

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

IN THE MATTER OF:

RESOLUTION NO. 22-383

NOTICE OF A PUBLIC HEARING FOR ORDINANCE
1341, 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 comply with Washington State Supreme Court General Rule 42; 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. December 13, 2022, to receive public testimony on Ordinance 1341, 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 29th day of November, 2022.

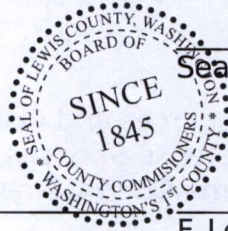
APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Kevin A. McDowell
By: Kevin A. McDowell,
Deputy Prosecuting Attorney

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

ATTEST:



Sean D. Swope
Sean D. Swope, Vice Chair

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

F. Lee Grose
F. Lee Grose, 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 on December 13, 2022 to receive public testimony on proposed amendment to Lewis County Code Chapter 2.40, Standards for Public Defense Services (Ordinance 1341).

The December 13, 2022 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 Washington State Supreme Court General Rule 42.

Details about the proposal will be available online at the agenda link provided above. Please select the agenda for November 29 (Notice) or December 13 (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: November 29, 2022 and December 1, 2022 in The Chronicle
/Rieva Lester

//

PASSED IN REGULAR SESSION THIS _____ DAY OF DECEMBER, 2022.

APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Civil Deputy Prosecuting Attorney

Lyndsey R. Pollock, DVM, Chair

ATTEST:

Sean Swope, Vice Chair

Rieva Lester, Clerk of the Board

Scott Brummer, Commissioner

Exhibit A – AMENDMENTS TO LEWIS COUNTY CODE 2.40, STANDARDS FOR PUBLIC DEFENSE SERVICES

Code text to be removed is shown with a ~~strike through~~ and code text to be added is shown with an underline.

CHAPTER 2.40, STANDARDS FOR PUBLIC DEFENSE SERVICES

2.40.010 Summary.

[No change]

2.40.020 Introduction.

These standards represent the efforts of Lewis County to address the problems of providing legal representation to poor 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~~ Board of County Commissioners ("BOCC"), through the Department of Human Resources and Risk, and in consultation with the judges of the superior ~~and district courts~~, ~~to~~ establish a public defense system which operates efficiently and meets the federal and state constitutional requirements for effective assistance of counsel.

2.40.030 Standard 1 - Compensation.

[No change]

2.40.040 Standard 2 - Duties and responsibilities of counsel.

The ~~contract for legal representation plan~~ shall require that defense services be provided to all clients in a professional, skilled manner consistent with minimum standards set forth by the 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.

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 hundred 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 ~~by the office of the administrator for the courts~~ as a filing of a document with the court naming a person as defendant or respondent.

Caseload limits should be determined by the number and type of cases being accepted and on the 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, and ~~the assigning 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.

2.40.060 Standard 4 - Expert witnesses.

[No change]

2.40.070 Standard 5 - Administrative expenses.

[No change]

2.40.080 Standard 6 - Investigators.

[No change]

2.40.090 Standard 7 - Support services.

The ~~contract legal representation plan~~ 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.

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, for criminal defense services or its designee and shall also be made available to the office of the administrator of the Superior Courts 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.

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 ~~review courts~~ 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.

2.40.120 Standard 10 - Supervision standard

Public defenders serve at the pleasure of the BOCC, through the Department of Human Resources and Risk, and Superior Court ~~Judges of the court in which they are approved for and in which the public defender accepts assignment of cases~~. The terms of payment for legal services shall be negotiated with the BOCC, through the Department of Human Resources and Risk, for all criminal defense services, and all other public defense appointments through Superior Court. The quality of professional performance will be overseen and reviewed by the BOCC, through the Department of Human Resources and Risk, and the judges of Superior Court ~~the court~~ before whom they appear based on their respective contracts. The BOCC, through the Department of Human Resources and Risk, for criminal defense services or Superior Court for other public defense services ~~specific court~~ shall choose and assign cases to the public defender ~~to whom that court will assign cases from the list of those who have contracted with the BOCC, through the Department of Human Resources and Risk, or Superior Court for their respective public defense service needs~~. If the public defender chooses to accept assignment of cases ~~in said court~~, the specific terms of professional performance of such assignments shall be reflected in the standards within the respective public defense contract ~~set by each court in which the public defender appears~~, and to which said contracted public defender shall be a signatory.

2.40.130 Standard 11 - Monitoring and evaluation of attorneys.

[No change]

2.40.140 Standard 12 - Substitution of attorneys.

The attorney engaged by BOCC, through the Department of Human Resources and Risk to provide public defense services in criminal matters, and to whom cases are assigned, by a Superior Court ~~court~~ for all

other required public defense services shall not sub-contract 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.

BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Nov. 29, 2022

Suggested Wording for Agenda Item:

Agenda Type: Legal Notice

Notice of a Public Hearing for Ordinance 1341, 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 1341, which would amend Ch. 2.40, Standards for Public Defense Services, of the Lewis County Code

Approvals:

User	Status
PA's Office	Pending

Publication Requirements:

Publications:

The Chronicle on November 29, 2022 and December 1, 2022

Additional Copies:

Cover Letter To:

RECEIVED
Board of County Commissioners
Lewis County Washington

DEC 06 2022

**AFFIDAVIT
OF PUBLICATION
STATE OF WASHINGTON
COUNTY OF LEWIS**

Cindy Thayer, and/or Sarah Burdick, and/or Ronda Pogorelc and/or Cheyenne Denman says that she is the legal clerk of

The
Chronicle

a semi-weekly newspaper, which has been established, published in the English language, and circulated continuously as a semi-weekly newspaper in the City of Centralia, and in Lewis County, Washington, general circulation in Lewis County for more than six (6) months prior to the date of the first publication of the notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County. And that the attached is a true copy and was published in regular issues (and not in supplement form) of said newspaper as LEGAL # 124507
RE: Ordinance 1341

once each day for a period of 2 days
commencing on 11/29/2022 and ending on 12/01/2022

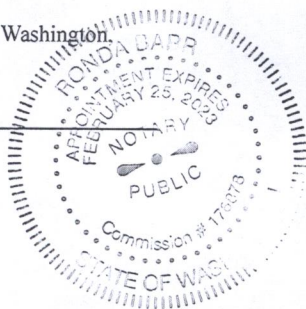
and both regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 70.52

Cheyenne Denman
Subscribed and sworn to before me 12/01/2022

Ronda Pogorelc

Notary Public in and for the State of Washington
residing at

Chehalis



124507 Ordinance 1341

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