



## Budget Department

351 NW North Street  
Chehalis WA 98532

### Memorandum

To: County Manager, BOCC

From: Becky Butler Budget and Risk Director

Date: 2/3/2025

Subject: Public Defense Contracts

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#### Background:

Lewis County currently has contract attorneys for our public defense program. The contracts are for Superior, District, and Juvenile Courts. The contracts for the District Court included unit rate increases approved by the BOCC in 2021 through 2025. There were no rate increases for Superior or Juvenile contracts for 2025.

The county currently has six attorneys on the Superior and District Court contracts, and three on the Juvenile contract. We also have conflict contracts with attorneys as cases for Green Hill and other conflicts arise. In total, we have nine attorneys on the contract, and the majority of the attorneys are taking cases for two courts.

Rachael Tiller is in the role of the Public Defender for the day representing defendants on the first appearance, Ms. Tiller also acts in an administrative capacity assigning cases and screening defendants. Ms. Tiller is also on the Juvenile Court contract as the Public Defender of the day for Juvenile and finishing out assigned cases from prior years.

Three of the contract attorneys have proposed changes to the 2025 contract for public defense. The remainder of the attorneys have submitted signed contracts without changes. These requested changes will have an impact on the budget and will require BOCC approval. Jacob Clark one of our contract attorneys provided me with the justifications for the increased cases which are outlined in each proposed change.

The proposed changes are outlined on page 2 of this memo. The estimated cost increase is based on assigned cases for 2024. Cases will vary from year to year.

### **Sex Offenses – Class B and C – (class A currently paid at \$100.00 per hour)**

For the Superior Court contract, the public defenders have requested two units per case for sex offenses, except for taking failure to register. Mr. Clark stated that sex offenses are very strenuous and complex and believes they shouldn't be treated the same as other cases.

### **Drug Court**

Proposed a change to one unit instead of a half unit. The reason for the proposed change is due to a change in process by the courts, originally there was a system where drug court was being offered at charging and the client was accepted within two weeks. That is no longer the case and the public defender often has to prep for trial, or put in significant time investigating now which justifies a full unit.

### **Driving While License Suspended (DWLS)**

The public defenders in District Court are proposing changes to DWLS 1st degree and 2nd degree as they are more complicated and often we have more hearings. There is no change requested for DWLS 3rd degree and they would be compensated for a half unit on these cases.

*Please note that Mr. Enbody has requested to continue to be compensated at one full unit for DWLS 3rd degree.*

### **District Court Jury Trial**

The public defenders in District Court are proposing to be paid an additional two units for a Jury Trial **per day of trial**. Mr. Clark has stated that trials in District Court are every bit as time-consuming as many Superior Court trials, the only difference is the penalty. The change to the jury trial is going into an extra day then extra units rarely happen. Mr. Clark stated the District Court compensation for jury trials in Lewis County is significantly less than the other courts where he handles misdemeanors.

### **Estimated Budget Impact for 2025**

<b>Court Type</b>	<b>Estimated Cost Increase (Based on 2024 Cases)</b>
District Court Changes	\$47,575
Superior Court Changes	\$51,000
Drug Court Changes	\$9,000
<b>Total Estimated Impact</b>	<b>\$107,575</b>