

Clark County Council approves \$3 million in ARPA funds to start public defenders

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Published: November 15, 2023, 6:07am

Updated: November 15, 2023, 7:09am







Clark County is considering establishing a public defenders office rather than contracting with local attorneys to provide for indigent defense. At left, Clark County Prosecuting Attorney Tony Golik appears in Clark County Superior court in 2022. (The Columbian files)

Washington public defense systems in 2022



Counties with ...

-  County public defense agencies
-  Non-profit public defense agencies
-  Public defense contract managers (Experienced attorneys manage services)
-  Contract public defense (Other county employees oversee services)

SOURCE: Washington State Office of Public Defense

The Columbian

After many starts and stops and years of input from attorneys and court and county officials, Clark County is getting a public defense office.

The Clark County Council on Tuesday unanimously approved using about \$3 million in American Rescue Plan Act funding to create a county public defense office. Councilor Michelle Belkot was absent for the vote, which occurred with no discussion.

“I’m excited. I think it’s a huge step forward for the county — long overdue and much needed. Our county has grown so much in the last 20 years, and our court system needs to adapt accordingly,” said Christie Emrich, who leads Vancouver Defenders, which is contracted with the county to handle felony and misdemeanor cases.

Emrich, who’s offered the county a defense perspective on the issue, said there has historically been a desire for a public defense office.

The county has contracted with private attorneys to provide indigent defense services for decades, allowing legal representation for defendants who cannot afford it.

The \$3,071,031 approved by the council will fund the 10-person office for 2024 and 2025 as the county transitions from that contract model. After that, the positions will be funded from savings in the general fund due to fewer indigent defense contracts, according to a [Nov. 7 county staff report](#).

Although the public defense office will eventually absorb the majority of felony contracts, Emrich said there’s plenty of work and not enough contractors to handle it.

Councilor Gary Medvigy, a retired California Superior Court judge, told The Columbian he hopes the public defense office will improve indigent services across the board and efficiency.

“I am thrilled; it’s been a long, number of years trying to get this started, and it’s just the beginning,” he said in a phone interview after the meeting. “We have a lot of work to transition the many contracts to full-time positions and that will take many years. But we at least will get the nucleus started.”

Last year, the county had 28 contract attorneys handling 5,044 cases, a combination of felony and misdemeanor cases. That number of contractors was down from the three years prior: 32 in 2021 handling 4,168 cases, 35 in 2020 handling 4,005 cases and 34 in 2019 handling 5,210 cases, according to data from indigent defense.

At a [June work session](#), Deputy County Manager Amber Emery told the council the courts are struggling under the contract model. Specifically, having enough indigent defense attorneys to represent the felony cases heard in Superior Court hasn’t improved since the council reviewed the system in 2017 and 2018, she said.

Clark County is the fifth-largest county in the state and the largest that uses a contractor model without attorney oversight. It’s eight times larger than Walla Walla County, which is the second-largest county using the contractor model (populations of 518,000 and 63,344, respectively).

Emery told The Columbian the 10 positions are “truly a foundation” to get the felony side of the office off the ground and running, rather than what’s needed for the county’s population size. (The county will still have contracts in place for misdemeanor cases, Emery said.) As attorney contracts dwindle, more full-time positions will be added to the public defense office, she said. But because contracts are fluid and based on case volume and type, it’s difficult to say how large the public defense office will grow.

“I think it’s well known in our county that we need this ... and how critical it is to the law and justice ecosystem,” Emery said Tuesday in a phone interview, pointing to Oregon’s public defense crisis as an example. “As attorneys retire and that attrition starts to happen, you really need to be active on hiring folks in the county sphere to control that a little better.”

Some benefits of a public defense office include consistency in the discovery and investigative processes and cases resolving more efficiently and timely, according to the staff report.

The salaries for one supervisor, six felony-level attorneys and three legal assistants are anticipated to total \$1,395,944 in 2024 and \$1,395,944 in 2025. There are also one-time costs: \$50,000 for computers, phones and other equipment in 2024; \$20,000 for supplies and ongoing phone costs each year; and \$220,000 for the estimated Baker Tilly Wage Adjustment Contingency for both years. The classification and salary range will come back to council later this month for approval, the staff report states.

Emery said the county has already set aside funding for a director of public defense, who will be an attorney, and that the current indigent defense coordinator will provide support.

Presiding Superior Court Judge Derek Vanderwood, who was involved in the June work session, said the bench is supportive of any move by the county toward a public defense office.

“We have a lot of very dedicated indigent defense attorneys, providers in the county who have done and continue to do a tremendous job, a very important job even in the midst of very challenging circumstances,” Vanderwood said. “Our support of moving to more of a centralized model focuses more on the benefits that come from the administration of that office and coordination of services, more than a deficiency in the type of legal work the current providers are doing.”



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