

REVIEW OF THE
ACCUSED INDICENT DEFENDERS (A.I.D.) PROGRAM
IN SKAGIT COUNTY, WASHINGTON
DURING ITS FIRST YEAR OF OPERATION

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Consultants:

National Legal Aid and Defender Association:

Team: Terence F. MacCarthy
Herbert D. Soll
Cornelius E. Toole

May, 1974

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CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
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Washington, D.C. 20007
(202) 686-3800

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This report was prepared in conjunction with The American University Law School Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgement freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The American University is solely responsible for the factual accuracy of all material presented in this publication.

I. INTRODUCTION

In August 1973, the Washington State Law and Justice Planning Office (SPA) requested through LEAA technical assistance channels an evaluation of the first year of operation of the pilot Accused Indigent Defenders Program (A.I.D.) in Skagit County, which was partially supported by state bloc grant funds. Upon receipt of the request, the Criminal Courts Technical Assistance Project at American University secured the services of the National Legal Aid and Defender Association to undertake the evaluation, stipulating that the evaluation team represent a mix of public defender and private defender expertise. The three-member NLADA evaluation team, each of whom had extensive experience in defender services administration and trial work, consisted of: Terence MacCarthy (team leader), Executive Director of the Federal Defender Program; Herbert D. Soll, Director of the Alaska Public Defender Agency; and Cornelius E. Toole, General Counsel for NAACP's Chicago Metropolitan Council.*

In February 1973, A.I.D. was incorporated in the State of Washington as a non-profit corporation, and later that month entered into an annually renewable contract with Skagit County (Appendix D) which obligates A.I.D. to provide, from a panel of attorneys maintained by the corporation, legal representation for all of the county's indigent criminal defendants. A pilot year fund of \$45,200, including a \$30,000 grant from the SPA, was established by the County to directly compensate attorneys assigned by the corporation to individual cases.

A.I.D.'s seven initial directors, all attorneys, are still serving. Two of

* Resumes are included in Appendix A.

these, E.C. Anderson and Hugh Ridgway, are District Court judges. A third director, Gilbert E. Mullen, brother of the corporation's Executive Director, is the Chief Deputy Prosecutor for Skagit County. A copy of the Articles of Incorporation is included in Appendix B, and the By-laws are presented in Appendix C.

Prior to the consultants' site visit in December 1973, Marshall Hartman, National Director of Defender Services for NLADA, visited the A.I.D. office to discuss the evaluation and the necessary preliminary data preparation with the program's Executive Director, Everett T. Mullen, as well as with the County Prosecutor and others involved in the program's operations. Once on site, the consultants met with Mr. Mullen as well as with a number of the program's panel attorneys, defendants represented by A.I.D. attorneys, local judges and supporting court personnel, the county prosecutors, the Sheriff, Chief of Police, the chief of the county probation office, and certain prominent citizens in the community. In addition to the information provided by these interviews, the consultant team measured the A.I.D. program against the various standards and recommended practices currently held for indigent defense services.*

* Among these are the American Bar Association's Standards Relating to Providing Defense Services and Standards Relating to the Prosecution Function and the Defense Function; and NLADA's Proposed Standards for Defender Services: First Discussion Draft; National Advisory Commission on Criminal Justice Standards and Goals Report on Courts (particularly Chapter 13 concerning "The Defense"); as well as those traditional and well accepted obligations of a defense attorney judicially enunciated from time to time.

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I. INTRODUCTION

At the request of the Washington State Law and Justice Planning Office (SPA), the National Legal Aid and Defender Association was assigned by the Criminal Courts Technical Assistance Project at The American University to evaluate the operation of Skagit County's Accused Indigent Defenders (A.I.D.) Program. Three consultants*, all of whom have had extensive experience in public defender office administration and trial work, were: Terence F. MacCarthy (team leader), Executive Director of the Federal Defender Program; Herbert D. Soll, Public Defender in the Alaska Public Defender Agency; and Cornelius E. Toole, General Counsel for NAACP's Chicago Metropolitan Council.

The Accused Indigent Defender's (A.I.D.) Program in Skagit County began operation in March, 1973 as a non-profit corporation supported by a \$30,000 SPA grant and \$15,220 in county funds. It was envisioned that the A.I.D. office would operate for a one-year pilot period as an alternative to a traditional public defender program. In Skagit County, local attorneys, judges and commissioners had decided that the needs of the county's indigent defendants would be better served and at less cost by an appointed counsel system, drawing from a panel of members of the county bar, than by a full-time public defender office. In February 1973, A.I.D. was incorporated in the state of Washington as a non-profit corporation. The seven initial directors, all attorneys, are still serving. Two of

* Resumes are included in Appendix A

these corporation's directors, E.C. Anderson and Hugh Ridgway are District Court Judges. A third director, Gilbert E. Mullen, brother of the Executive Director, also serves as the Chief Deputy Prosecutor for the County. A copy of the Articles of Incorporation is included in Appendix B and the By-laws are presented in Appendix C.

On February 27, 1973, the newly formed A.I.D. corporation entered into a contract with Skagit County (Appendix D), which obligates A.I.D. to provide attorneys to represent the county's legally indigent criminal defendants.

Prior to the consultants' site visit in December, 1973, Marshall Hartman, Director of Defender Services for NLADA visited the A.I.D. office to discuss the evaluation and the necessary preliminary data preparation with the program's Executive Director, Everett T. Mullen, as well as with the County Prosecutor and others involved in the program's operations. Once on site, the consultants met with Mr. Mullen as well as with a number of the program's panel attorneys, defendants represented by A.I.D. attorneys, local judges and supporting court personnel, the county prosecutors, the Sheriff, Chief of Police, the chief of the county probation office, and certain prominent citizens in the community. In addition to the information provided by these interviews, the consultant team measured the A.I.D. program against the various standards and recommended practices currently held for indigence defense services.*

* Among these are the American Bar Association's Standards Relating to Providing Defense Services and Standards Relating to the Prosecution Function and the Defense Function; and NLADA's Proposed Standards for Defender Services: First Discussion Draft; National Advisory Commission on Criminal Justice Standards and Goals Report on Courts (particularly Chapter 13 concerning "The Defense"); as well as those traditional and well accepted obligations of a defense attorney judicially enunciated from time to time.

II. PROGRAM OPERATION

A. Background

1. Description of Skagit County

Skagit County, located in northwestern Washington, is approximately the size of Delaware and extends from the temperate shores of Puget Sound eastward to the divide of the Cascade Mountains. The county is generally rectangular in shape with parallel north and south sides but irregular on the east and west where the mountains and sea provide natural boundaries. The western extreme of the county is marked by a number of islands in Puget Sound where a fishing and processing industry has developed. In the eastern section, the county straddles the valley of the Skagit River, which is a rich farmland producing a variety of crops and dairy products. Timber also plays an important role in the area's economy.

County demographic statistics indicate that slightly more than half of the 53,000 residents in the county live in the rural sector, with approximately 25,000 residing in the towns of Mount Vernon, Anacortes, Burlington, Sedro Wolley, La Conner, Concrete and several smaller communities. Mount Vernon is the county seat.

2. State and County Court System in Washington

The court of general jurisdiction in Washington is the Superior Court, which has exclusive jurisdiction over felony case trials. In Skagit County, the Superior Court has two judges and meets in Mount Vernon, the county seat. The court of limited jurisdiction is called

the District Court. Skagit County is divided into three districts with elected part time judges sitting in Anacortes, Mount Vernon and Sedro Wolley. The District Court tries most misdemeanor cases as well as handles initial proceedings in a majority of felony cases. A breakdown of criminal related cases in the Skagit County Superior Court and Justice Courts for 1972 is included in Appendix E. Currently, District Court judges are engaged in private law practice in addition to their judicial duties. However, a plan is in motion to convert District Court judgeships to full-time status. A third court in the county, Justice Court, hears local ordinance violations and secures the services of the District Judges by contract.

In addition to the aforementioned courts, the state is served by an intermediate appellate court and the State Supreme Court.

B. Current Operations

1. A.I.D. Staff

The only employee of A.I.D. is the Executive Director, Everett Mullen. Mr. Mullen is a retired Seattle police sergeant who, for most of his years on the Seattle police force, served as a detective sergeant in the Homicide Department and has substantial administrative experience. Although not an attorney, he was elected treasurer of the recently formed Washington Defender Association and serves as one of its five directors..

Mullen is an able administrator who obviously enjoys an excellent relationship with the attorneys on his panel, the Prosecutor's Office, the Court and the various agencies with whom the A.I.D. office comes in contact. He maintains an excellent attitude which is obviously conveyed to A.I.D. clients and those with whom A.I.D. has dealings. In a large measure, the success and accomplishments of the office are directly related to and result from his ability and interest in the program, and he would be difficult to replace.

Although technically Mullen works one-half-time, the demands of the office require his almost full-time efforts. However, these demands have been largely administrative and it might be expected that, once the office sets up initial procedures, some of this administrative workload will decrease. Mullen, who by training is a highly skilled investigator, has indicated his availability to panel attorneys to perform investigatory functions. However, to date, he has been requested to do investigatory work on only two occasions.

It should be noted that the initial proposal for the A.I.D. program did not contemplate an executive director but, rather, the use of one of the panel attorney's secretaries to generally administer the program. Wisely and most commendably, the SPA insisted and conditioned the grant upon the use of an executive director. This insistence has led to the initiation of a viable project. Conversely, in the absence of an able and dedicated administrator--preferably one working on a full-time basis--the project could well fall apart.

Initially, the consultants were mildly concerned that the Executive Director was not an attorney, since an attorney trained and experienced in criminal practice might contribute significantly to the program.

However, the evaluation proved this concern groundless and the consultant team has concluded that the services of a full-time attorney are not needed in view of the size of the community served, the ability, interest and cooperation of the local bar, and the success of the project to date. On the other hand, assuming money were no object, and, further, that the practicing bar continued to participate and be involved*, the services of a full-time attorney to administer the project as well as handle a percentage of the cases, would improve the project's operation.

2. Panel Attorneys

All panel attorneys are required to execute a contract with A.I.D. which spells out the attorney's responsibility in the program. A sample of this contract is included in Appendix F. Panel membership is voluntary and available to all members of the bar regardless of prior experience or ability. There is no stated criterion for panel membership and, of the 35 members of the bar in Skagit County, only judges sitting on the Superior Court are ineligible. Although there are no pressures imposed upon members of the bar to accept panel membership, commendably, most panel members consider their participation with A.I.D. both professionally rewarding and a partial contribution on their part to the criminal justice system in the county. Currently, the panel includes 22 attorneys.**

* This latter assumption is one that the evaluators feel is not fair to make, at least at this time. Were a full-time, or even a part-time, attorney to assume the representation of a substantial number of the defendants presently represented by panel attorneys, most panel attorneys would, in all probability, gradually lose interest in and fail to stay current with criminal practice and procedure.

** One attorney who was a panel member has recently left the practice of law.

Of these 22 attorneys who have accepted A.I.D. appointments approximately 75% are experienced and able criminal lawyers. There are no criminal specialists in the county and, accordingly, the criminal work is fairly well divided among the experienced practitioners. Most of the panel attorneys interviewed exhibited a good understanding of criminal defense techniques. Although many candidly expressed a limited interest in criminal law, they nonetheless appeared extremely conversant with current issues confronting criminal attorneys. A review of several briefs* filed by certain of these attorneys substantiated that most panel attorneys were experienced and knowledgeable criminal attorneys.

Although the panel attorneys appear competent, their competency must be maintained. Furthermore, attorneys who seek panel membership in the future and are not fully competent criminal practitioners must be required to evidence their competency prior to receiving appointments.

Specifically, it is recommended that:

- 1) A.I.D. sponsor one major conference (i.e., two days) or several lectures throughout the year covering practical criminal law subjects. Speakers should include leading panel attorneys, outstanding criminal practitioners from throughout the state, and local law professors. Panel attorney attendance should be, with reasonable exceptions, mandatory.

* No appeals have as yet been taken from A.I.D. cases. The briefs reviewed were those filed by A.I.D. panel attorneys incident to their representation of defendants prior to the inception of the A.I.D. office.

2) Beginning panel attorneys should be required to serve a brief apprenticeship period during which they work with more experienced panel attorneys prior to having cases assigned.

3) All panel attorneys should be apprised of forthcoming criminal law seminars* and the less experienced panel attorneys should be encouraged to attend such seminars and thereafter report back to the panel on the highlights of the seminar.

3. Determining Eligibility and Making Counsel Available

For the most part, determination of legal indigency is made by the A.I.D. Executive Director. It appears that this determination is made liberally and fairly and the defendant's ability to post a money bond or the financial resources of his family are not considered in determining his right to the appointment of counsel. The Executive Director does a commendable job of personally inquiring to determine if potential A.I.D. defendants are incarcerated. Early each morning, he personally checks both jail facilities. If a potential defendant is located, he ascertains the nature of the charge, explains to the defendant his right to have an attorney appointed and immediately undertakes the responsibility of contacting an attorney to represent the defendant.

* The National College of Criminal Defense Lawyers & Public Defenders in Houston, Texas, in addition to sponsoring regional seminars, holds an extensive summer session. Similarly the A.B.A. from time to time conducts criminal law related seminars. Most importantly, NLADA plans and sponsors statewide defender training seminars utilizing nationally recognized speakers as well as members of the local bar. These programs which have been well received throughout the country are usually run in cooperation with local State Defender Associations. The strong suggestion is made that the defenders in the State of Washington consider co-sponsoring such a program.

Eligible defendants are required to execute "Affidavits of Indigency" forms. (Appendix G) Currently no waiver form exists for situations in which a defendant desires to waive appointment of counsel.

Although some instances were disclosed where the initial meeting between the attorney appointed and the client was not held immediately, arrangements were made to immediately bring legally indigent defendants before the court to secure their release on bond by either the appointed attorney or the Executive Director. In this regard, the recently enacted criminal rules of the Washington Supreme Court contribute significantly towards having defendants rapidly brought before the court and released on personal recognizance. (See specifically, Rule 3.2 contained in Appendix H). Rule 3.1 contained in Appendix I sets forth the applicable substantive law and procedures relative to the right to assigned counsel, and it appears that the courts in Skagit County and the A.I.D. office have fully complied. Where an A.I.D. attorney is appointed by the court, and neither that attorney nor the Executive Director are present in court, the judge prepares in triplicate an "A.I.D. Referral" form. (Appendix J) The original of this form, which directs the defendant to the A.I.D. office, is given to the defendant. The judge retains a copy and forwards the other to the A.I.D. office. The same procedure applies to situations where a defendant who has not been contacted by the A.I.D. office appears in court and expresses a desire to have an attorney appointed or appears to be otherwise qualified for the appointment of an attorney.

The A.I.D. office presently has no policy regarding situations where a defendant offers to pay part or all of the legal services made available to him. Panel attorneys were generally uncertain as to what procedures would govern if such a circumstance were to arise. A general office procedure covering this possibility might be in order.

The A.I.D. office does have and on occasions has used a form entitled "Agreement for Payment of Legal Expenses" (Appendix K). However, neither the form itself nor its use in the A.I.D. program indicates its intended purpose. Is the form intended to be used by partially eligible defendants who can reasonably be expected to make at least partial payment toward the counsel's fee? Or, is the form intended to require defendants who are eligible for appointed counsel at the time of appointment to later reimburse A.I.D. for the cost of their appointed counsel? If the latter is the case, reference should be made to Standard 6.4 of the A.B.A.'s Standards Relating to Providing Defense Services which urges against such a practice if the defendant was properly eligible for appointed counsel at the time appointment was made.

The procedures for determining eligibility and securing counsel appear to work satisfactorily and the consultants' suggestions regarding their improvement are therefore minimal. The first of these suggestions relates to the required "Affidavit of Indigency" form, presently used by the A.I.D. office. Supreme Court Rule 3.1 most properly and conspicuously avoids the use of the term "indigency" which cannot be the criteria for the appointment of counsel in criminal cases. In lieu of the term "indigency" in the affidavit, it is therefore suggested that the

Affidavit be of "Financial Inability to Retail Counsel." Similarly, the reference to being "unable to employ counsel to represent me by reason of poverty and lack of funds" be deleted and, in its place be inserted the following: "I am financially unable to obtain the services of an attorney without causing substantial hardship to myself or to my family."

4. Caseload

a. Assignment of Cases

Although no guidelines or instructions have been promulgated regarding case assignments, the Executive Director has performed this task in a fair and systematic manner. This is evidenced by the breakdown of cases and their assignment history as indicated in Appendix M. It should be noted that, despite the lack of expressed criteria for panel membership, in making appointments the Executive Director considers and categorizes the panel attorneys with reference to their prior experience and generally accepted ability standard.

b. Supervision of Cases

Neither the Executive Director nor the members of the Board exercise any supervision over individual cases handled by panel attorneys. This situation is not particularly disturbing when the overall nature of the operation is considered. However, as recommended earlier, less experienced attorneys should be in some way supervised and assisted by the more experienced members of the Panel.

c. Duration of Appointments

If and where convicted, a defendant who has had an A.I.D. attorney appointed to represent him, has his right to appeal and his right to counsel on appeal explained to him by the judge in open court. All of the panel attorneys likewise indicate that they also explain to defendants this right of appeal. There have been no appeals to date taken from A.I.D. cases and, as might be expected, panel attorneys and the A.I.D. office are both a little uncertain as to the exact procedure that would be followed in pursuing an appeal. However, although most of the attorneys felt that the appointment to represent the defendant at the appeal would be made by the trial court, they similarly felt that any payment for representing a defendant on appeal would not come from A.I.D. funds.

It is recommended that specific procedures governing the duties of A.I.D. attorneys relative to appeals be prepared and promulgated. The requirement to prosecute the appeal should be mandated and the source of the attorneys' compensation, if any, should likewise be ascertained and explained.

d. Representation In Collateral Proceedings

The only collateral proceeding in which A.I.D. attorneys presently represent defendants are probation revocations. Although the A.I.D. office and panel attorneys do agree that their responsibility includes representation in probation revocation proceedings, there is some question and a great deal of uncertainty as to whether or not such representation is reimbursable out of A.I.D. funds.

e. Representation of Multiple Defendants

There is no set policy by the A.I.D. office relative to the representation of multiple defendants in a given case. There being no present policy or consideration given relative to appointing individual attorneys, the present practice is not to appoint individual attorneys to represent separate defendants in multiple defendant indictments

It is specifically recommended that the A.I.D. office adopt the following American Bar Association Standard relative to the representation of multiple defendants:

On all assignments involving multiple defendants the initially appointed attorney shall immediately report the fact of multiple defendant to the Executive Director of the A.I.D. office. The initially assigned attorney will select the defendant he desires to continue representing. The remaining defendant or defendants will receive individual appointments of other panel attorneys.

f. Defendant Requests for Specific Attorneys

The A.I.D. office has no specific written policy relative to treating requests by defendants for specific attorneys or requests by defendants to change attorneys. To date there have been no requests by defendants for specific attorneys, and only some two instances where a defendant requested the appointment of an attorney different than the one originally appointed to represent him. In both of the latter cases the A.I.D. office honored the defendant's request and appointed a different attorney to represent the defendant.

g. Volume

Approximately 20 cases per month are handled by the A.I.D. program, with a total caseload of 153 for the period March 15 through September 30, 1973. As illustrated by the list below, the types of cases handled are quite diverse.

Cases Handled: March 15, 1973 - September 30, 1973

Welfare of Minors 28
Mental Illness 5

Municipal Courts:

Drunk 1
Cont. to Del. Minor 1
Assault 4
Poss. Marijuana 2
Reckless Driving 1
D.W.I. 3
Public Nuisance 1
Petit Larceny 3
Speeding 1
No Oper. License 1
TOTAL 18 . . . 18

District Courts:

Unlawful Issuance Bank Checks 6
N.S.F. Checks 2
Furnishing Liquor to Minor 2
Non-Support 1
Assault 4
D.W.I. 14
Illegal Poss. Controlled Substance 12
Exhibiting a Firearm 1
Illegal Consumption & Trespass 1

Injury to Property	1	
Hit-Run/Negligent Driving	1	
Petit Larceny	5	
Driving While License Suspended	5	
Welfare Fraud	1	
Burglary	2	
Violation of Game Law	1	
Reckless Driving	2	
Auto Theft	1	
Probation Violation	2	
TOTAL	64	64

Superior Court:

Welfare Fraud	1	
Burglary	10	
Perjury	1	
Manufacturing of Controlled Substance	2	
Auto Theft	2	
Assault	2	
Negligent Homicide	1	
Grand Larceny by Possession	1	
Incest	1	
Violation Uniformed Control Substance Act	2	
Carnal Knowledge	1	
Rape	1	
Parole Revocation	2	
Grand Larceny by Check	1	
Forgery	1	
Uttering Forged Instrument	1	
Assault & Robbery	2	
Discharging a Firearm	1	
Grand Larceny	2	
Unlawful Issuance of Bank Checks	2	
Habitual Criminal	1	
TOTAL	38	38
TOTAL APPOINTMENTS TO SEPTEMBER 30, 1973		153

A statistical breakdown relative to the defendants and cases handled by the office from March 15, 1973 through September 30, 1973 is as follows:

Total number of criminal cases filed in this jurisdiction since inception	197
Number of cases handled by A.I.D. since inception.	153
Number of District Court traffic related cases handled since inception	22
Number of clients convicted since inception.	111
Jail or penitentiary sentences	65
Probation.	46
Fine	86
Superior Court guilty pleas.	28
District Court guilty pleas.	79
Superior Court jury trials	2
Superior Court bench trials.	1
District Court trials.	12
Number of clients discharged	42
Cases dismissed.	30
Superior Court jury trials	2
Superior Courts trials de novo	0
District Court trials.	12

III. A.I.D. FACILITIES

A. Physical Facilities

The A.I.D. operation is located in one relatively small room located on the second floor of a privately owned building. The bottom floor of the building houses a law firm and the second floor is shared by A.I.D. with the County Probation offices.*

The office is exceptionally well located with reference to the courts, jails and other criminal law related facilities.

The office is furnished with a desk and three chairs, one of which is used behind the desk. Additional chairs are borrowed as necessary from the probation office. The office also has one 4-drawer filing cabinet which presently is totally adequate. The Executive Director does his own typing on an old Smith Corona electric typewriter which he owns. Arrangements have been made to use the County Xerox machine located in the building adjacent to the A.I.D. office. This arrangement more than satisfies the need of the A.I.D. office.

The office has one telephone which Mullen answers himself when he is in the office. When he leaves, the phone is answered by the probation office, and a note is left on the door directing anyone wishing to contact him to call the A.I.D. number. This arrangement seems to work well.

The general appearance of the office is adequate. It might be suggested, however, that the office could use a few pictures or posters--possibly one carrying a defender-related message.

* Actually the office used by A.I.D. is part of the space rented to the County Probation Office. The Probation Office allows A.I.D. to use the space for twenty (\$20.00) dollars per month, an amount which merely covers the utilities.

B. Library

Although A.I.D. has no books of its own, nor for that matter space in which to keep them, all attorneys in the County (which necessarily includes all panel attorneys) are permitted to use a small library located adjacent to the Prosecutor's office in the Courthouse Annex.

This library appears most adequate with reference both to its size and contents. The library maintains up-to-date volumes of the Washington Reports, Washington Practice, Washington Digest, Corpus Juris Secundum, American Law Reports, and American Jurisprudence Legal Forms.

In terms of criminal law resources, the library maintains a copy of the Criminal Law Reporter, which, unfortunately, was not up-to-date.* Additionally, the library has copies of Supreme Court and the Law of Criminal Investigation with its 1971 supplements by Nerud, the work of Freeman on Drunk Driving and Narcotics, The Insanity Defense in Criminal Cases by Goulett, and Coping with Psychiatric and Psychological Testimony by Ziskin.

Although adequate, the library might also include copies of all of the American Bar Association Standards on Criminal Law as well as certain defender related material - i.e., the Trial Manual for the Defense of Criminal Cases by Amsterdam, Seigel and Miller. Possibly these could be purchased by A.I.D. and kept in the library. In addition, the library does not, but should have, copies of the decisions of the United States Supreme Court. Inasmuch as the library is jointly used by defenders and prosecutors, the purchase of a Supreme Court reporter might be made by A.I.D.

* It included volumes through September, 1972

IV. COMPENSATION OF A.I.D. PANEL ATTORNEYS

The compensation of panel attorneys is based upon predetermined fee Guidelines which were established by the A.I.D. Board of Directors. Those guidelines are freely promulgated as follows:

SUPERIOR COURT

MENTAL ILLNESS HEARINGS	\$ 120.00
JUVENILE HEARINGS	140.00
ARR/PLEA/SENT. (Note this also includes probation revocation hearings).	240.00
FELONY TRIALS (Including actual trial time, preparation, arraignment, pre and post-trial motions, up to and including the filing of Notice of Appeal)	250.00 per day*

DISTRICT COURT

PLEAS	\$ 75.00
NON-JURY TRIAL.	150.00
JURY TRIAL.	200.00

MUNICIPAL COURT

District Court guidelines apply.

Upon terminating the representation of a defendant, an A.I.D. panel attorney files with the A.I.D. office a "Statement of Claim For Attorney's Fees" form. (Copy of this form attached as Appendix M.) The Executive Director determines and initially approves the appropriate fee from the Fee Guidelines schedule.

* In addition to this in court figure, panel attorneys are paid an additional \$250.00 per trial day. This payment is for the trial day preparation.

If the panel attorney, in his judgment, expends an unusual amount of time on a particular case he may request a fee in excess of that provided by the Fee Guidelines. Assuming such a fee request is submitted, the Executive Director must present such a voucher request to the Board at its next monthly meeting. The requesting attorney is notified that his voucher will be considered by the Board and is invited to attend the meeting. To date, two such requests have been made. In both instances the Board failed to award the attorney the additional amount requested.

Once the "Statement of Claim for Attorney's Fees" form has been approved by the Executive Director it is delivered by him to the County Auditor. All "Statement of Claim" forms delivered to the County Auditor prior to the 25th of the month are acted upon and payment is made directly to the panel attorneys on the 5th of the ensuing month. Favorable comment is made of the fact that the attorney's fee is in no way subject to the approval or review of the court.

It is suggested that this "Statement of Claim for Attorney's Fees" form should require a summary of the case results and disposition. Such a summary would permit the A.I.D. office to maintain an accurate record of case dispositions. In addition, the form should include a statement of the actual time spent on the case. The notarization requirement is not necessary.

V. COMMUNITY COMMENTS CONCERNING THE A.I.D. PROGRAM

A. Defendants Represented by A.I.D.

The evaluation team met with both past and present clients of the A.I.D. project. The impressions received by each evaluator were noticeably similar. Joint discussion on the service provided to clients and the satisfaction, or lack of it, expressed by each client led to the consensus set forth in this section of the report.

Immediate appointment and early contact with counsel seems to be the rule in the A.I.D. program. Most clients expressed a high degree of satisfaction with the speed at which their attorneys visited them or arranged for their release on personal recognizance. In only one case was mild dissatisfaction detected and that was an unusual case in which the attorney may have had justification. In all cases the clients were aware of the presence of the program administrator who either saw them at a very early stage of the proceedings or, to their knowledge, was instrumental in arranging for a lawyer to begin work on their case. In several instances the police were the first to inform A.I.D. of the probable need for appointed counsel and this was done promptly upon arrest.

Once the initial problem of pretrial release was solved the clients expressed satisfaction with consultation time in their lawyer's offices. In only one case was there the slightest hint of a lawyer not affording the time that a privately retained defense lawyer would be expected to give and in that case a very simple fact situation may serve as explanation.

It appeared to the evaluators that the facts involved in an average criminal case in Skagit County are more transparent than the average case in a more urban setting. Case investigation may therefore be correspondingly less complex. Information derived from clients of A.I.D. indicates that almost all of the investigation done is undertaken personally by the appointed lawyers. This fact was confirmed during interviews with the panel attorneys. The participating lawyers in the project might well conclude that investigative assistance is not necessary in all but the exceptional case, given the following factors: (1) the reasonable attitudes of prosecuting officials and the judges, (2) the previously mentioned "transparency" of cases due to the relatively small population, and (3) the pace of business in the County continues.

While the need for the services of an investigator to assist appointed counsel was not expressed by the clients, the case histories as they were related to the evaluators indicate that more investigation would have been useful in preparing the case, or, in the least, in reinforcing favorable recommendations that may have been made to the court.

In regard to the manner in which attorneys represented their clients in court, all clients expressed satisfaction. None detected any reluctance on the part of his lawyer to go to trial if it appeared in the best interest of the client. Only one former client voiced minor criticism of his lawyer for not explaining more about the proceedings to him.

In sum, a high degree of overall satisfaction prevails throughout the client community. This, to a great extent, must be credited to the level of competence and concern for clients achieved by the participating lawyers. It should not be overlooked that this conscientious bar has been assigned to cases on a selection basis which includes consideration of the number of appointments to a lawyer at any one time and the relative experience of each lawyer and his ability to handle any particular case.

Client satisfaction reflects the balance in which the program has been functioning and, particularly, the efficiency with which it has been operating. Strong administration of the program by a responsive person familiar with the criminal process appears essential to maintain this degree of confidence in the client community.

B. Prosecutor's Office

1. Description

The Skagit County Prosecutor's Office is staffed with three full-time prosecutors. The Prosecuting Attorney is Earl F. Angevine and is compensated at an annual salary of \$21,500 which will be increased to \$23,700 in 1974. His Chief Deputy is Gilbert E. Mullen, compensated at an annual rate of \$20,500. As noted earlier, Chief Deputy Mullen is a brother of the A.I.D. Director. The Assistant Prosecutor is William Neilson who receives an annual salary of \$14,000. The Prosecutor's Office handles all criminal cases in the county* as well as has responsibility for representing the county in civil matters - an estimated 50% of the office workload. In addition, the office handles its own criminal appeals.

* The prosecutor's office follows the interesting practice, not unlike that which was common in service summary prosecutions under the U.S.M.J., of not having a prosecutor prosecute district court misdemeanors where the defendant is not represented by counsel.

The prosecutor's office is located in the Courthouse Annex next to the Courthouse and less than 500 yards from the A.I.D. office. Adjacent to the prosecutor's office is the library which is used jointly by the prosecutor's office and defense attorneys.

The Skagit County Prosecutor's Office is an exceptionally well managed, highly professional and extremely competent office which has a splendid office esprit de corps and, deservedly, an excellent reputation in the community, particularly among members of the bar. Among the noteworthy practices of the office are the following:

- (1) From time to time, as and where needs arise, the office conducts seminars for local law enforcement officials and, somewhat surprisingly, for defense attorneys. These seminars are well received and professionally presented.
- (2) The office requires the use of video tape relative to all defendant confessions.
- (3) The office has set up guidelines which must be observed by law enforcement officials incident to investigating certain cases. These guidelines serve to protect defendants and help improve and professionalize police work.

- (4). The office exercises total prosecutorial discretion as to whether or not criminal charges will be brought against a potential defendant. In this regard it is apparently not uncommon for the prosecutor's office to decline prosecutions where, in the opinion of the prosecutor, the evidence is insufficient or the police practices related to the investigation fall short of the prosecutor's guidelines or constitutionally required protections.
- (5) According to various estimates, approximately 98% of all arrests are made on a warrant issued by a judicial officer.
- (6) In addition to the three full-time attorneys, the office employ a para-professional, two legal secretaries and one receptionist.
- (7) The prosecutor has adopted a most salutary "open file" policy with reference to allowing discovery to defendants.

2. Comments Regarding A.I.D.

Relative to the representation of legally indigent defendants, all of the prosecutors are of the view that the A.I.D. panel attorneys are highly competent.

Interestingly, the prosecutors volunteered their opinion that appointed attorneys are more competent than retained ones. At first blush this conclusion is difficult to appreciate when it is noted that all of the Skagit County attorneys who handle retained criminal cases are likewise members of the A.I.D. panel. However, it would appear that this opinion is based upon experiences with retained criminal attorneys outside of Skagit County.

Although the prosecutors indicated that the A.I.D. fee schedules did not appear sufficient based upon current attorney fee practices when viewed in terms of a public service contributions, the A.I.D. fee schedule could be considered fair.

The prosecutors could see no conflict in the fact that one of them, Gilbert Mullen, was a member of the A.I.D. Board of Directors. Mullen did, on two occasions, attempt to resign from the Board of Directors. His attempted resignation was, as he explained, predicated solely on the fact that his brother was the Executive Director of A.I.D. Parenthetically, these attempted resignations were not accepted by the other members of the Board.

In sum, the prosecutors feel the A.I.D. office is doing an excellent job and did not suggest any specific improvements in the A.I.D. program. The conclusiveness of their observation might be somewhat questioned in view of the fact that the prosecutors do not believe in the public defender concept.

C. Community Leaders

At present community leaders are in no way involved in the operation of the A.I.D. office. Further, since A.I.D. has had a short existence, most non-lawyer members of the community are understandably not particularly knowledgeable about the operations of A.I.D.

By and large, discussions of A.I.D. with non-lawyer members of the community, excluding of course those involved in law enforcement, indicated a total unawareness of the operations of the office. There was, however, one pleasant exception. Noel Johnson, Managing Editor of the

Skagit Valley Herald, knew of the operation of the A.I.D. office and was quite knowledgeable and interested in criminal law.

In an attempt to extend a sense of participation to all members of the community, and with the added, albeit pragmatic, thought in mind that expanded community participation and involvement might well assist future funding efforts at the county level, non-lawyer community leaders should be considered for participation on the A.I.D. Board of Directors* or, in the alternative, on a newly fashioned advisory committee. It is not intended that such non-lawyer participants be required to attend the almost monthly special meetings of the Directors, but rather, that they attend the annual meeting, receive copies of all corporate reports and from time to time be consulted relative to business or community relations decisions.

Participation and involvement of non-lawyers in A.I.D. activities may help to assist the bar in realizing its salutary objective of educating the public to the importance of a viable program. (See specifically Standard 1.1 of the Standards Relating to Providing Defense Services.

* Adoption of this recommendation would require redrafting of the present draft of the corporation's By-Laws in that Section 1 limits membership to "...members of the Skagit County Bar Association."

VI. SUMMARY AND ADDITIONAL RECOMMENDATIONS

It is the considered finding of the evaluators that the A.I.D. program in Skagit County is doing an excellent job of providing efficient representation to legally indigent defendants in Skagit County particularly in view of its brief period of operation. The SPA and the Skagit County Bar should be commended for their joint efforts in spawning and successfully operating a somewhat novel and thoroughly successful defender operation. Moreover, the direction thus far taken by the office and the dedication and ability of the panel attorneys and the A.I.D. Executive Director augur well for the future success of the operation. Of particular note are the following aspects of A.I.D. operations:

- (1) The fact that the office is completely free from political influence as well as from any form of judicial supervision*
- (2) The coordinated method for assignment of counsel which is done in a purposeful yet fair and systematic manner.
- (3) The compensation paid to panel attorneys which is adequate if not totally compensatory.**
- (4) The work of the A.I.D. office in facilitating and making possible the early appointment of counsel.

* This statement is made despite the fact that two judges presently serve on the A.I.D. Board, since they are part-time judges serving in the lowest court in the state. For all practical purposes, therefore, they are panel attorneys with only secondary involvement as judges. Moreover, they are in no way involved with A.I.D. matters relating to their judicial responsibilities. The evaluators agree, however, that full-time judges should not sit on the Board.

**Reference is made to Standard 2.4 of the ABA Standards Relating to Providing Defense Services which requires "...reasonable compensation in accordance with prevailing standards". Compensation currently provided by the A.I.D. office complies with this Standard.

As in the case of all defender offices--particularly those still going through the first year of operation--certain considerations may be given to amplifying, deleting or changing certain procedures and, to this end, various suggestions have been made in this report. These suggestions are summarized as follows:

A. Staff

1. One observation emerged with considerable clarity. The success of the A.I.D. operation is tied ineluctably with the work of the program's Executive Director. A major finding of the evaluation team has been the importance of this position, and it is strongly suggested that the position be made full-time. In a word, the team concludes that a full-time administrator is a desideratum to the future success of the A.I.D. office. Appreciating the particular skills of the present Executive Director, the additional time available to him could most profitably be spent in doing additional investigatory and interviewing work. In addition, time could and should be spent setting up seminars and collecting and organizing a defender brief bank. In general, the Executive Director should work to improve the overall ability of the panel attorneys incident to their representation of legally indigent defendants and make their task easier.

2. In relation to the above suggestion, it is also recommended that consideration be given to providing the A.I.D. program with a part-time secretary. Although this may not be considered an immediate need, it will certainly become imperative in the not too distant future. In addition to the typing of reports, letters, etc., the secretary's schedule could

correspond to the periods during which the Executive Director is absent from the office

B. Training for Panel Attorneys

Although the panel attorneys are competent, this competence must be maintained. Further, those who seek panel membership and are not fully competent criminal practitioners should be required to evidence their competency prior to receiving appointments and be given appropriate opportunity to do so.

Specifically, it is recommended that A.I.D. sponsor one major conference (i.e., - two day) or several lectures throughout the year covering practical criminal law subjects. Speakers should include leading panel attorneys, outstanding criminal practitioners from throughout the State and local law professors. Panel attorney attendance should be, with reasonable exceptions, mandatory.

Further, neophyte panel attorneys should be required to serve a brief period of apprenticeship--a period of working with more experienced panel attorneys--prior to having cases assigned to them.

Finally, all panel attorneys should be apprised of forthcoming criminal law seminars and the less experienced panel attorneys should be encouraged to attend such seminars and thereafter report back to the panel on the highlights of the seminar.

C. Investigatory Activity

More investigation would be useful in preparing A.I.D. cases or, at least, in reinforcing favorable sentencing recommendations that may be made to the court.

D. Policies Governing Representation

1. Multiple Defendants

It is specifically recommended that the A.I.D. office adopt the following American Bar Association standard relative to the representation of multiple defendants:

On all assignments involving multiple defendants, the initially appointed attorney shall immediately report the fact of multiple defendants to the Executive Director of the A.I.D. office. The initially assigned attorney will select the defendant he desires to continue representing.

The remaining defendant or defendants will receive appointment of other panel attorneys.

2. Probation Revocation Cases

The matter of representation in probation revocation cases should be clarified. To this end, A.I.D. should promulgate a definitive policy regarding the responsibilities of the panel attorneys and, further, specifically state the source and limits of the attorney's reimbursement.

E. Composition of Board of Directors

The present make-up of the Board of Directors raises serious questions. Most obviously the presence on the Board of the Deputy Prosecutor and, to a somewhat lesser extent, the presence on the Board of two judges does not comport with recommended defender standards. In the A.B.A.'s Standards Relating to Providing Defense Services, Standard 1.4, commentary (b) thereunder specifically states:

"Prosecutors and judges should be excluded from the membership of governing boards..."

Accepting this circumstance, purposeful inquiry was made of all attorneys interviewed regarding their reaction to the composition of the Board. Surprisingly, no one interviewed saw reason to object; for that matter they concurred with marked unanimity with the Board's make-up. They felt that the judges, one of whom was the catalyst in submitting the original grant application, and particularly, the prosecutors were in major part responsible for not only the initial formation but the continued success of the A.I.D. office.

Parenthetically, inquiry further revealed (as already noted in this Evaluation Report) that the Deputy Prosecutor, Gilbert E. Mullen, did, in fact, offer to resign from the Board. This offer was predicated upon the Board's consideration of his brother for the position of Executive Director. This attempt was soundly rejected as, indeed, all attorneys interviewed felt strongly that Gilbert E. Mullen's presence on the Board was necessary to assure the future growth of the corporation.

As evaluators adhering to defender standards, the team was and is disturbed by the presence on the Board of Directors of the Deputy Prosecutor. To a somewhat lesser extent some reservations are expressed about the judges' presence on the Board. However, having been personally exposed to the Board and its operation, and having personally met with and discussed these problems with those involved--and most importantly--having witnessed the obvious initial success of this office, the team merely calls attention to the potential for conflict, but does not specifically suggest these three individuals be removed from the Board. It is cautioned, however, that this circumstance will require a punctilio of care in the future.

F. Appellate Matters

Some concern is expressed regarding the failure of A.I.D. attorneys to process a single appeal since the inception of the program. This concern emanates from a fear that an appellate apparatus is lacking. Unfortunately, the short period of the program's operation does not allow definitive conclusions on the matter. However, it is strongly suggested that the subject of appellate representation be reviewed in the near future. It may well be that the S.P.A. may wish to consider the possibility of establishing Regional Backup Centers to handle appeals and, perhaps, provide investigators and other resources for rural areas where there might not be a full-time defender attorney.

G. Forms

1. "Agreement for Payment of Legal Expenses"

The A.I.D. office should clarify the purpose and intended use of its form entitled "Agreement for Payment of Legal Expenses" (Appendix K). Neither the form itself nor A.I.D. experience indicates its intended purpose. Is the form intended to be used by "partially eligible" defendants who though entitled to the appointment of counsel can reasonably be expected to make a partial payment towards the reimbursement of counsel? Or, is the form intended to have defendants who, at the time of the appointment are totally eligible for the appointment, later be required to reimburse A.I.D. for the cost of their appointed counsel?

The point is made that Standard 6.4 of the A.B.A. Standards Relating to Providing Defense Services strongly urges against requiring a defendant to later reimburse the cost of his appointed counsel. This assumes, of course, that the defendant was properly and fully eligible for the appointment at the time it was made.

2. "Statement of Claim for Attorney's Fees"

The "Statement of Claim for Attorney's Fees" form (Attachment M) should require a summary of the case results and disposition. Such a summary would permit the A.I.D. office to maintain an accurate record of case dispositions. Also, the form should include a statement of the actual time spent on the case. Finally, it is suggested that the notarization requirement be deleted.

3. "Affidavit of Indigency"

In lieu of the term "Affidavit of Indigency," it is suggested that the following terms be used to caption the A.I.D. form: "Affidavit of Financial Inability to Retain Counsel." (Appendix G) In addition, the reference to being "...unable to employ counsel to represent me by reason of poverty and lack of funds " should be deleted and in lieu thereof the following inserted: "I am financially unable to obtain the services of an attorney without causing substantial hardship to myself or to my family."

H. Client Reimbursement of Counsel's Fees

The A.I.D. office presently has no policy as to what procedure should be followed if and when a defendant offers to pay part or all of the cost of the legal services made available to him. Panel attorneys were generally uncertain and gave different answers as to what procedure they would follow were this circumstance to arise. A general office procedure covering this possibility might be suggested.

I. Space

As a corollary to the recommendations on staffing, the point is made that future consideration should be given to acquiring additional space

for the A.I.D. office. This is not to say that the office is presently inadequate; it is not. Nonetheless, the possible addition of a part-time secretary and the anticipated expansion of the office strongly suggest that the present facility will soon become inadequate sizewise.

J. Library Resources

The decisions of the United States Supreme Court should be added to the Library. This service might--and probably should--be provided by the A.I.D. office.

K. Measures to Assure Continuity of the A.I.D. Program

Although the financing of the office was considered beyond the scope of this evaluation, it is, nevertheless, recommended that efforts be undertaken immediately to guarantee the continuity of the A.I.D. office if and when SPA funds must terminate. It appears that future funding must come from the County Board, and, accordingly, the Board should be apprised of the present and anticipated future success of the A.I.D. office. In addition, the positive values of a viable defender system and, pragmatically, the County's responsibility for providing and financing a defender system, should be responsibly presented to the Board's members.

Both the Washington State Law and Justice Planning Office and Skagit County should be justifiably proud of the accomplishments of the A.I.D. office to date and its potential for continued success. As constitutionally required, A.I.D. is providing legally indigent defendants adequate and competent legal representation.

APPENDIX A

Consultants' Resumes

BIOGRAPHICAL SKETCH

TERENCE F. MAC CARTHY

Terence F. MacCarthy is, and since December of 1966 has served as Executive Director of the Federal Defender Program in the United States District Court for the Northern District of Illinois. He was recommended for his present position by the judges of the Northern District of Illinois and deans of the six Chicago law schools and selected by the Federal Defender Program Board of Trustees.

As the Federal Defender Program Executive Director MacCarthy is responsible for administering the appointment of counsel to represent legally indigent defendants in the District Court. The six Federal Defender Staff Attorneys and approximately ninety Panel Attorneys represent over 1200 defendants per year in the District Court, and where required continue to represent these defendants in the Appellate and United States Supreme Court. The quality of the representation afforded legally indigent defendants represented by the Program, and the administration of the Program, have resulted in the Program's acclaim as one of the finest defender programs in the country.

In addition to administering the Federal Defender Program MacCarthy has actively and most successfully tried and appealed legally indigent criminal cases.

The Federal Defender Program also operates an original, novel and highly successful legal internship program providing advanced law school students (approximately 100 per year) the opportunity to participate in the preparation and trial of criminal cases with leading Chicago trial attorneys.

MacCarthy, who ranked near the top of his 1960 DePaul Law School graduating class, has a versatile legal background which includes having taught as a lecturer and as Assistant Professor of Law, having served as a legal assistant to former Chief Judge William J. Campbell, and having successfully tried many leading lawsuits as a Special Assistant Attorney General. He has been admitted to and argued before the United States Supreme Court. He has written and published articles which have appeared in legal publications (see attachment "A") and has frequently lectured at various legal seminars throughout the country (see attachment "B"), and testified before Congressional Committees.

In 1972 MacCarthy was appointed by Chief Justice Warren E. Burger, in his capacity as Chairman of the Judicial Conference of the United States, to serve as a member of the National Advisory Committee on Criminal Rules. And in 1974 he was appointed to serve on the newly created Advisory Committee for Federal Public Defenders.

MacCarthy is a member of the American, Illinois, Chicago and Seventh Circuit Bar Associations. He served as Chairman of the Committee to Redraft the Local Criminal Rules for the U.S. District Court, Northern District of Illinois. He is a member (1969-72) of

the Criminal Law Counsel of the Illinois Bar Association, of the Criminal Law Committee of the Chicago Bar Association, a member of the Special Committee on Volunteer Defender Services of the Chicago Bar Association and Co-Chairman of the Committee on Legal Internship of the Chicago Bar Association. He is a member of the National Legal Aid and Defender Association, where he served as Chairman of the Federal Defender Subcommittee and presently serves on the National Defender Committee. He is a member of the National Association of Defense Lawyers and the American Judicature Society.

In 1969 MacCarthy was honored by the Chicago Junior Association of Commerce and Industry as one of the Chicago metropolitan communities' "Ten Outstanding Young Men". In 1970 he was listed as one of the "Outstanding Young Men of America", and in the same year was honored by St. Joseph's College who awarded him the annually conferred Alumni Merit Award.

ARTICLES

1. Illinois Criminal Practice Manual: Chapter on Pre-Trial Discovery in the Federal Courts.
2. American Criminal Law Quarterly (Spring 1970): "The Chicago Federal Defender Program".
3. Chicago Bar Record (1970): "Discovery in Criminal Cases Under the New Local Rules of the Federal Court".
4. Chicago Bar Record (1967): "Interns-at-Law: Chicago's Novel Contribution to Legal Education".
5. The Journal of Criminal Law, Criminology & Police Science: Introduction to 1971 "Symposium: The Criminal Defense Practice".
6. Loyola University Law Journal (Winter 1970): "The New Local Criminal Rules For the Northern District of Illinois".
7. Report of Proceedings of the National Defender Conference (1969): "The Intern-at-Law Project".
8. DePaul Law Review (Survey of Illinois Law - Vol XXII, Fall 1972) "Criminal Law".

LECTURES

1. Seminar for Federal Public Defenders, Federal Judicial Center, Washington, D.C., (1971-1972); Lecturer on "The Administration of a Community Federal Defender Office", and "Non-Testimonial Evidence".
2. National Defender Regional Seminars: (a) Bolt Hall, Berkeley, California (1969) on the "Effect of Recent Supreme Court Decisions on the Practice of Criminal Law"; (b) University of Florida, Tallahassee, Florida (1970) on "Criminal Discovery".
3. National Legal Aid & Defender Assn., National Convention, San Antonio, Texas, 1970; Lectured and served as panelist on "Problems and Responsibilities in Operating a Defender Office".
4. Panelist - National Defender Conference (Washington, D.C., May, 1969).
5. Illinois Defenders Association: Lecturer (1970-71) "Habeas Corpus" and "Discovery in Criminal Cases".
6. Northwestern University School of Law Short Course for Defense Lawyers in Criminal Cases (1969-1972) Lecturer: "Discovery in Criminal Cases".
7. Illinois Institute for Continuing Legal Education, Seminar on "Illinois Criminal Practice" (1972).
8. Illinois Bar Association Younger Members Conference (1972) "Representing the Criminal Defendant: Practical Problems and Possible Solutions".
9. Wyoming Bar Association, Criminal Law Seminar (1969): Lecturer on "Criminal Discovery".
10. Memphis Bar Association (1970): Lectured on "Search and Seizure".
11. University of Chicago Law School 1971, Lecturer on "Seminar in Appellate Advocacy".
12. Lecturer - Chicago Bar Association (1968) on "Organization, Jurisdiction and Rules of United States District Courts".
13. Lecturer - Tennessee Bar Association Convention - June, 1973 - on "Federal Habeas Corpus".
14. Lecturer - Kentucky Public Defender Seminar - May, 1973 - on "Pre-Trial Discovery".
15. Lecture - The New Federal Rules of Evidence - Conference, Federal Public Defenders of the Ninth Judicial Circuit - March, 1973, San Francisco, California

BIOGRAPHICAL SKETCH

Herbert L. D. Soll
Public Defender for the
State of Alaska
P.O. Box 2493
Anchorage, Alaska 99510

Birthdate: November 2, 1936; Birthplace: Chicago, Illinois
Single.

Education: Bachelor of Science June 1958, University of
Denver; Bachelor of Laws, December 1959, University of
Denver.

Employment Background: Appointed Public Defender for Alaska
on January 7, 1971.

January 12, 1970 to January 6, 1971 Deputy Public Defender
based in Anchorage, Alaska.

January 1, 1967 to November 10, 1969 Regional Director
of the United States Peace Corps, Brazil, South America.

November 15, 1964 to December 31, 1966 Associate and
then Partner in private law firm of Ely, Guess, Rudd &
Havelock.

March 1963 to November 15, 1964 District Attorney, Fourth
Judicial District at Fairbanks, Alaska.

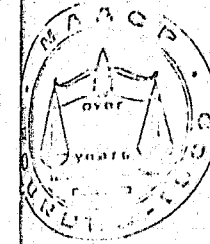
September 1962 to January 1964 Instructor of Law,
University of Alaska, College, Alaska.

April 1961 to March 1963 Assistant District Attorney,
Fourth Judicial District at Fairbanks, Alaska.

Community Activities: Board of Directors of the Fairbanks
Mental Health Association; Board of Directors of the
Anchorage Community Action Program; Board of Directors
of the Alaska Legal Services Corporation; Chairman,
Alaska Bar Association Criminal Law Committee; Chairman,
Alaska Bar Association Committee on Legal Services to
the Indigent; Charter member and incorporator of the
Cook Inlet Native Association, and participant and
lecturer on Latin American topics for several community
organizations.

CONTINUED

1 OF 2



LEGAL OFFICE OF THE

CHICAGO METROPOLITAN COUNCIL

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

407 SOUTH DEARBORN, SUITE 530

CHICAGO, ILLINOIS 60605

(30-8)

CORNELIUS E. TOOLE
GENERAL COUNSEL

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BIOGRAPHICAL SKETCH OF
CORNELIUS E. TOOLE

Age 40, born Chicago, Illinois, Public and Catholic Schools, Chicago, graduated, Englewood High School.

Wilson Jr., College, Chicago, Ill, Drake University, Des Moines, Iowa, A. B. Political Science. DePaul Law School and North Carolina Central University Law School, Durham, North Carolina, J. D., with honors. Attended Lawyers Institute, John Marshall Law School. United States Army, honorable discharge, attended various military schools in United States, served 18 months Munsan-ni, Seoul, Korea, attached United Nations Military Command, and United Nations Command Military Armistice Commission, received various decorations and awards for meritorious service in Korea.

Admitted to Practice: Supreme Court State of Illinois, U. S. District Court for District of Columbia, District Court Northern Illinois, Eastern Illinois, District Court for Northern District of Indiana, U. S. Seventh Circuit Court of Appeals, U. S. District Court of Appeals, U. S. Military Court of Review, U. S. Court of Military Appeals, United States Supreme Court.

Associations: American Bar, National Bar (ABA subcommittee on Equal Employment Opportunity Law, Cook County Bar, Chicago Bar (Committees on Indigent Prisoners, Criminal Law, Administration of Criminal Justice, Prepaid Legal Services, Civil Rights.) Member District Columbia Bar Association,

Illinois Trial Lawyers, American Trial Lawyers, NLDA, Association of Defense Lawyers in criminal cases

Former Assistant Public Defender of Cook County, Illinois, assigned to Trial Division, Supervisor,

General Counsel, Chicago Metropolitan Council NAACP, Legal Office.

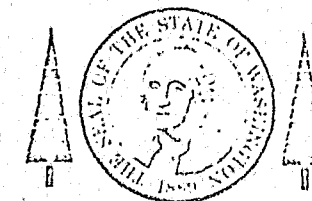
Hearing Officer Pollution Control Board.

Member Illinois Advisory Committee, United States Civil Rights Commission.

DOMESTIC

227012

FILE NUMBER



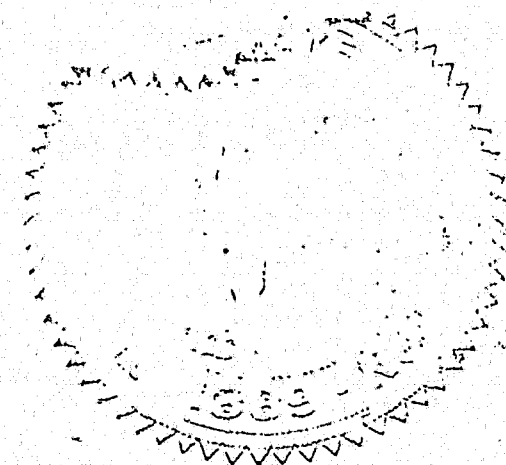
STATE OF WASHINGTON | DEPARTMENT OF STATE

I, A. LUDLOW KRAMER, Secretary of State of the State of Washington and custodian of its seal,
hereby certify that

ARTICLES OF INCORPORATION

of ACCUSED INDIGENT DEFENDERS
a domestic corporation of Anacortes, Washington,

was filed for record in this office on this date, and I further certify that such Articles remain
on file in this office.



In witness whereof, I have signed and have
affixed the seal of the State of Washington to
this certificate at Olympia, the State Capitol,

February 9, 1973

A. LUDLOW KRAMER
SECRETARY OF STATE

ARTICLES OF INCORPORATION

of

Accused Indigent Defendants

FILED

FEB 9 1973

A. LUDLOW KRAMER
SECRETARY OF STATE

I, EUGENE C. ANDERSON, for the purpose of forming a corporation under the Washington Non-Profit Corporation Act, R.C.W. 24.03, adopt the following Articles of Incorporation:

ARTICLE I

Name

The name of this corporation shall be: Accused

Indigent Defendants

ARTICLE II

Existence

The existence of this corporation shall be perpetual.

ARTICLE III

Purposes

The purposes and objects of this corporation are:

1. To establish and make available a panel of attorneys qualified to practice law in the State of Washington for representation of persons charged with or accused of crimes, mental illness or juvenile delinquency or dependency or who are probably going to be so accused or charged or who need advice regarding constitutional rights when such persons are entitled to be so represented at public expense.

2. To contract with the State of Washington, or any County, City, Town or other municipal corporation therein, or the United States of America or any agency thereof for the purpose of obtaining

funds with which to finance the costs of the corporation, including payment or authorization of payment to attorneys who have performed legal services or other persons who have performed authorized services on behalf of such indigent persons or the corporation and to contract with such governmental units to insure such services will be made available.

3. To contract with attorneys to represent such indigent persons and others to perform authorized services, to pay said attorneys or other authorized persons therefor or adopt or perform necessary procedures to provide that such attorneys or others shall be paid for services rendered.

4. To establish and review criteria, schedules and procedures as needed to determine who is entitled to such representation, and the reasonable compensation to be paid therefor.

5. To establish procedures to evaluate costs, and effectiveness of the program and of services provided.

ARTICLE IV

Regulation of Internal Affairs

The internal affairs of the corporation shall be regulated by and conducted in accordance with the By-Laws to be adopted.

ARTICLE V

Distribution Upon Final Liquidation

Upon dissolution, any assets of this corporation shall in no case be distributed to the members of the corporation, but to the governmental units which have contributed to said assets, in proportion to such contributions, or for one or more of the following purposes:

Religious, charitable, scientific, testing for public safety, literary, educational, or prevention of cruelty to children or animals. Such distribution shall be made either by the Board of Trustees of the corporation, or if they fail so to act, by the Superior Court of Skagit County, which may distribute the assets to another properly organized organization to be used in such manner as in the judgment of the court will best accomplish the general purposes for which this corporation was organized, it is further the intent of this article to clarify that this organization has been organized, is organized, and continues to exist exclusively for one or more exempt purposes as defined in Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of the United States of America as defined and elaborated and appropriate regulations thereto. This corporation further shall not engage in or use any of the earnings or income of the corporation for any action or activity as defined in the Internal Revenue Code, for carrying on of propaganda or otherwise attempting to influence legislation or intervene in any political campaign on behalf of any candidate for public office. The net earnings and income of this corporation shall be used exclusively for the purposes defined herein.

ARTICLE VI

Members

The classes of membership, the manner of the election or appointment and the qualifications and rights of each member of each class, shall be set forth in the By-Laws.

ARTICLE VII

Registered Office and Registered Agent

1. The location and post office address of the registered office of the corporation in this State shall be 1009 - 8th Street, Anacortes, Washington, 98221.

2. The registered agent of the corporation shall be EUGENE C. ANDERSON.

ARTICLE VIII

First Directors - Term of Office

The initial Board of Directors shall consist of seven (7)

Directors:

E. C. Anderson	Route 3, Box 55 Anacortes, Washington 98221
Hugh Ridgway	724 Ferry Street Sedro Woolley, Washington 98284
Gilbert E. Mullen	Route 1, Box 139B Bow, Washington 98232
George E. McIntosh	1535 Deception Road Anacortes, Washington 98221
Alfred G. Rode	771 Hilynn Drive Burlington, Washington 98233
John R. Cuningham	1517 Dunbar Road Mount Vernon, Washington 98273
David A. Welts	1727 Olympic Place Mount Vernon, Washington 98273

The term of office of the first directors shall be until the first annual meeting of the members and until their successors are elected and qualified.

ARTICLE IX

Incorporator

The name and post office address of the incorporator is as

follows:

E. C. Anderson

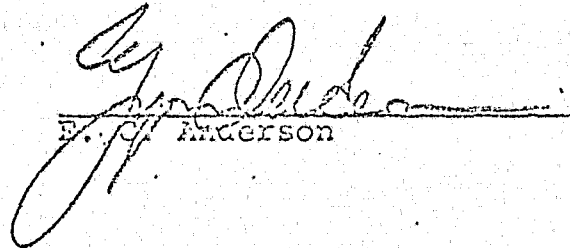
Route 3, Box 55
Anacortes, WA 98221

ARTICLE X

By-laws

The Board of Directors is expressly authorized to make, alter or repeal the By-laws of this corporation subject to the power of the members to change or repeal such By-laws, provided that the Board of Directors shall not make or alter any By-law fixing their qualifications, classification, term of office or compensation.

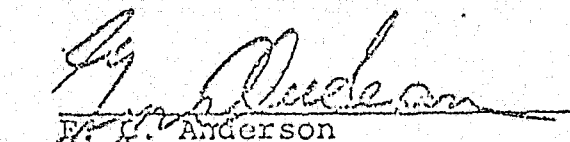
DATED this 8 day of February, 1973.


E. C. Anderson

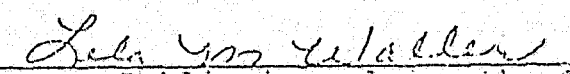
STATE OF WASHINGTON)
: SS
COUNTY OF SKAGIT .)

E. C. ANDERSON, being first duly sworn upon oath, deposes and says:

That he has read the above and foregoing Articles of Incorporation, knows the contents thereof, and knows the same be true.


E. C. Anderson

SUBSCRIBED and SWORN to before me this 8th day of February, 1973.


Notary Public in and for the State
of Washington, residing at Anacortes

APPENDIX C

BY-LAWS
OF
Accused Trust and Defenders
SKAGIT COUNTY LEGAL SERVICES, INC.

ARTICLE I

Members

Section 1. Members. Membership in this corporation shall open to any ~~practicing attorney admitted to the practice of law~~ *member of the Skagit County Bar Association* in the State of Washington who maintains an office within Skagit County.

Section 2. Meetings. Meetings of members shall be scheduled at least once annually at either the registered office or such other place as shall be designated by the Board of Directors. for such meeting shall be in the form and manner of a notice for special meeting as herein provided.

Section 3. Election of Directors at Annual Meeting. At the annual meeting the election of directors will be had.

Section 4. Special Meetings. Special meetings of the members may be called at any time by the Board of Directors, or upon written request of five (5) members, addressed to the President provided that notice thereof be given. Special meetings shall be called not less than five (5) days nor more than thirty (30) days after receipt of request, and if the President fails to issue such call and cause the notice thereof to be given, any member may give notice as herein required.

Section 5. Notice of Special Meetings. Notice of all special meetings shall be given and shall include a statement of the following: The time and place of meeting, in general terms the purposes thereof, and any other information to fairly appraise the members of the purpose of the meeting. Such notice shall be mailed by the person calling the special meeting to each member of this corporation at his last known address as the same appears

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TELEPHONE 336-2161

1 on the records of the corporation. Such notice will be mailed
2 at least five (5) days prior to the date of the meeting. Notice
3 shall be deemed given if placed in the United States mail, post-
4 prepaid, addressed to the member at his last known post office
5 address. Notice of any meeting may be waived in writing by any
6 member at any time.

7 Section 6. Proof of Service of Notice. An entry of the
8 service of notice of a meeting, given as above provided, shall
9 made in the minutes of the proceedings of the members, and such
10 entry, if read and approved at a subsequent meeting, shall be c-
11 clusive on all question of such service.

12 Section 7. Quorum. At a meeting of the members, ten perc-
13 (10%) of the total membership present in person or represented
14 proxy in writing, shall constitute a quorum for the transaction
15 any business.

16 Section 8. Adjournment of Meeting. Any regular or called
17 meeting of the members may adjourn from day to day, or from tim-
18 to time, without further notice, until its business is complete.
19 provided, that at any meeting the business thereof shall be con-
20 ducted without undue delay and without adjournment unless neces-
21 to complete said business.

22 Section 9. Rules of Meetings. Business shall be conducte-
23 pursuant to the current edition of Roberts Rules of Order and s-
24 rules that may be promulgated by the Board of Directors, the la-
25 to control in case of conflict.

26
27 ARTICLE II

28 Directors

29 Section 1. Number of Directors. The number of directors
30 shall be seven (7), who shall control and exercise all corporat-
31 powers with respect to the business and property of the corporat-

32 Section 2. Qualification of Directors. Any person of lawf

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1 age and a member of this corporation may be elected as a direct
2 of this corporation.

3 Section 3. Term of Office of Director. Each director sha.
4 hold office for a period of one (1) year and shall serve until
5 next annual meeting or until his successor shall have been elect
6 and qualified.

7 Section 4. Vacancies. Whenever a vacancy shall occur upon
8 the Board of Directors by death, resignation or otherwise, it sh.
9 be filled until the next following annual meeting of the corpora
10 tion by the directors.

11 Section 5. Annual Meeting of Directors. Immediately after
12 the election of the directors at the annual meeting of the membe
13 said directors shall meet for the purpose of organization, elect
14 of officers and the transaction of necessary business.

15 Section 6. Special Meetings. Meetings of the Board of
16 Directors may be held at such time and place as said Board may
17 from time to time appoint. Meetings of the Board of Directors
18 shall be held at any time on the order of the President or on th
19 order of two (2) directors.

20 Section 7. Notice of Meeting. Notices of the meetings of
21 the Board of Directors, stating the time and in general terms th
22 purposes thereof, shall be mailed or personally delivered to eac
23 director not later than five (5) days before the day appointed f
24 the meeting. An entry of the service of the notice, given in th
25 manner above provided, shall be made in the minutes of the pro-
26 ceedings of the Board of Directors, and such entry, if read and
27 approved at a subsequent meeting of the Board, shall be conclus
28 on the question of service. If all the directors shall be
29 present at any directors' meeting, however called or noticed, an
30 sign the written consent thereto which is entered in the record
31 of the meeting, any business may be transacted at such meeting a
32 the transaction of such business shall be as valid as if had at a

1 regularly called or noticed meeting.

2 Section 8. Addresses of Directors. Each director shall
3 register his address with the President and notices of meetings
4 mailed to such address shall be valid notices thereof.

5 Section 9. Quorum. A majority of the number of the direc.
6 shall constitute a quorum for the transaction of business and e
7 act or decision of the majority of the directors present at a m
8 ing at which a quorum is present, made or done when duly assemb
9 shall be valid as the act of the Board of Directors; but a major
10 of those present at the time and place of any stated or special
11 meeting, although less than a quorum, may adjourn from day to d
12 or time to time, without further notice, until a quorum shall at
13 and when a quorum shall attend, any business may be transacted
14 which might have been transacted at the meeting had the same bee
15 held on the day on which the same was originally appointed or
16 called.

17 Section 10. Powers of Directors. The Board of Directors
18 shall have full power to do or cause to be done or performed any
19 and every act which the corporation may lawfully do or perform
20 and to carry out the objects and purposes of this corporation as
21 heretofore established.

22
23 ARTICLE III

24 Officers

25 Section 1. Executive Officers Enumerated. The executive
26 officers of the corporation shall be the President, Vice Preside
27 Secretary and Treasurer. The officers of the corporation shall
28 the officers as organized from and after the election of the Boa
29 of Directors. The Board of Directors shall appoint and elect st
30 officers.

31 Section 2. Appointment of Officers and Agents. The Board
32 Directors may appoint such other officers, agents and employees

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1 the corporation as they deem proper. The directors may delegat
2 power of appointment and removal and the power to fix the corpe
3 sation of agents and employees if necessary.

4 Section 3. Removal of Officers or Agents. Any officer or
5 agent may be removed by the directors when in their judgment th
6 best interest of the corporation will be thereby served. Such
7 removal, however, shall be without prejudice to the contract ri
8 of the person so removed.

9 Section 4. Relationship of Officers and Directors to
10 Corporation. Officers and directors shall be deemed to stand i
11 a fiduciary relationship to the corporation and its members and
12 shall discharge the duties of their respective positions in goo
13 faith and with that diligence, care and skill which ordinarily
14 prudent men would exercise under similar circumstances in like
15 positions.

16 Section 5. The President. The President shall be the chi
17 executive officer of the corporation. He shall preside at the
18 meetings of the members and attend the meetings of the Board of
19 Directors. He shall have general charge of the business of the
20 corporation and shall execute in the name of the corporation al
21 contracts and other obligations and instruments authorized by t
22 membership or by the Board of Directors to be executed, and wit
23 the Secretary shall sign all certificates or other documents
24 necessary to be executed. The President shall also have such o
25 powers and perform such other duties as may be assigned by the
26 membership or by the Board of Directors to him.

27 Section 6. The Vice President. The Vice President shall
28 vested with all the powers to perform all the duties of the
29 President in case of the absence or disability of the President.
30 The Vice President shall also have such other powers and shall
31 perform such other duties as may be assigned to him by the Board
32 of Directors.

1 Section 7. The Secretary. The Secretary shall keep the
2 minutes of all the proceedings of the members of the Board of
3 Directors in books provided for that purpose. He shall attend
4 the giving and serving of all notices of meetings of the members
5 and of the Board of Directors and otherwise. He shall execute
6 with the President, in the name of the corporation, all contracts
7 and other obligations and instruments authorized to be executed
8 and, with the President, shall sign all other documents necessary
9 to be executed. He shall be the custodian of the corporate seal
10 of the corporation, and when so ordered by the Board of Directors
11 shall affix the seal to such instruments as shall require the
12 same. He shall keep and have charge of the minutes of the meetings
13 of the Board of Directors and of the members, and any books containing
14 records of the corporation. He shall, in general, perform
15 all the duties incident to the office of Secretary, subject to
16 the control of the Board of Directors. In case of the absence
17 disability of the Secretary or his refusal or neglect to act,
18 notices may be given by the President or by the Vice President,
19 by persons authorized to do so.

20 Section 8. The Treasurer. The Treasurer shall keep or cause
21 to be kept full and accurate accounts of receipts and disbursements
22 in books to be kept for that purpose. He shall receive and deposit
23 or cause to be received and deposited, all monies and valuables
24 of the corporation in the name and to the credit of the corporation
25 in such depositories as may be designated by the Board of Directors.
26 He shall disburse, or cause to be disbursed, the funds of the
27 corporation, as directed by the Board of Directors, taking proper
28 vouchers for such disbursements. He shall render to the President
29 and the Board of Directors, when required, account of all transactions
30 and of the financial condition of the corporation. He
31 shall, in general, perform all the duties incident to said office
32 subject to the control of the Board of Directors.

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MOUNT VERNON, WASHINGTON 98273
TELEPHONE 336-2191

1 Section 9. Vacancies. If the office of the President, Vi-
2 President and Secretary or Treasurer becomes vacant by reason o
3 death, resignation, removal or otherwise, the Board of Directors
4 shall elect a successor, who shall hold office for the unexpired
5 term, until a successor is elected.

6 Section 10. Combined Offices. Any two or more offices may
7 be held by the same person, except the offices of President and
8 Secretary.

9
10 ARTICLE IV

11 Elections, Voting Rights, and Qualifications for Membership

12 Section 1. Vote in Person or by Proxy. At each meeting o
13 the members, each member of this corporation shall be entitled
14 vote in person or by written proxy.

15 Section 2. Proxies. All proxies must be in writing,
16 executed by the members themselves or by their duly authorized
17 attorneys, and must be filed with the Secretary of the corporat
18 at or before the meeting of the members.

19 Section 3. Members. Members shall be those who qualify in
20 accordance with the provisions of these By-Laws. There shall
21 be no charge or fee to any member or to any person who desires
22 make application to this corporation for a membership.

23 Section 4. Voting Rights. Voting rights shall be as set
24 forth in these By-Laws and the Articles of Incorporation.

25
26 ARTICLE V

27 Conduct of Meeting

28 Section 1. Presiding Officer. The President or in his
29 absence the Vice President or in the absence of the Vice Preside
30 then the Secretary, shall call the meeting of the members and o
31 the Board of Directors to order and act as presiding officer th
32 of. In the event the Secretary be required to so act, said

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1 officer shall have the power to appoint a temporary Secretary
2 record the proceedings of the meeting.

3 Section 2. Secretary and Duties. The Secretary of the co-
4 poration shall act as a Secretary at all meetings of the member
5 and in his absence the presiding officer may appoint any person
6 act as Secretary, or the Secretary may delegate any person to
7 recording secretary for the purpose of assisting with the minut
8 mailing of notices, etc.

10 ARTICLE VI

11 Election of Board of Directors

12 At the annual meeting of the members held each year, the
13 members entitled to vote shall elect by ballot or standing vote
14 a Board of Directors as constituted by these By-Laws and the
15 Articles of Incorporation.

16 ARTICLE VII

17 Seal

18 Section 1. Description of Seal. ~~The Board of Directors~~
19 shall provide a suitable seal for the corporation, which shall
20 circular in form and which shall contain the following inscript
21 "SKAGIT COUNTY LEGAL SERVICES, INC. - Incorporated 1973, State
22 Washington". *The corporation shall have no seal.*

24 ARTICLE VIII

25 Amendments

26 Section 1. Authority to Amend By-Laws. The Board of
27 Directors is expressly authorized to make, alter or repeal the
28 By-Laws of this corporation subject to the power of the members
29 to change or repeal such By-Laws, provided that the Board of
30 Directors shall not make or alter any By-Law fixing their quali
31 cations, classification, term of office or compensation.

CERTIFICATE OF ADOPTION

We, the undersigned, being all of the directors of SKAGIT COUNTY LEGAL SERVICES, INC., do hereby certify that the foregoing are the By-Laws adopted as the By-Laws of this corporation and ordered certified and filed with the minute book of this corporation by unanimous vote of all the members at a meeting of the members held on the 20 day of Feb, 1973.

IN WITNESS WHEREOF, we have hereunto affixed our signatures and caused the corporate seal of said corporation to be hereunto affixed this 20 day of Feb, 1973.

E. C. ANDERSON

HUGH R. RIDGWAY

GILBERT E. MULLEN

GEORGE E. MCINTOSH

ALFRED G. RODE

JOHN R. CUNINGHAM

DAVID A. WELTS

C O N T R A C T

THIS AGREEMENT, effective the 1st day of February, 1973, between SKAGIT COUNTY, WASHINGTON, a Municipal Corporation, hereinafter referred to as the "County", and ACCUSED INDIGENT DEFENDERS, a non-profit corporation, hereinafter referred to as the "Corporation",

W I T N E S S E T H:

For and in consideration of the mutual agreements herein contained, the parties agree as follows:

1. That during the calendar year 1973, and from year to year thereafter, until terminated by either party, the Corporation, whose membership consists of attorneys practicing in Skagit County, Washington, shall furnish a panel of attorneys for representation of all persons qualifying by reason of indigency or otherwise for appointed counsel at County expense. ~~The term, "County expense",~~ as used herein, shall include any grants or appropriations to the County by other governmental units or agencies made for the purpose of implementing the program contemplated by this Contract.

2. The services to be furnished by the attorneys shall include, but not be limited to, the representation of indigent persons charged with crime in both Superior Court and in the various Justice and Municipal Courts and such other persons who may qualify for appointed counsel in mental illness matters and juvenile matters, up to and through giving Notice of Appeal from Superior Court rulings.

3. A fund shall be established by the County for the calendar year 1973, consisting of funds heretofore appropriated for the services to be provided by the Corporation and appointed attorneys, and consisting also of funds received from other municipal corporations and of an expected grant from Washington State Committee on Law & Justice. Said funds shall total the sum

of \$45,220.00 for the calendar year 1973, plus funds received from other municipal corporations, and shall be made available for the payment of authorized and approved claims of the appointed attorneys and the Corporation, for services rendered. Funds for subsequent years shall be negotiated between the parties and included in preliminary and final budgets for subsequent years.

4. The Corporation shall maintain a part-time employee for purposes of administering the day-to-day affairs of the Corporation. Requests for services of attorneys shall be promptly relayed to said administrator by the various Courts, Court Clerks or other agencies, and the administrator shall arrange for the prompt selection and notification of the attorney or attorneys who will be appointed in accordance with procedures established by the By-Laws of the Corporation.

5. Compensation for services shall be paid to the individual attorney performing the services rather than to the Corporation and shall be disbursed by the County to the attorney upon presentation of such supporting documents as may be required by law. Expenses incurred by the Corporation for the administrator and other expenses of the Corporation shall be paid to the Corporation upon presentation of such supporting documents as may be required by law.

6. In the event that the total appropriation established for any calendar year is not fully utilized and disbursed for services performed in the applicable calendar year, the balance of said appropriation shall lapse and fall into the general fund.

7. In the event that the appropriation for any calendar year be exhausted prior to payment of all valid claims for services of the Corporation rendered during the calendar year, the Corporation and the members thereof shall in that event furnish all services required by this Contract without compensation over and beyond the appropriated amount.

8. Termination. This Contract shall continue from year to

year unless terminated by either party with the same terms and conditions prevailing, except for the amount of the annual appropriation, which shall be subject to modification from year to year.

This Contract shall continue in force until January 1, 1974, and from year to year thereafter, unless terminated by either party. Either party may terminate the same with respect to the forthcoming calendar year by notice in writing given prior to November 1st of the year preceding the renewal period. In the event of termination by either party, said termination shall take effect as of January 1, of the year following the notice of termination.

DATED this 27 day of February, 1973.

SKAGIT COUNTY, WASHINGTON, a
Municipal Corporation,

BY

Harold Miller
Chairman

BY

Bill Sullivan
Commissioner

BY

Jack Ogilvie
Commissioner

BOARD OF COUNTY COMMISSIONERS

ACCUSED INDIGENT DEFENDERS, a
non-profit corporation,

BY

G. R. Anderson
President

BY

John R. Cunningham
Secretary

APPENDIX E

DISPOSITION OF SUPERIOR COURT CASES

	1972	From 1971
Defendants sentenced to Department of Institutions	23*	7
Initial Sentencing	20	
Revocation of Probation	3	
Defendants sentenced to Department of Institutions, Suspended	4	
Defendants sentenced to County Jail	1	
Defendants given Probation by Deferral of Imposition of Sentence	43	15
Filiation Proceedings -- Judgment for Support	6	1
Dismissals	22	2
Convicted of separate felony	12	
Parole revoked	2	
Re-filed in District Court	2	
Mistrial -- Hung Jury	1	
Lack of Evidence	7	
Appeals from District Court convictions dismissed on State's motion	1	1
Pending	33	5
Not apprehended	6	
Acquitted	5	

#####

Uniform Reciprocal Enforcement of Support	42
Initiated Proceedings	23
Acted as Respondent	19
Habitual Traffic Offender Hearings	12

APPEARANCES IN CIVIL PROCEEDINGS

Mental Illness Applications	42
Court Commitments	25
Voluntary Commitments	9
Court Dismissals	2
Transferred - other facilities	3
Released from Emergency Detention	2
Pending	1

* Includes cases in which probation granted in prior years but revoked in 1972

CRIMINAL CASES FILED IN SUPERIOR COURT

DURING 1972

C H A R G E

PENDING from 1971

CHARGED in 1972

CONVICTED

ACQUITTED

NOT
APPEALED

ET AL

C H A R G E	PENDING from 1971	CHARGED in 1972	CONVICTED	ACQUITTED	NOT APPEALED	ET AL	
ASSAULT - First Degree	4	4					
ASSAULT - Second Degree (1*)	8	2	4		3		
BURGLARY - Second Degree (6*)	20	15		2	4	5	
Accessory to BURGLARY - Second Degree	6	6					
CARNAL KNOWLEDGE (1*)	1	2					
CONTRIBUTING TO DELINQUENCY OF MINOR	7	5		2			
CONSPIRING TO DISTRIBUTE CONTROLLED SUBSTANCE	1	1					
ATTEMPTED DELIVERY OF CONTROLLED SUBSTANCE	1	1					
DELIVERY OF CONTROLLED SUBSTANCE (13*)	20	18				15	
POSSESSION OF CONTROLLED SUBSTANCE (2*)	19	8			1	2	
CREDIT CARD THEFT	1	1					
FILIATION PROCEEDINGS (1*)	6						7
FORGERY - First Degree (1*)	2	2			1		
INDECENT LIBERTIES	7	1			2	4	
GRAND LARCENY (2*)	26	12		1	7	8	
GRAND LARCENY BY CHECK	2				2		
GRAND LARCENY BY POSSESSION	3	2				1	
PETIT LARCENY	3	2		1			
MURDER - Second Degree	1	1					
NEGLIGENT HOMICIDE BY MEANS OF MOTOR VEHICLE A(1*)	1					1	
NONSUPPORT (1*)	1	1				1	
PERJURY - Second Degree	4	2			2		
ROBBERY (1*)	3	4					
APPEALS from District Court (1*)	3		1		2	1	
TOTALS (31*)	139	90	5	6	24	38	7

* Pending from 1971

** Judgment

*** On Appeal

CRIMINAL CASES HANDLED IN JUSTICE COURT DURING 1972

CHARGE	Charged	Convicted or Bail Forfeiture	Acquitted	Dismissed	Remanded	Pending	
Assault	22	13		2	4	3	
<u>Automobile</u>							
Driving after revocation or suspension of license	126	86	3	10		23	4
Drunk Driving	197	160	1	2		33	1
Reckless Driving	23	19		1		2	
Negligent Driving	165	147		6		9	
Speeding	1452	1299		12		138	
Overload Truck	196	191		2		3	
Miscellaneous Motor Vehicle Violations	1769	1535	6	41		185	2
Disorderly Conduct:	4	4					
Drunkenness	46	41		4		1	
Fish and Game Code Violations	160	144	3	5		7	1
Larceny	51	17		14	16	4	
Larceny by Check	4			2		2	
Liquor Violations	190	171		8		11	
Miscellaneous	244	119	2	61	38	21	3
TOTALS:	4649	3946	15	170	58	442	16

AGREEMENT TO PROVIDE LEGAL SERVICES

THIS IS AN AGREEMENT entered into on _____, by and between ACCUSED INDIGENT DEFENDERS, a nonprofit corporation, hereinafter referred to as "AID", and _____, hereinafter referred to as "ATTORNEY".

WHEREAS, Aid was organized under the laws of the state of Washington for the purpose of making available a panel of attorneys qualified to practice law in the state of Washington for representation of persons charged with or accused of crimes, mental illness, or juvenile delinquency or dependency who are probably going to be so accused or charged and who need advice regarding constitutional rights, when such persons are entitled to be so represented at public expense, and

WHEREAS, Aid may contract with the state of Washington, or any county, city, town or other municipality therein, or the United States of America or any agency thereof for the purposes of obtaining funds with which to finance the cost of Aid, including payment or authorization of payment to attorneys who have performed legal services or other persons who have performed authorized services on behalf of such indigent persons for Aid and to contract with such governmental units to insure such services will be made available, now, therefore, it is hereby agreed as follows:

1. Attorney agrees to:

- (a) Provide legal services to persons charged with or accused of crimes, mental illness, or juvenile delinquency or dependency or who are probably going to be so accused or charged or who need advice regarding constitutional rights, and such persons are entitled to be so represented at public expense, and who are assigned to the attorney by Aid;
- (b) Attorney agrees to represent said individual in accordance with the code of professional responsibility as set forth in the Washington court rules;
- (c) Upon notification of appointment to represent the individual, the attorney agrees to interview the individual and take such legal steps as the attorney deems necessary for the protection of the individual's legal rights;
- (d) Attorney agrees to keep accurate time records for services rendered and costs advanced, and agrees to submit a statement to Aid within fifteen (15) days after entry of either an order of dismissal, judgment and sentence, or notice of appeal.

(e) The attorney's statement for services rendered shall be based upon the fee schedules as adopted by the corporation from time to time. Attorney understands that the statement for services rendered and costs advanced is subject to review by Aid. It is agreed and understood by attorney that costs for investigative services will not be allowed by Aid except in unusual circumstances and with the prior approval of Aid.

(f) It is understood and agreed by and between Aid and attorney that the funds allocated by the county and by the cities for services to be rendered to the indigent accused is set forth annually in the county's and cities' budgets and if the total amount allocated for attorney's fees has been expended and there are no funds remaining, attorney agrees to contribute back to the corporation pro-rata on the basis of fees received by said attorney during the year in order to provide funds to compensate counsel for the balance of the year on a pro-rata basis.

2. Aid agrees as follows:

(a) To determine whether or not an individual for whom Aid has contracted with such governmental agency to provide legal representation, is in fact indigent as provided by the constitutions, statutes and court decisions of the United States of America and the state of Washington.

(b) Aid agrees to assign individuals to attorneys, normally upon a rotation basis between all of the attorneys who have contracted to provide legal services as set forth herein. In setting said cases, Aid agrees to consider the seriousness and complexity of the case to be assigned and the experience of the attorney.

A.I.D.

by _____

Attorney

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF SKAGIT

STATE OF WASHINGTON,)

Plaintiff,)

No.)

vs.)

AFFIDAVIT OF INDIGENCY.)

Defendant.)

STATE OF WASHINGTON)

SS:)

COUNTY OF SKAGIT)

THE UNDERSIGNED, being first duly sworn on oath, deposes and says: I am the Defendant in the above-entitled action; I want an attorney to represent me in the defense of the above-entitled action; I am unable to employ counsel to represent me by reason of poverty and lack of funds; the following information is true and is given and intended to be relied upon by the Court and other persons or agencies in determining my eligibility for legal services to be furnished me at public expense:

1. Full name, current address and telephone number _____

2. Birth date: _____ Sex _____ Social Security # _____

3. Marital Status: _____

4. Name, address and relationship of nearest relative _____

5. Name, address, age and relationship of children and/or other dependents _____

6. Employment record for last 5 years, starting with current or last employer and continuing back 5 years: _____

AFFIDAVIT OF INDIGENCY
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Employer	Address	Dates of Employment	Pay
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7. If married, employment record of spouse:

Employer	Address	Dates of Employment	Pay
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8. List all sources of income not already listed, for example, Social Security, Unemployment Compensation, Retirement Benefits, etc.

Source of Funds	Monthly Amount
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9. Assets:

Real Estate

Address	Fair Market Value	Amount you owe against property	Net Equity
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Automobiles and other Motor Vehicles

Make & Year	Fair Market Value	Amount you owe and to whom	Net Equity
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Bank or Savings Accounts

Name of Bank	Savings or Checking	Balance
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Cash not in Bank

Other property or assets of any kind

furnishings, stocks, bonds, boats, etc.)

Description	Fair Market Value	Amount Due	Net Equity
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Debts owed to me by others

Name of Debtor	Amount Due, from Debtor
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Debts owed by me to others

Name of Creditor	Amount Owed
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I understand that knowingly giving false answers herein may subject me to a charge of Second Degree Perjury, which is a felony punishable upon conviction by imprisonment for a term of years in the state penitentiary.

DATED this _____ day of _____, 19____.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19____.

Notary Public in and for the State of Washington, residing at _____

(a) Personal Recognizance. Any defendant charged with an offense shall at his first court appearance be ordered released on his personal recognizance pending trial unless the court determines that such recognizance will not reasonably assure his appearance, when required. When such a determination is made, the court shall impose the least restrictive of the following conditions that will reasonably assure his appearance or if no single condition gives that assurance, any combination of the following conditions:

(1) place the defendant in the custody of a designated person or organization agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the defendant during the period of release;

(3) require the execution of an unsecured appearance bond in a specified amount;

(4) require the execution of an appearance bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

(5) require the execution of an appearance bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(6) require the defendant return to custody during specified hours; or

(7) impose any condition other than detention deemed reasonably necessary to assure appearance as required.

(b) Relevant Factors. In determining which conditions of release will reasonably assure the defendant's appearance, the court shall, on the available information, consider the relevant facts including: the length and character of the defendant's residence in the community; his employment status and history and financial condition; his family ties and relationships; his reputation, character and mental condition; his history of response to legal process; his prior criminal record; the willingness of responsible members of the community to vouch for the defendant's reliability and assist him in appearing in court; the nature of the charge; and any other factors indicating the defendant's ties to the community.

(c) Conditions of Release. Upon a showing that there exists a substantial danger that the defendant will commit a serious crime or that the defendant's physical condition is such to jeopardize his safety or that of others or that he will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court, upon the defendant's release, may impose one or more of the following conditions:

(1) prohibit him from approaching or communicating with particular persons or classes of persons;

(2) prohibit him from going to certain geographical areas or premises;

(3) prohibit him from possessing any dangerous weapons, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs;

(4) require him to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) detain him until his physical condition permits his release.

(d) Order for Release. A court authorizing the release of the defendant under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform him of the penalties applicable to violations of the conditions imposed, if any, shall inform him of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest may be issued immediately upon any such violation.

(e) Review of Conditions. Upon determining the conditions of release, the court, upon request, after 24 hours from the time of release, may review the conditions previously imposed.

(f) Amendment of Order. The court ordering the release of a defendant on any condition specified in this rule may at any time on change of circumstances or showing of good cause amend its order to impose additional or different conditions for release.

(g) Revocation of Release. Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that a defendant has willfully violated a condition of his release, a court shall order the defendant to appear for immediate hearing or issue a warrant directing the arrest of the defendant for immediate hearing. A law enforcement officer having probable cause to believe that a defendant released pending trial for a felony is about to leave the state or that he has violated a condition of such release, imposed pursuant to section (c), under circumstances rendering the securing of a warrant impracticable, may arrest the defendant and take him forthwith before the court.

(h) Release After Verdict. A defendant (1) who is charged with a capital offense, or (2) who has been found guilty of a felony and is either awaiting sentence or has filed an appeal, shall be released pursuant to this rule, unless the court finds that the defendant may flee the state or pose a substantial danger to another or to the community. If such a risk of flight or danger exists, the defendant may be ordered detained.

(i) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(j) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(k) Defendant Discharged on Recognizance or Bail—Absence—Forfeiture. If the defendant has been discharged on his own recognizance, on bail, or has deposited money instead thereof, and does not appear when his personal appearance is necessary, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

Comment: Supersedes RCW 10.16.190; RCW 10.19.010, .020, .025, .050, .070, .080; RCW 10.40.130; RCW 10.46.170; RCW 10.64.035

RULE 3.1
RIGHT TO AND ASSIGNMENT OF COUNSEL

(a) Types of Proceedings.

(1) The right to counsel shall extend to all criminal proceedings for offenses punishable by loss of liberty regardless of their denomination as felonies, misdemeanors, or otherwise.

(b) Stage of Proceedings.

(1) The right to counsel shall accrue as soon as feasible after the defendant is taken into custody, when he appears before a committing magistrate, or when he is formally charged, whichever occurs earliest.

(2) Counsel shall be provided at every stage of the proceedings, including sentencing, appeal, and post-conviction review. Counsel initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of original counsel pursuant to section (e) because geographical considerations or other factors make it necessary.

(c) Explaining the Availability of a Lawyer.

(1) When a person is taken into custody he shall immediately be advised of his right to counsel. Such advice shall be made in words easily understood, and it shall be stated expressly that a person who is unable to pay a lawyer is entitled to have one provided without charge.

(2) At the earliest opportunity a person in custody who desires counsel shall be provided access to a telephone, the telephone number of the public defender or official responsible for assigning counsel, and any other means necessary to place him in communication with a lawyer.

(d) Assignment of Counsel.

(1) Unless waived, counsel shall be provided to any person who is financially unable to obtain one without causing substantial hardship to himself or his family. Counsel shall not be denied to any person merely because his friends or relatives have resources adequate to retain counsel or because he has posted or is capable of posting bond.

(2) The ability to pay part of the cost of counsel shall not preclude assignment. The assignment of counsel may be conditioned upon part payment pursuant to an established method of collection.

(c) Withdrawal of Attorneys. Whenever a criminal cause has been set for trial, no attorney shall be allowed to

withdraw from said cause, except upon written consent of the court, for good and sufficient reason shown.

(f) Services Other Than Counsel. Counsel for a defendant who is financially unable to obtain investigative, expert, or other services necessary to an adequate defense in his case may request them by a motion. Upon finding that the services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the services on behalf of the defendant. The courts, in the interest of justice and on a finding that timely procurement of necessary services could not await prior authorization, shall ratify such services after they have been obtained.

The court shall determine reasonable compensation for the services and direct payment to the organization or person who rendered them upon the filing of a claim for compensation supported by affidavit specifying the time expended and the services, and expenses incurred on behalf of the defendant, and the compensation received in the same case or for the same services from any other source.

Comment: Supersedes RCW 10.01.110; RCW 10.40.030; RCW 10.46.050

A.I.D. Referral

APPENDIX J

Defendant Name _____

Court, Skagit District Number _____ Case Number _____

Charge _____

You have stated that because of poverty you cannot retain your own attorney and wish one appointed at public expense, therefore:

You are DIRECTED to make an appointment with the
Accused Indigent Defender Administrator at

620 South 2nd Street
Room 206 (upstairs)
Mount Vernon, Washington
Telephone 336-5035

on or before _____,

(to secure the services of an attorney at public expense)

Dated this _____ day of _____, 19____.

Copy Received _____

Defendant

Judge

AGREEMENT FOR PAYMENT OF LEGAL EXPENSES

THIS IS AN AGREEMENT between
hereinafter referred to as Defendant and ACCUSED INDIGENT DEFENDERS, a non-profit corporation, hereinafter referred to as AID, made and entered into because:

1. Defendant is accused of a crime in Skagit County.
2. Defendant deserves legal representation by AID.
3. Defendant has assets or resources in excess of the indigency guidelines attached hereto.
4. Such assets are not readily available to produce cash to hire a private attorney at this time.

In consideration of receiving legal representation from AID at this time and at all proceedings in the Courts of Skagit County arising from the accusation here in question Defendant does agree as follows:

1. That Defendant will repay to Skagit County the actual cost of his defense furnished through AID.
2. That Defendant will co-operate fully with any and all collection efforts.
3. That Defendant will execute any and all documents necessary to make collection and repayment including but not limited to:
 - a. Assignments of any nature, including wages.
 - b. Mortgages and other security agreements.
 - c. Deeds and conveyances.
 - d. Promissory notes and evidences of indebtedness.
 - e. Special powers of attorney.
4. That the attorney rendering defense may withdraw from representation and Defendant will pay the cost of defense to date and engage the attorney of his choice if:
 1. Sufficient liquid assets become available to Defendant to do so and
 2. Such withdrawal will not jeopardize defense of the case and
 3. The Board of Directors of AID consents to withdrawal.

DATED:

Defendant

ACCUSED INDIGENT DEFENDERS

By: _____

Panel Attorney	Superior Court	District Court	Juvenile	Mental	Municipal	Total	Fees Paid*
1. Anderson, E.C.	7/30-7/13 - 10/30		3/15-5/4	8/27		8	\$1,085.00
2. Anderson, J.E.	5/30-8/27	7/17 - 7/27 - 10/15 - 11/15 - 12/15	3/28-4/16		7/16 - 7/17 - 7/30	12	1,813.69*
3. Cunningham, J.R.	7/17 - 7/13 - 7/24	3/13 - 3/21 - 3/4 - 3/30 11/1 - 11/27			7/25-10/18	11	1,073.00
4. Decker, P.	5/18-9/4		8/13-11/7		5/9 - 6/8 - 6/7	12	515.00
5. Farb, B.	7/17 - 7/29 - 11/20	7/13 - 8/21 - 7/22 - 10/23 - 11/3	6/8-7/13		11/7	11	1,460.00
6. Farb, J.	7/16 - 7/25 - 7/25	5/11 - 6/14 - 5/6 - 7/5 - 10/17 - 11/9	6/13		11/20	11	1,380.00
7. Lewis, M. L.	7/5 - 5/4 - 7/21	5/23 - 7/16 - 5/24 - 10/11 - 10/22 11/30			4/9-5/4	11	1,800.00*
8. Lubbe, F.	3/13-9/7	4/27 - 7/12 - 8/27 - 8/25 - 10/17 11/2	6/11-8/1		11/4-12/3	12	1,270.00
9. Luvera, P.M.	6/8-11/9					2	400.00
10. Mansfield, S.E.	3/23-8/3	6/5 - 7/29 - 10/30 - 11/14 - 11/28	5/9 - 5/17 - 10/11		8/28	11	1,415.00
11. McEee, A.C.	3/28-6/13	7/3 - 7/35 - 10/16 - 11/26 - 12/5	8/12-11/3		7/22 - 7/22 - 5/17	12	1,125.00
12. McIntosh, G.E.	7/25 - 7/13 - 11/27	5/1 - 6/2 - 3/27 - 7/26	8/1-11/13		7/5-10/23	11	1,095.00
13. McMullen, P.	5/7-6/7	7/4 - 5/16 - 7/26 - 8/1 - 10/16 - 11/27	7/11-9/13			10	1,665.00
14. Ridgway, H.R.	7/18 - 7/1 - 10/30		7/31 - 5/25 - 7/20 10/11	7/27		9	910.00
15. Rode, A.G.	5/7-10/15	7/20 - 7/14 - 5/27 - 7/10 - 11/14	5/31 - 7/20 - 12/5		7/23-10/26	12	2,605.00*
16. St.Clair, K.R.	4/26-10/23	6/5 - 7/2 - 5/24 - 7/7 - 11/27	7/5	11/2	5/14-10/4	11	1,120.00
17. Stiles, W.A.	6/8-10/24	7/15 - 5/7 - 5/24 - 7/14 - 11/27	7/10-10/11		9/5-11/15	11	1,020.00
18. Tweed, C.R.	5/20-6/13	7/17 - 7/10 - 7/24 - 10/4 - 11/30	8/14	7/16	5/14-11/19	11	1,105.00
19. Welts, D.	5/29-10/9	7/4 - 7/13 - 5/6 - 7/13 - 11/2	5/4-6/18		11/18-11/30	11	2,036.00 *
20. Yamashita, D.	9/17-10/26	7/2 - 5/21 - 7/7 - 7/4 - 11/14	7/16	7/19	7/27-11/28	11	1,585.00
21. Wolff, T.R.G.	10/11	7/3 - 10/4 - 11/13 - 12/4		7/10	7/14 - 10/16 - 10/31 11/27	10	270.00
* Includes fee payments for work done prior to A.I.D.							

1 IN THE COURT OF THE STATE OF WASHINGTON FOR SKAGIT COUNTY

2)
3) No. _____
4)
5) STATEMENT OF CLAIM FOR
6) ATTORNEY'S FEES

7 Comes now the undersigned, Court-appointed Attorney in the
8 above-entitled cause, and submits the following Claim for
9 Attorney's Fees to A.I.D., Inc..

10 STATE OF WASHINGTON)
11) SS
12) COUNTY OF SKAGIT)

12 _____, being first duly sworn on oath,
13 deposes and says: That pursuant to appointment confirmed by the
14 Court, he has served as Court-appointed attorney for the above-
15 named individual; that the above cause has been concluded; that he
16 has not received, does not expect to receive, and will not accept
17 directly or indirectly any compensation for said services other
18 than allowed and approved by A.I.D., Inc., and paid by Skagit
19 County, Washington; that the following is a summary of time and
20 expenses incurred in connection with this proceeding:

21 Number of Interviews with Client _____

22 Number of Interviews with Prosecuting Attorney _____

23 Number of Interviews with others _____

24 Number of Court Appearances _____

25 Number of Days of Trial _____

26 _____

27 _____ Attorney at Law

28 SUBSCRIBED AND SWORN to before me this _____ day of

29 _____, 19____.

30 _____

31 Notary Public in and for the State
32 of Washington, residing at _____

33 The foregoing Claim approved for payment in the amount of

34 \$ _____ this _____ day of _____,

35 19____.

36 _____

37 A.I.D., Inc., Administrator

38 _____

END

7-10-55 14-11