

Spokane County Law and Justice Office

26-10381 Request for Qualifications for Attorney Services

Spokane County through the Spokane County Law and Justice Office requests statements of qualifications from interested Applicants/Firms ("Contractors") to provide Indigent Defense for Felony and/or Misdemeanor cases originating through Spokane County District and Superior Courts, including Criminal Conflict of Interest cases, criminal capacity constraints, and other cases where Spokane County has a legal obligation to provide indigent representation including but not limited to Child In Need of Services (CHINS) and Minor Guardianship

Mandatory Requirements for Contracts Include:

1. Generally applicable requirements:

- a. Member of Washington State Bar Association in good standing;
- b. No bar sanctions within the past three years;
- c. May not have been found by a court to have rendered ineffective assistance more than twice in the past 5 years;
- d. Must meet minimum public defense standards applicable to all public defenders as set out in Washington State Supreme Court rules applicable to public defense attorneys;
- e. Must be able to meet with clients in the Spokane area regularly as needed; and,
- f. Must be able to meet with clients incarcerated in the Spokane County Jail regularly as needed whether in person or via video visitation.

2. Compliance with Public Defense Standards. All applicants are responsible for personally reviewing, understanding, and meeting all adopted by or issued by the Washington State Supreme Court as well as the Delivery of Public Defender Services adopted by the Spokane County Board of County Commissioners under RCW 10.101.030.

3. Quarterly Public Defense Certifications. All attorneys awarded contracts under this RFQ will be personally and professionally responsible for filing Quarterly Public Defense Certifications as required by the Standards for Indigent Defense adopted by the Washington State Supreme Court.

4. Qualification as an Independent Contractor. All attorneys awarded contracts, shall meet all requirements under federal IRS rules and Washington State regulatory rules related to classification as an independent contractor. These include but are not necessarily limited to:

- a. Must have Washington Department of Revenue tax account;
- b. Must have applicable local business licenses for Spokane;
- c. Must provide own equipment (including computer equipment) and needed supplies;
- d. Must have location for working from, the cost of which would be eligible for a business expense tax deduction; and,
- e. Must keep a separate set of books for business.

5. Technology. Includes videoconferencing, use of a caseload management system, digital means of caseload reporting, and a digital means of filing claims for compensation and requesting funding for professional services. Contractors must have basic technology

literacy and equipment (at least a computer and a high-speed internet connection) and agree to conduct business using applicable technology tools.

6. **Insurance.** Commercial General Insurance in the amount of \$1 million per occurrence and \$2 million general aggregate; Professional Liability Insurance in the amount of \$1 million; and when the Contractor has employees of the company, the Contractor shall carry Workers Compensation Industrial Injury Insurance coverage effective in Washington State. Proof of insurance shall be reflected on the Contractor's Certificate of Insurance or by providing the Contractor's State Industrial Account Identification Number.
7. **Client Communication.** All Contractors are required to establish a reliable means by which clients can reach them during regular business hours. This must include a way for clients to reliably leave messages (either through voicemail that is properly set up or reception services) for the attorney when not available.
8. **Client Meeting Facility.** All Contractors are required to have access to confidential meeting facilities that permit them to have proper consultations with public defense clients.
9. **Continuing Legal Education.** All Contractors are required to attend a minimum of 7 (seven) hours a year of CLE training in topics related directly to their specific area of public defense. At least one of these CLE training sessions must be "approved by State OPD."

Specific Qualifications:

Superior Court:

Contractors are responsible for providing full-service representation to clients with criminal charges in Spokane County Superior and District Court, as well as other cases where Spokane County has a legal obligation to provide indigent representation including but not limited to Child In Need of Services "CHINS) and Minor Guardianship

Duties:

All aspects of criminal defense including review of charging instruments, consultations with clients, court appearances, investigations, devising defense strategies, analysis of legal issues, negotiating with prosecutors, consulting with, and using experts, pre-trial motion practice, trial, sentencing, and perfecting of appeals.

With respect cases other than criminal defense, sufficient legal knowledge, skill and ability to competently represent assigned clients. See chapter 13.32A RCW, RCW 13.32.160) for CHINS, See chapter 11.130 RCW (RCW 11.130.200) for Guardianship.

Caseload:

Contractors can select their choice of caseload however the choice of case load and cases per year must comply with the Standards for Indigent Defense and Order relating thereto adopted by the Washington State Supreme Court as well as the Standards for the Delivery of Public Defender Services adopted by the Spokane County Board of County Commissioners under RCW 10.101.030.

Attorneys assigned are expected to attend that weekly criminal docket, as well as hearings and trials as they are set during the week.

Compensation:

- \$2,000.00 per Felony A cases for first 20 hours, \$130.00 hourly as approved thereafter
- \$2,000.00 Flat Fee per Case for Felony B and C
- \$1,500.00 Flat Fee per Case for Gross Misdemeanor & Misdemeanor Charges.

- \$200.00 Trial Fee per day
- DOSA or SSOSA review hearing - \$300.00 per year, per case
- Post-sentencing matter - \$300.00 per case, for assigned attorney's case

Mandatory Qualifications:

- At least two years full-time experience either as a criminal prosecutor or criminal defense attorney.
- Must be willing to use experts and investigators on cases as needed.
- Must understand the requirements of chapter 10.77 RCW regarding mental insanity and related defenses and procedures including recognizing when the need for an expert is triggered.
- Must be able to work with clients of different cultures and backgrounds including with the aid of an interpreter as needed.
- Must have working knowledge of immigration consequences of convictions as required by *Padilla v. Kentucky*.

Preferred Qualifications:

- Working knowledge of Spokane County Court procedures.
- Qualifications to handle Class A felonies under Standards for Indigent Defense as adopted by the Washington State Supreme Court.

Interested parties should send a cover letter and resume addressed to:

**Michael Sparber
Senior Director of Law and Justice
Spokane, WA
Attn: External Indigent Defense RFQ
MSparber@spokanecounty.org**

By their submission of any application material in response to this Request for Qualification, all parties agree to be bound by the following terms and conditions:

This request for qualifications constitutes a request for interested parties to provide notice of their interest and a summary of their qualifications only. This is not an offer to any particular person or to the general public and cannot be accepted so as to create a contract binding upon Spokane County, its elected officials, employees or agents. Only upon execution of a contract whether pursuant to this RFQ or otherwise, will Spokane County have any contractually binding obligations. Spokane County reserves the right to change the terms and conditions of either this request for qualifications (including timeframes, deadlines and any other aspect it deems appropriate to change) or the terms and conditions of the contract to be offered, with or without notice and without recourse by applicants or any other party alleged in any way to be negatively affected.

Applicants understand that any response to the RFQ is a public record under chapter 42.56 RCW and subject to disclosure subject to applicable exemptions.