

CITY OF GIG HARBOR

RESOLUTION NO. 260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING STANDARDS FOR PUBLIC DEFENSE SERVICES AS MANDATED BY THE WASHINGTON STATE LEGISLATURE.

WHEREAS, the Gig Harbor City Council acknowledges that the Washington State Legislature enacted Chapter 409, Laws of 1989 and this new law requires all cities to establish standards for public services, and

WHEREAS, this resolution is necessary to comply with the newly enacted state statute,

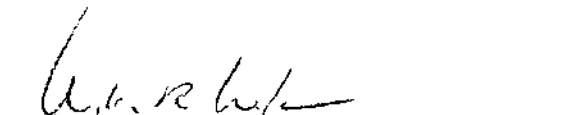
NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, hereby RESOLVES as follows:

Section 1. Pursuant to Chapter 409 of the Laws of 1989, the Gig Harbor City Council adopts the Public Defense Services Standards which are attached hereto as Exhibit "A" and incorporated herein by this reference.

RESOLVED by the City Council this 11th day of December, 1989.


Don McCarty, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/20/89
Passed by city council: 12/11/89

EXHIBIT "A"

STANDARDS FOR PUBLIC DEFENSE SERVICES

- 1) Compensation of counsel: Public defense attorneys and staff should be compensated at a rate commensurate with their training and experience.
- 2) Duties and responsibilities of counsel: Public defense attorneys shall represent their clients in accordance with the Rules of Professional Conduct.
- 3) Case load limits: The case load of public defense attorneys should allow each lawyer to give each client the time and effort to ensure effective representation.
- 4) Responsibility for expert witness fees and other costs associated with representation: Expert witness and other costs associated with the representation shall be governed by applicable court rules and statutes. Examples of such costs include breathalyzer/BAC machine expert witnesses and the cost of blood-alcohol tests.
- 5) Administrative expenses/support services: Adequate numbers of support staff should be employed to ensure effective representation of counsel.
- 6) Reports of attorney activity and vouchers: The firm or attorney shall submit monthly or quarterly vouchers to the city for payment.
- 7) Training, supervision, monitoring, and evaluation of attorneys: Attorneys providing public defense services should participate in regular training programs on criminal defense law, including a minimum of 7 hours of continuing legal education in criminal law and/or trial practice. Firms providing such services should also develop internal supervision, monitoring, and evaluation standards.
- 8) Substitution of attorneys or assignment of contracts: The city shall employ additional qualified attorneys to represent defendants whenever the public defense attorneys have a conflict of interest under the Rules of Professional Conduct.
- 9) Limitation on private practice of contract attorneys: Attorneys engaged in a private practice who also provide public defense services should limit their private practice responsibilities whenever necessary to ensure effective representation of public defense clients.

- 10) Qualifications of attorneys: The attorney(s) must meet accepted professional standards. Contracts will only be awarded to attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract or to a firm where at least one attorney has one year's trial experience.
- 11) Disposition of client complaints: The attorney or firm shall develop and implement a mechanism for thoughtful review and a prompt response to each complaint received about public defense services.
- 12) Cause for termination of contract or removal of attorney: A violation of the Rules of Professional Conduct shall constitute sufficient cause for termination of a public defense contract or removal of an attorney.
- 13) Nondiscrimination: Offices which contract with the city for public defense services shall not discriminate in their hiring practices on the basis of race, creed, color, religion, or sex, as well as sensory, mental, or physical handicaps.