

## **MEMO**

To: Ad Hoc Committee Public Defense Services

From: Steve Robins

Date: November 22, 2016

Re: Final recommendations

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### **1. Clallam County Commissioner's Resolution dated July 2016**

Resolution 55, 2016 appointed the following members to consider and discuss various options as to the provision of public defense legal services to indigent defendants in Clallam superior court and district courts. The members consisted of:

John Troberg, president  
Heidi Greenwood  
Craig Ritchie  
Danetta Rutten  
Preston Kayes  
Carol Mortensen  
Christopher Shea  
Steve Robins

Membership represented a broad range of participants; a former city attorney, representatives from the city and county prosecuting attorneys offices, a public defender, publically involved local lay members, and current local lawyers. Many meetings were held, much supporting documentation was reviewed and various options were considered by the committee.

### **2. Committee recommendations**

- a. The committee recommends that the current system of provision of public defense for indigent defendants be continued.
- b. The contract for public defense should be put out for public bid with the emphasis being on the provision of quality representation for low income defendants.
- c. The public defense contract should be for a term of 3-5 years so as to allow for future planning by the contracting agency.
- d. Future contracts should reference the following: Clallam County Ordinance 3.38, Washington Supreme Standards for Indigent Defense and WSBA Performance Guideline for Criminal Defense Representation.

- e. County should aspire and take steps to achieve salary parity for the prosecutor's office and the public defender's office.
- f. Future contracts should include provision for client complaints in accordance with RCW 10.101.030.

### **3. Discussion**

Many meetings were held with the committee, much supporting documentation was considered and the committee engaged in extensive discussions of the various options available. Among the possibilities considered were the following:

- a. **Separation of district court and superior court public defender's offices into two separate entities.**

The committee thought this would result in duplication of services and would not allow for the training and development of lawyers to move up to representation in superior court. Further, it would not be cost effective to set up a separate entity with the added need for office space, support staff etc. The committee felt that if conflicts arise between the courts and the public defender's office that there were established grievance procedures available for both the judiciary and the public defender's office, i.e. the judicial review board and the bar association.

- b. **Ombudsperson.**

The committee reviewed the availability of local lawyers so as to allow for an ombudsperson to create a list of lawyers for representation but it was felt that there were not enough local lawyers to adequately make this work, i.e. there is not a critical mass of local lawyers to fill the need. It was thought there was no current need for this type of system and that it would be cost prohibitive.

- c. **Creation of county agency**

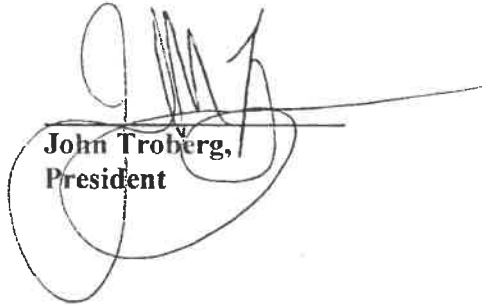
Creating a local county governmental agency was believed to be cost prohibitive and would not be a good use of scarce financial resources. Further the public may see the creation of a county governmental agency as creating the appearance of a conflict of interests between the county agency and the representation of indigent defendants.

- d. **Current office**

The committee favored retention of the current public defenders' office for the following reasons: it is cost effective to have one agency for indigent court representation, the current office has a committed staff and director, the current office has established facilities and enjoys a good local community reputation.

Respectfully submitted:

Date: Nov 28, 2016



John Troberg,  
President

