

ORDINANCE NO. 4114-25

An ORDINANCE relating to Indigent Defense Standards, amending EMC 2.108.390.

WHEREAS,

- A. The City is required by state and federal law to provide legal defense services to indigent persons charged with crimes in the Everett Municipal Court.
- B. The City has provided these services through contracted defense attorneys for decades. This is at great expense to City taxpayers.
- C. RCW 10.101.030 states the following regarding public indigent defense services, requiring the adoption of standards for the delivery of public defense services:

Each county or city under this chapter shall adopt standards for the delivery of public defense services The standards endorsed by the Washington state bar association for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.

- D. The City Council last adopted standards in 2015. Since then, the Washington Supreme Court and the Washington State Bar Association have adopted orders and standards for indigent defense. Some of these standards and order have differing requirements and/or may be inconsistent with each other.
- E. The purpose of this ordinance is to clarify that the City requires compliance to the orders of the Washington Supreme Court. This City will also require compliance with standards of the Washington State Bar Association to the extent those standards are called out in public defense services contract(s).
- F. This ordinance does not limit the City's ability to request that the Washington Supreme Court or Washington state bar association to reconsider/amend orders and standards or to take other legal action to achieve uniform and reasonable indigent defense standards.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. EMC 2.108.390 is hereby amended as follows, with underlined text added and strikethrough text deleted:

2.108.390 Standards.

Indigent defense services shall be in accordance with the following standards:

A. Indigent defense services shall be provided by attorneys under contract with the City.

1. An indigent defense contract shall contain provisions and standards for 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.

2. An indigent defense contract shall be approved by the City Council. Approval of such a contract will be approval and adoption of the standards contained therein. An indigent defense conflict attorney contract need not be approved by City Council if such a contract contains provisions and standards substantially similar to public defense contract(s) previously approved by the City Council.

B. Indigent defense services shall be provided to all clients in a professional, skilled manner consistent with the orders of Washington Supreme Court, as such orders may be hereafter amended. standards set forth by the Washington State Bar Association and Standards for Indigent Defense Services (June 3, 2011), as such standards may be hereafter amended.

C. Indigent defense services shall be provided in accordance with the Washington State Rules of Professional Conduct, as such rules may be hereafter amended.

D. Indigent defense services shall be provided in accordance with the standards established by the Washington State Bar Association, as such standards may be hereafter amended, but only to the extent that such standards are stated specifically in the indigent defense services contract between the City and the person providing the indigent defense services. The decision of the honorable Robert S. Lasnik, Western District of Washington, in Wilbur et al. v. Mt. Vernon et al., Case No. 2:11-cv-01100.

E. All providers of indigent defense services shall comply with all federal, state and local nondiscrimination laws or ordinances in the provision of services to indigent defendants as well as with respect to the hiring and employment practices of their employees.

F. City staff shall propose revisions to the above standards as needed to city council.

Section 2. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 3. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 4. The enactment of this Ordinance shall not affect any case, proceeding, appeal, or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 5. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 10/8/2025

VALID: 10/09/2025

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EFFECTIVE DATE: 10/24/2025

Ordinance No. 4114-25

Final Audit Report

2025-10-09

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