

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON**

IN THE MATTER OF:

RESOLUTION NO. 23-400

NOTICE OF A PUBLIC HEARING FOR ORDINANCE
1352, WHICH WOULD AMEND CHAPTER 2.40,
STANDARDS FOR PUBLIC DEFENSE SERVICES, OF
THE LEWIS COUNTY CODE

WHEREAS, Lewis County Human Resources and Risk is proposing to amend Chapter 2.40, Standards for Public Defense Services, of the Lewis County Code to establish a case weighting system pursuant to CrR 3.1, Standard 5; and

WHEREAS, publication of notice and a hearing before the BOCC is required in order to take public testimony and formal action on the proposed amendments to the Lewis County Code.

NOW THEREFORE BE IT RESOLVED that a hearing before the BOCC is hereby scheduled to take place at or after 10 a.m. January 2, 2024, to receive public testimony on Ordinance 1352, which would amend Chapter 2.40, Standards for Public Defense Services, of the Lewis County Code; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Clerk of the Board is hereby instructed to proceed with all appropriate and necessary notifications, postings and publications as required by law.

DONE IN OPEN SESSION this 19th day of December, 2023.

NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS AND INTENT TO ADOPT

NOTICE IS HEREBY GIVEN that the LEWIS COUNTY, Washington BOARD OF COUNTY COMMISSIONERS will hold a public hearing on January 2, 2024, to receive public testimony on proposed amendment to Lewis County Code Chapter 2.40, Standards for Public Defense Services (Ordinance 1352).

The January 2, 2024, hearing will take place at or after 10 a.m. in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at least 24 hours in advance of the meeting on the [Lewis County Agendas & Calendar webpage](#).

The public hearing will consider amendments to the Lewis County Code Chapter 2.40 to allow updates necessary and consistent with CrR 3.1, Standard 5.

Details about the proposal will be available online at the agenda link provided above. Please select the agenda for December 19 (Notice) or Jan. 2 (Hearing) to see the draft ordinance. The draft is subject to change before or at the hearing.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing by emailing Amber Smith, Director of Human Resources and Risk, at amber.smith@lewiscountywa.gov or postal mail to Human Resources and Risk, c/o Amber Smith, 351 NW North St., Chehalis, WA 98532.

The meeting site is barrier free.

People needing special accommodations should contact the phone number shown above 72 hours in advance of the meeting.

PUBLISH: December 19, 2023 and December 26, 2023 in The Chronicle
/Rieva Lester

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

APPROVE AMEDMENTS TO CHAPTER 2.40, STANDARDS FOR)	
PUBLIC DEFENSE, OF THE LEWIS COUNTY CODE)	
)	ORDINANCE 1352
)	

WHEREAS, Lewis County periodically reviews and evaluates the Lewis County Code to ensure it is in conformance with federal and Washington State laws and rules; and

WHEREAS, Lewis County may establish a case weighting system for caseload limits pursuant to CrR 3.1 Standards for Indigent Defense, Standard 5; and

WHEREAS, there is a recognized workload difference for types of cases compared to the average case in misdemeanor and gross misdemeanor cases; and

WHEREAS, the Board of County Commissioners, through the Department of Human Resources and Risk has established a weighting methodology to reflect the workload differences in misdemeanor and gross misdemeanor cases; and

WHEREAS, the code amendments shown in Exhibits A are consistent with establishing a case weighting system; and

WHEREAS, on December 19, 2023, the BOCC passed Res. 23-XXX to hold a public hearing on Ordinance 1352 and directed the Clerk of the Board to provide notice of the hearing; and

WHEREAS, the Lewis County BOCC held a duly noticed public hearing on the proposed amendments to Chapter 2.40 LCC on January 2, 2022; and

WHEREAS, the Lewis County Board of County Commissioners finds that the proposed amendments to Chapter 2.40, Standards for Public Defense Services, LCC best serves the residents of Lewis County.

NOW THEREFORE BE IT RESOLVED the Board of County Commissioners hereby adopts the amendments to the Chapter 2.40, Standards for Public Defense Services, LCC as shown in Exhibits A; and

NOW THEREFORE BE IT FURTHER RESOLVED the Board of County Commissioners hereby delegates to the Clerk of the Board direct those adopted changes be published.

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PASSED IN REGULAR SESSION THIS _____ DAY OF JANUARY, 2024.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Civil Deputy Prosecuting Attorney

Sean Swope, Chair

ATTEST:

Scott Brummer, Vice Chair

Rieva Lester, Clerk of the Board

Lindsey R. Pollock, DVM, Commissioner

Lewis County Code

Chapter 2.40

STANDARDS FOR PUBLIC DEFENSE SERVICES

2.40.050 Standard 3 - Caseload limits and types of cases.

The contract shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle. The caseload of public defense attorneys should allow each lawyer to give each client the time and effort necessary to ensure effective representation. Contract attorneys shall not accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation.

The caseload of a contract public defender should not exceed the following:

- (1) One hundred fifty felonies per attorney per year; or
- (2) ~~Four~~ Three hundred gross misdemeanors and/or misdemeanors per attorney per year; or
- (3) Two hundred fifty juvenile offender cases per attorney per year; or
- (4) Eighty open juvenile dependency clients per attorney per year; or
- (5) Two hundred fifty civil commitment cases per attorney per year; or
- (6) Thirty-six appeals to appellate court hearing a case on the record and briefs per attorney per year.

A "case" is defined as a filing of a document with the court naming a person as defendant or respondent.

Lewis County has adopted a case weighting for gross misdemeanor and misdemeanor cases to be structured as follows:

Type of Case	Number of Case Units
Driving Under the Influence	Two
Cases field as Domestic Violence	Two
All Other Types of Cases Not Listed	One
Driving With License Suspended or No Valid Operator's License without Identification	One-half
Newly Appointed Post-Conviction Show Cause	One-third

Caseload limits ~~are~~ ~~should be~~ determined by the number and type of cases being accepted and on the prosecutor's charging and plea-bargaining practices. Since contract public defenders may also maintain private law practices, the BOCC, through the Department of Human Resources and Risk Management, ~~and superior court~~ shall ensure that attorneys not be assigned more cases than they can reasonably discharge. In these situations, the caseload ceiling should be based on the percentage of time the lawyer devotes to public defense.

BOCC AGENDA ITEM SUMMARY

Resolution: 23-400

BOCC Meeting Date: Dec. 19, 2023

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of a Public Hearing for Ordinance 1352, which would amend Chapter 2.40, Standards for Public Defense Services, of the Lewis County Code

Contact: Amber Smith

Phone: 360-740-1385

Department: RISK - Risk

Description:

Notice of a public hearing for Ordinance 1352, which would amend Ch. 2.40, Standards for Public Defense Services, of the Lewis County Code

Approvals:

User	Status
PA's Office	Approved

Publication Requirements:

Publications:

The Chronicle on December 19, 2023 and December 26, 2023

Additional Copies:

Cover Letter To: