

CLARK COUNTY
STAFF REPORT



DEPARTMENT: General Services/Indigent Defense
DATE: December 16, 2014
REQUEST: Board of County Commissioners' approval of recommended 2015/2016 indigent defense contracts and approval for the County Administrator to sign all contracts, amendments and related documents

CHECK ONE: Consent CAO

BACKGROUND

Clark County's Indigent Defense Coordinator (IDC) released a Request for Qualifications (RFQ) for 2015/2016 indigent defense contracts. The coordinator has reviewed all of the applications (69) and recommends the attorneys/law firms listed on Attachment #2 to this Staff Report be approved as indigent defense contractors for 2015/2016.

COMMUNITY OUTREACH

The RFQ for 2015/2016 contracts was widely distributed. The RFQ notice was published in newsletters for the Clark County Bar Association, Washington Defender Association and Oregon Criminal Defense Lawyers Association. The notice also was published as a legal notice in *The Reflector* and *The Columbian*. In addition, a list is maintained of attorneys who have contacted the IDC's office and expressed interest in receiving RFQs for indigent defense contracts over the past six years. The RFQ was sent directly to each of the attorneys on that list and all 2013/14 indigent defense contractors.

BUDGET AND POLICY IMPLICATIONS

It is anticipated that the recommended indigent defense contracts will cover the currently projected caseloads for the types of cases listed in Attachment #2, with one exception. The recommended Superior Court felony contracts are for a term of January 1, 2015 through June 30, 2016, with a provision that the parties may mutually agree to one six-month extension, subject to available funding. The total amount of the contracts is within 2015/2016 budget authority. Approval of the recommended contracts will ensure the provision of counsel to those who are determined by the courts to be eligible for appointed counsel. The only types of cases not covered by contracts are homicides, persistent offender, dependency proceedings representing children, and alleged incapacitated person guardianships. These case types are handled by attorneys on approved lists who are appointed on a case-by-case basis and compensated on an hourly-rate basis.

FISCAL IMPACTS

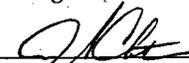
Yes (see attached form) No

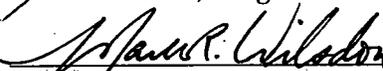
ACTION REQUESTED

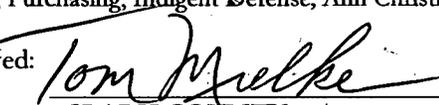
Staff requests the Board of County Commissioners approve the recommended 2015/2016 indigent defense contracts and grant authority to the County Administrator to sign all indigent defense contracts, amendments and other related documents.

DISTRIBUTION

Mark McCauley-County Administrator; Mark Wilsdon-Risk, Facilities, Purchasing, Indigent Defense; Ann Christian-Indigent Defense Coordinator; Budget Office


Ann S. Christian, Indigent Defense Coordinator


Mark Wilsdon
Risk, Facilities, Purchasing, Indigent Defense

Approved: 
CLARK COUNTY
BOARD OF COMMISSIONERS

Date: Dec. 16, 2014
SR #: 299-14

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Attachment #1

FISCAL IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information. **This request is funded by approved 2015/2016 budget and provides constitutionally and/or other mandated indigent defense representation through the use of contracted attorneys (versus county employees). The per case rates for these contracts are no greater than the rates in the 2013/2014 contracts (most rates dating back to 2009), except contracts for juvenile criminal, involuntary commitment, District Court primary caseload, and Mental Health Sales Tax-funded adjustments for workload.**

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF/MHST	Total	GF	Total
General Fund	\$0	\$0	\$6,162,302	\$6,162,302	n/a	n/a
Mental Health Sales Tax Fund 1033	\$0	\$0	\$347,502	\$347,502	n/a	n/a
Total	\$0	\$0	\$6,509,804	\$6,509,804	n/a	n/a

II. A – Describe the type of revenue (grant, fees, etc.) **General Fund and Mental Health Sales Tax as set out above.**

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE	Current Biennium		Next Biennium			Second Biennium	
		GF	Total	GF	MHST	Total	GF	Total
0001.000.410.515920/Felony Contracts (Ks)	0	\$0	\$0	\$3,054,000	\$0	\$3,054,000	n/a	n/a
0001.000.410.515920/Felony Ks/Drug Court	0	\$0	\$0	\$213,160	\$0	\$213,160	n/a	n/a
0001.000.410.515931/Misdemeanors/RALJ Appeals	0	\$0	\$0	\$48,000	\$0	\$48,000	n/a	n/a
0001.000.410.515931/Misdemeanors	0	\$0	\$0	\$1,816,584	\$0	\$1,816,584	n/a	n/a
0001.000.410.515931/Misd/Therapeutic Courts	0	\$0	\$0	\$131,558	\$0	\$131,558	n/a	n/a
0001.000.410.515944/Juvenile Contracts	0	\$0	\$0	\$725,000	\$0	\$725,000	n/a	n/a
0001.000.410.515961/At-Risk Youth	0	\$0	\$0	\$8,000	\$0	\$8,000	n/a	n/a
0001.000.410.515962/Truancy Contempt	0	\$0	\$0	\$4,000	\$0	\$4,000	n/a	n/a
0001.000.410.515971/Mental Commitment	0	\$0	\$0	\$162,000	\$0	\$162,000	n/a	n/a
1033.000.410.515920/MHST Felony Ks/Drug Ct.	0	\$0	\$0	\$0	\$134,840	\$134,840	n/a	n/a
1033.000.410.515931/MHST Misd./Therapeutic Cts	0	\$0	\$0	\$0	\$109,642	\$109,642	n/a	n/a
1033.000.410.515944/MHST Juvenile K/Recovery Ct	0	\$0	\$0	\$0	\$103,020	\$103,020	n/a	n/a
Total	0	\$0	\$0	\$6,162,302	\$347,502	\$6,509,804	n/a	n/a

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF/MHST	Total	GF	Total
Salary/Benefits						
Contractual	\$0	\$0	\$6,509,804	\$6,509,804	n/a	n/a
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total	\$0	\$0	\$6,509,804	\$6,509,804	n/a	n/a

Recommended 2015/2016 Indigent Defense Contracts

SUPERIOR COURT

Adult Felonies and Probation Violations (PVs) - 18-Month versus 24-Month Contracts

Attorney	Annual Cases/Points	Annual \$ Amount	Attorney	Annual Cases/Points	Annual \$ Amount
Alsept, Renee	24	\$19,200	Marlton, George	30	\$24,000
Arden, Mary	18	\$14,400	Erin McAleer	24	\$19,200
Barrar, Jeffrey Law Firm	225	\$180,000	Morse, Bratt, et al/Terry	24	\$19,200
Bennett, Art	50	\$40,000	Parker, Brian	12	\$9,600
Bogar, Shon	96	\$76,800	Pascoe, Todd/Jeffers	96	\$76,800
Brandenburg, Barry	18	\$14,400	Peterson, Jack	36	\$28,800
Buckley, Jr., Charles	24	\$19,200	Phelan, Tom	24	\$19,200
Byrd Legal Services	96	\$76,800	Ramsay, Chris	54	\$43,200
Cane, Neil	54	\$43,200	Riback, Jeffrey	36	\$28,800
Carroll, Heather	75	\$60,000	Richardson, Dustin	54	\$43,200
Cloutier, Darquise	24	\$19,200	Rucker, Steven	90	\$72,000
Davis, John	48	\$38,400	Rulli, Tonya	60	\$48,000
Dumm, Chris	42	\$33,600	Schile, Gregg	54	\$43,200
Dunkerly, Ed	96	\$76,800	Sowder, Jeff	65	\$52,000
Evansen, Maggie Smith	30	\$24,000	Staples, Jeff	96	\$76,800
Fridley, Clark	75	\$60,000	Stauffer, Susan	96	\$76,800
Grecco Downs, PLLC	192	\$153,600	Sweet, Diane	48	\$38,400
Greenen & Greenen, PLLC	45	\$36,000	Vukanovich, Bob	96	\$76,800
Knapp Odell	40	\$32,000	Wear, Gerald	72	\$57,600
Kurtz, David	54	\$43,200	Wood, Nick	40	\$32,000
Lavallee, Therese	48	\$38,400	Yoseph, J.R.	40	\$32,000
Lowe, Anthony	24	\$19,200	Total	2,545	\$2,036,000

Adult Drug Court

Attorney or Law Firm	Annual \$ Amount	\$33,710 MHST & \$53,290 GF	Attorney or Law Firm	Annual \$ Amount	\$33,710 MHST & \$53,290 GF
Mary Arden	\$87,000	\$53,290 GF	Barry Brandenburg	\$87,000	\$53,290 GF
			Total	\$174,000	

Appeals from District Court to Superior Court (\$1,500/appeal)

Attorney or Law Firm	Estimated Annual \$ Amount	Attorney or Law Firm	Estimated Annual \$ Amount
Marisha Childs	\$12,000	Grecco Downs, PLLC	\$12,000
		Total	\$24,000

Juvenile Court Criminal and Probation Violations

Attorney or Law Firm	Annual Cases/Points	Annual \$ Amount	Attorney or Law Firm	Annual Cases/Points	Annual \$ Amount
Michael Borge	250	\$72,500	Tom Phelan	250	\$72,500
John Lutgens	250	\$72,500	Darcy Scholts	250	\$72,500
Karen Peterson	250	\$72,500	Total	1,250	\$362,500

Juvenile Recovery Court

Attorney or Law Firm	Annual \$ Amount	Note
Michael Borge	\$51,510	1033 MHST

Juvenile Court Truancy Contempt (\$75/hour) (Estimated Total \$2,000)

Attorney or Law Firm	Estimated Annual \$ Amount	Attorney or Law Firm	Estimated Annual \$ Amount
Marisha Childs	\$1,000	Elizabeth Arwood	\$1,000

Juvenile Court At-Risk Youth and Children in Need of Assistance (\$75/hour)

Attorney or Law Firm	Estimated Annual \$ Amount
Knapp, O'Dell, Macpherson	\$4,000

Involuntary (Mental) Commitment

Attorney or Law Firm	Estimated Annual \$ Amount
Donald Grant	\$13,500 *
To Be Determined	\$67,500

* 2-Month Extension \$ Amount

DISTRICT COURT

Misdemeanors & PVs		Annual \$ Amount	Notes
Primary Contract	Jeffrey D. Barrar, P.S.	\$885,500	\$148,500 from State funds
1st Conflicts Contract	Law Office of Erin Bradley McAleer	\$24,192	\$288/case
2nd Conflicts Contract	Joshua Bean	\$1,950	\$325/case
3rd Conflicts Contract	Brandon Campbell	\$650	\$325/case
	Subtotal	\$912,292	
Therapeutic Courts			
Veterans Therapeutic	Charles Buckley, Jr.	\$23,400	1033 MHST
Substance Abuse/DUII	Pamela Loh Veljacic	\$61,200	\$31,421 MHST & \$29,779 GF
Mental Health Therapeutic	Greenen & Greenen, PLLC	\$36,000	ILA Vancouver pays \$24,000/yr
	Subtotal	\$120,600	
	District Court Total	\$1,032,892	

Grand Total	2015	2016	BIENNIAL
Mental Health Sales Tax	\$173,751	\$173,751	\$347,502
General Fund	\$3,594,151	\$2,568,151	\$6,162,302
Total	\$3,767,902	\$2,741,902	\$6,509,804

Note: MHST = Mental Health Sales Tax