

**RESOLUTION NO. 544**

**A RESOLUTION OF THE CITY OF WOODLAND ADOPTING STANDARDS FOR THE DELIVERY OF PUBLIC DEFENSE SERVICES TO INDIGENT PERSONS ACCUSED OF CRIMES IN THE WOODLAND MUNICIPAL COURT.**

**WHEREAS**, RCW 10.101.030 requires the City to adopt standards for the delivery of public defense services; and,

**WHEREAS**, the Council recognizes the need for such standards to insure justice to those accused persons unable to afford legal counsel; and,

**WHEREAS**, the Council further recognizes the need to see that justice is exercised with diligence and dispatch forth benefit of the City, as well as the accused; now therefore,

**THE CITY COUNCIL OF THE CITY OF WOODLAND DOES RESOLVE AS FOLLOWS:**

**SECTION 1.** That defense services shall be provided to all clients in professional, skilled manner consistent with minimum standards set forth by the American Bar Association, applicable state bar association standards, the Rules of Professional Conduct, case law and applicable court rules defining the duties of counsel and the rights of defendants in criminal cases.

**SECTION 2.** Primarily public defense services will be handled by contracting with one or more lawyers qualified as stated below. Compensation shall be as negotiated between each contract lawyer and the city. When necessary to avoid a conflict of interest with a contract lawyer, the Municipal Court will appoint a qualified lawyer who will be compensated pursuant to order of the Court.

**SECTION 3.** Prospective contract counsel shall familiarize himself or herself with the case load that exists which he or she is 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. The type of cases shall be limited to criminal cases charged in Woodland Municipal Court or which a jail sentence is possible.

**SECTION 4.** The minimum duties and responsibilities of contract and other appointed lawyers shall include but not be limited to:

- A.** Counsel shall comply with the Rules of Professional Conduct 1.1 regarding competence and preparation. Prior to the first appearance in court with the client, counsel shall have reviewed and become familiar with the police report, have reviewed the case with the client, including any offers received from the prosecutor, and be prepared to enter any plea, make motions or set the case for trial. Prior Council action inconsistent with this resolution shall be deemed repealed.
- B.** Counsel shall be diligent and prompt regarding court appearances and other matters connected with representing the client. RPC 1.3.
- C.** Counsel shall comply with the Rules of Professional Conduct 3.2 regarding expediting litigation. Counsel shall not cause a case to be set for trial for the mere purpose of stalling or delay. If more than one case is set for jury trial on the same day, Counsel shall cooperate with the prosecutor to arrange the jury trial schedule in advance so the triable cases are tried promptly and counsel know what case is to be tried on a particular day far enough ahead of trial so they can be prepared.
- D.** In the event Counsel comes into possession of information which would affect the client's eligibility for free legal services, it shall be immediately reported to the Municipal Court.

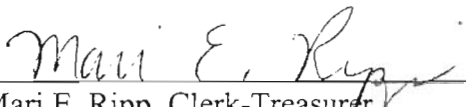
**SECTION 5.** In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services should meet the following minimum professional qualifications:

- A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court.
- B. Complete seven hours of continuing legal education within each calendar year in course relating to their public defense practice.


**ADOPTED** by the City Council and **SIGNED** by the Mayor this 6<sup>th</sup> day of November, 2006.

  
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Douglas A. Monge, Mayor

ATTEST:

  
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Mari E. Ripp, Clerk-Treasurer

APPROVED AS TO FORM:

  
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Paul Brachvogel, City Attorney