



CLARK COUNTY, WASHINGTON REQUEST FOR QUALIFICATIONS (RFQ)

INDIGENT DEFENSE LEGAL SERVICES CONTRACTS
JANUARY 1, 2019 - DECEMBER 31, 2019 *

CONTRACT CASE TYPES

Superior Court Adult Drug and Residential DOSA Court

District Court (RALJ) Appeals

Juvenile Criminal and Probation Violation (PV)

Juvenile Recovery Court

Dependency – Child Representation

At-Risk Youth and Child in Need of Services

Truancy Contempt

Involuntary Treatment Act

District Court: Primary Contract – Misdemeanor and PV **

First, Second and Third Conflict Cases –Misdemeanor/PV

Mental Health Therapeutic Court

Substance Abuse Therapeutic Court

Veterans Therapeutic Court

*Superior Court Adult Felony Contracts are not included in this RFQ. Current felony contracts will be extended six months. Attorneys interested in directly receiving RFQs for felony contracts in the future, please send an email of interest to: cnty.indigentdefense@clark.wa.gov

** Primary District Court Contract is for three years (2019-2021) with two one-year options to renew

PART I – GENERAL INFORMATION

Clark County is responsible for providing legal representation in Superior Court and District Court cases where the federal or state constitutions or state statutes, case law, or court rules mandate the provision of counsel at government expense. All public defense legal services currently are provided by private attorneys (non-county employees). The majority of services are provided pursuant to formal county contracts. All such contracts are considered contracts with independent contractors for professional services.

Clark County is accepting applications for one-year (January 1, 2019 through December 31, 2019) contracts for the public defense case types listed on the cover page of this document, except the District Court primary contract which is for a longer time period. Information specific to the proposed contracts for each contract type is provided in Part II of this RFQ.

Application Deadline

**APPLICATIONS WILL BE ACCEPTED UNTIL 5:00 P.M., TUESDAY, DECEMBER 4, 2018
EARLY SUBMISSION OF APPLICATION MATERIALS IS ENCOURAGED**

Application Materials

To apply, email the following Application Materials to: cnty.indigentdefense@clark.wa.gov

1. All Applicants ~
Letter of interest identifying
 - ✓ your qualifications and reasons you are applying
 - ✓ the type of contract(s) for which you are applying
 - ✓ your first, second, etc. preferences for contracts, if applying for more than one contract
 - ✓ caseload preferences, if any
 - ✓ other indigent defense contracts you have in counties other than Clark County
2. Applicants who do not have a current Clark County contract ~
Current resume and three professional references with contact information

Legal writing samples may be requested.

Required Qualifications for all contract applicants

1. Washington State Bar Association (WSBA) member in good standing, or eligible for licensure through reciprocity (Admission to Practice Rule 18) and APR 8(c) eligible, with no prior disciplinary action in Washington or another state that, in the sole discretion of the County, adversely impacts the attorney's ability to effectively represent clients;
2. Familiarity with and ability to certify compliance with the *Washington Supreme Court Standards for Indigent Defense*;
3. Experience and knowledge that meets the minimum qualification standards for the types of cases for which the attorney applies. See Standard Fourteen, *Washington State Bar Association Standards for Indigent Defense Services*; and Standard 14.2, *Washington Supreme Court Standards for Indigent Defense*;
4. Exhibited commitment to the provision of quality representation to those entitled to counsel at government expense, and the ability to provide such representation effectively and efficiently;
5. Commitment and ability to communicate well and in a timely manner with clients;

6. Maintenance of a level of private practice, if any, that allows quality representation under the proposed indigent defense contract(s);
7. Office location in or within 15 miles of Clark County; sufficient staff and/or other means to ensure timely responses to phone and email contacts; and access to necessary statutes, case law, court rules and other law office necessities;
8. A minimum of seven hours annual training in areas relating to the attorney's public defense practice (*Standards*) and attendance at training approved by the state Office of Public Defense (RCW 10.101.050) at least once per calendar year; and
9. Professional liability insurance coverage in the amount of \$500,000 per occurrence and \$1 million aggregate prior to the execution of an indigent defense contract.

By submitting Application Materials, attorneys certify they meet the above qualifications or will meet the qualifications prior to the execution of any contract.

This Request for Qualifications is provided by the county's Indigent Defense office to all current indigent defense contractors and all attorneys who have contacted the office to place their names on a distribution list for indigent defense contract announcements. Notice of this RFQ is published in The Columbian newspaper's legal notices and is posted with the Washington Defender Association and Oregon Criminal Defense Lawyers Association. The RFQ is available on the Clark County Indigent Defense website at: <https://www.clark.wa.gov/general-services/indigent-defense> or by contacting Matthew at 360-397-2333 or matthew.kimball@clark.wa.gov.

This RFQ constitutes a request for interested parties to provide notice of their interest and 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 Clark County. Only upon execution of a contract, whether pursuant to this RFQ or otherwise, will Clark County have any contractually binding obligations. Clark County reserves the right to change the terms and conditions of either this RFQ (including timeframes, deadlines and any other aspect it deems appropriate to change) or the terms and conditions of the contracts to be offered, with or without notice and without recourse by applicants or any other party alleged in any way to be negatively affected.

THE CASE TYPES LISTED BELOW ARE EXCLUDED FROM THIS RFQ. Public defense representation for the following case types is provided by individual, case-by-case appointments (non-contract) from lists of attorneys compiled from time-to-time:

- Homicide cases, including attempted homicides;
- Persistent Offender cases;
- RCW 10.77 (Not Guilty By Reason of Insanity) post-judgment proceedings;
- Contempt (RCW 7.21.040 or 7.21.030) proceedings;
- Representation of an alleged incapacitated person under RCW 11.88; and
- Representation of a petitioner for a sexual assault protection order, only if the respondent is represented by counsel (RCW 7.90.070).

NO MATERIALS SUBMITTED BY APPLICANTS WILL BE MADE AVAILABLE FOR PUBLIC REVIEW UNTIL AFTER CONTRACT AWARDS ARE MADE. INCOMPLETE APPLICATIONS MAY BE REJECTED. AWARD OF ANY CONTRACT IS FINAL ONLY WHEN THE APPLICANT AND THE COUNTY HAVE PROPERLY COMPLETED AND EXECUTED THE CONTRACT DOCUMENT.

QUESTIONS? CONTACT ANN CHRISTIAN AT ann.christian@clark.wa.gov OR 360-397-2163

PART II – SPECIFIC INFORMATION

INDIGENT DEFENSE CONTRACT TYPES SUBJECT TO THIS RFQ

I. OVERVIEW – Case Types, Anticipated Number of Contracts, and Compensation

Case Type	Anticipated Number Of Contracts	ANNUAL Compensation (See specific descriptions below for detail)
Superior Court		
Adult Drug/DOSA Court	2	\$82,500 per contract
District Court (RALJ) Appeals	1-2	\$1,600 per appeal
Juvenile Criminal and Probation Violation Cases	4-5	\$62,400 to \$78,000/year per contract, depending on whether five or four contracts are awarded; \$1,400 additional compensation for Class A/B sex offense cases and \$250 testimonial hearing/trial payment
Juvenile Recovery Court	1	\$44,000
Juvenile At-Risk Youth & CHINS	1	\$75 per hour; paid monthly
Juvenile Truancy Contempt	1	\$75 per hour; paid monthly
Child Representation in Dependency and TPR Proceedings	5-10	\$120,000 full-time, exclusive contract, including all overhead, for representation in 80 pending case credits throughout year or pro-rated for less than full-time contract workloads
Involuntary Commitment	1-2	\$75,000 if one contract; \$37,500 each, if two contracts; \$600 jury trial per diem
District Court		
Misdemeanor and Probation Violation Cases	1 - Primary Contract	\$802,340 – 7 full-time equivalent attorneys, investigation, staff & overhead based on projected 3,000 cases per year. Contract to mirror City of Vancouver misdemeanor contract (contract available upon request)
	3 - Conflicts Contracts	1 st conflicts contract: \$19,500 per year based on projected 60 cases per year at \$325 per case 2nd and 3rd conflicts contracts: \$400 per case (appointments are rare)
Therapeutic Courts	1 - Mental Health Court *	\$44,000/year
	1 - Substance Abuse/DUI Court	\$44,000/year
	1 - Veterans Court	\$16,500/year

* Mental Health Court includes some Superior Court felony participants

The cost of non-attorney professional services (e.g., experts, investigators) and conflict cases are paid by the county outside/in addition to each contract. Each contract provides for increased compensation in extraordinary cases.

II. DESCRIPTION OF EACH CONTRACT CASE TYPE

A. SUPERIOR COURT

1. Adult Drug/Residential DOSA Court

Two contracts are anticipated for representation in Superior Court's Adult Drug/DOSA Court. Workload is shared between the two contractors. The attorneys provide all staffing and representation services. Contractors are responsible for ensuring back-up coverage, if needed. Combined full capacity and 2019 projected average participants are 180 and 150, respectively. Staffings and court currently held Thursdays (9 a.m.-4:00 p.m.) and Fridays (10 a.m.-3:30 p.m.). Annual compensation: \$82,500 for each contract; 1/12th monthly payments.

2. District Court (RALJ) Appeals

One to two contracts are anticipated for representation in District Court misdemeanor appeals to Superior Court. Workload will be divided between the contractors, if more than one contract is awarded.

Projected caseload is 15-25 appeals per year.

Compensation: \$1,600 flat fee for each appeal; paid the month following appointment.

3. Juvenile Criminal and Probation Violation Cases

Clark County anticipates awarding four or five contracts. Additional Compensation of \$1,400 is paid for each Class A or Class B sex offense case. A \$250 hearing or trial *per diem* is paid.

Projected caseload is 800 cases per year.

Annual compensation for each contract is \$62,400 if five contracts are awarded or \$78,000 if four contracts are awarded; 1/12th monthly payments.

4. Juvenile Recovery Court

One contract is anticipated. The attorney will provide all staffing and representation services for youth who participate in this therapeutic court. Contractor is responsible for ensuring back-up coverage, if needed.

Full capacity and 2019 projected average participants are 50 and 40, respectively.

Staffing and court currently held on Wednesday afternoons (generally, 12:30-4:30 p.m.).

Annual compensation: \$44,000; 1/12th monthly payments.

5. Child Representation in Dependency and Termination of Parental Rights Cases

Five to ten contracts are anticipated. Attorneys will provide representation to children with pending dependency and/or termination of parental rights cases. A full-time, exclusive practice, annual workload is representation of 80 children at one-time, plus or minus 5 percent. Workload and compensation levels are detailed in the chart below.

2019 Child Representation Contracts									
80 Pending Case Credits = Full-Time (FT) Exclusive Child Representation				Plus/Minus 10%			Plus/Minus 5%		
# Pending/Year At One Time	% FT	\$/Year	\$/Month						
12	0.15	\$18,000	\$1,500	11	13	1	11	13	1
20	0.25	\$30,000	\$2,500	18	22	2	19	21	1
24	0.3	\$36,000	\$3,000	22	26	2	23	25	1
30	0.375	\$45,000	\$3,750	27	33	3	28	32	2
36	0.45	\$54,000	\$4,500	32	40	4	34	38	2
40	0.5	\$60,000	\$5,000	36	44	4	38	42	2
48	0.6	\$72,000	\$6,000	43	53	5	46	50	2
60	0.75	\$90,000	\$7,500	54	66	6	57	63	3
72	0.9	\$108,000	\$9,000	65	79	7	68	76	4
80	1	\$120,000	\$10,000	72	88	7	76	84	4

Each child dependency appointment = 1 credit, except 1/2 credit for sibling(s) and 1/2 additional credit for TPR

Ancillary proceedings or matters are not included in the contract

Plus or minus in Green Highlight Caseload: No renegotiation of contract if pending cases are within the range

6. At-Risk Youth and Child in Need of Services

One contract is anticipated. The attorney will provide representation for all youth in these two case types (RCW Chapter 13.32A). Contractor is responsible for ensuring back-up coverage, if needed. Cases in which the contractor has a conflict of interest are handled on a case-by-case hourly appointment basis by other counsel.

Appointments are less than one per month on average.

Compensation: \$75 per hour; monthly invoices for work performed on appointed cases in a month are paid the following month.

7. Truancy Contempt

One contract is anticipated. The attorney will provide representation for all youth in Truancy Contempt hearings where counsel is appointed.

Appointments are rare.

Compensation: \$75 per hour; monthly invoices for work performed on appointed cases in a month are paid the following month.

8. Involuntary Treatment Act

One or two contracts are anticipated for representation of persons who are subject to Chapter 71.05 proceedings. Contractor(s) is responsible for ensuring back-up coverage, if needed.

Cases in which the contractor or both contractors has a conflict of interest are handled on a case-by-case hourly appointment basis by other counsel, paid by the county.

Projected number of hearings per year: 300

Hearings currently are held: Monday, Wednesday and Thursday.

Annual compensation: \$75,000 if one contract; \$37,500 if two contracts; 1/12th monthly payments.

B. DISTRICT COURT

1. Primary District Court Contract for Misdemeanors and Probation Violations

**** Proposed Three-Year Contract with Two One-year Options to Renew ****

One contract is anticipated with a law firm or non-profit public defender office to provide representation in all State misdemeanor and misdemeanor PV cases, except conflict cases. This contract will mirror the current City of Vancouver indigent defense contract terms for City of Vancouver misdemeanor and PV cases. That contract is available upon request.

Contractor must have a minimum of seven full-time equivalent (FTE) attorneys available at the outset of the contract. Review of caseload, attorney FTE and funding occurs quarterly.

Adjustments may be made to attorney FTE and funding throughout the contract term, if caseload increases or decreases.

Contractor must provide all investigation services, unless otherwise agreed on a case-by-case basis. Contractor must employ a minimum of two full-time equivalent support staff.

Anticipated annual caseload is 3,000 cases.

2019 compensation: \$802,340, including \$45,500 for investigation; 1/12th monthly payments.

2. Conflict Misdemeanor and Probation Violation Cases – Cases for Which the County’s Primary District Court Contractor is Unavailable

a. First Conflicts Contract. One contract will be awarded for misdemeanor and probation violation cases in which the Primary District Court Contractor has a conflict of interest or there is a co-defendant.

The anticipated number of first conflict cases is 60 per year.

Annual compensation: \$19,500 (\$325 per case); 1/12th monthly payments

b. Second and Third Conflicts Contracts. Two contracts are anticipated for the rare District Court case where the first or second conflicts contractor has a conflict of interest or there are multiple co-defendants.

Compensation: \$400 per case; paid the month following appointment

3. Mental Health Therapeutic Court

One contract is anticipated. The attorney will provide all staffing and representation services.

Contractor is responsible for ensuring back-up coverage, if needed.

Full capacity and 2019 projected average participants are 50 and 40, respectively.

Staffing and court currently held Wednesday afternoons (12:30-4:30 p.m.).

Annual compensation: \$44,000; 1/12th monthly payments

4. Substance Abuse and DUI Therapeutic Courts

One contract is anticipated. The attorney will provide all staffing and representation services. Contractor is responsible for ensuring back-up coverage, if needed.

Full capacity and 2019 projected average participants are 50 and 40, respectively.

Staffing and court currently held on Tuesdays (8:30 a.m.-noon and 2:00 p.m.-4:30 p.m.).

Substance Abuse Court: 2nd and 4th Tuesdays; and DUI Court: 1st and 3rd Tuesdays of the month.

Annual compensation: \$44,000; 1/12th monthly payments

5. Veterans Therapeutic Court

One contract is anticipated. The attorney will provide all staffing and representation services.

Contractor is responsible for ensuring back-up coverage, if needed.

Full capacity and 2019 projected average participants are 25 and 15, respectively.

Staffing and court currently held Monday mornings (9:00 a.m.-noon).

Attorneys who are veterans may receive preference.

Annual compensation: \$16,500; 1/12th monthly payments