

The Benton County Office of Public Defense seeks statements of qualifications from qualified attorneys to provide public defense services on its Benton County Superior Court Team.

Contract Summary

- For all felonies (Class A, B, and C) in Superior Court except for homicides and persistent offender cases
- **Base annual compensation is \$98,000/yr for 140 cases (2021-2022 rate). This will be paid in equal monthly installments of \$7,933.33. Rate is anticipated to increase for 2021-2022 but the new rate has not been finalized yet.**
- **Additional compensation will be provided for (this is above and beyond the base annual compensation):**
 - Class A felonies - \$700
 - Material witness matters - \$225
 - Designed in-court representative (since most attorneys are attending court via Webex now) during regular criminal docket (\$350 per day); or for Monday/Tuesday/Friday preliminary appearances (\$175 per docket)(
 - DOSA or SSOSA review on Attorney's own case - \$225 per year that review continues
 - Post-sentencing matter on Attorney's own case - \$225
 - Trial per diem - \$400 per day/\$200 per half day
- **This RFQ does not have a deadline. However, the need for an attorney to fill this contract is imminent and the contract may be awarded immediately as Benton County sees fit. Therefore, early or immediate submission of application is recommended.**
- **One contract** to be awarded
- Contract period to start ASAP and run until December 31, 2022

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.benton.wa.us.

If you meet the Minimum Qualifications, then you are invited to apply for this RFQ in the following manner:

All qualified applicants are invited to apply by submitting the following materials to the contact listed below by the RFQ close date:

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 insurance meeting insurance requirements (see Required Qualifications for details) *or a written statement affirming that applicant is aware of the required insurance and will be able to obtain them upon award of a contract*
4. (Optional) letters of reference from listed professional references

Contract Holders

Applicants who currently hold public defense contracts with the Benton County Office of Public Defense only need send written notice to the Office of Public Defense of interest (including by email). No other application materials are necessary for current contract holders.

Benton County reserves the right to review applications and award contracts as they are submitted so early application is strongly encouraged.

Electronic submission is strongly encouraged and may be emailed to: OPD@co.benton.wa.us (please indicate “RFQ Response – BCSC Public Defense Contracts”) in subject line of email application.

Contact information for mailed applications and for any questions is as follows:

**Eric Hsu, Public Defense Manager
Benton County Office of Public Defense
7122 W Okanogan Pl, Bldg A
Kennewick, WA 99336
OPD@co.benton.wa.us**

Background

Background: Benton County provides public defense services through the Benton County Office of Public Defense. Most indigent defense services for Benton County

Superior Court are provided via contracted attorneys. Superior Court criminal dockets in Benton County are also divided between two docket days, one on Wednesdays and one on Thursdays. Contract public defenders are responsible for regularly appearing on the docket to which they are assigned (ie Wednesdays or Thursdays) 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

Benton County anticipates awarding **1 contract** at this time.

The available contract is assigned to the Thursday criminal docket.

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 metropolitan area (Richland, Kennewick or Pasco) or otherwise within 10 miles of the Benton County Justice Center in Kennewick are eligible and invited to apply.

Compensation Plan

- **Base annual compensation is \$98,000.** See above for additional compensation structure.

Based on historical caseload data, a realistic estimate would be for annual compensation to be upward of \$100,000, not counting trial per diems.

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 Defense Unit contracts that are awarded separately from the contract contemplated by this RFQ. The awarding of a contract under this RFQ DOES NOT preclude a given attorney from applying for, and being awarded, a Homicide Defense Team contract when such contracts come available for RFQ.

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 140), 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 140.

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; Benton County’s Public Defense Ordinance; and the Rules of Professional Conduct (RPCs).

Benton 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 and JABS (allowing computerized access to Superior Court and District Court computerized records)
- Access to LEXIS-NEXIS services at competitive government rates

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

Required 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 Benton County jail) within 72 hours of appointment;**

Desirable

- Working knowledge of prosecution practices in Benton County, particularly in the Benton County Prosecutor's Office
- Working knowledge of Superior Court procedures in Benton County
- Qualifications to handle Class A Felonies under Washington Standards for Indigent Defense

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 Benton County, its elected officials, employees or agents. Only upon execution of a contract whether pursuant to this RFQ or otherwise, will Benton County have any contractually binding obligations. Benton County reserves the right to change the terms and conditions of either this request for qualifications (including timeframes, 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.