

ORDINANCE NO. 00311

1
2 AN ORDINANCE relating to a Public Defender system for King County;
3 establishing the Office of Public Defense; and
prescribing duties and responsibilities.

4 BE IT ORDAINED BY THE KING COUNTY COUNCIL:

5 NEW SECTION Section 1. It is declared a public purpose that
6 each citizen is entitled to equal justice under law without regard
7 to his ability to pay. It is the intention of King County to make
8 publicly financed legal services available to the indigent and the
9 near indigent person in all matters where he may be deprived of his
10 liberty pursuant to the laws of the State of Washington or
11 King County.

12 NEW SECTION Sec. 2. There is hereby established the Office
13 of Public Defense. The Administrator of the Office of Public
14 Defense shall be appointed, for a term contiguous with that of the
15 County Executive, by the County Executive and approved by the
16 County Council from a list of at least three nominees submitted by
17 a selection committee. The selection committee shall consist of
18 the President of the Seattle-King County Bar Association; the
19 Chairman of the Criminal Law Section of the Seattle-King County
20 Bar Association; and the President of the Urban League, or their
21 designee.

22 NEW SECTION Sec. 3. The duties of the Administrator shall
23 be: 1. To establish a list of lawyers who wish to participate
24 in the defense of indigent defendants; such list to be known as
25 the assigned counsel list. The Administrator shall assign cases
26 to members of the assigned counsel list on a case by case basis.
27 The assignment from the assigned counsel list shall be not less
28 than twenty percent nor more than forty percent of the eligible
29 defendants arraigned in the Superior Court of King County,
30 exclusive of juvenile proceedings. 2. To investigate and determine
31 who shall be eligible to receive legal services from the Office of
32 Public Defense. 3. To investigate and report on any complaint of

1 a recipient of service against the lawyer(s) representing him. The
2 Administrator shall submit his findings of the investigation to
3 the complainant, the lawyer complained against, and the presiding
4 judge of the King County Superior Court. 4. To make periodic
5 evaluations, at least annually, of the services rendered through
6 the Office of Public Defense submitting such report to the judges
7 of the King County Superior Court, the King County Council and the
8 King County Executive. 5. To investigate the financial condition
9 of the parents of any juvenile in juvenile court receiving legal
10 representation through the Office of Public Defense and to
11 recommend to the juvenile court a sum to be charged the parents
12 to pay for such representation. 6. To make such rules, not in
13 conflict with this ordinance, that may be necessary and
14 appropriate for the discharge of the duties and responsibilities
15 of the Office of Public Defense.

16 NEW SECTION Sec. 4. The Administrator is authorized and
17 directed to enter into an agreement with a nonprofit corporation
18 formed for the specific purpose of rendering legal services in
19 behalf of indigents to provide legal services to persons eligible
20 for representation through the Office of Public Defense and is
21 authorized to enter into an agreement with institutions of higher
22 learning or other agencies to render investigative or other
23 services on behalf of any person being represented through the
24 Office of Public Defense or of benefit to the purpose of such
25 office.

26 NEW SECTION Sec. 5. Legal services will be available
27 through the Office of Public Defense to all eligible persons where
28 there may be some factual likelihood of such person's loss of
29 liberty by an act of King County or any of its agencies, including
30 but not limited to a violation of any law of the State of
31 Washington or ordinance of King County, juvenile matters, mental
32 disorder and similar commitment proceedings, revocation and habeas

1 corpus proceedings when such arise in King County.

2 Legal Services through the Office of Public Defense may be
3 made available to a person charged in King County with a felony
4 of public notoriety when the court finds that the defendant is
5 unable to employ adequate private legal counsel as a result of
6 such public notoriety. The Administrator of the Office of Public
7 Defense shall establish a reasonable fee, subject to the approval
8 of the court.

9 NEW SECTION Sec. 6. To be eligible to receive legal services
10 through the Office of Public Defense at no cost, the person must
11 be financially unable to obtain adequate representation without
12 substantial hardship to himself and his family and there must be
13 some factual likelihood that he will be deprived of his liberty.
14 If a person has some resources available which can be used to
15 secure representation but not sufficient resources to pay the entire
16 costs of private legal services without substantial hardship to
17 himself and his family, the Administrator shall determine how much
18 the person shall pay for the legal services provided through the
19 Office of Public Defense.

20 NEW SECTION Sec. 7. The Administrator of the Office of
21 Public Defense is authorized to enter into agreements with any
22 other governmental agency, or corporation, or any private agency,
23 or corporation to receive funds for the support of the Office of
24 Public Defense.

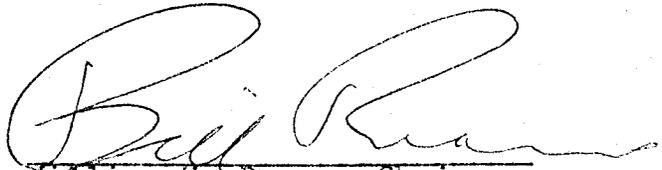
25 NEW SECTION Sec. 8. All contracts entered into by the
26 Administrator pursuant to sections 4 and 7 of this ordinance,
27 shall be approved by the County Executive and the County Council.

28 NEW SECTION Sec. 9. The Administrator of the Office of
29 Public Defense shall be subject to removal by a majority of the
30 County Council for just cause after written charges have been
31 served on him and a public hearing has been held by the County
32 Council.

1 NEW SECTION Sec. 10. If any provision of this ordinance
2 or its application to any person or circumstance is held invalid,
3 the remainder of the ordinance, or the application of the
4 provision to other persons or circumstances is not affected.

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6 PASSED THIS 19th DAY OF January, 1970
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9 KING COUNTY COUNCIL
10 KING COUNTY, WASHINGTON

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13 William H. Reams, Chairman

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15 ATTEST:

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18 Ralph R. Stender, Clerk

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20 APPROVED THIS _____ DAY OF _____, 1970.

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23 John D. Spellman, County Executive
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