



Benton County Office of Public Defense

Request for Qualifications Attorney Services Benton County District Court

The Benton County Office of Public Defense (OPD) requests statements of qualifications from interested attorneys to provide appointed counsel services in Benton County District Court. This RFQ may be updated periodically and is for contracts to be awarded on a continual basis.

Mandatory Requirements for Contracts with OPD

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 Tri-Cities area regularly as needed; and,
- f. Must be able to meet with clients incarcerated in the Benton 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 public defense standards applicable to public defense attorneys in Washington and as promulgated by the Washington State Supreme Court.

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 Washington State Supreme Court's public defense standards.

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:

- a. Must have Washington Department of Revenue tax account;
- b. Must have required local business licenses (at least city of Kennewick license since that is where courthouse is located);
- 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. OPD conducts much of its business digitally. This 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 with OPD using its technology tools.

6. **Insurance.** Commercial General Insurance in the amount of \$2 million general aggregate and \$1 million per occurrence; Professional Liability Insurance in the amount of \$1 million; and verification of Workers Compensation and Stop Gap Liability coverage in the amount of \$1 million is required for employers.
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 WA State OPD.”

Specific Qualifications:

District Court:

Contractors are responsible for providing full-service representation to clients charged with criminal charges in District Court.

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.

Caseload:

Contractors can select their choice of caseload ranging from 98 cases per year up to 390 cases per year (based on a maximum permissible annual caseload of 390 cases under Washington State public defense standards). OPD seeks to keep monthly case assignments at or below 32 cases per month, however exceptions to this may occur but will be just that: exceptions. Contractors will be consulted by the Public Defense Director or designee prior to any assignment above the per month case assignment load.

Schedule:

Contractors would be responsible for attending the regular, weekly, criminal pre-trial docket as well as hearings and trials as they are set (throughout the week).

Dockets are scheduled according to jurisdiction. Benton County District Court hears cases arising from the various municipal, state, and county law enforcement agencies in Benton County:

- Kennewick Police Department
- Richland Police Department
- West Richland Police Department
- Prosser Police Department
- Benton County Sheriff
- Washington State Patrol

Attorneys are assigned primarily to a certain docket and are expected to attend that jurisdiction's weekly criminal docket. *However, attorneys are required to be available for conflict case assignments, sometimes across jurisdictions, and therefore may have to attend criminal dockets for other jurisdictions as well from time to time.*

Compensation:

- \$361.29 per case, paid monthly as a flat fee of \$11,741.93 based on 390 cases per year
- Trial per diem - \$400.00 per day and/or \$200 per partial day
- City of Prosser conflict cases - \$450.00 per case
- Arraignment Docket Coverage - \$1,000.00 per day

Mandatory Qualifications:

- Must meet Public Defense Standards for misdemeanor and gross misdemeanor representation.
- Must be willing to use experts and investigators on cases as needed.
- Must understand the requirements of RCW 10.77 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 collateral consequences of criminal convictions especially collateral consequences DUI and major traffic offenses, Domestic Violence, and related gross misdemeanor offenses.
- Must have working knowledge of immigration consequences of convictions as required by *Padilla v. Kentucky*.

Preferred Qualifications:

- Specific experience practicing in Benton County District Court.
- Prior criminal jury trial experience.
- One year of experience as a criminal defense lawyer or prosecutor.

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

**Keith Johnson
Public Defense Director
Benton County Office of Public Defense
Attn: District Court RFQ
OPD@co.benton.wa.us**

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 Benton County, its elected officials, employees or agents. Only upon execution of a contract whether pursuant to this RFQ or otherwise, will Benton County have any contractually binding obligations. Benton 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.