

THE MUNICIPAL COURT OF SEATTLE

Fred Bonner
Presiding Judge

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JUN 10 2011

Councilmember Tim Burgess
Seattle City Council



June 10, 2011

Council Member Tim Burgess, Chair
Public Safety and Education Committee
600 Fourth Avenue, Floor 2
P. O. Box 34025
Seattle, WA 98124-4025

Dear Council Member Burgess:

As you know, the City Council and City Budget Office will be entering into a new arrangement for contracting of Indigent Defense Services utilized by Seattle Municipal Court (SMC). Beginning July 1, 2011, the Associated Council for the Accused (ACA) will remain the Primary Agency and the Northwest Defender Association (NDA) will serve as the Secondary Agency.

Beginning in 2004, the Nickels administration decided to disband the three-agency model. Since then, the Court has participated in the development and management of the City's Indigent Defense Services, including assisting with RFP and contract requirements. In fact, in 2004, when I was the Presiding Judge, I sent Mayor Nickels a letter asking him to reconsider his decision to convert to a Primary Agency and a small Secondary Agency who would handle just conflicts. Mayor Nickles went forward and disbanded the three-agency model, with adverse impacts on the delivery of public defense services.

In 2008, then Presiding Judge Ron Mamiya assisted the Mayor's office and the Council with developing a new Indigent Defense ordinance that restored the three-agency model, beginning in July 2008.

Since 2005, when the City assumed responsibility for direct contracts with defense agencies, the City has utilized very qualified defender agencies. I would point out that there have been at least two comprehensive Indigent Defense Audits, and both audits by the City Auditor have shown that all agencies provide quality defense services. I concur with those audits and believe both defendants and the City of Seattle has been extremely well-served by all three agencies.

The Defender Association has 42 years of experience at SMC as an indigent defense provider, and submitted a recent proposal to continue to serve as the Secondary Agency. No agency submitted a proposal to serve as the Third Agency. As a result, the City and the Court will need to adjust again to a two-agency model. I realize that some Council members have expressed concerns with the discontinuance of the Defender Association as an indigent defense provider. I also understand that the Council will consider future (and, perhaps, longer) contract awards

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with three agencies to provide more stability to these non-profit agencies. I share those concerns.

If you would like to discuss this further with me, please feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Fred Bonner". The signature is written in black ink and is positioned above the printed name.

Fred Bonner

Presiding Judge

c: The Honorable Mike McGinn, Mayor
Seattle Municipal Court Judges