

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

IN THE MATTER OF:

RESOLUTION NO. 25-123

NOTICE OF A PUBLIC HEARING FOR ORDINANCE
1364, WHICH WOULD AMEND CHAPTER 2.40,
STANDARDS FOR PUBLIC DEFENSE SERVICES, OF
LEWIS COUNTY CODE

WHEREAS, Lewis County Administration is proposing to amend Chapter 2.40, Standards for Public Defense Services to update the BOCC designation of authority over the management of the Public Defense Program; 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. May 20, 2025, to receive public testimony on Ordinance 1364, 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 6th day of May, 2025.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

David Bailey
By: David Bailey,
Chief Civil Deputy Prosecuting Attorney

Scott J. Brummer
Scott J. Brummer, Chair

ATTEST:



Lindsey R. Pollock, DVM
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester, CMC
Rieva Lester, CMC,
Clerk of the Lewis County Board of
County Commissioners

Sean D. Swope
Sean D. Swope, Commissioner

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 to receive public testimony on proposed Ordinance 1364, which would amend Lewis County Code Chapter 2.40, Standards for Public Defense Services.

The hearing will take place at or after 10 a.m. May 20, 2025, 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 update the BOCC designation of authority over the management of the Public Defense Program.

Details about the proposal will be available online at the agenda link provided above. Please select the agenda for May 6 (Notice) or May 20 (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. Written comment may be submitted in person at the BOCC, 351 NW North Street, Room 210, Chehalis, WA 98532 or via email at bocc@lewiscountywa.gov beginning May 6, 2025. Written comment must be clearly marked "Written comment for May 20, 2025, hearing" and must be received by 10 a.m. May 18, 2025.

The meeting site is barrier free.

People needing special accommodation should contact the email shown above 72 hours in advance of the meeting.

PUBLISH: May 7, 2025, in The East County Journal
/Rieva Lester

Chapter 2.40

STANDARDS FOR PUBLIC DEFENSE SERVICES

Sections:

- [2.40.010 Summary.](#)
- [2.40.020 Introduction.](#)
- [2.40.030 Standard 1 - Compensation.](#)
- [2.40.040 Standard 2 - Duties and responsibilities of counsel.](#)
- [2.40.050 Standard 3 - Caseload limits and types of cases.](#)
- [2.40.060 Standard 4 - Expert witnesses.](#)
- [2.40.070 Standard 5 - Administrative expenses.](#)
- [2.40.080 Standard 6 - Investigators.](#)
- [2.40.090 Standard 7 - Support services.](#)
- [2.40.100 Standard 8 - Reports of attorney activity and vouchers.](#)
- [2.40.110 Standard 9 - Training.](#)
- [2.40.120 Standard 10 - Supervision standard.](#)
- [2.40.130 Standard 11 - Monitoring and evaluation of attorneys.](#)
- [2.40.140 Standard 12 - Substitution of attorneys.](#)

2.40.010 Summary.

Objectives and minimum requirements for providing legal representation to ~~poor~~ indigent persons accused of crimes or facing juvenile or civil commitment proceedings in Lewis County. [Ord. 1199, 2007]

2.40.020 Introduction.

These standards represent the efforts of Lewis County to address the problems of providing legal representation to ~~poor~~ indigent persons accused of crimes, or facing juvenile or civil commitment proceedings, and to comply with the requirements of RCW [10.101.030](#). Drawing on the practical experience of defense attorneys around the state and on existing state and national standards which set forth the objectives and minimum requirements for public defender and assigned counsel programs, these standards are intended to help the board of county commissioners ("BOCC"), through the ~~department of human resources and risk~~ County Administration, and in consultation with the ~~J~~ s Judges of the ~~s~~ Superior ~~C~~ court, establish a public defense system which operates efficiently and meets the federal and state constitutional requirements for effective assistance of counsel. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

2.40.030 Standard 1 - Compensation.

Reasonable compensation shall be provided to private attorneys who enter into contracts with Lewis County to serve as public defenders. Compensation will reflect the time and labor

required to be spent by the attorney and the degree of professional experience demanded by the case. Counsel shall be compensated for out-of-pocket expenses.

Contracts shall provide for the payment of extraordinary compensation over and above the normal contract terms for cases which require an extraordinary amount of time and preparation, including, but not limited to, death penalty cases. Services which require extraordinary fees should be defined in the contract. [Ord. 1199, 2007]

2.40.040 Standard 2 - Duties and responsibilities of counsel.

The contract shall require that defense services be provided to all clients in a professional, skilled manner consistent with minimum standards set forth by the Washington State Bar Association for public defense, the American Bar Association standards, the Washington Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases. Counsel's primary and most fundamental responsibility is to promote and protect the best interests of the client. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

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) 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 filed as domestic violence	Two
All other types of cases not listed	One
Driving with license suspended <u>in the third degree</u> or no valid operator's license without identification	One-half
Newly appointed post-conviction show cause	One-third

Caseload limits are 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 County Administration, 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. [Ord. 1352 (Exh. A), 2024; Ord. 1341 (Exh. A), 2022; Ord. 1312 Exh. A, 2019; Ord. 1199, 2007]

2.40.060 Standard 4 - Expert witnesses.

Reasonable compensation for expert witnesses necessary to preparation and presentation of the defense case shall be provided. Expert witness fees should be maintained and allocated from funds separate from those provided for defender services. Requests for expert witness fees under CrR 3.1 (f) and CrRLJ 3.1 (f) should be made by motion. The defense should be free to retain the expert of its choosing and in no cases should be forced to select experts from a list pre-approved by the BOCC, the court or the prosecution. [Ord. 1199, 2007]

2.40.070 Standard 5 - Administrative expenses.

In addition to establishing a reasonable fee for legal services provided, contracts to provide public defense services should take into consideration the administrative costs associated with providing legal representation. These costs may include travel, telephones, law library, financial accounting, case management systems, the reporting requirements imposed by these standards, and other costs necessarily incurred in the day to day management of the contract. [Ord. 1199, 2007]

2.40.080 Standard 6 - Investigators.

Public defenders under contract to provide representation for poor-indigent people accused of crimes should employ investigators with criminal investigation training and experience, where appropriate, in providing legal representation in conformity with the ABA and WSBA standards.

Said public defenders shall be reimbursed for the expense of the same upon motion showing need for same. [Ord. 1199, 2007]

2.40.090 Standard 7 - Support services.

The contract should provide for the cost of access to social work staff, mental health professionals and other support services. These professionals are essential to ensure the effective performance of defense counsel during trial preparation, in the preparation of dispositional plans, and at sentencing. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

2.40.100 Standard 8 - Reports of attorney activity and vouchers.

Each contract public defender or his/her office shall maintain a case-reporting and management information system which includes number and type of cases, attorney hours and disposition. This information shall be provided regularly to the BOCC, through the ~~department of human resources and risk~~ County Administration, for criminal defense services and shall also be made available to the office of the ~~a~~Administrator of the ~~S~~uperior ~~C~~court for all other public defense services. Any such system shall be maintained independently from client files so as to disclose no privileged information.

A standardized voucher form shall be used by contract public defenders in seeking payment upon completion of a case. Payment shall be made monthly without regard to the number of cases closed in the period. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

2.40.110 Standard 9 - Training.

Attorneys providing public defense services shall participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice, and provide proof of the same to superior court and the BOCC, through the department of human resources and risk, upon request.

Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and tapes. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

2.40.120 Standard 10 - Supervision standard.

Public defenders serve at the pleasure of the BOCC, through the ~~department of human resources and risk~~ County Administration, and ~~s~~uperior ~~c~~court ~~j~~udges. The terms of payment for legal services shall be negotiated with the BOCC, through the ~~department of human resources and risk~~ County Administration, for all criminal defense services, and all other public

defense appointments through ~~S~~superior ~~e~~Court. The quality of professional performance will be overseen and reviewed by the BOCC, through the ~~department of human resources and riskCounty Administration~~, and the ~~j~~judges of ~~s~~Superior ~~e~~Court before whom they appear based on their respective contracts. The BOCC, through the ~~department of human resources and riskCounty Administration~~, for criminal defense services or ~~S~~superior ~~e~~Court for other public defense services shall choose and assign cases to the public defender from the list of those who have contracted with the BOCC, through the ~~department of human resources and riskCounty Administration~~, or ~~s~~Superior ~~e~~Court for their respective public defense service needs. If the public defender chooses to accept assignment of cases, the specific terms of professional performance of such assignments shall be reflected in the standards within the respective public defense contract, and to which said contracted public defender shall be a signatory. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

2.40.130 Standard 11 - Monitoring and evaluation of attorneys.

The Lewis County plan for provision of public defense services should establish a procedure for systematic monitoring and evaluation of attorney performance based upon publicized criteria. Supervision and evaluation efforts should include review of time and caseload records, review and inspection of transcripts, in-court observations, and periodic conferences. Attorneys should be evaluated on their skill and effectiveness as criminal lawyers or as dependency or civil commitment advocates. [Ord. 1199, 2007]

2.40.140 Standard 12 - Substitution of attorneys.

The attorney engaged by BOCC, through the ~~department of human resources and riskCounty Administration~~ to provide public defense services in criminal matters, and to whom cases are assigned by ~~a~~ ~~S~~superior ~~e~~Court for all other required public defense services shall not subcontract with another firm or attorney to provide representation and shall remain directly involved in the provision of representation. The ~~employment~~ agreement should address the procedures for continuing representation of clients upon the conclusion of the agreement. [Ord. 1341 (Exh. A), 2022; Ord. 1199, 2007]

BOCC AGENDA ITEM SUMMARY

Resolution: 25-123

BOCC Meeting Date: May 6, 2025

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of a Public Hearing for Ordinance 1364, which would amend Chapter 2.40, Standards for Public Defense Services, of Lewis County Code

Contact: Becky Butler

Phone: 3607401198

Department: RISK - Risk

Description:

Notice of a public hearing for Ordinance 1364, 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 East County Journal on May 7, 2025

Additional Copies:

Cover Letter To: