

**2008 STATUS REPORT
ON
PUBLIC DEFENSE
IN
WASHINGTON STATE**

Washington State Office of Public Defense

2008 STATUS REPORT ON PUBLIC DEFENSE IN WASHINGTON STATE

Washington State Office of Public Defense
711 Capitol Way South, Suite 106
P.O. Box 40957
Olympia, Washington 98504-0957

Phone: (360) 586-3164
Facsimile: (360) 586-8165
Email: opd@opd.wa.gov
Website: www.opd.wa.gov

Advisory Committee Members

Honorable Harold D. Clarke, Chair
Retired, Spokane County Superior Court

Russell M. Aoki
Aoki, Sakamoto and Grant, LLP

Honorable Sherry Appleton
Washington State House of Representatives

Judge George Finkle (ret.)
Gubernatorial Appointee

Jeff Hall
State Court Administrator

Jane Ragland-Kirkemo
Association of Washington Cities

Kathy Lambert
Washington State Association of Counties

Andy Pascua
Gubernatorial Appointee

Honorable Debbie Regala
Washington State Senate

Honorable Jay Rodne
Washington State House of Representatives

Honorable Karen Seinfeld
Retired, Court of Appeals

Catherine Smith
Edwards, Sieh, Smith & Goodfriend

Honorable Val Stevens
Washington State Senate

Office of Public Defense

Joanne I. Moore, Director
Sophia Byrd McSherry, Deputy Director
711 Capitol Way South, Suite 106
P.O. Box 40957
Olympia, Washington 98504-0957
Telephone: (360) 586-3164
Fax: (360) 586-8165
E-mail: opd@opd.wa.gov
Website: www.opd.wa.gov

EXECUTIVE SUMMARY

In Washington, the state, counties, and cities file criminal and other legal actions against more than 230,000 impoverished people each year. Washington State has a constitutional obligation to ensure that adequate public defense representation is provided to these individuals.

Public defense quality issues were largely ignored for decades in Washington, but have been the focus of a dynamic reform movement in recent years. The Indigent Defense Services Act, Chapter 10.101 RCW, is Washington's framework for fulfilling the state's public defense obligation. This report describes progress made under the Act in 2008 and examines the status of public defense in our state, including a number of problem areas.

The 2008 status report highlights important events during the past year, including:

- **Public Defense Counsel at First Court Appearances.** Indigent defendants have a constitutional right to public defense representation at their initial court appearances, but in many Washington courts, defendants cannot obtain counsel unless the hearing is continued to another day. The Washington Supreme Court considered but did not adopt a proposed rule to require jurisdictions to furnish public defenders at initial appearances. Nevertheless, during 2008, a number of courts began providing public defense attorneys at initial court appearances, saving time for all the parties involved, as well as jail costs and other costs.
- **Juvenile Waivers of Counsel.** The Washington Supreme Court adopted a rule change to protect juveniles from waiving their right to counsel without understanding the consequences. The rule change requires counties to furnish an attorney to the juvenile to explain the significance of such a waiver. After the rule's effective date, more courts began providing counsel to juveniles at their initial court appearances.
- **Prohibition of Contracts that Cause Conflicts of Interest.** The Washington Supreme Court adopted an attorney ethics rule to prohibit lawyers from entering into public defense contracts that require them to pay for investigative and expert services or conflict counsel out of their own contract compensation. An early 2009 jury verdict illustrated the consequences of this type of conflict, in a case in

which an attorney who operated a public defense practice under such a contract was ordered to pay his former client \$3 million in damages.

- **Public Defense Ordinances and Caseload Limitations.** During 2008, additional counties adopted public defense standards ordinances. Decreases in public defense caseloads toward the level set by the Washington State Bar Association (WSBA) caseload standards was the trend, with more than half the counties spending state public defense funds to lower caseloads.
- **Compensation for Public Defense Attorneys.** Sufficient public defense attorney compensation continues to be one of the most important issues in many jurisdictions. Attorney compensation in Washington varies significantly from county to county and city to city. More counties used state public defense funds to increase attorney pay levels.
- **Office of Public Defense (OPD) Activities.** OPD was reviewed by the Joint Legislative Audit and Review Committee in 2008, which found the agency to operate efficiently and economically, and to meet established goals. OPD conducted a trial public defense consulting program and a series of regional continuing legal education programs for public defense attorneys. A symposium on public defense, sponsored by OPD, the Washington State Bar Association, and the Thurston County Bar Association, was held at the Washington Supreme Court in April 2008. In December 2007, OPD distributed \$5,714,658 to 38 counties and \$634,962 to 15 cities in state funds for public defense improvements.
- **Public Defense Funding Levels in 2008.** A number of counties imposed significant public defense reductions in late 2008, as a result of the economic downturn. Some jurisdictions and groups have addressed the funding deficiencies pro-actively by devising procedural efficiencies that helped reduce caseloads.

The second part of this report is a collection of detailed program reports from the 38 counties that applied for and received a pro rata share of state funding in 2008 under Chapter 10.101 RCW. The data in each report is compiled largely from the county's funding application, contracts for public defense services, and Administrative Office of the Court's caseload reports.

State and local governments achieved significant improvements in public defense programs in 2008, but troubling deficiencies remain in the constitutional and

statutory guarantees of counsel. In particular, excessively high caseloads, low compensation for contract attorneys, and inadequate oversight in the administration and delivery of trial level public defense services require ongoing and focused attention, as well as enhanced state funding.

It is critical that all involved—the state, counties, cities and the justice community—continue to diligently work together to establish a public defense system that fulfills the state’s obligation to guarantee the right to counsel in our courts.

TABLE OF CONTENTS

Introduction	1
Fundamental Public Defense Activities	3
<i>Public Defense Counsel at Initial Court Appearances</i>	3
<i>Juvenile Waivers of Counsel</i>	6
<i>Prohibition of Contracts that Cause Conflicts of Interest</i>	7
<i>Public Defense Ordinances and Caseload Limitations</i>	8
<i>Compensation for Public Defense Attorneys</i>	11
<i>Public Defense Funding in 2008</i>	13
Washington State Office of Public Defense Activities	15
<i>OPD's Trial Level Public Defense Consulting Program</i>	15
<i>"Making Good on Gideon's Promise"</i>	16
<i>Continuing Legal Education Program</i>	18
Public Defense Improvements: Chapter 10.101 RCW State Funding	19
County Report	22
<i>Methodology of Data Reporting</i>	24
<i>Glossary</i>	25
<i>Adams County</i>	27
<i>Asotin County</i>	28
<i>Benton County</i>	29
<i>Chelan County</i>	30
<i>Clallam County</i>	31
<i>Clark County</i>	32
<i>Columbia County</i>	33
<i>Cowlitz County</i>	34
<i>Douglas County</i>	35
<i>Ferry County</i>	36
<i>Franklin County</i>	37
<i>Garfield County</i>	38
<i>Grant County</i>	39
<i>Grays Harbor County</i>	40
<i>Island County</i>	41
<i>Jefferson County</i>	42
<i>King County</i>	43
<i>Kitsap County</i>	45
<i>Kittitas County</i>	46
<i>Klickitat County</i>	47
<i>Lewis County</i>	48
<i>Lincoln County</i>	49
<i>Mason County</i>	50
<i>Okanogan County</i>	51
<i>Pacific County</i>	52
<i>Pend Oreille County</i>	53
<i>Pierce County</i>	54
<i>San Juan County</i>	55
<i>Skagit County</i>	56
<i>Skamania County</i>	57
<i>Snohomish County</i>	58
<i>Spokane County</i>	59
<i>Stevens County</i>	60
<i>Thurston County</i>	61
<i>Wahkiakum County</i>	62
<i>Walla Walla County</i>	63
<i>Whatcom County</i>	64
<i>Whitman County</i>	65
<i>Yakima County</i>	66
Appendix A: <i>The Public Defense Pilot Projects</i>	
Appendix B: <i>Providing Justice in a Fiscal Crisis: Developing Joint Solutions</i>	
Appendix C: <i>Court Rule JuCR 7.15, Waiver of Right to Counsel</i>	

INTRODUCTION

A substantial portion of the cases in Washington courts are governmental prosecutions against indigent individuals. Annually, the state, counties, and cities bring actions against more than 230,000 impoverished individuals, by filing cases to remove their children in deprivation of parental rights cases, charging individuals with crimes, and filing juvenile offender matters against children and teenagers under 18 years old. In these cases, the state has a constitutional obligation to guarantee that an adequate defense is provided to the indigent parent, defendant, or juvenile.

The Indigent Defense Services Act, Chapter 10.101 RCW, is Washington's framework for fulfilling the state's constitutional obligation to guarantee adequate counsel for these individuals. This report chronicles progress made under the Act in 2008 and the status of public defense in Washington, including problems that still require significant attention.

Prior to 2005, Washington's counties and cities carried out all public defense responsibilities within their local justice systems. Four years ago, the Legislature amended Chapter 10.101 RCW to establish the state's public defense improvement program, first funded in 2006. Washington's new involvement in public defense was in response to compelling indicators that public defense has long been inadequate in most of the state. These included a Seattle Times series outlining many serious problems, a lawsuit against Grant County, a Washington State Bar Association (WSBA) Blue Ribbon Panel on Public Defense Report, and the Supreme Court's Court Funding Task Force Report, all of which focused on major public defense deficiencies.

Within the Chapter 10.101 RCW framework, since 2006 almost all of Washington counties and a number of cities have implemented public defense improvements, targeting priority provisions of the Washington State Bar Association's Standards for Indigent Defense Services. In general, the participating local jurisdictions have used the Chapter 10.101 RCW funds forwarded to them by the state effectively and efficiently to improve local public defense representation.

The 2008 Status Report chronicles progress made by the counties and cities in five fundamental public defense activities identified as being critically important but deficient in Washington jurisdictions. These are the provision of public defense counsel at first court appearances, waivers of counsel by juveniles, contract provisions generating conflicts of interest for counsel, counties' adoption of public defense ordinances and local caseload limitations, and attorney compensation levels. The report

examines the ameliorative impacts of state funding as well as the corrective impacts of court rule amendments in these areas.

Public defense in Washington is still troubled and under-resourced. While improvements have been tangible and steady over the past three years, fundamental deficiencies remain in nearly all the jurisdictions. A number of appellate court reversals of convictions involving public defense each year are based on findings of ineffective representation, based on facts showing that there was little or no investigation or communication with the client, or that the attorney lacked adequate qualifications for the case or failed to perform basic case preparation. In December 2008, a civil rights lawsuit filed in federal court against a county for failing to ensure its public defense system provided adequate representation resulted in a \$250,000 settlement on the part of the county; a \$3 million jury verdict was entered against the co-defendant public defense attorney the next month. Such reversals and judgments demonstrate the consequences of systemic public defense failures for individual defendants and to governments.

The justice community's steadfast commitment is to implement improvements until each indigent individual facing governmental prosecution is accorded representation that meets constitutional standards of adequacy. The judicial branch's Justice in Jeopardy movement continues to champion improvement initiatives and support the need for additional state funding. For the past six years, the WSBA has committed significant resources, time, and attention toward fostering myriad improvements in this area. The WSBA has established continuing public defense committees since 2003, including the WSBA Blue Ribbon Panel on Public Defense and the WSBA Committee on Public Defense. These committees, whose membership has included judges, law professors, county and city officials, prosecutors, private attorneys, and assistant attorneys general, as well as public defense attorneys from a number of jurisdictions, have spent scores of hours identifying the problems and discussing practical methods for addressing them, and taking steps to implement meaningful reforms to the public defense system.

The outlook for bringing our public defense system up to the appropriate level of quality is favorable. With the joint commitment of the legislature, counties, cities, courts, bar association, and public defense attorneys to keep moving forward until fair funding, resources, and oversight are achieved, Washington can achieve fulfillment of the right to counsel as guaranteed in our state and federal constitutions.

FUNDAMENTAL PUBLIC DEFENSE ACTIVITIES

Public Defense Counsel at Initial Court Appearances

The U.S. Supreme Court has long established that an indigent defendant has the right to a public defense attorney for arraignment and other critical first appearances,¹ and Washington court rules require that unless defendants appear with a lawyer, the court shall advise them if they are indigent that they have the right to be represented by a public defender for the arraignment or other critical first appearances.² Generally, first court appearances include preliminary appearances held within 48 hours for cases involving warrantless arrests and arraignments, which must be held within 14 days of the filing of the information in superior court and 15 days in district and municipal courts.³

In Washington, local jurisdictions handle the requirement of public defense representation at first appearance hearings in different ways. In many courts, no public defense attorney is present. In general, the process works as follows: when cases are called, the judge advises defendants in a group or individually of their right to a public defense attorney if indigent and their other rights, and if it is an arraignment, asks the defendant to enter a plea. If the defendant wishes to access the right to counsel, the case is continued. The defendant then undergoes indigency screening and attends the rescheduled hearing one or more days later, represented by a public defense attorney, in order to handle the preliminary matters and, if it is an arraignment, to enter the defendant's plea of guilty or not guilty with the assistance of counsel. Indigent in-custody defendants who want counsel often must wait in jail for their continued first appearance. Indigent defendants who wish to resolve their cases at their initial arraignment by pleading guilty waive their right to counsel,⁴ forcing them without an attorney to comprehend the charges, the factual circumstances of the case against them, and the consequences of pleading guilty, and requiring them to effectively communicate their side of the case with the judge and prosecuting attorney on their own.

In other courts, public defense attorneys are present at all first appearance calendars. They speak with defendants, advising them of how the procedure will be handled. In most of these courts, for arraignments, counsel also advise defendants what the charges are and what will likely happen if they plead guilty or not guilty, and

¹ *Rothgery v. Gillespie County*, ___ U.S. ___, 128 S. Ct. 2578, 171 L.Ed. 366 (2008).

² CrR 3.1(c); CrRLJ 3.1(c).

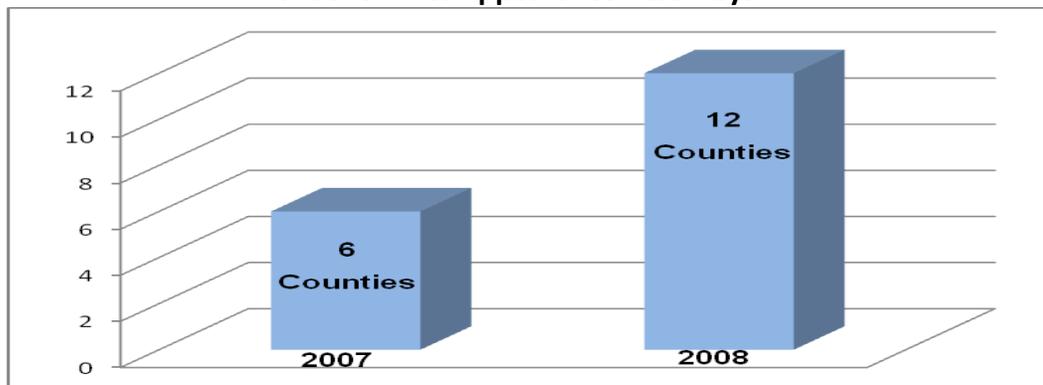
³ CrR 4.1 and CrRLJ 4.1.

⁴ CrR 4.1(d) and CrRLJ 4.1(c).

the defendant uses this information in deciding how he or she wishes to plead. Such arraignment counsel also usually appear in front of the judge on behalf of individual defendants when their cases are called, making bail requests, negotiating with the prosecutor where appropriate, and entering a plea of guilty or not guilty on behalf of the defendant. Many courts have defendants undergo brief indigency screening before talking with counsel; others appoint counsel on a provisional basis under RCW 10.101.020(3).

The provision of public defense attorneys at first appearance calendars, preventing the need for continued, second hearings, is trending upward. Seven of the 15 cities receiving 2008 Chapter 10.101 RCW grants used them to implement first appearance counsel. The number of counties using Chapter 10.101 RCW funds to implement public defense representation at first appearance calendars has substantially increased since 2006, now numbering 12.

Counties' Use of Chapter 10.101 RCW Funds for First Appearance Attorneys



In 2008, twice as many counties used state funds for counsel at first appearance hearings than in 2007.

A number of counties and cities report that the addition of first appearance counsel resulted in significant savings in 2008. More cases were resolved at arraignments, and since a second continued arraignment was not required for these cases, substantial court time was saved for all the parties. Several jurisdictions experienced reduced jail and jail transportation costs, as well as improvements in defendants' appearances for subsequent hearings, as a result of early communication with their lawyers about upcoming procedures. Municipal courts that received Chapter 10.101 RCW grants formally described the systemic benefits they experienced in reports to OPD:

- After Des Moines began furnishing public defenders at first appearance hearings with a \$31,000 grant in 2008, significantly more defendants were able to resolve their cases at these hearings. In addition, more defendants were released after the first appearance calendar rather than waiting in jail until their public defense

attorney was available at the next calendar, resulting in a substantial decrease in Des Moines' costs for maintenance days in jail.

- Subsequent to the City of Tacoma's implementation of public defense representation at arraignment hearings with a \$32,000 grant, there was a 17 percent increase in guilty pleas entered by out-of-custody defendants at arraignment. With early resolution of simple cases, public defenders' caseloads declined, allowing them to focus on higher priority, complex cases.
- After Centralia began providing counsel at defendants' initial arraignments with a \$10,000 grant, many arraignment continuances were avoided, resulting in court time savings and preventing defendants from having to leave their jobs for duplicative arraignment appearances.
- Cheney Municipal Court implemented a procedure with a \$15,000 grant under which arraignment counsel visit in-custody inmates in jail prior to their first court date and appear at arraignments. Defendants are now routinely represented at every critical hearing stage for the first time, resulting in reduced continuances and more timely resolution of cases.
- With a \$20,000 grant, Olympia began furnishing public defense attorneys at arraignment calendars in 2008 with such beneficial results that the municipal court sought to increase public defense attorneys' presence for this purpose.
- After the City of Spokane added public defenders to arraignment calendars with a \$73,577 grant, public defense attorneys' caseloads for later hearings were reduced as a result of a significant increase in early case resolution. Consequently, fewer defendants lost their jobs due to multiple required court appearances, and those whose cases were not appropriate for resolution at arraignment understood the process better and were able to more actively participate in their cases.
- In addition, OPD's three pilot programs featured the implementation of arraignment counsel, resulting in numerous benefits to indigent defendants as well as to the three court systems, as described in The Public Defense Pilot Projects evaluations. (See Appendix A.)

In November 2007, the WSBA requested the Washington Supreme Court to consider adopting a rule change to require that all courts provide public defense attorneys at arraignments. This proposal proved to be controversial, and the Court declined to adopt the rule in 2008. The Office of Public Defense, American Civil

Liberties Union, Washington Defender Association, and a number of individuals supported the proposed rule change asserting that arraignment counsel protect the constitutional rights and interests of defendants from the beginning and are an efficient use of resources. The Washington State Association of Counties, the Association of Washington Cities, the Washington Association of Prosecuting Attorneys, and several individuals and jurisdictions opposed this rule change, primarily due to cost concerns and separate proposed changes to the rule regarding prosecutors.⁵ The provision of public defense attorneys at arraignments remains an important public defense issue.

Juvenile Waivers of Counsel

In re Gault, 387 U.S. 1 (1967), guarantees children and teenagers the right to counsel in juvenile offender cases. As reported in OPD's 2007 Status Report on Public Defense, however, a number of Washington jurisdictions routinely failed to provide juveniles with counsel at some court hearings. In some courts, children and teenagers have been required to formally request counsel in writing, and in a few courts, they have been allowed to waive their rights and plead guilty to charges without ever speaking to an attorney about the case, their rights, or the consequences of a guilty plea.

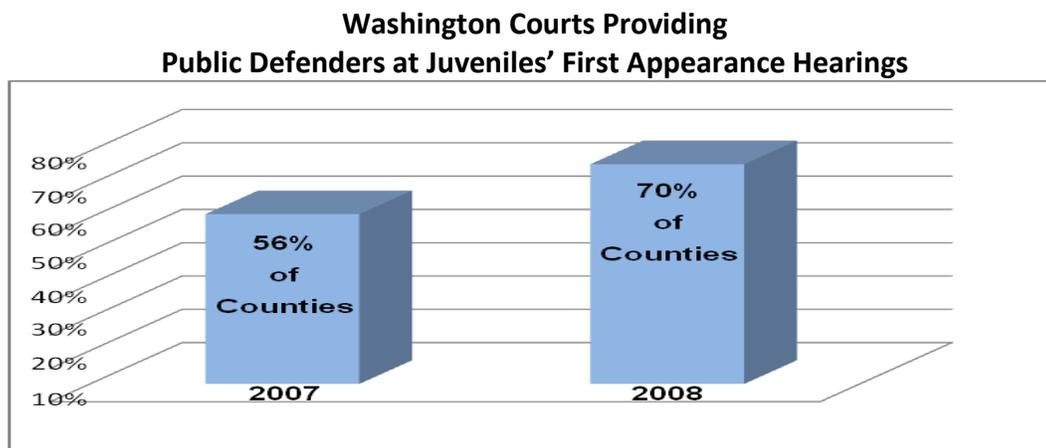
Effective September 1, 2008, the Washington Supreme Court adopted a rule change to JuCR 7.15, setting forth a new procedure for juveniles' waivers of counsel. JuCR 7.15 requires that before exercising a waiver of counsel, a juvenile must have consulted with a lawyer about the effects of the waiver.⁶ The juvenile and lawyer submit a prescribed form to the court that spells out the rights the juvenile is giving up and the potential penalties of the charged offense(s). In court, the judge reviews with the juvenile his or her rights in a structured colloquy.

Before these changes, there was no standard procedure for accepting juvenile waivers of counsel. The previous rule required only a minimal inquiry into the juvenile's ability to understand potentially significant consequences of the charges. The amended rule ensures that juveniles who are considering an expeditious guilty plea will first learn about alternative diversion programs that may be available and possible collateral consequences to pleading guilty, such as the effect of a juvenile conviction on their education options and adult career choices.

⁵ http://www.courts.wa.gov/court_rules/?fa=court_rules.commentDisplay&ruleId=118

⁶ JuCR 7.15 (a) establishes that "A juvenile who is entitled to representation of counsel in a juvenile court proceeding may waive his or her right to counsel in the proceeding only after: (1) the juvenile has been advised regarding the right to counsel by a lawyer who has been appointed by the court or retained; (2) a written waiver in the form prescribed in section (c), signed by both the juvenile and the juvenile's lawyer, is filed with the court; and (3) a hearing is held on the record where the advising lawyer appears and the court, after engaging the juvenile in a colloquy, finds the waiver was knowingly, intelligently, and voluntarily made and not unduly influenced by the interests of others, including the parent(s) or guardian(s) of the juvenile...." (See Appendix C for complete rule.)

In conjunction with the rule change, the number of counties furnishing public defenders at juveniles' first appearances in court significantly increased by the end of 2008. Twenty-seven counties reported in their 2008 Chapter 10.101 RCW applications that they furnish public defenders to in-custody juveniles at arraignments, compared to 22 counties identified in an OPD survey in early 2008.



By the end of 2008, 70 percent of the counties routinely provided counsel at first appearances, up from 56 percent in 2007.

The positive effects of counsel at arraignment were illustrated in OPD's Grant County Juvenile Court pilot program. In 2005, the year before the pilot program, 93 juveniles waived their right to counsel and pled guilty to the charges against them. After the implementation of arraignment counsel through the pilot program, only one juvenile made an uncounseled guilty plea in 2006. In addition, the number of juveniles' cases that were sent to diversion programs after arraignment rather than continuing onto criminal proceeding increased significantly. (See Appendix A.)

Prohibition of Contracts that Cause Conflicts of Interest

Recently, Washington local governments and public defenders were starkly reminded of the importance of valid public defense services contracts. *Felipe Vargas v. Thomas Earl and Grant County*, #CV-06-146-JLQ, U.S. District Court, a federal civil rights lawsuit against Grant County and public defender Thomas Earl, was resolved by the county's settlement of \$250,000 in damages in December 2008 and a federal jury award for \$3 million against Earl in January 2009. At issue was a county contract that required the public defender, who handled all the county's felony public defense cases, to fund conflict counsel and investigator and expert services out of the contract's total compensation amount paid to him. The contract's built-in incentive to not obtain necessary services resulted in little or no investigation. Vargas, Earl's former client, alleged in his lawsuit that the contract created a conflict of interest. He proved Earl did not conduct any investigation in his case, never met with Vargas to interview him, and failed to have an investigator interview the complainant, who had recanted a few days

after he was arrested. Vargas, who was innocent, spent seven months in jail before his subsequent attorney secured his release.

Effective September 2008, the Supreme Court amended Rule of Professional Conduct (RPC) 1.8(m) to prohibit lawyers from entering into public defense contracts that require them to pay for investigative and expert services or conflict counsel unless there is a budget for such services that is separate from the contract attorney's compensation.⁷ The amended rule removes the potential conflict of interest created when a contract public defender must choose between the duty of identifying the client's need for conflict counsel, or for ensuring adequate investigation and expert services, and the public defender's financial self-interest.

Most of the counties providing public defense services through contracts with attorneys have long used contracts that establish separate funds or procedures for providing investigative, expert, and conflict counsel services. In September 2008, OPD reviewed the counties' public defense contracts submitted with their Chapter 10.101 RCW applications for state funding, and advised the few counties lacking such contract provisions of the new rule so they could appropriately update their contracts.

Public Defense Ordinances and Caseload Limitations

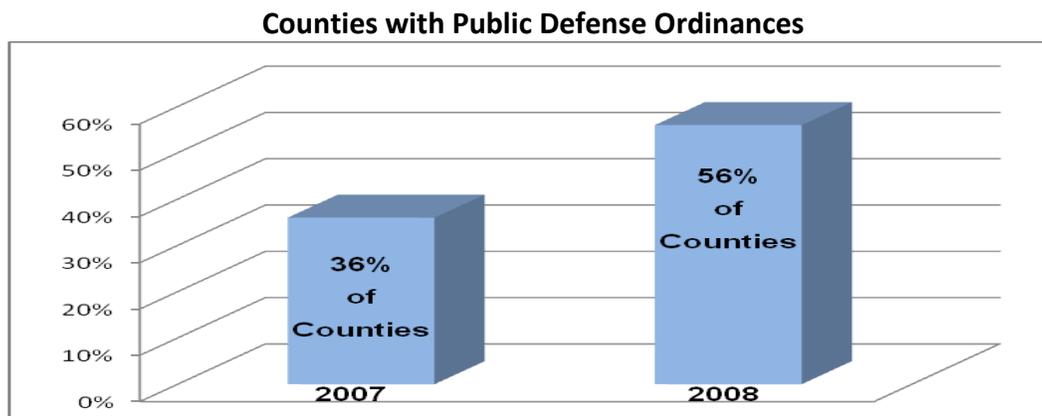
Local ordinances. RCW 10.101.030 requires counties and cities that provide public defense services to adopt an ordinance establishing public defense standards. Mandatory local standards include caseload limits, provisions for expert witness fees and investigation services, and minimum qualifications of attorneys, among other topics.⁸ As established in RCW 10.101.030, the WSBA public defense standards serve as guidelines for the development of standards ordinances by local governments.

Washington jurisdictions are progressing toward full compliance with RCW 10.101.030. During 2008, a number of local jurisdictions sought technical assistance from OPD during the development of their ordinances. By the end of 2008, 20 counties had adopted public defense standards ordinances. Sixteen counties are in the process

⁷ RPC 1.8(m) establishes that: "A lawyer shall not: (1) make or participate in making an agreement with a governmental entity for the delivery of indigent defense services if the terms of the agreement obligate the contracting lawyer or law firm: (i) to bear the cost of providing conflict counsel; or (ii) to bear the cost of providing investigation or expert services, unless a fair and reasonable amount for such costs is specifically designated in the agreement in a manner that does not adversely affect the income or compensation allocated to the lawyer, law firm, or law firm personnel; or (2) knowingly accept compensation for the delivery of indigent defense services from a lawyer who has entered into a current agreement in violation of paragraph (m)(1)."

⁸ RCW 10.101.030 states that, "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 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."

of adopting the required ordinance; six counties have adopted public defense standards resolutions and one county a court policy.



By the end of 2008, 56 percent of the 38 counties participating in the Chapter 10.101 RCW program had adopted ordinances, up from 36 percent in 2007.

Caseload limitations. Caseload limitation is probably the most critical public defense standard in local ordinances. This standard defines how many clients a public defense attorney may represent in a year. The WSBA 2007 updated caseload standards limit caseloads to 150 felonies per attorney per year, or 250 juvenile cases, or 300 to 400 misdemeanor cases depending on their type and whether the local courts have diversion programs.⁹

As more local jurisdictions adopted standards ordinances in 2008, a trend was the incorporation of the WSBA caseload limitations. The number of counties explicitly adopting the WSBA standard increased from two to eight; another three counties specify the WSBA limits in their public defense contracts. Two additional counties come close to WSBA's caseload limitations in their ordinances, with slightly higher misdemeanor limits.

The majority of counties and cities, however, have not identified numerical caseload limits, instead establishing that caseloads must be "reasonable" or "manageable." Though there is as yet no uniform caseload reporting procedure applicable to the jurisdictions, some reported attorney caseloads in their 2008 Chapter 10.101 RCW applications. Felony caseloads from 124 to 192 cases per attorney, misdemeanor caseloads from 324 to 714 cases per attorney, and juvenile caseloads from 202 to 539 cases per attorney were reported. Cities reported caseloads as high as 1,000 or more misdemeanor cases per attorney per year. The higher end of these reported caseload numbers greatly exceed the WSBA caseload limitations.

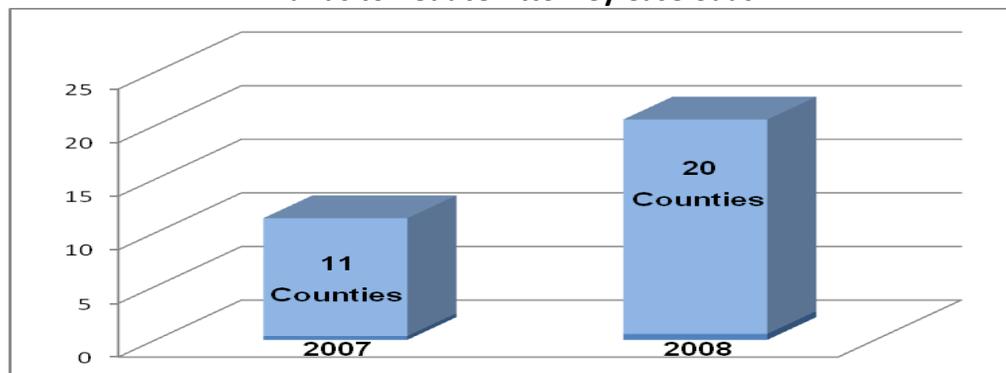
⁹ www.wsba.org/Lawyers/groups/wsbastandards408.doc

The American Bar Association has declared that caseloads are a primary issue, saying that:

One of the [chief] impediments to the furnishing of quality defense services for the poor is the presence of excessive workloads. One recent national survey....found workloads to be one of the most significant concerns of public defender offices. *ABA standards for criminal justice providing defense services, commentary, standards 5-5.3.*

Washington counties have also identified caseload reduction as a high priority, with 51 percent using Chapter 10.101 RCW funds to decrease attorney caseloads in 2008, up from 28 percent in 2007. Several public defender agencies have made great progress. King County applied a significant portion of the county's Chapter 10.101 RCW funds to substantially reduce juvenile offender attorney caseloads. Spokane and Thurston counties achieved notable felony caseload reductions in 2008 as well, as did Pierce County, which decreased attorney caseloads in several representation areas.

Counties' Use of Chapter 10.101 RCW Funds to Reduce Attorney Caseloads



The number of counties using state funds for caseload reduction nearly doubled, from 11 counties in 2007 to 20 counties in 2008.

Two-thirds of the Chapter 10.101 RCW city grants helped cities reduce caseloads. Some examples of cities using Chapter 10.101 RCW funding for this purpose include Longview, which used a \$20,000 grant to contract with a second public defender in order to reduce the caseloads of the original public defender, who then could devote more time to more complex misdemeanors. The City of Yakima used its \$110,000 grant to double the number of public defenders in the municipal court, from two to four, significantly reducing caseloads. Battle Ground's \$5,000 grant permitted the city to contract with a second attorney for court days, allowing the original attorney more time to communicate with clients.

Jurisdictions that have reduced caseload levels to the WSBA standards level report dramatic systemic improvements. For example, in OPD's pilot programs, after

caseloads were dropped by 33 to 50 percent in each jurisdiction, public defense attorneys were able to substantially improve the quality of communication with their clients and case preparation. (See Appendix A.)

Compensation for Public Defense Attorneys

Sufficient public defense attorney compensation continues to be one of the most significant issues in many jurisdictions. The Compensation standard of the WSBA Standards for Indigent Defense Services establishes that:

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.¹⁰

Presently, attorney compensation in Washington varies widely. In general, the eight counties with established public defender agencies compensate defense attorneys at or close to parity with attorneys in the prosecutor's office. The most striking deficiencies in attorney compensation are found in a number of the counties that contract with private law firms or individual attorneys, or appoint from a list of attorneys.

Many counties pay attorneys on an hourly basis, especially for conflict cases. Reported hourly compensation for felonies in eastern Washington ranges from some \$50 per hour to \$90 per hour. Reported felony compensation in western Washington counties varies from \$40 per hour to \$80 per hour. The rate differences do not track closely with urban/rural differences or poverty population variations.

Other counties pay attorneys on a per-case basis. Reported per-case felony rates in eastern Washington range from \$533 per case to \$600 per case, while western Washington rates vary from \$400 per case to \$1,100 per case. Reported misdemeanor per-case compensation in eastern Washington ranges from about \$145 to \$160 per case (equaling \$35 to about \$39 per hour under the caseload standards). Reported misdemeanor per-case compensation in western Washington ranges from \$125 per case to \$225 per case (equaling \$30 to \$55 per hour under the caseload standards). Again, these per-case rate differences do not track closely with urban/rural differences, or poverty population variations.

¹⁰ This standard is consistent with principles articulated in the U.S. Department of Justice, *Compendium of Standards for Indigent Defense Systems*, Vol. 1, p.8 (2001), and Chief Justice Burger's concurring opinion in *Argersinger v. Hamlin*, 407 U.S. 25, 43, 92 S. Ct. 2006, 36 L.Ed. 530 (1972) (Burger, J., concurring).

In jurisdictions that use fixed-rate fee public defense contracts, payment levels also vary considerably. Reported monthly rates for individual attorneys providing felony representation range from \$5,250 for a fulltime caseload of 150 felonies per year in western Washington to \$6,250 for fulltime caseloads in eastern Washington. Misdemeanor monthly rates vary from \$3,731 for a fulltime equivalent contract in western Washington to \$7,000 per month for a fulltime contract in eastern Washington.

All forms of contract and list appointment compensation represent total gross payment received by the public defense contractor. This compensation must cover the attorney's salary, health insurance, retirement, all overhead and indirect costs of maintaining a law practice including office rent, equipment, telephone expenses, office staff, supplies, malpractice insurance, legal research, bar dues, and business taxes. In addition, most younger attorneys have graduated from law school with substantial student loans, requiring large monthly loan payments.

The 2006 Status Report described a common practice in jurisdictions with similar low levels of compensation rates that is still pervasive. Many public defense attorneys must enter into multiple contracts for multiple caseloads, in order to achieve a middle-class professional income. Another pattern still found in many jurisdictions is for attorneys to carry a large private practice in addition to a large public defense practice.

The good news, however, is that compensation rates are trending upward in the counties and cities. Many jurisdictions are increasing pay, using local and/or Chapter 10.101 RCW funds. Though only eight counties planned to increase attorney compensation with state funds when they applied for them in 2006, 10 actually used them for that purpose. In 2008, 16 counties increased compensation with state funds.

Counties' Use of Chapter 10.101 RCW Funds to Increase Attorney Compensation



The number of counties using state funds to raise attorney pay levels increased from 10 in 2007 to 16 in 2008.

Public Defense Funding in 2008

No governmental function was immune to diminishing resources resulting from the troubled economy in 2008. Though a number of jurisdictions concluded that deep cuts are not appropriate, due to the constitutional nature of the public defense mandate, others imposed significant reductions. In some locations prosecutors, public defenders, and jurisdictions implemented creative changes to their local justice procedures to make case handling practices more efficient while maintaining public safety priorities. These measures result in reduced caseloads (and therefore, costs) for public defenders as well as prosecutors.

Most counties reported few or no public defense budget cuts in late 2008. A number of others imposed relatively manageable reductions totaling \$50,000 or less. In some counties, however, budget cuts have been deep. For example, Yakima County Department of Assigned Counsel reports a reduction of three attorney positions, and Thurston County Office of Assigned Counsel reports an impending reduction of up to four attorney positions.

Recognizing the need to maintain the quality of public defense and other justice system services, King County and a few other jurisdictions have implemented major changes in how cases are handled. In the fall of 2008, the King County Prosecutor's Office announced new policies for charging less serious property and non-violent drug felonies as misdemeanors and the creation of an "expedited misdemeanor calendar" in district court to handle the cases transferred there as a result. The Prosecutor's Office laid off or lost by attrition 20 deputy prosecutors as a result of the caseload reduction. Similarly, the King County Office of the Public Defender's budget was reduced to reflect the caseload changes, resulting in a proportional reduction of positions, mostly through attrition, in the county's four non-profit public defender agencies. While concerns have been expressed as to whether the expedited misdemeanor calendar meets systemic standards for adjudication and as to the difficulty level of the remaining felony cases, the prosecutor and justice system's leadership in meeting the severe economic challenges has gone a long way to maintain stability and quality standards for most of the county's caseload in the face of the county's substantial budget deficit.

In an effort to examine systemic reform on a statewide basis, in late 2008, the deans of Washington's three law schools convened a series of meetings to develop recommendations for criminal justice efficiencies. Prosecutors, defense attorneys, judges, police chiefs, law professors, corrections officers, government officials, and others gathered to discuss methods for improving the system while protecting individual rights and maintaining public safety.

During five meetings, the group developed consensus recommendations regarding significant savings that can be achieved by making changes in certain statutes, programs, or procedures. These concerned the issues of Washington's enormous number of driving while license suspended in the third degree cases; a significant growth in the population of Washington's jails and prisons even though violent crime has declined; the inefficient procedures in contempt of court proceedings to enforce child support obligations; the monetary thresholds for prosecution of property crimes, which have not been increased since 1975; the thousands of stale warrants that have never been served and may be many years old that are clogging the system; and alternatives to traditional prosecution and sentencing, including diversion programs and sentencing alternatives. The Statement of Criminal Justice Summit Participants is located at Appendix B.

Washington State Office of Public Defense Activities

OPD supports public defense activities across Washington State in addition to managing the Chapter 10.101 RCW program. OPD's statutory mandate is "to implement the constitutional and statutory guarantees of counsel and to ensure effective and efficient delivery of indigent defense services funded by the State of Washington."¹¹

OPD's enabling statute passed in 1996, originally including a sunset date for the agency of June 30, 2008. Senate Bill 6422, which passed the 2008 Legislature unanimously, removed the sunset date, permanently reauthorized the agency, and clarified its ongoing duties. The reauthorizing legislation implemented recommendations of the Joint Legislative Audit and Review Committee (JLARC), which earlier in the fiscal year had conducted a review of the agency. JLARC's report, published in January 2008, found that "OPD is meeting legislative intent, operating in an efficient and economical manner, with adequate cost controls in place, is meeting established goals and targets, and does not substantially duplicate services offered by other agencies or the private sector."¹²

OPD's Trial Level Public Defense Consulting Program

Since 2005, OPD has implemented a public defense consulting and training program with state funds appropriated for this purpose. Counties and cities are eligible for technical assistance in all phases and approaches of providing public defense services. Over the past four years, OPD has communicated with officials in all counties and, upon request, has consulted extensively with officials in a number of counties and cities.

In 2008, in providing assistance to numerous jurisdictions in planning and implementing significant changes, OPD carried out many activities, including the following:

- Provided technical assistance for the development of mandatory public defense standards ordinances when asked by a number of jurisdictions.
- Reviewed counties' public defense contracts on request, and was instrumental in advising jurisdictions how to comply with changes to JuCR 7.15 and RPC 1.8(m) in September 2008.

¹¹ RCW 2.70.005.

¹² <http://www1.leg.wa.gov/JLARC/Audit+and+Study+Reports/2008/08-2.htm>

- Promoted a new, streamlined indigency screening procedure now used by many counties and cities.
- Advised public defenders in various jurisdictions of critical new criminal court rules and rules of professional conduct.
- Worked with indigent defense coordinators and public defense agencies regarding numerous public defense topics and issues.
- Responded to frequent public requests for information about public defense in Washington.

Over the course of 2008, OPD personnel conducted informal site visits in 25 counties and 13 cities, meeting with judges, court administrators, public defense managers, public defense attorneys, county commissioners and their staff. As JLARC found in its 2008 OPD review, these types of visits and practical assistance positively impact local efforts to improve public defense.

During the upcoming year, OPD will be emphasizing its consultation role in conjunction with Chapter 10.101 RCW's requirement that the agency determine whether each jurisdiction receiving state funds has substantially complied with the program's statutory requirements. To fulfill this duty, OPD plans to visit participating counties and cities for in-person conversations with the officials who fund and administer the jurisdiction's public defense program.

“Making Good on Gideon’s Promise”

On April 11, 2008, the Office of Public Defense, the Washington State Bar Association, and the Thurston County Bar Association hosted a unique symposium on the status of public defense, *Making Good on Gideon’s Promise*. The symposium celebrated the 45th anniversary of the U.S. Supreme Court decision of *Gideon v. Wainwright*, 372 U.S. 335 (1963). Chief Justice Gerry Alexander, Attorney General Rob McKenna, WSBA President Stan Bastian, Seattle University law professor Bob Boruchowitz, former Whatcom County Public Defender Jon Ostlund, and OPD director Joanne Moore were speakers.

More than 100 people attended the symposium held at the Temple of Justice in the Courtroom of the Supreme Court, including several Supreme Court justices and court of appeals judges, legislators, public defenders, prosecutors, legislative staff, court staff, professors, and private attorneys.

Chief Justice Alexander observed that the need for public defense has been recognized since the 19th century in Washington, as the Washington Territorial Legislature passed a statute in 1881 requiring the appointment of counsel for poor criminal defendants. Attorney General McKenna noted that Washington must be ever-vigilant to assure that the public defense gains made in the last few years are maintained, and that additional weaknesses are remedied. Stan Bastian said that the WSBA produced a report on the deficient state of public defense in Washington in 1975, and its recommendation that the system critically needed upgrading gathered dust on a shelf until the current public defense movement was instituted a few years ago. Bob Boruchowitz and Jon Ostlund described in detail the current state of public defense, and Joanne Moore highlighted reform efforts. A video is available at <http://www.tvw.org/media/mediaplayer.cfm?evid=2008040046&TYPE=V&CFID=1233410&CFTOKEN=77190409&bhcp=1>

Continuing Legal Education Program

Since 2006, OPD has provided training for public defense attorneys in non-urban areas. As noted in the 2008 JLARC report on OPD, these attorneys have traditionally had to travel long distances to secure quality training. In 2008, OPD hosted six full-day Continuing Legal Education (CLE) classes throughout Washington, as well as two shorter, more targeted presentations at the request of attorneys in eastern Washington.

When a county or city receives Chapter 10.101 RCW grant funds, it requires public defenders to take at least seven hours of CLE classes in defense-related criminal law, and the WSBA requires 15 CLE credits annually. OPD's CLE program allows public defense attorneys to obtain these credits for no charge at a location near where they practice, with high quality, up-to-date presentations. When planning programs, OPD works with local attorneys in order to target important local issues; the CLEs also provide attending attorneys the opportunity to network with practitioners in neighboring counties.

OPD presented CLEs in Vancouver, Wenatchee, Spokane, Yakima, Mount Vernon, and Olympia in 2008 for more than 300 public defense attorneys. The locations and agendas were designed to serve the public defense attorneys on a regional basis, who are typically without the support of a public defense agency.

OPD's Continuing Legal Education Programs featured a variety of topics:

- *Understanding the culture of poverty and its impact on public defense*, Dr. Donna Beegle, President of Communication Across Barriers;
- *Representing difficult clients*, Terry Mulligan, director of the Cowlitz County Office of Public Defense;
- *Ethical dilemmas in representing indigent clients*, Doug Ende, chief disciplinary counsel of the Washington State Bar Association, Tracy Staab, Federal Public Defender, and Rafael Gonzales, supervising public defender of Benton-Franklin counties (given by each in different locations);
- *Interviewing juvenile clients, witnesses and victims*, George Yeannakis, TeamChild special counsel;
- *Legislative update*, Amy Muth, Rhodes and Merryhew, LLP;
- *Investigating social networking sites on the internet*, Rita Kaiser, reference services librarian at the King County Law Library;
- *Caselaw update*, Susan Wilk, Washington Appellate Project;
- *Writing effective investigation referrals and use of investigators*, Royce Rutherford, Federal Public Defenders Office;
- *Presentation software for the courtroom*, Jennifer McCann, Federal Public Defender;
- *Adolescent development, theory and applications related to youthful offenders*, Marty Beyer, PhD;
- *The new gang bill and how it affects defenders' practice*, L. Dan Fessler, director Yakima County Department of Assigned Counsel;
- *Understanding gang culture*, Dennis Turner and Lawrence Bennett, Building the Bridges;
- *Challenging predicate convictions and out-of-state convictions*, Russell Leonard, Federal Public Defender;
- *How to effectively argue at initial appearances*, Terry Mulligan and George Yeannakis;
- *Search and seizure update: pretext stops*, Colleen O'Connor, Society of Counsel Representing Accused Persons;
- *Mental defenses and working with mentally ill clients*, Dr. James Devlin, Seattle Pacific University, and Sean Devlin, Whatcom County Public Defenders (at Mt. Vernon); and
- *Mental defenses*, Dr. James Trowbridge (at Olympia).

Public Defense Improvements: Chapter 10.101 RCW State Funding

Washington counties and cities continue to face major challenges in providing adequate counsel for indigent defendants. However, in the last two years, they have utilized state funding under the Indigent Defense Services Act, Chapter 10.101 RCW, to significantly improve delivery of indigent defense services in counties and cities throughout the state. Some challenging areas that were positively impacted by state funding in 2008 are:

- Establishment of contract attorney oversight and public defense office administration – Nine counties report using state funds to improve administration and oversight of public defense programs.
- Compensation of indigent defense attorneys – 16 counties and one city used state funds to improve compensation.
- Caseload reduction – 20 counties and 11 cities report using state funds to hire additional attorneys to reduce public defense caseloads.
- Attorneys at first appearance hearings – 12 counties and 11 cities report using state funds to ensure the availability of public defense attorneys during a defendant's first appearance in court.
- Mandatory ancillary services – 15 counties and two cities report using state funds to improve public defense access to investigators, social workers, experts, interpreters, and/or support staff.

Under Chapter 10.101 RCW, the Legislature authorized more than \$6 million for counties' and cities' public defense improvements. Thirty-eight counties and 22 cities applied for funds. In accordance with the statute, 90 percent of the funds were distributed to the counties and 10 percent to the cities. Individual county distributions were determined based on a statutory formula that considers population and adult felony filings. The city distributions were based on a competitive grant process,¹ which resulted in awards to 15 cities.

Under the Indigent Defense Services Act, participating counties and cities individually determine what improvements are most needed in their jurisdictions. During the application and distribution process, many county officials, judges, and defense attorneys planning and facilitating local improvements called on OPD for consultation. Most of the local public defense improvements implemented by the jurisdictions fall into the general categories listed above.

¹ RCW 10.101.070.

Within these general categories, the counties report spending their 2008 state funds as follows:

Counties' Use of State Public Defense Improvement Funds in 2008

County	Oversight and Defender Office Administration	Attorney Compensation	Caseload Reduction	Attorneys at 1st Appearance	Mandatory Ancillary Services
Adams		√		√	√
Asotin		√	√		√
Benton	√				
Chelan	√		√		
Clallam			√		
Clark	√		√		√
Columbia			√	√	√
Cowlitz	√	√	√	√	
Douglas					
Ferry				√	
Franklin	√				
Garfield		√	√		√
Grant			√		√
Grays Harbor		√	√		
Island			√	√	
Jefferson					√
King	√	√	√		√
Kitsap	√	√			
Kittitas		√		√	
Klickitat					
Lewis	√			√	
Lincoln		√			
Mason		√			√
Okanogan			√		
Pacific		√	√		√
Pend Oreille				√	
Pierce			√	√	√
San Juan					√
Skagit			√		
Skamania					√
Snohomish	√	√	√	√	
Spokane			√	√	
Stevens				√	
Thurston			√		
Wahkiakum		√			
Walla Walla		√			√
Whatcom			√		
Whitman		√			√
Yakima		√	√		
Total	9	16	20	12	15

The 2008 competitive grant process for cities resulted in grants for the following purposes:

Cities' Use of State Public Defense Improvement Funds in 2008

Cities	Oversight and Administration	Attorney Compensation	Caseload Reduction	Attorneys at 1st Appearance	Mandatory Ancillary Services
Battle Ground			√		
Bellingham			√	√	√
Centralia				√	
Cheney				√	
Des Moines				√	
East Wenatchee		√			
Longview			√		
Medical Lake			√		
Olympia			√	√	
Spokane			√	√	
Spokane Valley			√		
Tacoma			√	√	
Vancouver			√		
Wapato			√		√
Yakima			√		
Total		1	11	7	2

COUNTY REPORT

Across the state, the county public defense systems vary widely. Except for the smallest, all counties have a primary public defense system and a method of appointing other attorneys for conflict cases. Eight counties have public defender offices that are part of county government, four counties have non-profit systems, five counties have a public defense coordinator, three counties appoint attorneys from a list, and 21 counties contract with independent private attorneys or firms to provide public defense or have a system combining both contracts and list appointments:

- **Public defender agencies** are county-funded agencies.
- **Non-profit systems** involve the county contracting with a non-profit group or groups that are organized to provide public defense services.
- **Contract public defense systems** are systems in which the county enters into contracts with one or more private attorneys to provide representation.
- **Public defense coordinators operate** in five counties to improve the overall quality of representation services and monitor contract public defense attorneys.
- **List appointment systems** involve lists of attorneys who have agreed to accept public defense cases and are appointed by the court on a case-by-case basis.
- **Conflict appointments** of alternate attorneys are made by judges when the initially appointed public defense attorney is prohibited by ethics rules from representing an individual defendant, usually due to prior representation of another party in the case.

Methodology and data reporting

Because of the individualized nature of Washington's 39 different public defense systems, making comparisons is challenging. However, Chapter 10.101 RCW application data and the counties' 2007 contracts yield important information about actual public defense practice in Washington.

This county report presents data on funding and caseload levels in the individual counties. Thirty-eight counties submitted RCW 10.101.050 applications. Each applying county provided 2007 data regarding public defense assignments and costs of public defense. OPD reviewed the data provided, consulted with the counties where questions arose, and used the information to prepare this report.

Initial data from the counties varied widely due to differing case-counting and reporting practices. There is no standard method; systems differ, sometimes even within individual counties. Some are based on "points" or "credits" rather than cases, while others assign differing values to certain case types.

The manner in which jurisdictions deal with post-conviction hearings such as probation violations (PVs) also impacts caseload calculations.¹ Generally, PVs are less time-consuming than new cases. Some counties count PVs as a case; some do not count or report them at all; and others count them as a fraction of a case (often one-third).

Methods of accounting for and tracking cases assigned to these public defense providers are as varied as the systems. For example, many counties rely on the attorneys to cover all cases assigned and do not have any system for tracking the number of assigned cases; some counties lump together juvenile offender and Becca cases assigned to public defenders and some counties do not. Similarly, the tracking of dollars spent on public defense is varied, and includes different elements from county to county. These variations make a comparative analysis challenging and some conclusions tentative. Nevertheless, the data gathered during the Chapter 10.101 RCW application process presents a valuable picture of public defense statewide.

In preparing the county data reports that follow, OPD used information submitted as part of the county applications and data from the Administrative Office of the Courts (AOC) caseload reports. OPD's public defense service managers contacted the counties to clarify and augment data where necessary. After the county data reports were prepared, they were sent to the counties for review. Each county had an opportunity to make additional county comments and input to the final product. County staff members were gracious and generous with their time during this process, and this report would not have been possible without their help.

¹ Probation Violations (PVs) are proceedings in which convicted persons on probation are accused of non-compliance with their conditions of probation. Because these individuals are subject to further sanctions, including incarceration, they are eligible for court-appointed counsel.

Glossary

County Profile

2007 population: Total county population as reported in the Washington State Office of Financial Management April 1, 2008 – Population of Cities, Town, and Counties publication.

Percent below poverty level: Percent of county population below the federal poverty level as reported by the U.S. Bureau of the Census. For most counties 2006 information was included, however, for some counties 2006 information was not available so 2003 information is reported.

Median household income: Median household income as reported by the Washington State Office of Financial Management in October 2008: Median Household Income Estimates by County: 1989 to 2007 and Projection for 2008.

2008 Chapter 10.101 RCW distribution: The county's allocation of the Chapter 10.101 RCW funds appropriation, as determined by the statutory distribution formula. The 2008 distributions reported here were sent to the jurisdictions in December 2007, and were used by them during calendar year 2008.

I. 2007 Statistics

1. Total adult criminal cases per 1,000 population: The total number of new trial level adult felony and misdemeanor criminal cases (including misdemeanors filed in municipal courts), as reported by AOC divided by the county population as expressed in thousands.
2. Amount spent for public defense: The county-reported total dollar amount spent for public defense representation during 2007.
3. Amount spent per capita: The county-reported total dollar amount spent for public defense representation divided by the total county population. **Caution:** the amount spent per capita is not directly comparable county to county. This per capita amount is influenced by a number of variables, including geography, the number of cases filed, the number of major cases filed, and the number of attorneys practicing in the county, local attorney availability, the county's poverty rate, and case filing rates.

II. Adult felony

1. New adult superior court cases filed: The number of new (non-probation violation) adult superior court cases filed during 2007 as reported by AOC.
2. New adult superior court cases per 1,000 population: The number of new adult superior court cases filed divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new adult superior court cases assigned to public defense counsel during 2007.
4. Percent of new cases assigned to counsel: The county-reported number of new cases assigned to counsel divided by the total new adult superior court cases and expressed as a percentage.

III. Adult misdemeanor

1. New county misdemeanor cases filed: The number of new (non-probation violation) district court cases filed during 2007 as reported by AOC.
2. Total new misdemeanor cases filed in county: The total number of new misdemeanor (non-felony) cases filed in all courts in the county, including municipal courts, during 2007 as reported by AOC.
3. Total new misdemeanor cases per 1,000 population: The total number of new misdemeanor cases filed during 2007 divided by the county population as expressed in thousands.
4. Number of new cases assigned to counsel by county: The county-reported number of new adult district court cases assigned to public defense counsel during 2007.¹⁵

IV. Juvenile offender

1. New juvenile offender cases filed: The number of new (non-probation violation) juvenile offender cases filed during 2007 as reported by AOC.
2. New juvenile offender cases per 1,000 population: The total number of new juvenile offender cases filed during 2007 divided by the county population as expressed in thousands.
3. Number of new cases assigned to counsel: The county-reported number of new filed juvenile offender cases assigned to public defense counsel during 2007. Not all juvenile arrests result in juvenile offender cases being filed. Some are diverted and for some, no action is taken.
4. Percent of new cases assigned to counsel: The county-reported number of new cases assigned to counsel divided by the total new juvenile offender cases filed and expressed as a percentage.

¹⁵ Some counties included contract municipal cases in the reported number.

ADAMS COUNTY

2007 Population:	17,600
Percent below poverty level in 2003: (2006 information is not available)	15.8%
2007 Median household income:	\$35,221
2008 Chapter 10.101 RCW distribution:	\$28,564

Adams County delivers indigent public defense representation through a contract system. The county contracts with two law firms who handle 100 percent of the cases in Superior and District Court. Those law firms may subcontract with other providers for overflow representation and for assumption of a specific portion of the required coverage. In addition, for all types of conflict cases, the court appoints separate counsel from a list.

2007 Statistics

Total adult criminal cases per 1,000 population	95.7
Amount spent for public defense	\$317,600
Amount spent per capita	\$18.05

Adult felony

New adult superior court cases filed	228
New adult superior court cases per 1,000 population	13.0
Number of new cases assigned to counsel	169
Percent of new cases assigned to counsel	74.1%

Adult misdemeanor

New county misdemeanor cases filed	885
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,457
Total new misdemeanor cases per 1,000 population	82.8
Number of new cases assigned to counsel by county	663

Juvenile offender

New juvenile offender cases filed	94
New juvenile offender cases per 1,000 population	5.3
Number of new cases assigned to counsel	40
Percent of new cases assigned to counsel	42.6%

Adams County has adopted a public defense standards ordinance. The Adams County public defense contracts require annual training and reporting of non-public defense attorney hours.

Adams County spent its 2008 Chapter 10.101 RCW funds on increasing investigator, expert, and interpreter services for the public defense attorneys. The County plans to use its 2009 funds for adding attorneys to lower public defense caseloads, increasing compensation for attorneys, providing counsel at preliminary hearings, as well as investigator, expert, and interpreter services for attorney-client interviews and communications.

ASOTIN COUNTY

2007 Population:	21,300
Percent below poverty level in 2003: (2006 information is not available)	14.5%
2007 Median household income:	\$42,110
2008 Chapter 10.101 RCW distribution:	\$29,675

Asotin County delivers public defense representation through a contract system. During 2007, virtually all of the contracted public defense services in Asotin County were handled by two attorneys with the exception of conflict cases, for which the court appoints separate counsel from a list.

2007 Statistics

Total adult criminal cases per 1,000 population	67.2
Amount spent for public defense	\$209,957
Amount spent per capita	\$9.86

Adult felony

New adult superior court cases filed	220
New adult superior court cases per 1,000 population	10.3
Number of new cases assigned to counsel	176
Percent of new cases assigned to counsel	80.0%

Adult misdemeanor

New county misdemeanor cases filed	624
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1212
Total new misdemeanor cases per 1,000 population	56.9
Number of new cases assigned to counsel by county	300

Juvenile offender

New juvenile offender cases filed	85
New juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	71
Percent of new cases assigned to counsel	83.5%

Asotin County plans on adopting a public defense ordinance in 2009. Asotin County public defenders are required to attend training and report non-public defender attorney hours.

Asotin County spent its 2008 Chapter 10.101 RCW funds to contract with an additional attorney to lower public defense caseloads, to add investigator and expert services, and to increase public defense attorney compensation. The County plans to use its 2009 funds to continue these improvements.

BENTON COUNTY

2007 Population:	162,900
Percent below poverty level in 2006:	13.9%
2007 Median household income:	\$55,429
2008 Chapter 10.101 RCW distribution:	\$144,335

Benton County provides public defense representation through a contract system coordinated and monitored by a bi-county (with Franklin County) public defense coordinator.

2007 Statistics

Total adult criminal cases per 1,000 population	68.0
Amount spent for public defense	\$2,221,616 ¹
Amount spent per capita	\$13.64

Adult felony

New adult superior court cases filed	1,260
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	1226
Percent of new cases assigned to counsel	97.3%

Adult misdemeanor

New county misdemeanor cases filed	3,327
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	9,815
Total new misdemeanor cases per 1,000 population	68.0
Number of new cases assigned to counsel by county	4,932

Juvenile offender

New juvenile offender cases filed	1,086
New juvenile offender cases per 1,000 population	6.7
Number of new cases assigned to counsel	N/A ²
Percent of new cases assigned to counsel	N/A

Benton County is working on the adoption of a public defender standards ordinance. In addition, the Benton County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Benton County used its 2008 Chapter 10.101 RCW funds to financially support a bi-county Office of Public Defense with an Indigent Defense Coordinator and one staff person. The County plans to use its 2009 funds to continue the coordinator position and to expand its indigent defense services.

¹ Benton County and Franklin County are a joint juvenile justice system. Please note that the dollar amount spent for juvenile related matters was apportioned to each county based on the ratio of case filings for each county. In the 2007 Status Report the dollar amount spent for juvenile related matters was not apportioned and the total amount was included for each county.

² The number of new cases assigned counsel for the Joint Juvenile Justice System of Benton County and Franklin County is 1,420.

CHELAN COUNTY

2007 Population:	71,200
Percent below poverty level in 2006:	10.8%
2007 Median household income:	\$48,982
2008 Chapter 10.101 RCW distribution:	\$80,608

In 2007 Chelan County switched from a contract for services model to a non-profit agency model. Chelan County now contracts with the Counsel for Defense in Chelan County for public defense services. The county contracts with a number of private attorneys to handle conflict cases.

2007 Statistics

Total adult criminal cases per 1,000 population	69.8
Amount spent for public defense	\$1,103,901
Amount spent per capita	\$15.50

Adult felony

New adult superior court cases filed	783
New adult superior court cases per 1,000 population	11.0
Number of new cases assigned to counsel	698
Percent of new cases assigned to counsel	89.1%

Adult misdemeanor

New county misdemeanor cases filed	2,147
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	4,184
Total new misdemeanor cases per 1,000 population	58.8
Number of new cases assigned to counsel by county	760

Juvenile offender

New juvenile offender cases filed	478
New juvenile offender cases per 1,000 population	6.7
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ¹

Chelan County has adopted a public defense standards resolution, and is working on adopting an ordinance. In addition, the Chelan County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Chelan County used its 2008 Chapter 10.101 RCW funds for a newly established non-profit public defense agency and an additional attorney to reduce caseloads. The County plans to use its 2009 funds to maintain these improvements and increase compensation for the attorneys.

¹ The County reported a total maximum number of cases which was greater than the actual number of case filings. Accordingly, the total number and percentage of new cases assigned to counsel could not be determined.

CLALLAM COUNTY

2007 Population:	68,500
Percent below poverty level in 2006:	14.9%
2007 Median household income:	\$47,401
2008 Chapter 10.101 RCW distribution:	\$69,092

Clallam County contracts with the Clallam Public Defender, a non-profit corporation, for public defense representation. The Clallam Public Defender provides direct supervision of attorneys, in-house investigation services, and resolution of client complaints. The Clallam County courts appoint supplemental private investigators on a case-by-case basis. Conflict counsel is appointed by the courts from a list of attorneys.

2007 Statistics

Total adult criminal cases per 1,000 population	54.1
Amount spent for public defense	\$325,647
Amount spent per capita	\$4.75

Adult felony

New adult superior court cases filed	589
New adult superior court cases per 1,000 population	8.6
Number of new cases assigned to counsel	549 (plus 43 PVs)
Percent of new cases assigned to counsel	93.2%

Adult misdemeanor

New county misdemeanor cases filed	1,544
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	3,115
Total new misdemeanor cases per 1,000 population	45.5
Number of new cases assigned to counsel by county	629

Juvenile offender

New juvenile offender cases filed	325
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	215 (plus 188 PVs)
Percent of new cases assigned to counsel	66.2%

Clallam County is in the process of adopting a public defense standards ordinance. The Clallam County public defense contracts require approved annual training.

Clallam County spent its 2008 Chapter 10.101 RCW funds for additional attorneys to lower public defense caseloads. The County anticipates using its 2009 funds for the same purpose.

CLARK COUNTY

2007 Population:	415,000
Percent below poverty level in 2006:	10.0%
2007 Median household income:	\$57,248
2008 Chapter 10.101 RCW distribution:	\$308,478

Clark County has an indigent defense coordinator who oversees the public defense contracting system, monitors the contracts, and provides assistance to the contractors to improve the level of public defense services. OPD continues to work closely with the coordinator to implement best practices in the largest county to contract with private counsel to provide public defense services.

2007 Statistics

Total adult criminal cases per 1,000 population	48.4
Amount spent for public defense	\$4,157,026
Amount spent per capita	\$10.02

Adult felony

New adult superior court cases filed	2,365
New adult superior court cases per 1,000 population	5.7
Number of felony cases assigned to counsel	2,340
Percent of new cases assigned to counsel	98.9%

Adult misdemeanor

New county misdemeanor cases filed	7,590
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	17,701
Total new misdemeanor cases per 1,000 population	42.3
Number of new cases assigned to counsel by county	4,046

Juvenile offender

New juvenile offender cases filed	1,489
New juvenile offender cases per 1,000 population	3.6
Number of cases assigned to counsel	1,460
Percent of new cases assigned to counsel	98.1%

Clark County has adopted a public defense standards ordinance. In addition, the Clark County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Clark County used its 2008 Chapter 10.101 RCW funds to continue its indigent defense coordinator position, including one support staff, to add an FTE attorney in district court, and to increase investigator funding. The County plans to use its 2009 funds to continue these improvements.

COLUMBIA COUNTY

2007 Population:	4,100
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	11.9%
2007 Median household income:	\$39,674
2008 Chapter 10.101 RCW distribution:	\$12,337

Columbia County delivers public defense services through a contract system. During 2008, the county contracted with two different attorneys for public defense representation; each contract specified that the attorney is responsible for 50 percent of all case types assigned, paid on a monthly basis. Attorneys are appointed from a list for conflict cases.

2007 Statistics

Total adult criminal cases per 1,000 population	76.8
Amount spent on public defense	\$95,403
Amount spent per capita	\$23.27

Adult felony

New adult superior court cases filed	30
New adult superior court cases per 1,000 population	7.3
Number of new cases assigned to counsel	30
Percent of new cases assigned to counsel	100%

Adult misdemeanor

New county misdemeanor cases filed	199
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	285
Total new misdemeanor cases per 1,000 population	69.5
Number of new cases assigned to counsel by county	242 ¹

Juvenile offender

New juvenile offender cases filed	33
New juvenile offender cases per 1,000 population	8.0
Number of new cases assigned to counsel	30
Percent of new cases assigned to counsel	90.9%

Columbia County is in the process of adopting a public defense standards ordinance. The Columbia County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Columbia County spent its 2008 Chapter 10.101 RCW funds on additional attorneys to reduce caseloads, provide public defense services at first appearance calendars, and provide interpreter services for attorney-client interviews and communications. The County intends to use its 2009 funds to maintain these improvements and to increase attorney compensation.

¹ This number includes Dayton Municipal Court appointments.

COWLITZ COUNTY

2007 Population:	97,800
Percent below poverty level in 2006:	16.3%
2007 Median household income:	\$45,069
2008 Chapter 10.101 RCW distribution:	\$139,250

Cowlitz County has moved from a contract system to a county public defender agency that uses a mixed system of existing contracts and county public defense attorneys. The Cowlitz County Office of Public Defense provides representation to indigent clients in felony, misdemeanor and juvenile matters.

2007 Statistics

Total adult criminal cases per 1,000 population	91.4
Amount spent for public defense	\$2,005,666
Amount spent per capita	\$20.50

Adult felony

New adult superior court cases filed	1,671
New adult superior court cases per 1,000 population	17.1
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ¹

Adult misdemeanor

New county misdemeanor cases filed	2,659
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	7,264
Total new misdemeanor cases per 1,000 population	74.3
Number of new cases assigned to counsel by county	1,361

Juvenile offender

New juvenile offender cases filed	578
New juvenile offender cases per 1,000 population	5.9
Number of new cases assigned to counsel	553
Percent of new cases assigned to counsel	95.7%

Cowlitz County has adopted a public defense standards ordinance. In addition, the Cowlitz County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Cowlitz County used its 2008 Chapter 10.101 RCW funds to maintain and expand the county Office of Public Defense, add attorneys to lower public defense caseloads, increase public defense attorney compensation, provide public defense services at first appearance calendars, and comply with the amendments to Juvenile Court Rule 7.15. The County plans to use its 2009 funds to maintain these improvements.

¹ The number of felony cases assigned to a public defender could not be determined in 2007 because the contracts use a point system that does not necessarily equate to a case.

DOUGLAS COUNTY

2007 Population:	36,300
Percent below poverty level in 2003: (2006 information is not available)	11.9%
2007 Median household income:	\$45,399
2008 Chapter 10.101 RCW distribution:	\$0

Douglas County did not participate in the Chapter 10.101 RCW funding application process. Accordingly, financial data and information relating to the amount spent for public defense services or the number and percentage of new cases assigned to counsel was not available. The number of new cases filed is derived from the Administrative Office of the Courts case filings report.

2007 Statistics

Total adult criminal cases per 1,000 population	52.3
Amount spent for public defense	
Amount spent per capita	

Adult felony

New adult superior court cases filed	259
New adult superior court cases per 1,000 population	7.3
Number of new cases assigned to counsel	
Percent of new cases assigned to counsel	

Adult misdemeanor

New county misdemeanor cases filed	699
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,640
Total new misdemeanor cases per 1,000 population	45.2
Number of new cases assigned to counsel by county	

Juvenile offender

New juvenile offender cases filed	204
New juvenile offender cases per 1,000 population	5.7
Number of new cases assigned to counsel	
Percent of new cases assigned to counsel	

FERRY COUNTY

2007 Population:	7,550
Percent below poverty level in 2003: (2006 information is not available)	16.6%
2007 Median household income:	\$32,497
2008 Chapter 10.101 RCW distribution:	\$14,684

Ferry County administers public defense representation through a contract system. One attorney provides representation to all indigent adults and juveniles in Superior Court except conflicts and acts as the conflict attorney for District Court cases. Another attorney provides representation to all indigent defendants for District Court cases and acts as the conflict attorney for Superior Court cases. Several attorneys contract for conflict cases.

2007 Statistics

Total adult criminal cases per 1,000 population	30.7
Amount spent for public defense	\$137,969
Amount spent per capita	\$18.27

Adult felony

New adult superior court cases filed	47
New adult superior court cases per 1,000 population	6.2
Number of new cases assigned to counsel	39
Percent of new cases assigned to counsel	83.0%

Adult misdemeanor

New county misdemeanor cases filed	147
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	185
Total new misdemeanor cases per 1,000 population	24.5
Number of new cases assigned to counsel by county	146

Juvenile offender

New juvenile offender cases filed	20
New juvenile offender cases per 1,000 population	2.6
Number of new cases assigned to counsel	17
Percent of new cases assigned to counsel	85.0%

Ferry County has adopted a public defense standards ordinance. The Ferry County public defense contracts require approved annual training.

Ferry County spent its 2008 Chapter 10.101 RCW funds for contracts to provide defense counsel at preliminary hearings. The County intends to use its 2009 funds to maintain these improvements.

FRANKLIN COUNTY

2007 Population:	67,400
Percent below poverty level in 2006:	24.9%
2007 Median household income:	\$44,820
2008 Chapter 10.101 RCW distribution:	\$64,080

Franklin County provides public defense representation through a contract system coordinated and monitored by a bi-county (with Benton County) public defense coordinator.

2007 Statistics

Total adult criminal cases per 1,000 population	62.5
Amount spent for public defense	\$808,258 ¹
Amount spent per capita	\$11.99

Adult felony

New adult superior court cases filed	504
New adult superior court cases per 1,000 population	7.5
Number of new cases assigned to counsel	390
Percent of new cases assigned to counsel	77.4%

Adult misdemeanor

New county misdemeanor cases filed	1382
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	3709
Total new misdemeanor cases per 1,000 population	55.0
Number of new cases assigned to counsel by county	532

Juvenile offender

New juvenile offender cases filed	446
New juvenile offender cases per 1,000 population	6.6
Number of new cases assigned to counsel	N/A ²
Percent of new cases assigned to counsel	N/A

Franklin County is working on the adoption of a public defense standards ordinance. In addition, the Franklin County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Franklin County used its 2008 Chapter 10.101 RCW funds to financially support the creation of a bi-county Office of Public Defense with an Indigent Defense Coordinator and one staff person. The County plans to use its 2009 funds to continue the coordinator position and expand its indigent defense services.

¹ Benton County and Franklin County are a joint juvenile justice system. The dollar amount spent for juvenile related matters was apportioned to each county based on the ratio of case filings for each county. In the 2007 Status Report the dollar amount spent for juvenile related matters was not apportioned and the total amount was included for each county.

² The number of new cases assigned counsel for the Joint Juvenile Justice System of Benton County and Franklin County is 1,420.

GARFIELD COUNTY

2007 Population:	2,350
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	11.3%
2007 Median household income:	\$38,973
2008 Chapter 10.101 RCW distribution:	\$11,234

Garfield County provides public defense representation through a contract with one attorney who is responsible for 100 percent of the cases in all of the county courts except conflict cases. The court uses a list of attorneys for appointment in conflict cases at an hourly rate of \$75.

2007 Statistics

Total adult criminal cases per 1,000 population	95.7
Amount spent for public defense	\$23,150
Amount spent per capita	\$9.85

Adult felony

New adult superior court cases filed	23
New adult superior court cases per 1,000 population	9.8
Number of new cases assigned to counsel	19
Percent of new cases assigned to counsel	82.6%

Adult misdemeanor

New county misdemeanor cases filed	202
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	202
Total new misdemeanor cases per 1,000 population	86.0
Number of new cases assigned to counsel by county	35

Juvenile offender

New juvenile offender cases filed	3
New juvenile offender cases per 1,000 population	1.3
Number of new cases assigned to counsel	2
Percent of new cases assigned to counsel	66.7%

Garfield County has adopted a public defense standards ordinance. The Garfield County public defense contract requires approved annual training and reporting of non-public defense attorney hours.

Garfield County spent its 2008 Chapter 10.101 RCW funds on increasing defense attorneys' compensation, adding more conflict attorneys, providing interpreter services for attorney-client interviews and communications, and for implementation of Juvenile Court Rule 7.15 amendments. The County plans to use its 2009 funds to maintain these improvements and to add additional expert and investigator services, as well as public defense services at first appearance calendars.

GRANT COUNTY

2007 Population:	82,500
Percent below poverty level in 2006:	21.7%
2007 Median household income:	\$43,754
2008 Chapter 10.101 RCW distribution:	\$86,437

Grant County has developed a consortium of individually contracted attorneys to provide public defense representation. A supervising public defender oversees the consortium.

2007 Statistics

Total adult criminal cases per 1,000 population	86.5
Amount spent for public defense	\$2,486,181
Amount spent per capita	\$30.14

Adult felony

New adult superior court cases filed	804
New adult superior court cases per 1,000 population	9.7
Number of new cases assigned to counsel	847 ¹
Percent of new cases assigned to counsel	>100% ¹

Adult misdemeanor

New county misdemeanor cases filed	6,331
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	6,331
Total new misdemeanor cases per 1,000 population	76.7%
Number of new cases assigned to counsel by county	4,063

Juvenile Offender

New juvenile offender cases filed	179
New juvenile offender cases per 1,000 population	2.2
Number of new cases assigned to counsel	179
Percent of new cases assigned to counsel	100.0%

Grant County has adopted a public defense standards resolution and the Grant County public defense contracts require approved annual training.

Grant County spent its 2008 Chapter 10.101 RCW funds to hire more defense attorneys to reduce caseloads and to provide additional investigator and interpreter services. The County plans to use its 2009 funds to maintain juvenile program improvements and possibly begin setting up partial "in house" providers for indigent defense services.

¹ The number of cases assigned to public defenders surpassed the number of actual felony filings by the Prosecuting Attorney's Office due to: (1) certain cases in which the county's supervising attorney determined there was a need to assign more than one public defender due to the complexity or nature of the case, and/or (2) the reassignment of active cases from one public defender to another due to illness, resignation, etc. Although more cases were assigned to public defenders in 2007 than were filed, not every individual charged in adult felony court was necessarily provided with public defender representation.

GRAYS HARBOR COUNTY

2007 Population:	70,800
Percent below poverty level in 2006:	17.8%
2007 Median household income:	\$42,049
2008 Chapter 10.101 RCW distribution:	\$74,174

Grays Harbor County delivers public defense representation through a contract system with 20 attorneys who handle adult felony cases, two attorneys who handle juvenile offender cases, and seven who handle district court cases.

2007 Statistics

Total adult criminal cases per 1,000 population	114.9
Amount spent for public defense	\$858,263
Amount spent per capita	\$12.12

Adult felony

New adult superior court cases filed	666
New adult superior court cases per 1,000 population	9.4
Number of new cases assigned to counsel	613
Percent of new cases assigned to counsel	92.0%

Adult misdemeanor

New county misdemeanor cases filed	3,478
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	7,472
Total new misdemeanor cases per 1,000 population	105.5
Number of new cases assigned to counsel by county	3478

Juvenile offender

New juvenile offender cases filed	354
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	354
Percent of new cases assigned to counsel	100%

Grays Harbor County is in the process of adopting a public defense standards ordinance.

Grays Harbor County spent its 2008 Chapter 10.101 RCW funds contracting with a juvenile conflict attorney, adding attorneys to lower public defense caseloads, and increasing compensation for public defense attorneys. The County plans to use its 2009 funds to maintain these improvements.

ISLAND COUNTY

2007 Population:	78,400
Percent below poverty level in 2003: (2006 information is not available)	8.3%
2007 Median household income:	\$56,837
2008 Chapter 10.101 RCW distribution:	\$58,750

Island County delivers public defense representation through a mixed system, contracting with a single law firm to provide virtually all criminal defense services and using list appointments for conflict and other specific case types. Conflict and other appointments are compensated according to a published county public defense fee schedule.

2007 Statistics

Total adult criminal cases per 1,000 population	38.9
Amount spent for public defense	\$669,765
Amount spent per capita	\$8.54

Adult felony

New adult superior court cases filed	319
New adult superior court cases per 1,000 population	4.1
Number of new cases assigned to counsel	299
Percent of new cases assigned to counsel	93.7%

Adult misdemeanor

New county misdemeanor cases filed	1,757
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	2,729
Total new misdemeanor cases per 1,000 population	34.8
Number of new cases assigned to counsel by county	798

Juvenile offender

Juvenile offender cases filed	214
Juvenile offender cases per 1,000 population	2.7
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ¹

Island County has a public defense standards resolution and is in the process of adopting a public defense standards ordinance.

Island County spent its 2008 Chapter 10.101 RCW funds on providing defense counsel at preliminary appearance calendars and adding attorneys to lower public defense caseloads. The County plans to use its 2009 funds to continue representation at first appearance hearings and to add conflict attorneys to reduce the caseload of the county's primary public defense provider.

¹ The number of new cases assigned is greater than the number of new cases filed.

JEFFERSON COUNTY

2007 Population:	28,600
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	11.0%
2007 Median household income:	\$48,112
2008 Chapter 10.101 RCW Distribution:	\$32,929

Jefferson County contracts with Jefferson Associated Counsel, a nonprofit corporation, for all public defense representation. The office director provides direct supervision for the attorneys and is responsible for handling client complaints. Some investigative services are provided by support staff; the balance is provided by private investigators appointed by the court on a case-by-case basis. The court appoints conflict counsel from a list of private attorneys.

2007 Statistics

Total adult criminal cases per 1,000 population	55.5
Amount spent for public defense	\$356,843
Amount spent per capita	\$12.48

Adult felony

New adult superior court cases filed	224
New adult superior court cases per 1,000 population	7.8
Number of new cases assigned to counsel	213 (plus 10 PVs)
Percent of new cases assigned to counsel	95.1%

Adult misdemeanor

New county misdemeanor cases filed	1,040
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,363
Total new misdemeanor cases per 1,000 population	47.7
Number of new cases assigned to counsel by county	677 (plus 215 PVs)

Juvenile offender

New juvenile offender cases filed	100
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel:	N/A

Jefferson County has adopted a resolution and is in the process of creating a public defense standards ordinance. The Jefferson County public defense contract requires approved annual training.

Jefferson County spent its 2008 Chapter 10.101 RCW funds to hire a public defense investigator. The County plans to use its 2009 funds to enhance investigative services.

¹ The reported number of assignments is greater than the number of new cases filed.

KING COUNTY

2007 Population:	1,861,300
Percent below poverty level in 2006:	9.5%
2007 Median household income:	\$68,152
2008 Chapter 10.101 RCW distribution:	\$1,371,852

King County administers public defense representation through the King County Office of the Public Defender, a county agency which contracts for direct client services with four non-profit public defense agencies: Associated Counsel for the Accused (ACA), Society of Counsel Representing Accused Persons (SCRAP), The Defender Association (TDA) and Northwest Defender Association (NDA) to provide 90 percent of public defense services. Ten percent of public defense services (for conflict cases) are provided through an assigned counsel panel composed of private attorneys accepting assignments on an hourly basis.

The King County Office of the Public Defender provides funding for these agencies that includes salaries and benefits for attorneys, supervisors and professional and clerical support staff including investigators, social workers and paralegals; administrative overhead including equipment and operational costs; rent allocations; and calendar costs per specific calendar assignments. The contract agencies are budgeted for attorney salaries, exclusive of benefits, at parity with the King County Prosecutor Office employees. Expert and other extraordinary case related expenses not included in the contracts are paid by the county upon written request to the Office of the Public Defender.

2007 Statistics

Total adult criminal cases per 1,000 population	44.0
Amount spent for public defense	\$36,021,246
Amount spent per capita	\$19.35

Adult felony

New adult superior court cases filed	10,976
New adult superior court cases per 1,000 population	5.9
Number of new cases assigned to counsel	10,102 (plus 1,776 PVs)
Percent of new cases assigned to counsel	92.0%

Adult Misdemeanor

New county misdemeanor cases filed	16,644
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	70,864
Total new misdemeanor cases per 1,000 population	38.1
Number of new cases assigned to counsel by county	7,601 (plus 1,622 PVs)

Juvenile offender

New juvenile offender cases filed	3,953
New juvenile offender cases per 1,000 population	2.1
Number of new cases assigned to counsel	3,807 (plus 1,077 PVs)
Percent of new cases assigned to counsel	96.3%

The King County Council has adopted an ordinance which sets compensation and caseload standards for contract public defenders. In addition, the King County public defense contracts require approved training. Contractor agencies who contract with the King County Office of the Public Defender must be non-profit corporations established solely for the purpose of providing public defense services.

King County spent its 2008 Chapter 10.101 RCW funds for a program manager to improve quality control for training programs, for adding attorneys to lower public defense juvenile offender caseloads, and for increasing assigned counsel compensation. The County plans to use its 2009 funds to continue these efforts.

KITSAP COUNTY

2007 Population:	244,800
Percent below poverty level in 2006:	8.6%
2007 Median household income:	\$56,774
2008 Chapter 10.101 RCW distribution:	\$207,036

In 2008, Kitsap County created a county public defense office. The County has funded one attorney position (Supervisor) and a part-time legal assistant. The new office oversees existing public defense contracts and handles the County's drug court program.

2007 Statistics

Total adult criminal cases per 1,000 population	52.5
Amount spent for public defense	\$3,101,066
Amount spent per capita	\$12.67

Adult felony

New adult superior court cases filed	1,794
New adult superior court cases per 1,000 population	7.3
Number of new cases assigned to counsel	1,618
Percent of new cases assigned to counsel	90.2%

Adult misdemeanor

New county misdemeanor cases filed	6,329
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	11,053
Total new misdemeanor cases per 1,000 population	45.2
Number of new cases assigned to counsel by county	2,930

Juvenile offender

Juvenile offender cases filed	968
Juvenile offender cases per 1,000 population	4.0
Number of new cases assigned to counsel	766
Percent of new cases assigned to counsel	79.1%

Kitsap County has adopted a public defense standards resolution and a pay-parity resolution for attorneys and staff employed by the new county office. In addition, Kitsap County public defense contracts will require approved annual training and reporting of non-public defense attorney hours as they are renewed.

Kitsap County spent its 2008 Chapter 10.101 RCW funds to create the county public defense office and to increase attorney compensation. The County plans to use its 2009 funds to increase the quality of contract public defense services and continue to look into some level of in-house staffing.

KITTITAS COUNTY

2007 Population:	38,300
Percent below poverty level in 2003: (2006 information is not available)	13.4%
2007 Median household income:	\$40,219
2008 Chapter 10.101 RCW distribution:	\$43,556

Kittitas County delivers public defense representation solely through list appointment for Kittitas County Superior Court and Upper Kittitas District Court. Contracts are utilized in extraordinary circumstances such as specific serious felonies. Appointed attorneys are paid at a published rate per case unless otherwise authorized. For Lower Kittitas District Court, one attorney contracts for all indigent defense cases.

2007 Statistics

Total adult criminal cases per 1,000 population	98.3
Amount spent for public defense	\$361,158
Amount spent per capita	\$9.43

Adult felony

New adult superior court cases filed	347
New adult superior court cases per 1,000 population	9.1
Number of new cases assigned to counsel	208
Percent of new cases assigned to counsel	59.9%

Adult misdemeanor

New county misdemeanor cases filed	3074
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	3416
Total new misdemeanor cases per 1,000 population	89.2
Number of new cases assigned to counsel by county	1,104

Juvenile offender

New juvenile offender cases filed	124
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	113
Percent of new cases assigned to counsel	91.1%

Kittitas County has adopted a public defense standards ordinance. The Lower Kittitas County District Court contract requires approved training and reporting of hours.

Kittitas County spent its 2008 Chapter 10.101 RCW funds to increase attorney compensation, provide public defense representation at the Upper Kittitas County District Court arraignment calendar, and implement the Juvenile Court Rule 7.15 amendments. The County plans to use its 2009 funds to maintain these improvements.

KLICKITAT COUNTY

2007 Population:	19,900
Percent below poverty level in 2003: (2006 information is not available)	14.5%
2007 Median household income:	\$41,831
2008 Chapter 10.101 RCW distribution:	\$25,718

Klickitat County administers public defense representation using one contract signed by three attorneys for all superior court matters. The contract specifies that the three attorneys will provide 100 percent of indigent defense services in adult felony, juvenile offender, and other juvenile cases. Conflict attorneys are appointed from a list.

The county has two separate district courts; defense services in each court are handled through list appointment by the court.

2007 Statistics

Total adult criminal cases per 1,000 population	66.4
Amount spent for public defense	\$256,472
Amount spent per capita	\$12.89

Adult felony

New adult superior court cases filed	157
New adult superior court cases per 1,000 population	7.9
Number of new cases assigned to counsel	157
Percent of new cases assigned to counsel	100%

Adult misdemeanor

New county misdemeanor cases filed	691
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,164
Total new misdemeanor cases per 1,000 population	58.5
Number of new cases assigned to counsel by county	329

Juvenile offender

New juvenile offender cases filed	94
New juvenile offender cases per 1,000 population	4.7
Number of new cases assigned to counsel	94
Percent of new cases assigned to counsel	100%

Klickitat County is in the process of adopting a public defense standards ordinance.

LEWIS COUNTY

2007 Population:	74,100
Percent below poverty level in 2006:	12.4%
2007 Median household income:	\$41,575
2008 Chapter 10.101 RCW distribution:	\$88,083

Lewis County administers public defense representation through a mixed contract and list appointment system. The county contracts with attorneys for adult felony cases and attorneys for juvenile offender cases. The District Court maintains a list of six private attorneys for appointment on a case-by-case basis. Some attorneys accept more than one case type.

2007 Statistics

Total adult criminal cases per 1,000 population	71.1
Amount spent for public defense	\$1,197,039
Amount spent per capita	\$16.15

Adult Felony

New adult superior court cases filed:	900
New adult superior court cases per 1,000 population	12.1
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ¹

Adult Misdemeanor

New county misdemeanor cases filed	2,321
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	4,370
Total new misdemeanor cases per 1,000 population	59.0
Number of new cases assigned to counsel by county	1,788

Juvenile Offender

New juvenile offender cases filed	256
New juvenile offender cases per 1,000 population	3.5
Number of new cases assigned to counsel	192
Percent of new cases assigned to counsel	75.0%

Lewis County has developed an indigent defense plan and adopted a public defense standards ordinance. Lewis County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

Lewis County spent its 2008 Chapter 10.101 RCW funds to contract with an attorney coordinator to provide quality oversight of public defense attorneys, and to provide counsel at initial appearance calendars. The County plans to use its 2009 funds to continue these improvements.

¹ The County reported felony "units" as opposed to cases assigned to counsel so the number and percent of new cases assigned to counsel could not be determined.

LINCOLN COUNTY

2007 Population:	10,300
Percent below poverty level in 2003: (2006 information is not available)	13.5%
2007 Median household income:	\$42,868
2008 Chapter 10.101 RCW distribution:	\$16,097

Lincoln County administers public defense representation using a mixed system. Public defense representation for adult misdemeanors is handled through a contract with one attorney. Counsel is provided through list appointment for conflict cases, adult felony, juvenile offender, and all other Superior Court case types.

2007 Statistics

Total adult criminal cases per 1,000 population	63.4
Amount spent for public defense	\$81,687
Amount spent per capita	\$7.93

Adult felony

New adult superior court cases filed	52
New adult superior court cases per 1,000 population	5.0
Number of new cases assigned to counsel	42
Percent of new cases assigned to counsel	80.8%

Adult misdemeanor

New county misdemeanor cases filed	601
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	601
Total new misdemeanor cases per 1,000 population	56.5
Number of new cases assigned to counsel by county	246

Juvenile offender

New juvenile offender cases filed	52
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	12
Percent of new cases assigned to counsel	23.1%

Lincoln County has adopted a public defense standards ordinance. The Lincoln County public defense contracts require approved annual training.

Lincoln County spent its 2008 Chapter 10.101 RCW funds on compensation increases for public defense attorneys. The County plans to use its 2009 funds for this purpose as well.

MASON COUNTY

2007 Population:	54,600 ¹
Percent below poverty level in 2003: (2006 information is not available)	11.9%
2007 Median household income:	\$48,433
2008 Chapter 10.010 RCW distribution:	\$64,591

Mason County delivers public defense representation through a contract system. Each contract attorney is responsible for a specific court or case type under a stated caseload limit. Three attorneys have contracts for Superior Court indigent defense. Two may accept no more than 150 cases per year and one no more than 75 cases per year. Two juvenile offender contracts provide that each attorney may accept no more than 250 cases per year for a contract capacity of 500 cases. Two attorneys have a contract to provide representation in approximately 400 District Court cases. Conflict counsel is appointed from a list of qualified attorneys.

2007 Statistics

Total adult criminal cases per 1,000 population	67.1
Amount spent for public defense	\$584,159
Amount spent per capita	\$10.70

Adult felony

New adult superior court cases filed	613
New adult superior court cases per 1,000 population	11.2
Number of new cases assigned to counsel	443
Percent of new cases assigned to counsel	72.3%

Adult misdemeanor

New county misdemeanor cases file	2,266
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	3,049
Total new misdemeanor cases per 1,000 population	55.8
Number of new cases assigned to counsel by county	1,016

Juvenile offender

New juvenile offender cases filed	285
New juvenile offender cases per 1,000 population	5.2
Number of new cases assigned to counsel	217
Percent of new cases assigned to counsel	76.1%

Mason County has adopted a public defense standards policy and is in the process of adopting a public defense standards ordinance. In addition, the Mason County public defense contracts require approved annual training.

Mason County spent its 2008 Chapter 10.101 RCW funds on training, expert services, and increases in compensation for public defense attorneys. The County plans to use its 2009 funding to continue these improvements and to implement additional investigator services.

¹ Mason County's population increases substantially during the weekends in the summer months due to vacation residences on the water and use of the State and National Parks.

OKANOGAN COUNTY

2007 Population:	39,800
Percent below poverty level in 2003: (2006 information is not available)	18.7%
2007 Median household income:	\$40,257
2008 Chapter 10.101 RCW distribution:	\$46,109

Okanogan County delivers public defense representation through a contract system with three primary law firms. The County executed one contract with the firms for coverage of all indigent defense cases in the county.

2007 Statistics

Total adult criminal cases per 1,000 population	70.2
Amount spent for public defense	\$764,441
Amount spent per capita	\$19.21

Adult felony

New adult superior court cases filed	383
New adult superior court cases per 1,000 population	9.6
Number of new cases assigned to counsel	319
Percent of new cases assigned to counsel	83.3%

Adult misdemeanor

New county misdemeanor cases filed	2,410
Total new district or municipal court misdemeanor cases filed in county (See Glossary page 25.)	2,412
Total new misdemeanor cases per 1,000 population	60.6
Number of new cases assigned to counsel by county	1,961

Juvenile offender

New juvenile offender cases filed	299
New juvenile offender cases per 1,000 population	7.5
Number of new cases assigned to counsel	249
Percent of new cases assigned to counsel	83.3%

Okanogan County is in the process of adopting a public defense standards ordinance. The Okanogan County public defense contracts require approved annual training.

Okanogan County spent its 2008 Chapter 10.101 RCW funds to hire an additional attorney to help reduce caseloads. The County plans to use its 2009 funds to continue this improvement.

PACIFIC COUNTY

2007 Population:	21,600
Percent below poverty level in 2000: (2006 information is not available)	14.4%
2007 Median household income:	\$39,125
2008 CHAPTER 10.101 RCW distribution:	\$33,014

Pacific County provides indigent defense representation through a contract system. Attorneys contract for a percentage of cases or types of cases in a specific court. This system is used for each court level. The county also provides indigent defense representation by list appointment.

2007 Statistics

Total adult criminal cases per 1,000 population	91.3
Amount spent for public defense	\$361,905
Amount spent per capita	\$16.75

Adult felony

New adult superior court cases filed	280
New adult superior court cases per 1,000 population	13.0
Number of new cases assigned to counsel	218
Percent of new cases assigned to counsel	77.9%

Adult misdemeanor

New county misdemeanor cases filed	1,024
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,693
Total new misdemeanor cases per 1,000 population	78.4
Number of new cases assigned to counsel by county	370

Juvenile offender

New juvenile offender cases filed	121
New juvenile offender cases per 1,000 population	5.6
Number of new cases assigned to counsel	106
Percent of new cases assigned to counsel	87.6%

Pacific County is in the process of adopting a public defense standards ordinance.

Pacific County spent its 2008 Chapter 10.101 RCW funds on compensation increases for contract public defense attorneys, adding attorneys to lower public defense caseloads, and adding investigator and expert services. The County plans to use its 2009 funds to continue these improvements.

PEND OREILLE COUNTY

2007 Population:	12,600
Percent below poverty level in 2003: (2006 information is not available)	15.0%
2007 Median household income:	\$36,921
2008 Chapter 10.101 RCW distribution:	\$18,983

Pend Oreille County provides public defense representation through a contract with three associated attorneys handling 100 percent of the caseload except conflicts.

2007 Statistics

Total adult criminal cases per 1,000 population	60.2
Amount spent for public defense	\$201,189
Amount spent per capita	\$15.97

Adult felonies

New adult superior court cases filed	88
New adult superior court cases per 1,000 population	7.0
Number of new cases assigned to counsel	80
Percent of new cases assigned to counsel	90.9%

Adult misdemeanors

New county misdemeanor cases filed	442
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	670
Total new misdemeanor cases per 1,000 population	53.2
Number of new cases assigned to counsel by county	400

Juvenile offender

New juvenile offender cases filed	40
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	35
Percent of new cases assigned to counsel	87.5%

Pend Oreille County has adopted a public defense standards ordinance. The County public defense contracts require approved annual training.

Pend Oreille County spent its 2008 Chapter 10.101 RCW funds to provide counsel at preliminary hearings. The County plans to use its 2009 funds to continue this improvement.

PIERCE COUNTY

2007 Population:	790,500
Percent below poverty level in 2006:	11.5%
2007 Median household income:	\$57,733
2008 Chapter 10.101 RCW distribution:	\$685,073

Pierce County provides public defense representation through a county agency, the Department of Assigned Counsel (DAC). DAC employees receive salary and benefits in parity with the Pierce County Prosecutor Office employees. DAC maintains felony, misdemeanor and juvenile divisions and others related to civil practice areas. Each division has a senior supervising attorney. These supervisors, along with DAC's director and chief deputy, provide supervision and oversight of staff attorneys and are responsible for resolving client complaints. The agency provides investigative services through a panel of pre-approved investigators.

2007 Statistics

Total adult criminal cases per 1,000 population	57.8
Amount spent for public defense	\$13,881,105
Amount spent per capita	\$17.56

Adult felony

New adult superior court cases filed	6,477
New adult superior court cases per 1,000 population	8.2
Number of new cases assigned to counsel	5,761 (plus 5,277 PVs)
Percent of new cases assigned to counsel	88.9%%

Adult misdemeanor

New county misdemeanor cases filed	14,454
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	39,209
Total new misdemeanor cases per 1,000 population	49.6
Number of new cases assigned to counsel by county	6,355 (plus 12,684 PVs)

Juvenile offender

New juvenile offender cases filed	2,165
New juvenile offender cases per 1,000 population	2.8
Number of new cases assigned to counsel	1,916 (plus 1,042 PVs)
Percent of new cases assigned to counsel	88.5%

Pierce County has adopted a public defense standards ordinance. In addition, the Pierce County DAC requires approved annual training.

Pierce County spent its 2008 Chapter 10.101 RCW funds on hiring additional attorneys to reduce caseloads, adding expert services, and providing public defense services at first appearance calendars. The County plans to use its 2009 funds to maintain these positions and services and to add investigator services.

SAN JUAN COUNTY

2007 Population:	15,900
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	8.5%
2007 Median household income:	\$55,862
2008 Chapter 10.101 RCW distribution:	\$18,535

San Juan County delivers public defense representation through a contract with one attorney for representation in Superior and District Court. The contract uses a case weighting system. Conflict attorneys are appointed from a list and paid according to a published fee schedule.

2007 Statistics

Total adult criminal cases per 1,000 population	22.1
Amount spent for public defense	\$182,387
Amount spent per capita	\$11.47

Adult felony

New adult superior court cases filed	54
New adult superior court cases per 1,000 population	3.4
Number of new cases assigned to counsel	41 (plus 21 PVs)
Percent of new cases assigned to counsel	75.9%

Adult misdemeanor

New county misdemeanor cases filed	297
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	297
Total new misdemeanor cases per 1,000 population	18.7
Number of new cases assigned to counsel by county	180 (plus 52 PVs)

Juvenile offender

New juvenile offender cases filed	48
New juvenile offender cases per 1,000 population	3.0
Number of new cases assigned to counsel	42 (plus 11 PVs)
Percent of new cases assigned to counsel	87.5%

San Juan County is in the process of adopting a public defense standards ordinance. The San Juan County public defense contracts require approved annual training and reporting of non-public defense attorney hours.

San Juan County spent its 2008 Chapter 10.101 RCW funds on hiring a social worker to assist public defense attorneys and adding investigator services. The County plans to use its 2009 funds for continuing the social worker services and providing interpreter services for attorney-client interviews and communications.

SKAGIT COUNTY

2007 Population:	115,300
Percent below poverty level in 2006:	14.1%
2007 Median household income:	\$53,841
2008 Chapter 10.101 RCW distribution:	\$129,447

Skagit County delivers public defense representation through the Skagit County Public Defender, a county agency. The agency's director and chief deputy are responsible for supervision of staff attorneys and resolution of client complaints. Investigative services are provided in-house. Skagit County also contracts with law firms for mental health, involuntary commitment, and district court additional public defense representation.

2007 Statistics

Total adult criminal cases per 1,000 population	84.6
Amount spent on public defense	\$1,665,795
Amount spent per capita	\$14.45

Adult felony

New adult superior court cases filed	1,352
New adult superior court cases per 1,000 population	11.7
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ²

Adult misdemeanor

New county misdemeanor cases filed	4,724
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	8,399
Total new misdemeanor cases per 1,000 population	72.8
Number of new cases assigned to counsel by county	3,272

Juvenile offender

New juvenile offender cases filed	576
New juvenile offender cases per 1,000 population	5.0
Number of new cases assigned to counsel	542
Percent of new cases assigned to counsel	94.1%

Skagit County has adopted a public defense standards ordinance. In addition, the Skagit County Public Defender agency requires approved annual training.

Skagit County spent its 2008 Chapter 10.101 RCW funds on hiring additional defense attorneys to lower public defense caseloads. The County plans to use its 2009 funds to continue this improvement and to add expert services.

¹ This total exceeds new cases filed.

² Since individual cases may be referred to counsel on multiple occasions, the percent of new cases assigned to counsel could not be determined.

SKAMANIA COUNTY

2007 Population:	10,700
Percent below poverty level in 2003: <small>(2006 information is not available)</small>	10.9%
2007 Median household income:	\$46,964
2008 Chapter 10.101 RCW distribution	\$19,584

Skamania County delivers superior court public defense representation through one contract with two different attorneys. A single contract also provides representation in district court. When a conflict is identified, counsel is appointed from a list.

2007 Statistics

Total adult criminal cases per 1,000 population	98.1
Amount spent for public defense	\$86,940
Amount spent per capita	\$8.13

Adult felony

New adult superior court cases filed	114
New adult superior court cases per 1,000 population	10.7
Number of new cases assigned to counsel	90
Percent of new cases assigned to counsel	78.9%

Adult misdemeanor

New county misdemeanor cases filed	859
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	936
Total new misdemeanor cases per 1,000 population	87.4
Number of new cases assigned to counsel by county	235

Juvenile offender

New juvenile offender cases filed	61
New juvenile offender cases per 1,000 population	5.7
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ²

Skamania County has adopted a public defense standards ordinance. The Skamania County public defense contracts require approved annual training.

Skamania County spent its 2008 Chapter 10.101 RCW funds on increasing funds for defense investigation, interpreter and expert services. The County plans to use its 2009 funds to continue these improvements and to increase attorney compensation.

¹ The number of reported cases assigned exceeds the number of cases filed.

² The percent of new cases assigned to counsel could not be determined.

SNOHOMISH COUNTY

2007 Population:	686,300
Percent below poverty level in 2006:	7.6%
2007 Median household income:	\$66,755
2008 Chapter 10.101 RCW distribution:	\$503,649

Snohomish County provides public defense representation in adult criminal cases in both Superior and District Court through a contract with the Snohomish County Public Defender Association (PDA), a non-profit corporation. PDA is managed by a director, an assistant director and a misdemeanor supervisor who are responsible for attorney supervision and resolution of client complaints. PDA provides investigative services in-house.

The county contracts with the PDA and one private law firm to handle juvenile offender cases. Conflicts are appointed from a list.

2007 Statistics

Total adult criminal cases per 1,000 population	57.0
Amount spent for public defense	\$6,603,147
Amount spent per capita	\$9.62

Adult felony

New adult superior court cases filed	3,900
New adult superior court cases per 1,000 population	5.7
Number of new cases assigned to counsel	3,292 (plus 290 PVs)
Percent of new cases assigned to counsel	84.4%

Adult misdemeanor

New county misdemeanor cases filed	13,962
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	35,226
Total new misdemeanor cases per 1,000 population	51.3
Number of new cases assigned to counsel by county	7,544

Juvenile offender

New juvenile offender cases filed	2,202
New juvenile offender cases per 1,000 population	3.2
Number of new cases assigned to counsel	N/A ¹
Percent of new cases assigned to counsel	N/A ²

Snohomish County has adopted a public defense standards ordinance. In addition, the Snohomish County public defense contract requires approved annual training.

Snohomish County used its 2008 Chapter 10.101 RCW funds for providing quality monitoring by an attorney coordinator, adding attorneys to lower public defense caseloads, increasing attorney compensation, and providing public defense services at first appearance calendars. The County plans to use its 2009 funds to continue these improvements.

¹ The number of reported cases assigned exceeds the number of cases filed.

² The percent of new cases assigned to counsel could not be determined.

SPOKANE COUNTY

2007 Population:	451,200
Percent below poverty level in 2006:	13.3%
2007 Median household income:	\$44,979
2008 Chapter 10.101 RCW distribution:	\$456,183

Spokane County provides public defense representation through two separate county agencies, the Spokane County Public Defender and Counsel for Defense. The Spokane County Public Defender is the primary agency and handles Superior and District Court cases; Counsel for Defense handles the majority of Superior Court Conflict Cases. Employees of both agencies are compensated in parity with Spokane County Prosecutor Office employees. Each agency is managed by a director who is responsible for attorney supervision and resolution of client complaints. Both agencies provide investigative services in-house. The Spokane County Public Defender maintains a list of attorneys available to handle Superior Court cases that present a conflict of interest for both agencies. Most District Court conflicts are handled through an inter-local agreement providing that the Public Defender and the City of Spokane Public Defender accept each other's conflicts.

2007 Statistics

Total adult criminal cases per 1,000 population	61.2
Amount spent for public defense	\$7,178,921
Amount spent per capita	\$15.91

Adult felony

New adult superior court cases filed	4,841
New adult superior court cases per 1,000 population	10.7
Number of new cases assigned to counsel	3,943 (plus 425 PVs)
Percent of new cases assigned to counsel	81.5%

Adult misdemeanor

New county misdemeanor cases filed	8,287
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	22,772
Total new misdemeanor cases per 1,000 population	50.5
Number of new cases assigned counsel by county	6,711 (plus 1,280 PVs)

Juvenile offender

New juvenile offender cases filed	1,668
New juvenile offender cases per 1,000 population	3.7
Number of new cases assigned to counsel	1,259 (plus 792 PVs)
Percent of new cases assigned to counsel	76.0%

Spokane County has adopted a public defense standards ordinance. The Spokane County public defense agencies require approved annual training and reporting of non-public defense legal services.

Spokane County spent its 2008 Chapter 10.101 RCW funds on additional attorneys to lower public defense caseloads and to provide public defense services at first appearance calendars. The County plans to use its 2009 funds to maintain these improvements.

STEVENS COUNTY

2007 Population:	43,000
Percent below poverty level in 2003: (2006 information is not available)	14.6%
2007 Median household income:	\$43,225
2008 Chapter 10.101 RCW distribution:	\$42,084

Stevens County provides public defense representation through numerous contracts for all indigent adults in District and Superior Courts and juvenile matters. Conflicts in all court levels are handled through list appointments.

2007 Statistics

Total adult criminal cases per 1,000 population	40.3
Amount spent for public defense	\$453,024
Amount spent per capita	\$10.54

Adult felony

New adult superior court cases filed	283
New adult superior court cases per 1,000 population	6.6
Number of new cases assigned to counsel	248 (plus 77 PVs)
Percent of new cases assigned to counsel	87.6%

Adult misdemeanor

New county misdemeanor cases filed	945
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	1,452
Total new misdemeanor cases per 1,000 population	33.8
Number of new cases assigned to counsel by county	548 (plus 415 PVs)

Juvenile offender

New juvenile offender cases filed	195
New juvenile offender cases per 1,000 population	4.5
Number of new cases assigned to counsel	163 (plus 42 PVs)
Percent of cases assigned to counsel	83.6%

Stevens County has adopted a public defense standards ordinance. The Stevens County public defense contracts require approved annual training.

Stevens County spent its 2008 Chapter 10.101 RCW funds on providing counsel at preliminary hearings. The County intends to use its 2009 funds to continue these improvements.

THURSTON COUNTY

2007 Population:	238,000
Percent below poverty level in 2006:	8.8%
2007 Median household income:	\$59,547
2008 Chapter 10.101 RCW distribution:	\$230,614

Thurston County provides public defense representation through the Thurston County Office of Assigned Counsel (OAC), a county agency. OAC employees are compensated in parity with Thurston County Prosecutor Office employees. The county contracts with two attorneys to handle juvenile matters in addition to their in-house juvenile attorney. Overflow and conflict cases are appointed from a list and paid an hourly rate. OAC has two senior defense attorneys to assist in the supervision of staff and resolution of client complaints.

2007 Statistics

Total adult criminal cases per 1,000 population	59.2
Amount spent for public defense	\$4,840,122
Amount spent per capita	\$20.33

Adult felony

New adult superior court cases filed	2,287
New adult superior court cases per 1,000 population	9.6
Number of new cases assigned to counsel	1,758 (plus 512 PVs)
Percent of new cases assigned to counsel	76.9%

Adult misdemeanor

New county misdemeanor cases filed	4,409
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	11,805
Total new misdemeanor cases per 1,000 population	49.6
Number of new cases assigned counsel by county	2,730 (plus 621 PVs)

Juvenile offender

New juvenile offender cases filed	1,169
New juvenile offender cases per 1,000 population	4.9
Number of new cases assigned to counsel	1,028 (plus 730 PVs)
Percent of new cases assigned to counsel	87.9%

Thurston County has adopted a public defense standards ordinance. The Thurston County public defense agency requires approved annual training, and requires private attorneys who contract to provide public defense services to report all of their public defense contracts as well as "hours billed for non-public defense legal services."

Thurston County spent its 2008 Chapter 10.101 RCW funds on adding attorneys to lower public defense caseloads. The County plans to use its 2009 funds to continue first appearance representation and to pay for reduced attorney caseloads.

WAHKIAKUM COUNTY

2007 Population:	4,000
Percent below poverty level in 2003: (2006 information is not available)	8.9%
2007 Median household income:	\$44,751
2008 Chapter 10.101 RCW distribution:	\$13,474

Wahkiakum County delivers public defense representation, including all felony, misdemeanor, juvenile offender, and probation violations solely through list appointment. Attorneys on the court's list are not under contract although they have agreed to accept the appointments.

2007 Statistics

Total adult criminal cases per 1,000 population	69.8
Amount spent for public defense	\$104,794
Amount spent per capita	\$26.20

Adult felony

New adult superior court cases filed	52
New adult superior court cases per 1,000 population	13.0
Number of new cases assigned to counsel	45
Percent of new cases assigned to counsel	86.5%

Adult misdemeanor

New county misdemeanor cases filed	227
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	227
Total new misdemeanor cases per 1,000 population	56.8
Number of new cases assigned to counsel by county	75

Juvenile offender

New juvenile offender cases filed	17
New juvenile offender cases per 1,000 population	4.3
Number of new cases assigned to counsel	16
Percent of new cases assigned to counsel	94.1%

Wahkiakum County has adopted a public defense ordinance.

Wahkiakum County spent its 2008 Chapter 10.101 RCW funds on increased public defense attorney compensation. The County plans to use its 2009 funds for this purpose as well.

WALLA WALLA COUNTY

2007 Population:	58,300
Percent below poverty level in 2003: (2006 information is not available)	14.0%
2007 Median household income:	\$44,401
2008 Chapter 10.101 RCW distribution:	\$58,203

Walla Walla County delivers public defense representation through a contract system. Eight attorneys contract for indigent public defense services.

2007 Statistics

Total adult criminal cases per 1,000 population	53.1
Amount spent for public defense	\$516,032
Amount spent per capita	\$8.85

Adult felony

New adult superior court cases filed	465
New adult superior court cases per 1,000 population	8.0
Number of new cases assigned to counsel	357
Percent of new cases assigned to counsel	76.8%

Adult misdemeanor

New county misdemeanor cases filed	2,127
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	2,630
Total new misdemeanor cases per 1,000 population	45.1
Number of new cases assigned to counsel by county	381

Juvenile offender

New juvenile offender cases filed	244
New juvenile offender cases per 1,000 population	4.2
Number of new cases assigned to counsel	225
Percent of new cases assigned to counsel	92.2%

Walla Walla County has adopted a public defense standards resolution. The Walla Walla County public defense contracts require approved annual training.

Walla Walla County spent its 2008 Chapter 10.101 RCW funds on increasing public defense attorneys' compensation, providing investigator and expert services, and providing interpreter services for attorney-client interviews and communications.

WHATCOM COUNTY

2007 Population:	188,300
Percent below poverty level in 2006:	14.9%
2007 Median household income:	\$50,375
2008 Chapter 10.101 RCW distribution:	\$187,639

Whatcom County provides public defense representation through the Whatcom County Public Defender, a county agency. Public Defender employees are compensated in parity with the Whatcom County Prosecutor Office employees. The agency director is responsible for attorney supervision and the resolution of client complaints. The agency employs in-house investigative staff. Whatcom County also contracts with 16 attorneys for conflict cases.

2007 Statistics

Total adult criminal cases per 1,000 population	69.6
Amount spent for public defense	\$3,899,959
Amount spent per capita	\$20.79

Adult felony

New adult superior court cases filed	1,871
New adult superior court cases per 1,000 population	9.9
Number of new cases assigned to counsel	1,826 (plus 305 PVs)
Percent of new cases assigned to counsel	97.6%

Adult misdemeanor

New county misdemeanor cases filed	5,364
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	11,229
Total new misdemeanor cases per 1,000 population	59.6
Number of new cases assigned to counsel by county	2,866 (plus 438 PVs)

Juvenile offender

New juvenile offender cases filed	672
New juvenile offender cases per 1,000 population	3.6
Number of new cases assigned to counsel	667
Percent of new cases assigned to counsel	99.3%

Whatcom County has adopted a public defense standards ordinance. The County public defense agency requires approved annual training.

Whatcom County spent its 2008 Chapter 10.101 RCW funds on additional defense attorneys to reduce caseloads, equipment, and training for the new attorney positions. The County plans to use its 2009 funds to maintain these improvements.

WHITMAN COUNTY

2007 Population:	42,700
Percent below poverty level in 2003: (2006 information is not available)	15.8%
2007 Median household income:	\$38,505
2008 Chapter 10.101 RCW distribution:	\$39,656

Whitman County delivers public defense representation through two separate contracts, both with the same law firm. One contract is for all Superior Court cases, including adult felony, juvenile offender, and other specific case types; the second contract covers district court cases.

2007 Statistics

Total adult criminal cases per 1,000 population	54.6
Amount spent for public defense	\$314,246
Amount spent per capita	\$7.99

Adult felony

New adult superior court cases filed	240
New adult superior court cases per 1,000 population	5.6
Number of new cases assigned to counsel	228 (plus 10 PVs)
Percent of new cases assigned to counsel	95%

Adult misdemeanor

New county misdemeanor cases filed	1,999
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	2,093
Total new misdemeanor cases per 1,000 population	49.0
Number of new cases assigned to counsel by county	570

Juvenile offender

New juvenile offender cases filed	84
New juvenile offender cases per 1,000 population	2.0
Number of new cases assigned to counsel	80
Percent of new cases assigned to counsel	95.2%

Whitman County is in the process of enacting a public defense standards ordinance.

Whitman County spent its 2008 Chapter 10.101 RCW funds on increasing public defense compensation, increasing expert funds, and adding wireless internet access in the courthouse for the public defenders. The County plans to use its 2009 funds to continue these improvements and to provide interpreter services for attorney-client interviews and communications.

YAKIMA COUNTY

2007 Population:	234,200
Percent below poverty level in 2006:	21.1%
2007 Median household income:	\$40,527
2008 Chapter 10.101 RCW distribution:	\$260,851

Yakima County delivers public defense representation through the Yakima County Department of Assigned Counsel (DAC), a county agency. The agency's director and senior staff attorneys are responsible for attorney supervision and resolution of client complaints. DAC provides counsel in all cases requiring representation, including criminal cases, mental health/involuntary treatment act detentions, civil contempt, and felony and misdemeanor probation violations. DAC administers contracts and panels of attorneys who provide both overflow and conflict coverage.

DAC handles investigative services through two in-house investigators, who are also available to contract counsel, and through a panel of contract investigators; interpreter services are available through an approved list of providers managed by DAC.

2007 Statistics

Total adult criminal cases per 1,000 population	86.6
Amount spent for public defense	\$4,642,693
Amount spent per capita	\$19.82

Adult felony

New adult superior court cases filed	2,881
New adult superior court cases per 1,000 population	12.3
Number of new cases assigned to counsel	2,423
Percent of new cases assigned to counsel	84.1%

Adult misdemeanor

New county misdemeanor cases filed	5,886
Total new district and municipal court misdemeanor cases filed in county (See Glossary page 25.)	17,390
Total new misdemeanor cases per 1,000 population	74.3
Number of new cases assigned to counsel by county	3,642

Juvenile offender

New juvenile offender cases filed	1,873
New juvenile offender cases per 1,000 population	8.0
Number of new cases assigned to counsel	1,527
Percent of new cases assigned to counsel	81.5%

Yakima County has adopted a public defense standards ordinance. The Yakima County DAC requires approved annual training, and requires the private attorneys that contract to provide public defense services are required to report hours billed for non-public defense legal services.

Yakima County spent its 2008 Chapter 10.101 RCW funds on adding attorneys to lower public defense caseloads and increasing public defense attorney compensation. The County plans to use its 2009 funds to continue these improvements.

APPENDIX A

OPD Public Defense Pilot Programs: Goals and Costs

In 2005, after declaring

the legislature recognizes the state's obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases, *Chapter 457, Laws of 2005*,

the legislature appropriated to OPD "\$1million to perform a pilot project to improve criminal indigent defense in one or more counties." The pilot funds were appropriated under Chapter 457, Laws of 2005 (E2SSB 5454 - Court Operations) *Budget Notes, C 518, L 05, PV, Sec 114*. In 2007, another \$500,000 was appropriated for the final year of the pilot programs, which began in January 2006 and were completed in June 2008.

OPD designed the three public defense pilot programs in conformance with the WSBA Standards for Indigent Defense Services. In 1989 the legislature determined that

each county or city under this chapter shall adopt standards for the delivery of public defense services....[t]he standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines...." RCW 10.101.030

Three pilot program sites were chosen in which implementation of the WSBA standards could be tested—a juvenile court, a municipal court, and a district court. At each site, the pilot funding supplemented existing local funding for public defense services in the courts.

Grant County Juvenile Court—the approximate annual cost of the pilot program was \$100,000 in state funds to cover the cost of additional attorney and ancillary services. Grant County Juvenile Court has continued using the pilot program services model, partially supported by the county's annual Chapter 10.101 RCW state improvement funding.

Bellingham Municipal Court—the average annual cost of the pilot program was \$235,000 in state funds to cover the cost of additional attorney, staff, and investigator services. Bellingham Municipal Court has continued using the pilot program services model, partially supported by a Chapter 10.101 RCW grant, and partially supported by additional municipal funding.

Thurston District Court—the approximate annual cost of the pilot program was \$330,000 in state funds to cover the cost of additional attorney, staff, and investigator services. Thurston District Court has continued using the pilot program services model, mostly supported by the county's annual Chapter 10.101 RCW state improvement funding.