - G. **Misdemeanor Cases**. Each attorney representing a defendant involved in a matter concerning a gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.
  - H. **Dependency Cases**. Each attorney representing a client in a dependency matter shall meet the following requirements:
    - i. The minimum requirements as outlined in Section; and
    - ii. Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.
  - I. **Civil Commitment Cases**. Each attorney representing a respondent shall meet the following requirements:
    - i. Minimum requirements set forth in Section 1; and
    - ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and
    - iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:
      - a. served one year as a prosecutor, or
      - b. served one year as a public defender, or
      - c. been trial counsel in five civil commitment probable cause hearings.
  - J. In order to advance from one qualification category to the next, an attorney must participate in a supervised trial of the next higher category.
- 3. **Appellate Representation**. Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:
  - A. The minimum requirements as outlined in Section 1; and
  - B. Either:
    - i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or
    - ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.
    - iii. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions.

4. **Legal Interns.**

- A. Legal interns must meet the requirements set out in APR 9.
- B. Legal interns shall receive training pursuant to APR 9 and Standard Nine, Training.

**STANDARD FIFTEEN: Disposition of Client Complaints**

The legal representation plan shall include a method to respond promptly to client complaints. Complaints should first be directed to the attorney, firm or agency which provided representation. If the client feels that he or she has not received an adequate response, the contracting authority or public defense administrator should designate a person or agency to evaluate the legitimacy of complaints and to follow up meritorious ones. The complaining client should be informed as to the disposition of his or her complaint within one week.

**STANDARD SIXTEEN: Cause for Termination of Removal of Attorney**

Contracts for defense services shall include the grounds for termination of the contract by the parties. Termination of an attorney's contract should only be for cause. Good cause shall include the failure of the attorney to render adequate representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of the standards herein addressed.

The representation in an individual case establishes an inviolable attorney-client relationship. Removal of counsel from representation therefore normally should not occur over the objection of the attorney and the client.

**STANDARD SEVENTEEN: Non-Discrimination**

Neither the Contracting Authority, in its selection of an attorney, firm or agency to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, sex, sexual orientation or handicap. Both the contracting authority and the contractor shall comply with all federal, state, and local non-discrimination requirements.

**STANDARD EIGHTEEN: Guidelines for Awarding Defense Contracts**

The county or city should award contracts for public defense services only after determining that the attorney or firm chosen can meet accepted professional standards. Under no circumstances should a contract be awarded on the basis of cost alone. Attorneys or firms bidding for contracts must demonstrate their ability to meet these standards.

Contracts should only be awarded to a) attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract (i.e., City and District Courts, Superior Court or Juvenile Court), or b) to a firm where at least one attorney has one year's trial experience.

City attorneys, county prosecutors, and law enforcement officers should not select the attorneys who will provide indigent defense services.

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**APPENDIX C**

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# Washington State Office of Public Defense

## Application for Public Defense Funding

### Pursuant to Chapter 10.101 RCW

County \_\_\_\_\_ Contact name/title \_\_\_\_\_

Mailing address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

**NOTE:** Applications are due August 31, 2006. If for some reason the county needs additional time, please contact OPD to request an extension.

**1. In 2005, the county paid indigent defense expenses as follows:** *(list attorney salaries and benefits, contract attorney amounts [including conflict attorneys], and investigator, expert and other indigent defense costs).*

<b>Total dollar amount spent on indigent defense:</b>	
(a) Total dollar amount spent on adult felony indigent defense:	
(b) Total dollar amount spent on adult misdemeanor indigent defense:	
(c) Total dollar amount spent on indigent dependency/termination parents' representation:	
(d) Total dollar amount spent on juvenile indigent defense:	

This information was ( ) was not ( ) derived from the State Auditor Budgeting Accounting & Reporting System (BARS) categories. If BARS category codes are not currently used for public defense budget reporting, when will the BARS reporting system be implemented? \_\_\_\_\_

**2. In 2005, attorneys providing indigent defense representation had the following caseloads:**

*Fill in section 2(a) if the county has a public defender agency, such as a department of assigned counsel or one or more non-profit public defense firm(s) whose practice is limited to public defense.*

<b>2(a) Counties with public defender agencies.</b>	Number of cases filed as reported to the Administrative Office of the Courts	Number of cases assigned to public defenders	Number of full-time equivalent public defenders	Caseload per full-time equivalent public defender	Number of cases assigned to conflict counsel
Superior Court adult felonies					
District Court adult misdemeanors and gross misdemeanors					
Juvenile Court offender cases					
Juvenile Court dependency/termination cases					
"Becca" cases (truancy contempt, at-risk youth, CHINS)					

Fill in section 2(b) if the county contracts with public defense attorneys or if public defense attorneys are appointed by the court from a list:

<b>2(b) Counties with contract or list appointed public defense attorneys</b>	Number of cases filed as reported to the Administrative Office of the Courts	Number of cases assigned to public defense attorneys	Number of attorneys with public defense contracts (or on court's appointment list)
Superior Court adult felonies			
District Court adult misdemeanors and gross misdemeanors			
Juvenile Court offender cases			
Juvenile Court dependency/termination cases			
"Becca" cases (truancy contempt, at-risk youth, CHINS)			

3. If the county has public defense contracts, fill out the Table of Public Defense Contracts (Table I), and provide a copy of each current contract in alphabetical order by attorney name. (If possible, please provide scanned copies of contracts, by CD or email attachment. Hard copies are acceptable.)

4. If the county courts appoint public defense attorneys from a list, provide the name of each attorney and the compensation paid per case or per hour in the Table of List-Appointed Public Defense Attorneys (Table II).

5. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all indigent defense attorneys attend OPD-approved training at least once per calendar year. Yes ( ) No ( )

6. Prior to or upon receipt of Chapter 10.101 RCW public defense funds, the county will require that all private attorneys who contract to provide public defense services begin to report their "hours billed for nonpublic defense legal services . . . including number and types of private cases." (RCW 10.101.050) Yes ( ) No ( )

7. The county has adopted a public defense ordinance, which is attached; or, the county is aware that under RCW 10.101.060(1)(a)(i), an ordinance addressing public defense standards must be adopted during calendar year 2007 to maintain eligibility for funding. Yes ( ) No ( )

8. The county plans to use these funds for the following purpose; or, alternatively, will employ the following process to determine how to use the funds:

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**9. Certification**

*I declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct.*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Place





# Washington State Office of Public Defense

## Application for Public Defense Funding

Pursuant to Chapter 10.101 RCW

# Washington State Office of Public Defense

## *RCW 10.101.060 Estimated County Funding Distribution*

County	2005 Population	2004 Filings	Total Distribution
Adams	17,000	211	\$12,723
Asotin	20,900	220	\$13,717
Benton	158,100	1,683	\$77,882
Chelan	69,200	779	\$37,425
Clallam	66,800	564	\$31,478
Clark	391,500	2,574	\$146,339
Columbia	4,100	40	\$5,838
Cowlitz	95,900	1,748	\$67,342
Douglas	34,700	261	\$17,467
Ferry	7,400	68	\$7,198
Franklin	60,500	454	\$27,441
Garfield	2,400	10	\$4,741
Grant	79,100	848	\$41,124
Grays Harbor	69,800	677	\$34,945
Island	76,000	263	\$25,616
Jefferson	27,600	146	\$13,146
King	1,808,300	10,209	\$618,603
Kitsap	240,400	2,025	\$102,729
Kittitas	36,600	359	\$20,336
Klickitat	19,500	213	\$13,264
Lewis	71,600	1,008	\$43,729
Lincoln	10,100	39	\$6,989
Mason	51,900	531	\$27,716
Okanogan	39,600	363	\$21,026
Pacific	21,300	248	\$14,508
Pend Oreille	12,200	78	\$8,394
Pierce	755,900	6,067	\$306,757
San Juan	15,500	50	\$8,328
Skagit	110,900	977	\$50,645
Skamania	10,300	110	\$8,837
Snohomish	655,800	3,101	\$211,584
Spokane	436,300	4,139	\$194,985
Stevens	41,200	293	\$19,556
Thurston	224,100	2,385	\$108,703
Wahkiakum	3,900	34	\$5,646
Walla Walla	57,500	612	\$30,878
Whatcom	180,800	1,765	\$84,421
Whitman	42,400	224	\$18,034
Yakima	229,300	2,785	\$119,911
<b>Total</b>	<b>6,256,400</b>	<b>48,161</b>	<b>\$2,610,000</b>