

Chapter 2.09

PUBLIC DEFENDER

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2.09.010 Establishment of district.

There is created the Whatcom County public defender district. (Ord. 84-22 § 1; Ord. 82-22 § 1).

2.09.020 Establishment of office.

There is established the office of public defender for said defender district. (Ord. 84-22 § 2; Ord. 82-22 § 2).

2.09.030 Functions, duties, and powers.

The functions, duties, and powers of the office of public defender shall be prescribed by RCW Chapter [36.26](#), and other applicable laws of the state of Washington and Whatcom County. (Ord. 98-061; Ord. 88-7; Ord. 84-22 § 3; Ord. 82-22 § 3).

2.09.040 Compensation and staff.

The public defender shall receive such compensation and shall have such staff as may be provided for in the annual current expense budget of Whatcom County for said office. (Ord. 84-22 § 4; Ord. 82-22 § 4).

2.09.050 Time of establishment.

The office of public defender established by this chapter shall commence functioning as soon as possible after appropriations for such purpose are approved. (Ord. 84-22 § 5; Ord. 82-22 § 5).

2.09.060 Governing regulations.

The established office of public defender for Whatcom County will be governed by all laws, ordinances, and Charter of Whatcom County, and the laws of the state of Washington. (Ord. 84-22 § 6; Ord. 82-22 § 6).

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).

Comment [GR1]: New ord. no. will be inserted upon adoption

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).

2.09.090 Advisory committee.

There is established a public defense advisory committee which shall be composed of:

- A. One superior court judge, appointed by the presiding superior court judge;
- B. One district court judge, appointed by the senior district court judge;
- C. One appointee by the Whatcom County Bar Association from its membership, not connected with the office of the prosecuting attorney, the office of the public defender, or with any conflict of interest cases from the assigned counsel office of Whatcom County;
- D. One nonlawyer appointed by the county executive;
- E. One member of the county council appointed by the council.

All positions on the advisory committee will be appointed by January 31st on an annual basis with the exception of positions C and D above, the terms of office of which shall be two years,

commencing February 1, 1984. Positions C and D shall be limited to not more than two consecutive full terms.

The advisory committee shall advise the county executive and county council on matters regarding the defense of the indigent. It shall meet at least twice a year and submit its observations of the public defender system to the executive and council not less than annually. It shall serve as the selection committee to fulfill the functions of Section [2.09.100](#).

The public defender may be terminated by the county executive for just cause. Prior to taking such action, the county executive shall refer the matter to the advisory committee, which shall conduct a review of issues or conduct involved and promptly report back to the county executive with its written recommendations. Said report will also be provided to the council. (Ord. 98-061; Ord. 84-22 § 9; Ord. 82-22 § 9).

2.09.100 Selection committee.

The selection committee will screen all applicants under the guidance of the personnel office for the position of public defender, and submit the top three finalists to the executive. The executive will then submit his proposed appointment of one of the finalists to council for its concurrence or rejection. (Ord. 84-22 § 10; Ord. 82-22 §10).