



# CITY OF LAKE FOREST PARK

## CITY COUNCIL

### AGENDA COVER SHEET

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<b>Meeting Date</b>	December 11, 2025
<b>Originating Department</b>	Executive
<b>Contact Person</b>	Phillip Hill, City Administrator
<b>Title</b>	Resolution 25-2039/Authorizing the Mayor to Sign the First Amendment to the Agreement for Public Defense Services with Stewart MacNichols Harmell, Inc., P.S.

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#### Legislative History

- First Presentation: October 16, 2025 – City Council Budget & Finance Committee
  - Second Presentation: November 13, 2025 – Regular Meeting
  - Third Presentation: December 11, 2025 – Regular Meeting
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#### Attachments:

1. Resolution 25-2039/Authorizing the Mayor to Sign the First Amendment to the Agreement for Public Defense Services with Stewart MacNichols Harmell, Inc., P.S.
  2. First Amendment to the Agreement for Firm Services
  3. Contract # AG-23-078
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#### Executive Summary

In 2018, the City selected Stewart MacNichols Harmell, Inc., P.S. (Stewart MacNichols Harmell) to provide public defense services in the City's Municipal Court. The contract was renewed in 2023 for an additional 3-year term with the possibility of extensions.

Section 2.5.2, Renegotiation Due to Change in Rule or Standard, of the current contract provides that the agreement may be renegotiated at the option of either party if the Washington State Supreme Court, the Washington State Bar Association or the City significantly modifies the Standards for Indigent Defense adopted. The State Supreme Court has significantly amended the standards for public defense representation and therefore the Administration and Stewart MacNichols Harmell have negotiated the proposed amendment to the contract, which increases the compensation to be paid.

**Background**

Per RCW 10.101.005, the right to effective legal representation for indigent persons is guaranteed by the U.S. Constitution and the Washington State Constitution. When an individual has a right to counsel but is indigent, the government is required to provide a competent public defense attorney to represent that person. The Municipal Court and the Administration have been pleased with the services provided and recommend amending the current contract with Stewart MacNichols Harmell. Reductions in the caseload allowed per attorney, to be implemented over the next 10 years, as ordered by the State Supreme Court, and a highly competitive market have resulted in the proposed fee for services increasing from \$10,000 per month to \$11,250 per month for the first 45 cases appointed each calendar quarter, plus \$750 per case over 45 cases in any given quarter. In 2024 there were a total of 217 cases, with 2025 on track to log 224 cases. Based on 224 cases, this will result in a total annual increase to this contract of roughly \$50,000.

Additionally, the compensation for any superior court appeals, Section 2.4.8, is proposed to increase from \$750 per occurrence, to \$1,000 per occurrence. No appeals to superior court have been filed while Stewart MacNichols Harmell has been the City’s public defense attorney.

The term of the proposed contract amendment is for one year, which will allow for further negotiation as the impacts of the State Supreme Court’s decision come into focus.

**Fiscal & Policy Implications**

The adopted budget only anticipated inflationary costs. The increase included in the proposed contract amendment exceeds the budgeted amount which will need to be reconciled in an upcoming budget amendment.

**Alternatives**

<i>Options</i>	<i>Results</i>
<ul style="list-style-type: none"><li>• Approve the proposed contract amendment</li></ul>	The City will continue to provide public defense as required per RCW 10.101.005
<ul style="list-style-type: none"><li>• Do not approve the proposed contract amendment</li></ul>	The city would be in violation of RCW 10.101.005, requiring that the city provide public defense for indigent defendants, and will need to start the process of finding a law firm to provide such services

**Staff Recommendation**

Approve Resolution 25-2038/Authorizing the Mayor to sign the amendment to the contract for Public Defense Services with Stewart MacNichols Harmell, Inc., P.S., with an effective date of December 31, 2025.