

# In lawsuit's wake, cities increase public defense budget

**By Gina Cole and Rachel Lerman | Posted: Tuesday, December 31, 2013 7:00 am**

The city councils of Mount Vernon and Burlington approved a new contract Monday for their public defenders that costs almost twice as much as the current one.

The change is meant to bring the cities, which share public defenders, into line with a federal court order to ensure poor defendants get adequate legal representation in municipal court.

The new three-year contract is with Mountain Law, which the cities started doing business with in spring 2012. The increase of \$270,000, making the contract \$644,400 per year, stems from the addition of a fifth attorney, the hiring of an on-staff investigator, and overhead and clerical expenses, including a move to new offices to make room for the added staff.

Mount Vernon will pay 60 percent of the contract, and Burlington 40 percent, based on 2013 case statistics.

Mount Vernon Finance Director Alicia Huschka said the city assumed a contract increase in its 2014 budget, and it will draw from the general fund to cover the increased cost.

Burlington City Administrator Bryan Harrison said the cost increase was blunted for Burlington a bit because the city was previously paying 46 percent. Burlington will draw from reserves to cover its cost increase.

The court order stems from a lawsuit brought two years ago by the Washington chapter of the American Civil Liberties Union on behalf of a group of Skagit defendants. A two-week trial in June put a statewide spotlight on the problem of large caseloads for public defenders.

U.S. District Judge Robert Lasnik ruled earlier this month that Mount Vernon and Burlington's bare-bones budget for public defense created a "meet and plead" system that violated defendants' constitutional rights.

The two public defenders working for the cities handled about 1,000 cases each from 2009 to 2011, making them little more than "a warm body with a law degree," unhelpful to defendants' cases, Lasnik concluded.

They often spent less than one hour per case, not meeting with clients in jail or thoroughly investigating their cases, instead just assuming law enforcement had done its job correctly, according to court documents.

The case drew a rare “friend of the court” brief from the U.S. Department of Justice, which suggested, without taking a side in the lawsuit, that “America’s indigent defense systems continue to exist in a state of crisis.”

Lasnik’s ruling orders the cities to appoint a part-time public defense supervisor to ensure they’re fixing the problems brought to light by the lawsuit.

“The court has grave doubts regarding the cities’ ability and political will to make the necessary changes on their own,” Lasnik wrote.

The cities have issued a request for quotes for the supervisor position. Responses are due by Jan. 17, Harrison said, at which time interviews will begin.

The cities will meet with the supervisor to revisit the contract in 10 months about whether the increased staff has been necessary.

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