

More work for less pay: Spokane County prosecutors, public defender's office struggling to recruit, retain attorneys

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Deputy prosecuting attorney Preston McCollam presents to Judge Tony Hazel, Friday afternoon, March 15, 2024, in the Spokane County Courthouse. (DAN PELLE/THE SPOKESMAN-REVIEW)

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Spokane County deputy prosecutors are juggling more than 100 cases at any given time while receiving far less compensation than other prosecutors in the state.

Preston McCollam, chief criminal deputy prosecutor, gave Spokane County commissioners a snapshot Monday of the mountain of work his team is dealing with, rattling off attorney names and caseloads.

“Mr. Shaw has 116 cases, Mr. Edwards has 119,” McCollam said. “We’ve got Jacob Schmidt at 124. Our high numbers, Scott Donahue is one of our more experienced prosecutors, he has 148. John Love has 143.”

Those figures would be unheard of even in a larger county, like Pierce County, which tries to keep prosecutors who handle felonies to around 35 cases per attorney, McCollam said.

In Spokane County, a newly-minted attorney fresh out of law school has to contend with higher caseloads, less time to spend on each case and significantly lower pay than most other counties in the state, which has made it tough for the Spokane County Prosecutor's Office to recruit and retain qualified attorneys.

"We've, quite frankly, never been in as dire shape as we are right now from a staffing standpoint," Spokane County Prosecutor Larry Haskell told commissioners.

To help attract more candidates to fill the eleven vacancies at the prosecutor's office, Haskell has asked the Spokane County Commissioners to approve salary increases for entry-level and mid-career attorneys, to bump some positions up from 37.5 hours per week to 40 and to increase compensation for supervisors.

Haskell's also asked for the creation of two more full-time attorney positions, one for the criminal division and one to take on the increased internal workload that came with the creation of two additional commissioner positions in 2022.

"We need help and we need it quickly," McCollam told the commissioners.

The salary pay scale for an entry-level attorney joining the prosecutor's office starts around \$59,000.

The minimum starting salary for a deputy prosecutor is around \$77,000 in the more populated Snohomish and Pierce counties, and in Thurston County, home to the state capitol, the salary range for entry-level attorneys starts around \$79,000.

"Those counties also have different benefits, those counties have different case requirements," McCollam said. "So we're asking folks to come to Spokane and do two or three times the work that they may face in some of these larger municipalities."

It's not just jurisdictions on the West Side, with a higher cost of living and more residents, that are offering more than Spokane County.

Adams County, population just over 20,000, offers a minimum of around \$95,000 for entry level deputy prosecutors, while Okanogan County, population 44,000, offers around \$90,000 at minimum. In Grant County, population 100,000, deputy prosecutors start at a minimum of \$96,000.

"Not only can we not compete with comparable counties, we can't compete with counties that are significantly smaller than us," McCollam said.

With Haskell's proposed increases, the pay scale for entry-level attorneys would start around \$80,000.

“Every county that touches Spokane pays entry level attorneys \$20,000 to \$30,000 more than Spokane pays,” McCollam said. “And so our office, the public defender’s office, simply cannot recruit people here.”

Colin Charbonneau, director of the Spokane County Public Defender’s Office, said there are five vacant public defenders positions.

“On the public defense side of things, it’s fair to say there’s been a national crisis, and certainly statewide, in hiring qualified public defenders,” Charbonneau said.

Public defenders for the county start with the same pay scale as the prosecutors, and applications have been “considerably down” compared to past years, Charbonneau said. He thinks meager salaries and burdensome caseloads are to blame; most of his defenders are taking on close to the maximum of cases they’re allowed to.

For decades, the Washington State Bar Association and state Supreme Court have held case limits for public defenders at 150 felonies or 400 misdemeanors a year.

Earlier this month, the Bar rolled out much lower limits that are waiting to be approved by the Supreme Court. The plan is to institute them incrementally starting in 2025, until the new limits of 47 felonies or 120 misdemeanors is reached in 2027.

Charbonneau said those new limits will only make their hiring efforts more challenging, since the county will have to bolster the defender’s office to accommodate the new limits.

“We’re doing all we can,” Charbonneau said. “We’re advertising wherever we can. We do community events. I’m talking to law schools. We’re going out there and doing as much as we can to recruit, and we’re still not seeing the applicants or the number of applicants we’d like to see.”

Charbonneau plans to come before the county commissioners in the coming weeks with an ask similar to Haskell’s.

McCollam said the staffing woes have gummed up the criminal justice system in the county, with attorneys on both sides of a case struggling to communicate with one another, hardly being able to devote necessary time to cases and lacking the experience to defend or prosecute something like a murder charge.

“If we’re losing folks, which we have been, that are experienced and going elsewhere for more money and less stress, that’s problematic because then we have to train up the younger ones,” Charbonneau said. “Assuming we can even get them in the door.”

The challenges are trickling down to the defendants and crime victims, who are having to sit through drawn out court proceedings, spending more time in custody awaiting

trial, or only receiving minimal attention because the courts and attorneys are overburdened.

“Right now, it’s just a constant revolving door of folks coming in, folks leaving, and the community’s paying the cost,” McCollam said. “So our crime victims, especially over this last 18 months, I’d say, are particularly frustrated.”

County Commission Chair Mary Kuney said she was concerned to learn starting salaries for county attorneys were far below what other counties offer. She feels the issues need to be addressed immediately, with spring graduations just around the corner and the region’s criminal justice system already under stress.

Kuney said the commissioners will need to make some tough decisions to secure funding for Haskell’s requests and to improve the system as a whole.

She would like to see the state Legislature step up and help fund public defender positions, which would free up some money for the prosecutors and help counties fill the additional defender positions necessitated by the impending new caseload limits.

“We got to look at it from all the perspectives,” Kuney said. “The people that are in the system that we want to help get whatever the adjudication is, the prosecutors and the public defenders so they actually have people and they’re not over taxed in what they’re doing.”

“And the concern is, if we don’t have prosecutors to prosecute, then are we really getting all the cases taken care of that we need to?” she added.



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