



# Whatcom County

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010

## Agenda Bill Master Report

File Number: AB2020-371

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<b>File ID:</b>	AB2020-371	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	09/03/2020	<b>Entered by:</b>	TAdrian@co.whatcom.wa.us		
<b>Department:</b>	Prosecuting Attorney's Office	<b>File Type:</b>	Ordinance		
<b>Assigned to:</b>	Council Finance and Administrative Services Committee	<b>Final Action:</b>	09/29/2020		
<b>Agenda Date:</b>	09/29/2020	<b>Enactment #:</b>	ORD 2020-048		

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Primary Contact Email: [groche@co.whatcom.wa.us](mailto:groche@co.whatcom.wa.us) <mailto:groche@co.whatcom.wa.us>

### TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 2.09, Public Defender, to reflect current standards of practice outlined under RCW 10.101.030 and the ethical standards relating to conflicts of interest outlined by Washington court rules of professional conduct

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
09/15/2020	Council	INTRODUCED	Council Finance and Administrative Services Committee
		Aye: 6	Browne, Buchanan, Byrd, Donovan, Frazey, and Kershner
		Nay: 1	Elenbaas
		Absent: 0	
09/29/2020	Council Finance and Administrative Services Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3	Browne, Byrd, and Kershner
		Nay: 0	
		Absent: 0	
09/29/2020	Council	ADOPTED	
		Aye: 6	Browne, Buchanan, Donovan, Frazey, Elenbaas, and Kershner

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Nay: 0  
Absent: 0  
Temp Absent: 1 Byrd

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**Attachments:** Proposed Ordinance, Draft revision WCC Ch.2.09 final draft

PROPOSED BY: Whatcom County Public Defender  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO. 2020-048**

**AMENDING WHATCOM COUNTY CODE (WCC) 2.09, PUBLIC DEFENDER, TO REFLECT  
CURRENT STANDARDS OF PRACTICE OUTLINE UNDER RCW 10.101.030 AND THE  
ETHICAL STANDARDS RELATING TO CONFLICTS OF INTEREST OUTLINED BY  
WASHINGTON COURT RULES OF PROFESSIONAL CONDUCT**

**WHEREAS**, chapter 2.09 WCC, Public Defender, was most recently adopted in Ordinance No. 2020-042 on August 5, 2020;

**WHEREAS**, in July, 2005, Washington State Law regarding the standards for public defender services was expanded under RCW 10.101.030, which requires counties to adopt standards that include: compensation of counsel, duties and responsibilities of counsel, case load limits and types of cases, responsibility for expert witness fees and other costs associated with representation, administrative expenses, support services, reports of attorney activity and vouchers, training, supervision, monitoring and evaluation of attorneys, substitution of attorneys or assignment of contracts, limitations on private practice of contract attorneys, qualifications of attorneys, disposition of client complaints, cause for termination of contract or removal of attorney, and nondiscrimination.

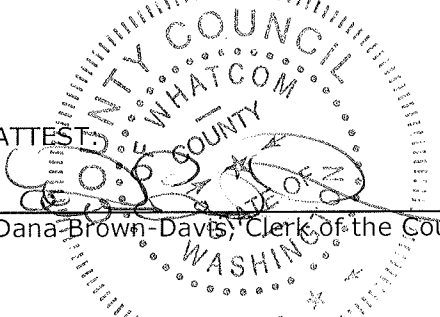
**WHEREAS**, WCC 2.09.070 currently set standards of conduct consistent with State Bar association standards, but fails to specifically articulate the standards as prescribed by RCW 10.101.030;


**WHEREAS**, WCC 2.09.080 currently set standards regarding conflicts that are not consistent with standards of ethical practice under the Washington State's rules of professional conduct;

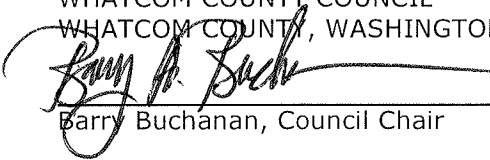
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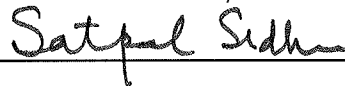
**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC 2.09.070 and 2.09.080 are hereby amended as shown in the attached Exhibit A.

**ADOPTED** this 29th day of September, 2020.

ATTEST  
  
\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON  
  
\_\_\_\_\_  
Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON  
  
\_\_\_\_\_  
Satpal Sidhu  
County Executive

Approved      ( ) Denied

Date Signed: 10/06/2020

## EXHIBIT A

### **2.09.070 Standards of conduct.**

As standards for public defense services, Whatcom County adopts by reference the standards applied to private attorneys defending paying clients and the Standards for Public Defense Services adopted in 1989 by the Washington Defender Association and approved by the Washington State Bar Association as the standards for public defense services in Whatcom County, as required by RCW 10.101.030. All attorneys employed by the office of public defender shall adhere to the Washington State Bar Association and American Bar Association standards of conduct for the defense of the criminally accused. (Ord. 84-22 § 7; Ord. 82-22 § 7).

### **2.09.080 Conflict of interest.**

The public defender shall notify the assigned counsel director of any ~~apparent~~ conflict of interest ~~in any particular case~~ that prevents the public defender from continuing to represent a client in any particular case, and the assigned counsel department shall, in turn, assign such cases to outside firms (Ord. 84-22 § 8; Ord. 82-22 § 8).