FRANKLIN COUNTY OFFICE OF PUBLIC DEFENSE

Larry W. Zeigler, Manager

Request for Qualifications

Franklin County Office of Public Defense seeks statements of qualifications from qualified attorneys to provide public defense services on its Franklin County Superior Court Felony Panel.

Summary

- For all felonies (Class A, B, and C) in Superior Court except for homicides and persistent offender cases
- Base annual compensation is $90,000/yr for 145 cases for 2019 and $92,000/yr for 2020. This will be paid in equal monthly installments.
- Additional compensation will be provided for:
  - * Trial per diem - $400 per day/$200 per half day
- This RFQ does not have a deadline. The contract may be awarded immediately as Franklin County sees fit. Therefore, early or immediate submission of application is recommended.
- One contract to be awarded
- Contract period to be ASAP – December 31, 2020

How to Apply

Before applying, please make sure to read this RFQ announcement in its entirety. Any questions should be addressed in writing to: **OPD@co.franklin.wa.us**
If you meet the minimum qualifications, then you are invited to apply by submitting the following materials to the contact listed below by the RFQ close date in the following manner:

1. A letter of interest providing any background, experience or professional accomplishments that the applicant wishes to be considered.
2. A current resume.
3. A copy of current malpractice and commercial general liability insurances meeting insurance requirements (see Required Qualifications)
4. Letters of reference from listed professional references (Optional)

Electronic submission is strongly encouraged and may be emailed to: **OPD@co.franklin.wa.us**

Please indicate "RFQ Response-FCSC Felony" in the subject line of the email application.

Contact information for mailed applications and for any questions is as follows:
Office of Public Defense
RFQ-Response
1016 N. 4th Ave
Pasco, WA 99301

Background

Franklin County provides indigent defense services through the Franklin County Office of Public Defense. All indigent defense services for Franklin County Superior Court are provided by contracted attorneys. Superior Court criminal dockets in Franklin County are on Tuesdays. Contract public defenders are responsible for regularly appearing on the docket where pending cases in their pre-trial stages are addressed, and also where some new cases are arraigned and assigned directly to public defenders.

Contract Details

Number and Effective Dates of Contracts
Franklin County anticipates awarding 1 contract at this time.

Eligibility
All attorneys admitted to practice law in the State of Washington who meet the Required Qualifications (stated below) and who have, or are prepared to establish, a private law office with access to confidential meeting facilities within the Tri-Cities area (Richland, Kennewick or Pasco).

Compensation Plan

- Base annual compensation is $90,000/yr for 145 cases for 2019 and$92,000/yr for 2020. This will be paid in equal monthly installments.
- Additional compensation will be provided for:
  *Trial per diem - $400 per day/$200 per half day

Homicide and Persistent Offender (either felony "third strike" or sex offender "second strike cases where the potential of a life-without-parole sentence is possible on the current case) are not assigned to holders of contracts awarded pursuant to this RFQ. Such cases are assigned to attorneys who hold Homicide/Persistent Offender contracts that are awarded separately from the contract. The awarding of a contract under this RFQ DOES NOT preclude a given attorney from applying for, and being awarded, a Homicide/Persistent Offender contract when such contracts come available.

Maximum Caseload
Successful applicants who accept contract offers will have the option of choosing the maximum number of actual cases they wish to be appointed in every calendar year (up to 145), mindful of the caseload maximums and limitations on private practice for contract public defenders imposed by the Washington State Supreme Court. Base compensation will be adjusted in a prorated manner for caseload maximums less than 145.

Compliance with Public Defense Standards and Laws
All applicants awarded contracts pursuant to this RFQ are solely and personally responsible for familiarizing themselves and complying with all public defense standards and legal requirements associated with the practice of law in the State of Washington. This includes Washington State Public Defense Standards as adopted by the Washington State Supreme Court and codified in court rules in the "Standards for Indigent Defense" (SID) section; Franklin County's Public Defense Ordinance; and the Rules of Professional Conduct (RPCs).

Franklin County provides the following support to contractors to assist them in complying with public defense standards and applicable laws:

- Free, local CLEs approved by the State Office of Public Defense and WSBA
- Access to no-cost subscriptions to JIS-LINK (allowing computerized access to Superior Court and District Court computerized records)

Scope of Services:
The services contemplated by this RFQ consist of all aspects of criminal defense of persons charged with crimes in Superior Court. The successful candidate would be responsible for fully, completely, and diligently representing criminal defendants according to standards set by applicable statutes, caselaw and the Rules of Professional Conduct. Examples of responsibilities include, but are limited to:

- Investigating or otherwise making appropriate inquiry into the facts of given cases
- Consulting with defendants, advising of the nature of charges, discussing possible resolutions, formulating defenses, and preparing for trial if appropriate.
- Conferring and negotiating with prosecuting attorneys about cases
- Attending any and all court appearances pertaining to assigned cases including but not limited to arraignment, pretrial hearings, omnibus, trial, sentencing and restitution hearings
- Retaining and supervising the services of experts and/or investigators as appropriate
- Researching legal issues, and filing and arguing motions as appropriate

Qualifications

- Active membership (in good standing) in the Washington State Bar;
- At least two years full-time experience either as a criminal prosecutor or criminal defense attorney;
- Must have tried at least two felony matters to juries either as a criminal prosecutor or criminal defense attorney, either as first or second chair (with significant involvement – “observer only” second chair trials do not count toward these minimum qualification standards);
- Familiarity with Washington criminal statutes in particular pertaining to felony crimes, Superior Court criminal rules, constitutional provisions, and key case law;
- Familiarity with collateral consequences of felony criminal convictions in general under both State and Federal law as well as specific collateral consequences of common crimes (including, but not limited to, sex offender registration, driver’s license suspension, security clearance revocation and firearm offender registration);
- Familiarity with mental health issues including knowledge of when need to obtain expert services is triggered;
- Familiarity with immigration consequences of felony arrests and convictions to the degree required by Padilla v. State of Kentucky.
- Must have excellent caseload management skills that are appropriate for a caseload of the size anticipated by this RFQ;
- Familiarity with, and ability to certify to, indigent defense standards as applicable to Superior Court cases and as;

- Either currently insured or able to procure insurance meeting following parameters:
  * Malpractice insurance in the amount of $1 million per occurrence, $1 million general aggregate and a deductible of no less than $10,000
  * Commercial general liability insurance in the amount of $1 million per occurrence, $2 million general aggregate
- Demonstrated commitment to public defense and service to indigent clients;
- Willingness and ability to meet with appointed clients (including clients incarcerated in the Franklin County jail) within 72 hours of appointment;

Desirable:

- Working knowledge of prosecution practices in Franklin County, particularly in the Franklin County Prosecutor's Office
- Working knowledge of Superior Court procedures in Franklin County
- Qualified to handle Class A Felonies under Washington Standards for Indigent Defense; but will consider applicant who is only B or C qualified with an agreement to become Class A qualified within the first year of said contract.

All parties responding to this Request for Qualifications, by their submission of any application material, agree to be bound by the following terms and conditions.
This request for qualifications constitutes a request for interested parties to provide notice of their interest and a summary of their qualifications only. This is not an offer to any particular person or to the general public and cannot be accepted so as to create a contract binding upon Franklin County, its elected officials, employees or agents. Only upon execution of a contract whether pursuant to this RFQ or otherwise, will Franklin County have any contractually binding obligations. Franklin County reserves the right to change the terms and conditions of either this request for qualifications (including time frames, deadlines and any other aspect it deems appropriate to change) or the terms and conditions of the contract to be offered, with or without notice and without recourse by applicants or any other party alleged in any way to be negatively affected.