

**CITY MANAGER'S EXECUTIVE ORDER NO. 14-005
CITY OF DES MOINES**

AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES relating to City of Des Moines Standards for Indigent Defense and establishing policies and standards of same.

RECITALS

WHEREAS, the Washington Supreme Court issued an Order June 15, 2012 establishing numeric caseload standards for public defenders effective January 1, 2015, and

WHEREAS, the Washington State Supreme Court Standards for Indigent Defense limits the caseload of a full-time public defense attorney to no more than 300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system, 400 cases per year, and

WHEREAS, beginning on January 1, 2015, public defense attorneys who represent misdemeanor clients will be required to certify that they comply with these numerical case limits, and

WHEREAS, the City has previously adopted a numerical case weighting system in Executive Order 14-003, however, after review with the Office of Public Defense, the City is rescinding that Order (14-003) and adopting a caseload limit of 400 cases per year, and

WHEREAS, the following standards for indigent defense are in conformity with those of the Supreme Court; now therefore,

IT IS HEREBY ORDERED as follows:

CITY OF DES MOINES STANDARDS FOR INDIGENT DEFENSE

1. Purpose

This policy implements certain basic elements of public defense practice related to the effective assistance of counsel pursuant to the Washington Supreme Court's Standards for Indigent Defense.

2. Applicable Court Rules, Regulations, and Standards

- A. Washington State Rules of Professional Conduct
- B. Criminal Rules for Courts of Limited Jurisdiction
- C. Washington Supreme Court Standards for Indigent Defense (Standards)
- D. Public Defender Standards - Des Moines Municipal Code 2.28.100

3. Definitions

A. **Administrator:** the designated supervisor of public defense services: Des Moines City Manager.

B. **Case:** the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation.

i. In courts of limited jurisdiction multiple citations from the same incident can be counted as one “case.”

ii. The number of counts in a single cause number does not affect the definition of a “case.”

C. **Caseload:** the complete array of cases in which an attorney represents or provides service to clients.

D. **Docket /Calendar:** a grouping of filings where a public defense attorney is designated to represent indigent defendants without an expectation of further or continuing representation. Examples include, but are not limited to, first appearance calendars and arraignment calendars.

E. **Full Time:** working approximately forty hours per week. It is presumed that a “full-time” public defense attorney spends approximately 1,800 hours annually on case representation. It is expected that other work time is spent on administrative activities, attending CLEs, participating in professional associations or committees, and spending time on vacation, holiday, or sick leave.

F. **Local Factors:** practices, characteristics, or challenges that are unique to the delivery of public defense in a given jurisdiction, and that substantially impact the time required for effective delivery of public defense services.

G. **Non-Charge Representations:** matters where public defense attorneys represent clients who are eligible for public defense representation for matters that do not involve the filing of new criminal charges. Examples include, but are not limited to, sentence violations, extraditions, and representations of material witnesses.

H. **Partial Representations:** situations where clients are charged with crimes, but representation is either cut short at early stages of the case, or begins significantly later. Such situations include, but are not limited to, client failures to appear, preliminary appointments in cases in which no charges are filed, withdrawals or transfers for any reason, or limited appearances for a specific purpose.

I. **Public Defense Attorney:** a licensed attorney who is employed or contracted to represent indigent defendants. "Public Defense Attorney" also refers to a licensed attorney who is list-appointed to represent indigent defendants on a case-by-case basis.

4. Misdemeanor Caseload Limits

As provided in the Washington Supreme Court Standards for Indigent Defense, the caseload of a full-time public defense attorney should not exceed 400 misdemeanor cases per year. The caseload of a full-time Rule 9 intern who has not graduated from law school may not exceed 100 misdemeanor credits per year.

5. General Considerations

- A. Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases.
- B. Caseload limits are set to ensure that all public defense attorneys have adequate time to provide quality representation.
- C. Caseload limits assume a reasonably even distribution of cases throughout the year.
- D. If the public defense attorney is carrying a mixed caseload with non-misdemeanor cases, the attorney's caseload should be calculated proportionately by case type, as provided in the Standards.
- E. If the public defense attorney also maintains a private law practice, the public defense caseload should be proportionate to the percentage of work time the attorney devotes to public defense.
- F. If the attorney provides public defense services in multiple courts, the combination of cases from all courts are used for caseload calculations.

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6. Weighted and Hourly Credits

A. Partial Representation:

A partial representation is counted based on the amount of time that an attorney has spent on the case. **Each hour** of work is assigned **0.17 weighted credits**, up to the maximum weighted credits normally assigned for the case type.

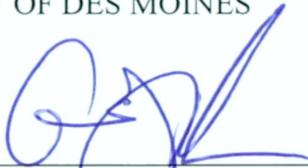
B. Dockets / Calendars:

Cases on a criminal first appearance or arraignment docket where the attorney is designated, appointed, or contracted to represent groups of clients without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal or amendment to an infraction) are not counted individually. Instead, the attorney's hours needed for appropriate client contact, preparation, and court time are calculated as a percentage of the net annual hours of work time, and then applied to reduce the attorney's caseload. **Each hour of such docket time is assigned 0.17 weighted credits.**

7. Executive Order 14-003 is hereby rescinded.

DATED this 19th day of November, 2014.

CITY OF DES MOINES



Anthony A. Piasecki
City Manager

APPROVED AS TO FORM:



Assistant City Attorney

ATTEST:



City Clerk