

May 22, 2018

## MEMORANDUM

**To:** Civil Rights, Utilities, Economic Development and Arts Committee Members  
**From:** Amy Tsai, Council Central Staff  
**Subject:** Council Bill 119260 - Civil Legal Aid

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### Summary

This bill would authorize the City Budget Director or designee to execute an amendment to the City's public defense contract with King County to allow for the provision of civil legal defense services.

### Background

In the fall of 2016, the Council passed [Green Sheet 352-1-C-2-2017](#), providing \$440,000 over two years for a civil legal aid pilot program. The pilot was divided into two phases.

In the first phase, civil legal aid attorneys at the King County Department of Public Defense (KC DPD) advised defense attorneys and clients on "collateral consequences" resulting from plea bargains in criminal cases in cases referred by the Seattle Municipal Court (SMC), with an emphasis on evictions and housing discrimination. Collateral consequences are unintended and often serious civil consequences that emerge from plea bargaining or from other facets of criminal defense. KC DPD began hiring three civil legal aid attorneys in July 2017.

The second phase allowed that civil legal representation, not just advice, could also be provided upon approval of criteria by resolution of the Council. On March 19, 2018, the Council adopted [Resolution 31802](#), approving criteria for civil legal representation for misdemeanor defendants in Seattle Municipal Court.

KC DPD by contract cannot engage in civil legal representation until the interlocal agreement (ILA) with the City is amended to include such services. The ILA amendment proposed by Council Bill 119260 reflects the guidance provided by Resolution 31802. Specifically, in order to be eligible for civil legal representation:

- The client must be indigent and referred to KC DPD by SMC due to a criminal charge;
- The client must not be represented by a Conflict Attorney Panel attorney;
- The client must be experiencing legal problems in one or more of the following areas:
  - evictions,
  - housing discrimination,
  - public benefits,
  - matters involving no contact or protection orders, and
  - issues involving licensing, records, and legal financial obligations.

The representation is to be approved by the Public Defender to ensure consistency. Prioritization criteria include evictions and matters involving clients from communities most adversely impacted by racial inequity in the criminal justice system. KC DPD will also consider the client's ability to represent themselves, the complexity of the case and attorneys' level of expertise, and departmental resources required to complete the representation.

cc: Kirstan Arestad, Executive Director  
Alan Lee, Council Central Staff

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*[Deputy Director or Supervising Analyst]*