

King County Council agrees to make public defenders county employees

Originally published March 18, 2013 at 5:22 pm Updated March 18, 2013 at 8:16 pm
Section Sponsor

By Jennifer Sullivan
Seattle Times staff reporter

The Metropolitan King County Council approved a court settlement Monday which will make public defenders county employees.

Since 1970, King County has contracted public defense services with private agencies. It's unclear how many of the 350 employees of The Defender Association, Society of Counsel Representing Accused Persons, Associated Counsel for the Accused and Northwest Defenders Association, will continue as county employees in representing nearly 30,000 criminal defendants.

The settlement stems from a lawsuit filed in 2006 against the county by Kevin Dolan, a public defender at the Associated Counsel for the Accused.

Dolan, who has worked in public defense for three decades, said he filed the lawsuit on behalf of employees of the four defender groups that sought enrollment in the county's retirement system. In 2011, in response to Dolan's lawsuit, the state Supreme Court ordered King County to allow the contracted public-defense employees to enroll in the county's Public Employees Retirement System.

Dave Chapman, who heads the county's Office of Public Defense, said their are discussions to create two separate county-run public defense agencies will be created. The need for two agencies, currently referred to as Public Defense 1 and Public Defense 2, is to handle "conflict cases," Chapman added.

The council will start hearing arguments on what the new public defense structure will look like this week, one longtime public defender said.

Chapman, whose agency divides the nearly \$40 million per year the county spends on public defense among the four public defense firms, said the county and Dolan reached the settlement earlier this year.

“With this settlement we acknowledge the ruling of the state Supreme Court — that for some time public defenders in King County have been County employees for the purpose of retirement benefits,” King County Executive Dow Constantine said in a news release. “We must now move forward to implement the consequences of the court’s decision in a way that remains client-centered, free from political influence, and cost-effective for the public.”

The proposal will be submitted to Pierce County Superior Court Judge John Hickman for approval, Chapman said.

Chapman said the county estimates transition costs will be around \$3.3 million — which will pay for a new case-management system, vehicles for employees, information technology services and facilities.

The settlement also includes \$31 million in retroactive Public Employees Retirement System contributions dating to 1978, and recognition of public defense employees as county employees with full benefits on July 1, 2013, the day after current contracts with the nonprofits expire, according to King County.

“Public defenders are a key element of our criminal justice system and these employees deserve comparable benefits to their peers,” Councilmember Reagan Dunn said in a news release. “This settlement will protect King County taxpayers from costly litigation and put an end to this long drawn out case.”