

RESOLUTION NO. 25-2039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN THE FIRST AMENDMENT TO THE AGREEMENT, AG-23-078, WITH STEWART MACNICHOLS HARMELL, INC., P.S. FOR PUBLIC DEFENSE SERVICES

WHEREAS, the Sixth Amendment to the U.S. Constitution grants all criminal defendants the right to an attorney; and

WHEREAS, if a defendant cannot afford an attorney, the defendant will be granted one by the governing body; and

WHEREAS, the City of Lake Forest Park is the governing body that contracts for public defense services to provide counsel for indigent criminal defendants at Lake Forest Park Municipal Court; and

WHEREAS, in 2018, the City selected Stewart MacNichols Harmell, Inc., P.S. to provide public defense services after a competitive Request for Proposals (RFP) process and in 2023 entered into a new contract for a 3-year term with the possibility of extensions; and

WHEREAS, the 2023 contract included a provision for renegotiation due to a change in rules or standards for providing public defense services; and

WHEREAS, recently, the Washington State Supreme Court significantly amended the standards for public defense representation, causing the need to amend the contract for public defense services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Forest Park, as follows:

Section 1. **AMENDMENT APPROVED**. The Amendment to the contract with Stewart MacNichols Harmell, Inc., P.S. for public defense services is approved, and the Mayor is authorized to sign the amendment to the contract in substantially the same form as provided in the attached Exhibit A.

Section 2. **CORRECTIONS**. The City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbering, section/subsection numbers and any references thereto.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this 11th day of December 2025.

APPROVED:

Tom French

Tom French (Dec 16, 2025 10:26:10 PST)

Tom French
Mayor

ATTEST/AUTHENTICATED:

Matt McLean

Matt McLean
City Clerk

FILED WITH THE CITY CLERK: November 7, 2025

PASSED BY THE CITY COUNCIL: December 11, 2025

RESOLUTION NO.: 25-2039

EXHIBIT A

**First Amendment to the
Agreement for Firm Services between the
City of Lake Forest Park and Stewart MacNichols Harmell, Inc. P.S.
Contract # AG-23-078**

This First Amendment to the Firm Services Agreement entered into between the City of Lake Forest Park and Stewart MacNichols Harmell, Inc. P.S., AG-23-078 (the "Agreement"), is made in consideration of the mutual benefits, terms, and conditions hereinafter specified and pursuant to Section 2.5 and 11 of the Agreement.

1. Section 2 of the Agreement is amended to read as follows:

2. Compensation. Effective January 1, 2026, the City shall pay to the Public Defender for services rendered under this Agreement the lump sum of \$11,250.00 per month ("Lump Sum"). The Lump Sum represents compensation for a) representation of persons appointed to Public Defender at arraignments, pretrials appearances, motions, bench trials, jury trials, sentencing, review hearings, and RALJ appeals to King County Superior Court; b) representation of unrepresented persons at arraignments and bail hearing calendars; c) availability to meet with and represent clients at all in-custody hearings; and d) providing the Lake Forest Park Police Department with multiple telephone numbers to provide 24-hour contact with an attorney for emergency legal counsel (i.e., persons requesting to speak to an attorney prior to answering questions or submitting to a breath test).

The Lump Sum covers the cost of providing the services described in a) – d) above for the first 45 cases appointed each quarter (January – March, April – June, July – September, October – December). Additional appointed cases will be billed at \$750.00 per case.

The above compensation amounts represent the salary and benefits necessary to provide Public Defense services through the undersigned counsel as supplemented in Section 2.4 below, along with all infrastructure, support, and systems necessary to comply with the Standards including by way of illustration and not limitation, training, research, secretarial and office facilities. As provided in Subsection 2.5 and its sub paragraphs below, the parties will periodically review staffing in light of changes in court rule and case load in order to adjust staffing based on experience. The parties believe that they have provided sufficient capacity to ensure that, in all respects and at all times, public defense service will comply with the Standards and have an adequate reserve capacity for each attorney. The Public Defender additionally agrees and promises that he/she will devote his/her full effort to the performance of this Agreement and will undertake no private practice of law or other public contract that would conflict with or impede his/her ability to perform under this agreement or reduce the case count available to each Attorney.

2. Subsection 2.4.8 is amended to read as follows:

2.4.8 Superior Court Appeals. Compensation of \$1000.00 for any appeal to Superior Court where a brief is filed, including an Anders Brief.

3. Section 3 of the Agreement is amended to read as follows:

3. Term. The term of this Agreement shall be from January 1, 2026, through December 31, 2026, unless sooner terminated as provided herein. The Agreement may be extended for two (2) additional one (1) year terms at the mutual agreement of the parties.

All other terms and conditions remain as provided in the original Agreement.

DATED this 11th day of December 2025.

CITY OF LAKE FOREST PARK

Stewart MacNichols Harmell, Inc. P.S.

By: _____

By: _____

Thomas French

Printed Name: _____

Title: Mayor

Title: Partner

Dated: _____

Dated: _____

ATTEST/AUTHENTICATED:

Matt McLean, City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt, City Attorney

Resolution 25-2039 Public Defender

Final Audit Report

2025-12-16

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