



Yakima County
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Law & Justice Sales Tax Report

June 30, 2009

Dear Voters and Taxpayers in Yakima County

On behalf of the men and women of the Yakima County Department of Assigned Counsel I want to thank you for your support in approving the 3/10th of 1% sales tax for criminal justice to alleviate court congestion and to help contribute to a court system that is fair, accurate, and efficient. Our courts are founded on a system that depends on a fair and balanced presentation of facts and law by each side to neutral judges and jurors before decisions are made to convict and punish. This decision making process is fundamental to our freedoms and to our American system of justice and we are proud to be a part of that system. When individuals are represented efficiently and fairly, the courts do their job well. As citizens we care about the safety and quality of our community just as you do. And as professionals we know that the rule of law and a functional and fair court system are two bedrock foundation stones of our community. We are happy to be reporting to you how your money has been spent to assist in promoting your court system.

A short word about how we are organized and do business is in order to help you understand some of the improvements described later in this report. The Department of Assigned Counsel is a county agency that provides mandated legal defense services to indigent persons charged with criminal cases or loss of personal liberty in the District, Juvenile, and Superior Courts of Yakima County. We maintain a centrally administered system and provide legal services for indigents using three (3) major components: (1) a defender office with staff attorneys and support staff, (2) written professional service contracts with attorneys in private practice, and (3) case by case appointments of private attorneys at hourly rates. This system is called a 'mixed' system of indigent defense and is patterned on a model suggested in the American Bar Association Standards for Providing Indigent Defense Services. This model was chosen by a blue ribbon panel of local elected officials, judges, private bar members, and county officials in 1989 after a year long study of the various types of defender delivery systems. This 'mixed system' model provides economy of scale where needed, out sources major portions of the program, and limits use of the more expensive panel appointments to an overflow or 'as needed' basis.

2009 Summary

The funds from 3/10ths have been essential to meeting the caseloads generated in the county court systems. The majority of funds have gone towards payment of staffing, contracts, and panel attorneys to meet case demands in the system. A small amount of funds have been used to improve infrastructure, including updated computers and an increase in office space to accommodate additional staffing provided with these funds. Following this summary is a year by year detail of how 3.10ths funds have been used. At the present time, our 2009 budget reflects the following:

Staffing, contracts, and panel expenses: Use of these funds for staffing, contracts, and case overflow/conflict panel operations includes preserving positions that might have otherwise been lost due to county budget restraints, improving existing operations, and increasing the resources available. The overarching goals have been to allow operations to meet necessary standards and to function efficiently.

At present our 3/10ths funding supports a total of fifteen (15) FTE staff positions as follows:

- Seven (7) attorney staff positions
 - Adult Felony (4), Juvenile Court (1.0), District Court (2.0)
 - (\$488,108)
- Six (6) FTE contracted attorneys
 - (Adult Felony (3.8), Juvenile Court (1.2), District Court (1.0)
 - (\$572,448 plus special case fees)
- Two (2) clerical positions
 - District Court (1.0), Full time Interpreter for all areas (1.0)
 - (\$90,486)

In addition, 3/10ths supports all of our panel and excess case operations in offender courts, which includes serious conflict cases. This is approximately 200-250 cases total in all three offender courts.

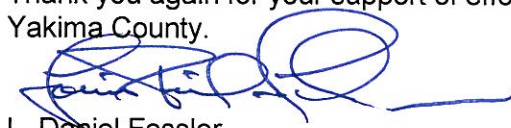
- Expenditures in 2009 are budgeted at \$222,500.
- Expenditures in 2008 were \$242,370.

Infrastructure: A limited amount of 3/10th funds have been used for infrastructure and expenses. In addition to one time expenses in prior years, our 2009 budget includes:

- Additional office space for increased staffing. (\$43,750)
- Supplies and small tools for 3/10ths positions (\$6,000)
- Travel expenses to the Lower Valley District Court (\$4,500)

While improvements to attorney caseloads improve both the quality and efficiency of the court system, we are still digging our way out of nearly a decade of escalating case filings and outdated dockets. Without the special law and justice sales tax funds, which did not come fully on line until 2006, we would not be able to function let alone pull ourselves out. Today, thanks to you, we are doing both.

Thank you again for your support of efforts towards a functional law and justice system in Yakima County.



L. Daniel Fessler
Director, Yakima County Department of Assigned Counsel

DETAILED REPORT ON 3/10THS EXPENDITURES BY YEAR

2005: The 3/10th sales tax funds were essential to continue to function and meet caseloads in 2005 and we could not have done so without it. In 2005 we were able to:

- Preserve two part time contract attorneys (1 FTE) to move adult felony cases through the Superior Court. (\$80,000)¹ We were also able to pay for other contract fees and excess case fees for cases assigned to our regular contracted attorneys. (\$19,700) Over 249 felony cases were handled in Superior Court that might have otherwise been dismissed.
- Preserve the function of our overflow and conflict panel component which is the 'safety valve' in our system. This was true in all courts, but especially in the Superior Court and Juvenile Court. (\$176,200) Over 250 felony, juvenile, and misdemeanor cases were handled that might have otherwise been dismissed.
- As promised, we added a new contract defender (1 FTE) in the Juvenile Court to represent parents in family dependency cases to eliminate severe problems in this court, which had been under stress for years. The ultimate goal in this court is reunification of the family, if possible. (\$62,100)

In December 2005, we were one of a few counties able to obtain State funds for family dependency cases in Juvenile Court. These State funds allowed us to relinquish an average \$75,000/year in 3/10th funds intended for family dependency improvements back to the other county law and justice agencies for other improvements. This money allowed the District Court to amortize and pay for the costly installation of a fiber optic connection to the Lower Valley District Court to allow that court to fully function and is now helping fund other improvements for the Sheriff, Prosecutor, Clerk, and Courts.

2006: In 2006 we maintained the preservations and improvements made in 2005². In addition, we:

- Assisted in the planning and opening of the Lower Valley District Court and contributed additional funds to its construction.
- Added a clerical support staff member (1 FTE) to our District Court operations in anticipation of increased caseloads and in anticipation of the need for clerical presence in the Lower Valley District Court. (\$23,500) (partial year) When the Lower Valley District Court opened in early 2006, we began operations there for those dockets. Currently we have a staff attorney who travels to cover one docket a week at this court and a local contracted attorney who covers the other docket. Travel and telephone expenses for this court were covered in this start up year. (\$2,400)
- Added contracted attorney capacity in Superior Court (1.5 FTE) to assist in an increasingly congested court system in this case type. (\$97,400)
- In mid-year, we added two staff attorney positions (2 FTE) for Superior Court. This increased staffing was needed to meet caseload demands that have been escalating for years. (\$68,300) (part year)
- Purchased new wireless computers for all of our staff attorneys at Juvenile Court which make them much more mobile and efficient in the Juvenile Court environment.



¹ Past year expenditures in this report are rounded to the nearest \$100.

² Two part time contract attorneys (1 FTE) in Superior Court (\$80,000) and pay other contracted case fees and excess case fees. (\$13,200) Overflow and conflict panel component: (\$162,500).

(\$11,700) Funded a summer attorney intern in Juvenile Court for on site training and to assist with early client contact. (\$7,700)

- After over fifteen years in one leased location we had run out of room and it was clear we had no place for the additional staff necessary to implement the goals of the 3/10th initiative, including the new staff positions mentioned above. In the summer of 2006 we moved to a new location. We were able to lease the new location at the same cost per square foot as our previous leased space and used our existing funds for the majority of the leased space. However 3/10th funds were able to provide the additional space we needed for growth and cover the moving expenses. (\$19,700 additional rental) (six months) (\$4,800 moving expenses and \$6,800 one time expenses for fiber optic connection and an alarm system)

2007: In 2007 we maintained the preservations and improvements to date. In addition, we:

- Worked to further improve our court operations. Along with other monies, including money received from the State for improvements we began to reconfigure and improve contracts for professional services in all courts of operations to save our contracted attorney component of operations, which has not been updated since 1999, from failing and to qualify for State funding for indigent defense. The improvements include both caseload and compensation adjustments that were well overdue and reconfiguring our expenditures from contracted attorneys to staff attorneys in adult felony operations since we can achieve greater efficiency with staff.
- Upgraded staff computers to mobile laptops with wireless connections for our Superior Court and District court staff attorneys. We also upgraded our video visiting link to the Yakima County jail. Both of these are tools that are rapidly becoming a necessity in a court and law enforcement system that increasingly relies on electronic communication and data storage to operate efficiently. This equipment allows the attorneys to be mobile with their basic tool and work with it at the jail, in the courtroom, and other county criminal justice system locations.
- Added one (1) FTE staff attorney position and (1 FTE) contracted attorney in District Court to reduce individual attorney caseloads and move towards compliance with State standards and to move away from part time contracted services. Full time staff and contracted attorneys with appropriate caseloads improve both the quality and efficiency of the court system.
- Added one (1) FTE staff attorney positions in Superior Court to help meet adult felony caseloads.
- Added one (1) FTE staff attorney position in Juvenile Court allowing us to transfer a senior attorney to adult felony work.

2008: In 2008 we maintained the preservations and improvements made to date. In addition, we:

- Preserved a staff attorney position (1 FTE) in Superior Court.
- Preserved a part time contract (.5 FTE) in Superior Court.
- Created a new staff interpreter position (1 FTE) operating within our office for greater efficiency.
- Added a contract attorney (1 FTE) to Juvenile Court.

2009: In 2009, we have maintained most of the preservations and improvements made to date. In addition, we:

- Preserved a staff attorney position (1FTE) in District Court.
- Preserved a contract attorney position (1 FTE) in Superior Court.