



Board of County Commissioners  
Board Work Session  
Regular Meeting  
Friday, March 31, 2023  
2:30pm to 3:30pm  
3000 Pacific Avenue SE, Room 110

*For public virtual attendance, you may follow along on the [Thurston County YouTube Channel](#).*

## **AGENDA**

### **I. Uniform Guardianship Act Funding – *Decision Requested***

Disability Accommodations: Room 110 is equipped with an assistive listening system and is wheelchair accessible. To request disability accommodations, call the Reasonable Accommodation Coordinator at least 3 days prior to the meeting at 360-786-5440. Persons with speech or hearing disabilities may call via Washington Relay at 711 or 800-833-6388.

# Thurston County Board Briefing

<b><u>Briefing Date/Time:</u></b>	March 31, 2023 at 2:30 – 3:30 pm		
<b><u>Office/Department &amp; Staff Contact:</u></b>	Superior Court, Judge Christine Schaller, Kristin Jensen, Superior Court Administrator		
<b><u>Topic:</u></b>	Uniform Guardianship Act (UGA) Funding		
<b><u>Purpose:</u></b> (check all that apply)	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Information only   <input checked="" type="checkbox"/> Decision needed   <input type="checkbox"/> Follow up from previous briefing </div> <div style="text-align: right;"> Optimal Time Frame for Decision is: (4/07/23) </div> </div>		
<b><u>Synopsis/Request/Recommendation:</u></b> <i>(One or two sentences identifying your primary objective for this session)</i>			
<p>Recommend that the Board of County Commissioners (BoCC) lift the proviso language on the \$250,000 budgeted for the UGA cases. This would allow the Court to fund UGA cases at an increased hourly rate and utilize this funding for other court cases where court appointed counsel, Guardians ad Litem (GAL), and/or Court Visitors are required.</p>			
<b><u>Background</u></b>			
<p>During the 2019 Legislature, the Uniform Guardianship Act, RCW 11.130, was significantly amended. The Legislature did not provide funding for the required appointment of attorneys, court visitors, and guardians ad litem for indigent parties. In the Court's 2021 budget, the BoCC funded \$250,000 for UGA cases with a proviso that this funding only be used for UGA cases. Later, the Legislature funded \$8 million statewide for these cases; however, that amount was then reduced to \$3 million statewide. The Administrative Office of the Courts has allocated \$150,538 for Thurston County UGA cases. The funding formula for this allocation is based on the number of cases, not on the amount paid per case. This does not adequately fund the program and County funding is still needed.</p> <p>Since the last rate increase in 2017, court appointed lawyers for UGA (minors and adults), dependency and protection order cases, as well as lawyers for Americans with Disability Act (ADA) accommodations, have been paid \$60/hour. This is far below what other counties pay and what the Office of Public Defense pays its contract lawyers. Additionally, the Court is experiencing extreme difficulties in recruiting lawyers to take appointments in the above referenced cases, in large part because of the low rate of pay.</p> <p>The Court is also finding it difficult to recruit and retain GALs. The Court pays \$50/hour for GAL/Court Visitors in adult UGA and Title 26 RCW cases. The Court contracts with 2 people who take a certain number of cases per month for this work and they are paid approximately \$60/hour. Lifting the proviso will enable the Court to increase the hourly rate for attorneys, GALs, and court visitors for all case types.</p>			
<b><u>Documents Attached:</u></b>			
UGA contract with AOC, funding formula			

County Attorney Rate survey 9/22

Letter of Support, Angela Carlson-Whitley, Attorney

Letter of Support, Meredith Gerhart, Attorney

Letter of Support, Jocelyn Brown, Attorney

Letter of Support, Cynthia Johnson, Guardian ad Litem, Court Visitor

Letter of Support, Kimberly Reid, Attorney

### **Summary & Financial Impact:**

There will be no additional financial impact to the County – the \$250,000 is currently in the Court's budget.

### **Affected Parties:**

*E.g. County residents, community organizations, other County offices/departments, etc.*

Indigent County residents, vulnerable minors, attorneys, GALs, and the Court will be positively impacted by expanding the pool of professionals and paying a better hourly rate for our community attorneys.

### **Options with Pros & Cons:**

*Below ~ List all viable options. Begin with underlined option title, then add pros and cons, financial impact of each, as well as affected parties (e.g. County residents, community organizations, etc.)*

#### **1. Option Title: Remove Proviso for UGA funding**

Pro: Allows the court to increase the payment for appointed lawyers for indigent parties including, for youth in Dependency cases, parties to Civil Protection Orders, ADA requests of the court, as well as UGA Attorneys for Minors and Parents. Allows the court to increase payment for court appointed GALs and Court Visitors. Further, allows the court to increase the pool of lawyers, GALs and Court Visitors willing to take appointment in these cases by offering a more competitive wage, thereby advancing access to justice and timely processing of cases.

Con: The right to counsel for the County's most vulnerable citizens may not be fully realized. As indicated above, the inability to find attorneys for these cases is often related to the low rate of pay. It is becoming increasingly difficult to find attorneys and other professionals to take these difficult and time-consuming cases without adequate compensation. The inability to find and hire lawyers also creates a backlog for the court because these cases cannot proceed until indigent parties entitled to representation have a lawyer.

#### **2. Option Title:**

Pro:

Con:

#### **3. Option Title:**

Pro:

Con:

**4.     Option Title:**

Pro:

Con:

**Board Direction:**

**Next Steps/Timeframe:**

*Based on the Board's recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step, and when the Board should expect to see this issue before them again.*

## FY 2023 UGA MAXIMUM REIMBURSEMENT PER COUNTY

County	Child Custody/Minor Guardianship Filings 2019-21	Other/Adult Guardianship Filings 2019-21	Three Year Caseload Average <sup>1</sup>	Caseload Proportion <sup>2</sup>	FY 2023 Reimbursement Maximum <sup>3</sup>
ADAMS	9	8	5.67	0.13%	\$3,895
ASOTIN	47	30	25.67	0.59%	\$17,643
BENTON	179	124	101.00	2.31%	\$69,426
CHELAN	57	102	53.00	1.21%	\$36,432
CLALLAM	108	68	58.67	1.34%	\$40,327
CLARK	386	851	412.33	9.45%	\$283,434
COLUMBIA	0	8	2.67	0.06%	\$1,833
COWLITZ	162	220	127.33	2.92%	\$87,528
DOUGLAS	31	40	23.67	0.54%	\$16,268
FERRY	7	2	3.00	0.07%	\$2,062
FRANKLIN	41	39	26.67	0.61%	\$18,330
GARFIELD	1	2	1.00	0.02%	\$687
GRANT	90	58	49.33	1.13%	\$33,911
GRAYS HARBOR	105	66	57.00	1.31%	\$39,181
ISLAND	39	69	36.00	0.82%	\$24,746
JEFFERSON	23	18	13.67	0.31%	\$9,394
KING	659	2223	960.67	22.01%	\$660,353
KITSAP	168	281	149.67	3.43%	\$102,879
KITTITAS	30	19	16.33	0.37%	\$11,227
KLICKITAT	23	14	12.33	0.28%	\$8,478
LEWIS	131	257	129.33	2.96%	\$88,902
LINCOLN	16	15	10.33	0.24%	\$7,103
MASON	83	46	43.00	0.99%	\$29,558
OKANOGAN	18	44	20.67	0.47%	\$14,206
PACIFIC	32	18	16.67	0.38%	\$11,457
PEND OREILLE	15	8	7.67	0.18%	\$5,270
PIERCE	635	807	480.67	11.01%	\$330,406
SAN JUAN	7	7	4.67	0.11%	\$3,208
SKAGIT	126	133	86.33	1.98%	\$59,345
SKAMANIA	7	6	4.33	0.10%	\$2,979
SNOHOMISH	403	763	388.67	8.91%	\$267,166
SPOKANE	592	802	464.67	10.65%	\$319,407
STEVENS	54	25	26.33	0.60%	\$18,101
THURSTON	305	352	219.00	5.02%	\$150,538
WAHKIAKUM	4	6	3.33	0.08%	\$2,291
WALLA WALLA	29	91	40.00	0.92%	\$27,496
WHATCOM	78	177	85.00	1.95%	\$58,428
WHITMAN	18	35	17.67	0.40%	\$12,144
YAKIMA	332	209	180.33	4.13%	\$123,959
Grand Total	5050	8043	4364.33	1.00	\$3,000,000

<sup>1</sup> The Three Year Caseload Average = (three years of custody/minor guardianship filings + adult guardianship filings)/3

<sup>2</sup> The Caseload Proportion, is derived from the Three-Year Caseload Average (see footnote 1)

<sup>3</sup> The Reimbursement Maximum for FY 23 is calculated as \$3,000,000 X Caseload Proportion.

SUPERIOR COURT CONTRACT RATES SURVEY SEPTEMBER 2022

Court Administrator Kristin Jensen and Court Operations Manager Tonya Moore and Edith Vanderwal sent out a statewide request for rates paid by Superior Courts for: GAL's, Court Visitors, ProTem, Youth Attorney (Dependency)

Results, as of 10/22/22:

County	Pro Tem Commissioner	GAL/Court Visitor	Attorney, UGA	Child Attorney, Dependency	Notes
King	\$116.10 (judicial rate)	\$70/hr, 10 hour max.	\$70/hr, 10 hour max.	\$70/hr, 10 hour max.	Further court approval needed for additional hours
Kitsap		\$75/hr	\$135/hr		Kitsap has not responded, this information is from A Carlson-Whitley, Attorney
Pierce	\$60/hr	\$75/hr	\$85/hr		
Spokane	Flat Rate - \$300 full day, \$150 half day	Minor UGA \$75/hour max 30 hours	\$1,400 flat fee (minor or parent's attorney)		Old guardianship (11.88) \$75/hr, max 15 hours Effective 1/3/22, new appointments went from \$60 to \$75/hour.
Grays Harbor	Regular Commissioner \$82/hr ITA Commissioner \$125/hr	\$100/hour, max 10 hours	\$150/hr, max 10 hours (\$1,500)	\$60/hour	
Whitman	\$98/hr				
Asotin/Columbia/Garfield	\$116.10/hr (judicial rate)				
Thurston	\$50/hr, \$86.10/hr part time cmr \$116.10/hr pro tem judge (.5 paid by AOC)	\$625/case, minor UGA Title 26 - \$1,250/case \$60/hour adult UGA	\$60/hr	\$60/hr	According to a budget document filed in 2017, the court requested \$66,000 It does not appear that this budget request was approved; although the budget document states that the rate of pay in 2017 was \$50, we now pay \$60,
Clallam	\$125/hr (part time commissioner)				
Yakima	NA	Title 26 \$75/hr up to 10 hours	Court Visitor, Minor UGA - \$70/hr up to 10 hrs Attorney - \$100/hr up to 30 hours Court Visitor, Adult UGA - \$70/hr to to exceed \$1,000	Undesignated attorney fee \$100/hr	
Thurston County Public Defender	NA	NA	A Felony - \$90.00/hour B/C Felonies - \$75.00/hour GM/M - \$65.00/hour Miscellaneous - \$50.00/hour		As county agency, wanted to compare They are discussing increasing hourly rates



LAW OFFICE OF

**MEREDITH GERHART, P.S.**

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March 21, 2023

Board of County Commissioners  
Thurston County  
3000 Pacific Avenue SE  
Olympia, WA 98501

Re: Hourly Rate for Court Appointments

Dear Board of County Commissioners:

I am writing this letter for your consideration when reviewing the court's materials with respect to increasing the rate of pay for court-appointed professionals.

By way of brief background, I graduated from Gonzaga University School of Law in May 2010 and was sworn into the Washington State Bar Association in the Fall 2010. I entered law school in August 2007, at the cusp of a unique time in our nation's history. Within a few months of starting at Gonzaga (Go Zags!), our country barrelled headfirst into the worst economic downturn since the Great Depression. The Great Recession persisted through my years at Gonzaga, and when the time came to obtain that ever elusive "first job" after becoming a newly minted lawyer, jobs were non-existent. I was chomping at the bit to put my bar number to good use, so I chose to volunteer my time at the Spokane County Public Defender's Office working in their juvenile division. I had always envisioned incorporating social justice and public service into my practice and the economic circumstances awaiting me after leaving law school solidified that vision.

I eventually made my way to Olympia, Washington in January 2012. A few months after moving to this side of the mountains, I stepped into the most important role of my life—becoming a mother to a medical marvel. My daughter was born with a rare congenital brain malformation called lissencephaly pachygyria. Her specific genetic mutation occurs in less than 0.1% of the general population. We literally won the genetic lottery. Because of her very special brain, my daughter suffers from intractable epilepsy (seizures that are poorly managed even with multiple medications), which when unmanaged can rob her of her ability to walk, to chew, and to make eye contact. She is predominantly nonverbal with a consistent vocabulary of approximately 20 words and 7 different signs. My daughter is the greatest gift that I have ever received. I say this because not only did she open my eyes to the needs of adults and children with developmental disabilities that I was previously blind to, but she taught me that there is a love that is greater than any love I have ever imagined. It is because of my daughter that I began representing individuals with disabilities.

I began accepting court appointments in March 2013, after being approved to join the Title 26 Guardian ad Litem (GAL) registry in Thurston County. I have been active on this registry consistently for the last ten (10) years. My work as a Title 26 GAL expanded my interests in many ways, and I began diversifying the types of court appointments I accepted at the court's request. In 2015, I began representing youth in dependency proceedings. From 2015 through September 2022, I carried an active case load of approximately 20 – 25 youth, in addition to maintaining a private family law practice. In September 2022, due to health difficulties, I reduced my dependency youth caseload to approximately 7 clients, but I am hoping to be able to rebuild my caseload in the next few months as my health continues to improve.

I have accepted the following types of court appointments over the last 10 years:

- Title 26 Guardian ad Litem
- Youth Attorney in Dependency Proceedings
- ADA Accommodation Attorney
- Litigation Guardian ad Litem (pursuant to RCW 4.08.060)
- Litigation Attorney for Minors involved in Family Court Proceedings
- Investigative Guardian ad Litem in Dependency Proceedings
- Court-Appointed Attorney for Petitioners in Sexual Assault Protection Order (SAPO) Proceedings
- Court-Appointed Attorney for Petitioners and Respondents in Vulnerable Adult Protection Order (VAPO) Proceedings
- Court-Appointed Attorney for Youth in Title 11 Guardianship Proceedings
- Court-Appointed Attorney for Parents in Title 11 Guardianship Proceedings

All told, I have accepted more than 250 court appointments over the last decade, with the majority of these appointments being paid by Thurston County at county expense. From 2013 through June 30, 2017, the hourly rate of pay was \$50.00. Beginning July 1, 2017, the hourly rate of pay was increased to \$60.00<sup>1</sup>. In comparison, my hourly rate for private Title 26 GAL work is \$250.00 and my hourly rate for private pay family law representation is \$325.00<sup>2</sup>. The reality of the economics is difficult to ignore.

I have served as the Chair of the Family Law Section of the Thurston County Bar Association since January 2019. I am in my fifth year chairing the Family Law Section, and I have frequently used this platform to solicit more participation from the local bar in terms of accepting court appointments, even if just one or two cases a year, but regrettably I have not been successful in motivating others to take up the banner in the interest of public service. Family law attorneys have been in short supply in recent years. I observed that the need for family law attorneys skyrocketed since the onset of the COVID-19 pandemic. The demand for family law representation is probably at least triple, if not quadruple, the current supply. This insufficient supply has prompted individuals to find representation in other counties. This is not necessarily a bad thing; however, it increases the costs of representation for litigants by having to pay travel expenses (the cost of gas is excessive), legal messenger fees (to deliver bench copies and effectuate service), and higher

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<sup>1</sup> Investigative GAL cases and Litigation GAL cases are still paid at \$50.00 per hour.

<sup>2</sup> This hourly rate is on par with other attorneys in the community who have the same or a similar level of experience. The hourly rate for attorneys with the same or similar level of experience in Pierce County or King County is slightly to significantly higher.




hourly rates for retaining out-of-county counsel. I mention this to underscore the scarcity of resources in our legal community and how supply and demand incompatibilities create barriers to otherwise interested professionals from seeking, accepting, or volunteering for court appointments. My perspective is that the stagnated county pay rate makes the access to justice situation go from dire to critical. Court cases are currently delayed for weeks (possibly longer) while the court struggles to find willing and available attorneys to accept appointments for some of the most vulnerable members of our community.

In closing, we need your help. I made the decision to work with families, especially children, in the family court system because it is my calling; it is my passion. The work can be tedious at times, but for me, it truly is a labor of love. Yet, I cannot disregard the very real scarcity that our community is currently experiencing. I hope that by increasing the monies available to pay for court appointed professionals, our court system will be better able to serve the members of our community who need it the most.

Thank you for your time and attention to this letter.

With kindest regards,



Meredith Gerhart  
Attorney at Law

cc: Honorable Judge Christine Schaller

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March 22, 2023

Dear Commissioners,

I am writing to express my appreciation for recognizing the shortcomings of the current pay scale for Thurston Superior Court guardianship/conservatorship county pay cases. As a member of the guardianship legal community, I have seen first-hand the impact that the low pay rates in Thurston County have had on our ability to serve the most vulnerable in our community effectively and fairly.

Thurston County currently has the lowest pay rate for county pay cases in the surrounding areas, which has contributed to the limited number of attorneys willing to accept these types of cases. I currently accept cases as Court Visitor and/or attorney appointments in Thurston, Mason, Lewis, and Grays Harbor counties. I previously prioritized my Thurston County appointments, but I cannot any longer as I am unable to sustain my office off these low rates. Especially while other counties are paying double. In Thurston County, the low pay has created limited pool of attorneys/CVs and puts a strain on the resources available to our community's most vulnerable people.

The few attorneys who do accept county pay cases are often unable to make a living wage at the current rate and ultimately, I see them drop off the list or decline to accept cases. For the attorneys/CVs who do take these cases they often spend more time than what is allotted on these cases, which inevitable equates to an even lower hourly rate. Additionally, low-income clients often require more time and attention than other clients, which can further exacerbate the problem of resolving cases in a timely manner.

In my experience, the number of attorneys regularly willing to take county pay cases is limited to just one or two people (me included) in Thurston County. This means that there are many clients who are unable to access legal representation and there is no diversity in the pool of attorneys. I strongly believe that raising the county pay rates in Thurston County is an essential step towards providing adequate access to justice for all members of our community. It would also help to attract more attorneys to the area, which would increase the pool of resources available to this population.


I appreciate your attention to this matter and hope that you will take action to address this pressing issue. Thank you for your consideration.

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Respectfully,

  
Jocelyn Brown  
Attorney at Law

March 22, 2023

Board of County Commissioners  
3000 Pacific Ave. SE,  
Olympia WA 98501

Dear County Commissioners,

Thank you for the opportunity to express my support of increasing the hourly rate for which guardians ad litem, court visitor's and attorneys are paid for working with the indigent parties in Thurston County Superior Court.

I have served as a Title 11 guardian ad litem since 2006 and a Title 26 guardian ad litem since 2011. I also serve as a Title 4 guardian ad litem. When I started accepting county pay cases in 2006, the hourly rate was \$50.00 an hour. Seventeen years later, the hourly rate is still \$50.00 an hour. I doubt if anyone on the board, or anyone in general, has ever heard of a person not receiving a pay increase for their work in seventeen years.

The guardian ad litem and court visitor registries for Thurston County Superior Court are shrinking. Our caseloads are huge. Of those who are on the registries, there are few who are willing to accept county pay cases due to the low hourly rate. I have always accepted county pay cases because I feel it is my calling to serve the low income. But what will the court do when people like me are no longer available? I do not see anyone waiting in line behind me ready to step in to accept appointments for indigent parties.

In the past year, the Grays Harbor County Superior Court administrator reached out to me in an act of recruitment. He wanted me to know that Grays Harbor was offering \$100.00 an hour for guardians ad litem in county pay cases. We are private contractors and do not receive any benefits from the county, thus this large of a pay differential between counties makes Grays Harbor enticing for those who need to fund a retirement account or fund their own healthcare insurance.

I highly recommend that the BoCC modify the budget for the Thurston County Superior Court so that the guardians ad litem, court visitors and attorneys serving the low income parties of Thurston County can be paid fairly. This action is needed to recruit and retain professionals who are willing to do this work.

Sincerely,

*Cynthia Johnson*

Cynthia Johnson

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**Kimberly S. Reid**

*Principal / Senior Family Law Attorney / Managing Attorney - Olympia*  
1800 Cooper Point Rd SW, Building 18  
Olympia, Washington 98502  
360.939.3071 | [kreid@gravislaw.com](mailto:kreid@gravislaw.com)

March 23, 2023

To Whom It May Concern,

My name is Kimberly S. Reid, and I am an attorney in private practice in Thurston County, Washington. I have been practicing in the family law realm for the entirety of my career, which will be 17 years in June of this year. I have been accepting requests as court-appointed counsel for about a decade.

When I began this work, I was appointed in dependency matters as counsel for youth, as well as for petitioners in Domestic Violence / Restraining Order matters when it was determined that an accommodation attorney was appropriate. I continue to accept appointments in these matters, as well as in Minor Guardianships, with the adoption of the Uniform Guardianship Act (RCW 11.130), and in Sexual Assault Protection Order matters with the adoption of RCW 7.90, which allows for the appointment of counsel for a petitioner when a respondent appears with counsel. Lastly, with the implementation of the new Civil Protection Order statute (RCW 7.105) I often request that the court appoint me for the Petitioner in Civil Protection Order matters other than Sexual Assault, mostly for those who have privately retained me. I do this to alleviate the burden of the cost that victims incur by having private counsel represent them. To say that this work is extremely important to me would be an understatement.

I was not sure what to address in this letter initially. I thought I would focus solely on the immense financial impact that the current rate of compensation for this work has upon the court's ability to locate and retain attorneys willing to take appointed cases. I know, after as long as I have been doing this work, that it is incredibly difficult to convince local attorneys to assist with court appointed cases. The pay rate is extremely low compared to the private pay rate for many attorneys. For example, the current rate for a county-pay case is \$60.00 per hour. In my private-pay matters (cases where I am privately retained and not appointed) I bill at \$350 an hour. That rate is commensurate with other attorneys in town with my education and experience. This is a major disparity in rate, and a huge impediment to being able to find attorneys willing to take appointments. I don't want it to seem like there aren't attorneys willing to take appointed cases, there are. But there are not a sufficient number of attorneys to fulfill the current need for all of the appointments the court currently would make. This is especially true in many of the Minor Guardianship cases, which I will address later in the letter.

I believe that the court, and possibly other members of the community, will address the financial impediment to private attorneys when accepting county pay-cases at the minimal hourly rate that the court can currently pay. I can only speak to the financial impact the current rate has on me, as counsel that carries between 15-25 active county-pay cases at any given time. I also think that it is critical for you to understand what the role of appointed counsel entails, and the amount of dedication and hard work we give to our clients daily. I believe that may give you more insight into the value of the services that we provide when you consider funding such an integral part of the court system in Thurston County.

I can say, with fair certainty, that I dedicate 1000 hours or more of my time each year to appointed work. This does not include my *pro bono* work, specifically for victims of violence and sexual assault. I also work approximately another 1000 to 1500 hours on private pay cases, as I must ensure that I can pay monthly expenses, such as firm overhead, private living expenses and especially law school loans. There is no law school loan relief for attorneys in private practice who take county-pay cases when you are employed by your own or another private firm. Many, if not all of the attorneys that take these appointments are working for a private firm or on their own. There is simply no ability to pay my own firm obligations, including having staff, if I did not take private-pay cases to compensate for the pay rate from appointed cases. I want to continue to provide this service for the County and those in the community in need; however, with inflation and the impact of rising costs in Thurston County, it is becoming more and more difficult to continue to do so at the compensation rate that I have historically accepted. That is a difficult prospect for me. These matters have become so integral to who I am and what I do that it would sadden me immensely to not be able to continue this work due to financial constraints.

I constantly strive to meet a high level of dedication and compassion for each litigant I am appointed to represent. I do realize that much of law, especially in the family law realm, is not a "9 – 5" job. But representing youth requires a different type of commitment. Many times, the youth that I have been honored to represent in dependency matters, are removed from their homes due to abuse or neglect. They are often impacted by parents with drug or alcohol dependence or violence issues. Many times, these youth have had little to no consistency or stability in their lives, which creates a lack of trust. They often don't feel heard and / or cared about enough to have someone listen to them. I give my personal cell phone number to every one of these clients. They can call or text me whenever they need to talk or have questions or concerns. Youth don't live on the same schedule as many of us professionals do. Many times, the contact I have with them is after hours and on weekends. These calls come whether I am on vacation or in the middle of personal responsibilities or chores. I've even had calls or texts on holidays from youth that are not with their family or do not have family to spend the holiday with and just want to know that someone cares about them during the holiday season. Being a consistent and reliable person in their lives is what they seek and that takes time to develop. Developing that consistency leads to building the trust necessary for them to know that I will be there to advocate for them. It breaks down the barriers to them being willing to discuss their experiences, feelings and wants, which is directly related to their legal positions and me being able to do my job to the best of my ability. As counsel for youth, we need to obtain the client's wishes and advocate for that, but also to make sure that their legal rights are being protected. I have noticed a stark difference in the acknowledgement and respect for the legal rights of youth from the time I started doing appointed work to now. Youth are no longer "bounced" from one foster home to another, disrupting their lives and schooling on a constant basis, just as one example.

There is no way I could cover all that appointed counsel must be prepared to deal with legally for youth, but that is only one part of our role. I have some clients that I have represented for years, including youth that have become adults during my representation. I still get updates from some clients, years after they have aged out of the system. I take my responsibilities and level of dedication to every youth with the utmost importance and strive to always be a positive role model to them as well. I truly believe that as I represent them in the court system and watch them grow that I also have an obligation to teach them life skills, by example. By that I mean learning the importance of education, good work ethic, honesty, being forthright and being respectful. I am routinely having conversations with my clients about the importance of these critical characteristics and how they can help lead to a successful life. This also directly relates to how they view the court system and the people they interact with as a part of that system. Essentially there is a level of parenting and educating that goes into working with each youth that I represent, beside the legal representation. I am not sure that you can determine a monetary value for that involvement, but that is the dedication that I give to my youth clients, and I know that other appointed counsel do as well.

As stated previously I also represent youths in Minor Guardianship cases. Many times, those youths have also experienced the hardships that foster youth have, but they come to the court with someone who is willing to give them the stability of housing and care so that they do not become a ward of the state. Unlike dependency matters, the petitioners in these matters are often *pro se* as there is no mechanism in the law to appoint an attorney for the petitioner in a Minor Guardianship. There is a subsection of the statute that allows for appointment of counsel for youth, as well as for the parents. Often, the parents in these cases also suffer from a chemical dependency addiction and do not have the ability to provide stability for the youth, let alone afford their own counsel. I have been accepting appointments for youth in these matters since the inception of the law. I attend court hearings almost every Wednesday of the month and I have seen numerous cases repeatedly delayed or continued due to a lack of availability of counsel available to represent the parents. If this was a dependency matter, counsel would be made available through the Office of Public Defense, at a reasonable attorney rate for the attorneys representing the parents. That is not the case in these matters. Often, as the youth counsel, I am negotiating, drafting the documents, and doing whatever I can within the guidelines of the Washington State Bar ethical rules to drive a case to completion. Often without attorneys, the parents are exercising their right to trial, even in matters where a resolve could have been reached if there was available counsel to explain to the parents their legal position and rights. This creates a backlog in the court system and often puts my client, the youth, in a situation where they do not have closure for several months or a year or longer, in some situations. In my efforts to recruit colleagues to accept appointments in these matters, the biggest factor in not being willing to accept appointments is the current hourly rate. Counsel simply cannot take on any number of cases where the rate of compensation is less than 20% of their average billing rate and still afford to run their firms.

Lastly, I don't only represent youth by appointment. I also represent victims of violence, sexual abuse and stalking in protection order hearings. This type of work is also not a "9 – 5" role. There may be after-hours calls regarding incidents of violence or violations of orders. These calls may consist of a need to involve law enforcement and / or for medical attention. It is imperative to be available and willing to assist a client in whatever capacity they may need at that time. Sometimes, that also includes immediate court action to help with protection.

Many times, in these matters, there is a parallel criminal matter, based on the incidents that precipitated the filling of the Protection Order. I often, on a *pro bono* basis and not included as a part of my county billing, attend all hearings on related criminal cases, especially sentencing hearings in a criminal matter when my clients have a right to provide a victim impact statement. I have been asked on several occasions to be the person they trust to read that statement to the court. I think that is a critical part of representing victims of violence being able to trust that there are people in the system that are willing to show up and be there for them in their time of need. I am not sure that you can place a monetary value on the support and advocacy for people who have been a victim of these types of violence. But I do believe that victims of violence having legal counsel is critical to their safety, and often the safety of any children in common. It greatly impacts our community as well and is a critical issue for the citizens of Thurston County. The county can continue to address this crucial issue by ensuring that the funding necessary for representation of victims can occur and will assist in the efforts to keep people safe from violence.

I hope that sharing my experiences will help provide insight into the role of appointed counsel and why it is critical to ensure that there is sufficient funding to support the efforts of the court and counsel. We often serve the most vulnerable of our county's population, and often at some of the worst times in their lives. I do not provide this letter asking to provide a level of funds that would pay appointed counsel at our private pay rate; that is not why I do this work, nor do I believe it is why my colleagues do this work. However, I do ask that you provide the courts with the ability and capacity to pay legal counsel a reasonable rate; one that allows us to continue to do this critical and extremely important job, as well as affording other local counsel the same opportunity to find the fulfillment that I do in this work while still being able to support our small businesses.

Thank you for your time and consideration.

Sincerely,



Kimberly S. Reid, Esq.  
Senior Attorney / Principal Member / Olympia Managing Attorney



March 22, 2023

Dear Commissioners:

I write this letter in support of the Thurston County Superior Court's efforts to obtain an increase in funding for the services of court appointed attorneys, GALs, and Court Visitors. I am a local guardianship attorney practicing in five local counties (Thurston, Mason, Lewis, Grays Harbor, and Kitsap) and am on the Court Visitor registry in all five of those counties. I can report that all but Mason County have raised their compensation rates for county appointments, some of them significantly, in order to retain and recruit professionals for these important roles.

There is no question that serving as a court appointed attorney, GAL, or Court Visitor at county expense is a public service. Most of us who serve in these roles do so as a way of giving back, and we understand that the rate of pay is low. Unfortunately, it has been so long since rates have increased that we are essentially working for free—the compensation we receive does not even cover our overhead, let alone our time. And while there is nothing wrong with doing pro bono work, most of us already do other pro bono work, and we can only afford to do so much and still meet our own expenses. As a result, our local registry has declined in numbers as attorneys have taken their names off the registry, or limited the number of cases they will accept at county pay. This only increases the burden on those of us who continue to accept appointments, and makes it near to impossible to do our jobs timely and effectively for the vulnerable adults we serve.

We desperately need more attorneys willing to serve in these roles, but it is difficult to persuade others that it is worth serving when the compensation is effectively nil. Thus, I urge the Commissioners to award the funding that is requested, both to be fair to those already on our court registries who perform this important service, and to help the Court recruit and retain others to do this work. Serving our vulnerable adults is worthwhile and necessary work, but we cannot do our jobs effectively without your help.

Very respectfully,

*Carlson-Whitley & Luther, LLP*



Angela Carlson-Whitley  
Attorney at Law