

Kittitas County judge candidates debate public defender system

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Judge candidate forum

Candidates running for Kittitas County Superior Court judge (from left), Paul Sander, Jim Denison and Fran Chmielewski, answer questions during a public forum at the Hal Holmes Community Center, Thursday, July 12, 2012. (Brian Myrick / Daily Record)

Candidates for Kittitas County Superior Court judge have different ideas on how to improve the county's public defender system, and whether an office of public defense is needed.

Ellensburg attorney Jim Denison, Kittitas County Chief Deputy Prosecutor Paul Sander and incumbent Superior Court Judge Fran Chmielewski answered questions during a Kittitas County Chamber of Commerce election forum Thursday at the Hal Holmes Center. The Department 1 seat was vacated by Judge Michael Cooper last year, and Chmielewski was appointed by Gov. Chris Gregoire.

The Washington Supreme Court last month adopted new case limits for public defenders. Under a ruling which takes effect in September 2013, public defenders should not handle more than 300 to 400 misdemeanor cases or 150 felony cases a year. Caseloads have been especially high in city courts where public defenders sometimes take on 1,000 or more cases annually.

The state Bar Association previously had limits, but enforcement was a concern. In one example, Grant County spent seven years making changes to its public defense system and reduced caseloads under a case settlement with the American Civil Liberties Union and Columbia Legal Services.

Chmelewski said the Supreme Court's decision is good assurance, and should be in place, but it won't have much effect on Kittitas County.

"Fortunately in our county we don't have the numbers of felons and misdemeanor criminals that exceed the limits they would be putting in place, so in actuality it's not going to affect our county that greatly," she said.

Office of public defense

Denison said Kittitas County needs to make improvements in its public defender system by creating an office of public defense.

"The level of representation is so varied that it's terrible and I get a lot of clients who come in from the public defenders saying, 'They won't return my call.' Or, 'They don't seem to know who I am.' They are too busy and they have a stack of cases," he said. "We need a better system. We need screening of attorneys who are involved."

He said the court system should listen to feedback from defendants, but take the advice with a grain of salt because often people who don't get a good result in court blame their defense attorney.

"When you hear the same complaints, same concerns about the same attorneys over and over, you should start paying attention," he said. "I'm a strong advocate of changing something."

An office of public defense could help provide an interpreter for Spanish-speaking clients, which is lacking right now, he said.

Sander said the county already has standards in place for criminal defense, but there are challenges in the way things work. He said it is worth exploring whether an office of public defense makes economic sense.

"That's something that Grant County implemented, when they had quite a bit of problems a few years ago. Judge Cooper was brought in to help clean up that situation (and) that was something he instituted over there. I thought it was ironic we didn't have that brought into our county as well," Sander said. "I think when the community gets the best sense of justice both from the prosecutors and the public defenders, that's when we're best served."

Rotation list

Chmelewski said she doesn't think the situation is as grim as described. Kittitas County Superior Court has a rotation list with six attorneys who handle adult felonies, and six who handle juveniles.

“There absolutely is screening and there is followup,” she said. “There is a statute that requires it. There’s a court ruling that requires it. So not just anyone can walk in off the street and become a public defender for Kittitas County. We have a good group and they work hard. They have constraints.”

She said funding isn’t available for an office of public defense, but it would be a good idea to have one attorney supervise other public defenders.

Sander said having six attorneys available is an improvement from when there were only three.

“I’ve heard Judge (Scott) Sparks say, ‘I’m not going to have you on this list anymore,’ so that happens,” he said. “Having an office of public defender would be a better way. I think that is something that needs to be considered, certainly the budget is a huge part of that. There may be a way to make that more economical.”