May 20, 2013

The Honorable Larry Gossett  
Chair, Metropolitan King County Council  
516 Third Avenue, Room 1200  
Seattle, WA 98104

Dear Chairman Gossett,

On behalf of the King County Bar Association’s Board of Trustees, and our association’s 5,400+ members, I am writing to express KCBA’s support for the establishment of a taskforce to study and report to the Council on possible public defense delivery systems. It is KCBA’s understanding that the Council intends to take up for consideration on Monday, May 20, 2013, draft ordinance 2013-0215, which would create an interim in-house public defense system within King County for six months. However, the draft ordinance as currently written does not address the formation of a taskforce.

Since the KCBA first learned about the King County Executives recommendation to the County Council to create an in-house public defense system, KCBA has sought to play an active role in determining the form of that system. In fact, not too long after the Executive’s announcement last year, KCBA received a letter from the Director of Public Defense in which he stated his intent to convene groups to consider aspects of the public defense system. Shortly after that, KCBA’s Board of Trustees passed a resolution in which the Board stated that it “supports a public defense system in King County that maintains independence, addresses conflicts of interest, and avoids client disruption; and the Association will play an active role in the ongoing debate over [the restructuring of public defense].” However, no taskforce has been created, and KCBA and many others have not had a reasonable opportunity to participate in a discussion with the Council on the future of public defense within King County.

While it is our understanding that Council staff has provided the Council with a significant amount of information concerning possible public defense structures, one crucial element in the process has been fully explored. The Council has not conveyed or otherwise heard from a broad array of members of the public or the social justice agencies and community groups that partner with public defense—and it should.

KCBA is asking the Council to amend draft ordinance 2013-0215 to establish a task force composed of bar leaders and other essential organizations to gather information from community groups and people who work with and are served by public defense, and to provide the Council with a report that evaluates all possible public defense delivery systems from the community’s perspective.
King County’s public defender system, and the four defender agencies, are nationally respected. The independence of our defender agencies to engage with a broad range of community partners and the Council has been critical to the system’s success. To build on that success, and to preserve the best of the current system, KCBA urges the Council develop a community-based taskforce to the evaluate all possible public defense structures and to report back to the Council.

Thank you for your consideration.

Sincerely,

Richard E. Mitchell
KCBA President, 2012-2013

cc: Councilmember Rod Dembowski