

Washington State Judicial Branch 2023-25 Biennial Budget Public Defense Recruitment Specialist

Agency: Office of Public Defense

Decision Package Code/Title: AL – Public Def. Recruitment Specialist

Agency Recommendation Summary Text:

OPD requests funding for 1.0 FTE Public Defense Recruitment Specialist with a .50 FTE program assistant. The specialist and assistant would address recruitment challenges in the public defense profession, provide technical assistance to counties and cities struggling with public defense recruitment/retention, and connect interested candidates to public defense opportunities statewide. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	1.50	1.50	1.50	1.50	1.50	1.50
Operating Expenditures						
Fund 001-1	\$212,950	\$202,950	\$415,900	\$202,950	\$202,950	\$405,900
Object of Expenditure						
A Salaries	\$140,000	\$140,000	\$280,000	\$140,000	\$140,000	\$280,000
B Benefits	\$37,950	\$37,950	\$75,900	\$37,950	\$37,950	\$75,900
E/G Supplies/Travel	\$25,000	\$25,000	\$50,000	\$25,000	\$25,000	\$50,000
J Start-up One-Time	\$10,000	\$0	\$10,000	\$0	\$0	\$0
Total Expenditures						
	\$212,950	\$202,950	\$415,900	\$202,950	\$202,950	\$405,900

Package Description:

Background and Current Situation:

State, county, and city public defense programs are experiencing unprecedented difficulties recruiting and retaining qualified public defense attorneys, who are critically necessary for a functioning legal system. Fewer law school graduates are seeking careers in public defense, and many experienced attorneys are retiring from the practice.

The shortage of attorneys is not limited to Washington, and creative approaches are critical to find solutions that ensure constitutionally guaranteed public defense representation. Cities and counties of all sizes in Washington are facing this challenge, and most jurisdictions lack the staff time and resources to actively recruit new and aspiring law school graduates to foster a pipeline into the public defense field.

Proposed Solution:

OPD seeks funding to create a new staff position of Public Defense Recruitment Specialist, with a half-time administrative assistant. The Recruitment Specialist would be dedicated specifically to building a pipeline of law students into the public defense community statewide, and identifying strategies to retain attorneys in public defense jobs. The Specialist would collaborate with city and county public defense administrators, particularly in small and rural communities, which lack dedicated resources for ongoing recruitment strategies. Responsibilities would include:

- Guide city and county public defense administrators on establishing Rule 9 and internship/externship programs;

- Promote public defense as a profession at law schools, universities, and high schools, and learn from students and faculty how to foster interest in public defense, including among persons of color who are underrepresented in the legal profession¹;
- Actively communicate with city and county public defense administrators to keep aware of their contracting and staff recruitment needs;
- Recruit and connect interested students and attorneys to public defense job and internship opportunities;
- Train local attorneys, law students, and public defense administrators on opportunities for student loan forgiveness, including for contract workers, who can access federal public service loan forgiveness only under certain circumstances; and
- Identify and build on factors that attract law students and practitioners to public defense; identify and guard against factors that cause attorneys to leave the field.

Fully describe and quantify expected impacts on state residents and specific populations served:

The positive impacts of the Recruitment Specialist would be felt statewide. The Recruitment Specialist would bring new resources and expertise to small and rural jurisdictions to address immediate needs and plan ahead for improved future recruitment and retention. Smarter, more strategic recruitment would result in higher quality candidates for public defense and better representation for the clients they serve. It is anticipated that building a strong pipeline of public defenders would not happen quickly, and ultimately will be the result of continuous and collaborative efforts. A state-level focus on this issue would help stabilize retention in the profession in the years to come.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

OPD currently does not have the staffing or resources to dedicate to this purpose. Currently only a small number of urban public defense agencies are resourced for this type of active, ongoing recruitment. Their focus is within their specific recruitment needs – not statewide, and particularly not for small and rural communities.

What are the consequences of not funding this request?

If this request is not funded, cities and counties would continue to struggle with recruitment. Situations may arise where there are an insufficient number of public defense attorneys to represent the number of indigent defendants who have a constitutional right to effective counsel. Such shortages have become routine and widespread in other states, including Oregon.²

Is this an expansion or alteration of a current program or service?

No.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions:

OPD would employ 1 FTE attorney and .50 FTE administrative assistant to provide Recruitment Specialist services.

Job Title/Classification	# of FTEs	Workload assumptions?
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¹ See [The Need for More Black Lawyers](#), Mondaq (2021).

² See [Defendants have a right to counsel, but Tri-Cities struggles to hire enough lawyers](#); Tri-Cities Area Journal of Business, January 2022; [Lawyers coping with attorney shortage in Yakima County](#); Yakima Herald Republic, May 5, 2022; [Class action lawsuit filed against state by criminal defendants over lack of public defenders](#), The Oregonian, May 16, 2022.

Office of Public Defense
 Policy Level – AL – Public Def. Recruitment Specialist

Managing Attorney – Recruitment Specialist	1.0	The attorney would carefully work with educational institutions and public defense systems to develop and foster a pipeline of attorneys to the public defense field.
Administrative Assistant	0.5	The program assistant would support the attorney’s work.

Goods and Services:
 \$15,000

- Costs for attending conferences and training events on best practices for recruitment and retention;
- Building a library of shareable resources for public defense administrators on best practices for successfully recruiting, onboarding, and retaining staff contract attorneys – particularly racially and ethnically diverse attorneys;
- Costs for hosting meet & greet events at law schools and universities where interested students can connect with public defense attorneys and recruiters;
- Flyers and other promotional materials to distribute to students to generate interest in public defense services.

Travel:
 \$10,000

The Recruitment Specialist would regularly travel to law schools, universities, and high schools to promote career interest in public defense. The Recruitment Specialist would also travel throughout Washington communities to assist with local attorney recruitment efforts, including the establishment of Rule 9 and internship/externship programs. The Recruitment Specialist would also attend conferences addressing best practices for recruitment and onboarding.

How does the package relate to the Judicial Branch principal policy objectives?

- *Fair and Effective Administration of Justice:* Fair and effective administration of justice is contingent on the availability of a sufficient number of skilled public defense attorneys to provide constitutionally guaranteed representation.
- *Access to Necessary Representation:* Without a sufficient number of public defense attorneys, defendants may have to delay resolution of their court cases while awaiting counsel. Without qualified attorneys, defendants don’t receive the expertise and experience required in their cases.
- *Sufficient Staffing and Support:* An insufficient number of public defense attorneys are available to accommodate the demand in counties and cities statewide. The need is particularly great in misdemeanor cases (recruiting new attorneys) and high level, complex felonies (retaining experienced attorneys).

Are there impacts to other governmental entities?

This service would substantially assist county and city governments who are experiencing challenges in recruiting a sufficient number of public defense attorneys.

Stakeholder response:

This service could also be useful to law schools, universities, and high schools.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

Recent publications regarding shortages of public defense attorneys:

- [*Defendants have a right to counsel, but Tri-Cities struggles to hire enough lawyers*](#); Tri-Cities Area Journal of Business, January 2022.
- [*Lawyers coping with attorney shortage in Yakima County*](#); Yakima Herald Republic, May 5, 2022.
- [*Class action lawsuit filed against state by criminal defendants over lack of public defenders*](#), The Oregonian, May 16, 2022.
- [*'I'm so confused': People without public defenders in Oregon speak out amid crisis*](#) Albany Democrat-Herald, September 4, 2022
- [*The Need for More Black Lawyers*](#), Mondaq (2021).

Are there information technology impacts?

No

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