



PORT GAMBLE S'KLALLAM TRIBE

Request for Proposal
Public Defender Services
Contract Year 2018

Background of Tribe and Intent

Vision

“Port Gamble S’Klallam Tribe uses our many resources to maintain a proud, strong, healthy, educated community that uses innovation to ensure all our people enjoy a good quality of life.”

Mission: The mission of the government of the Port Gamble S’Klallam Tribe is to improve the quality of life for all tribal members. We accomplish this through decision-making that considers future generations, competent administration and management, preservation and protection of our rich cultural heritage and natural resources, the enhancement of economic opportunities, and the protection of tribal sovereignty through determining our own destiny.

Brief Description of Tribe

The Port Gamble S’Klallam Reservation is located on the northern tip of the Kitsap Peninsula in Washington State. It is situated on Port Gamble Bay, for generations an important natural resource for Native Americans. The Port Gamble S’Klallam Indian Tribe has been increasing its interaction with its neighbors in the North Kitsap area, making it known that it is concerned about issues related to growth, water resources and land use. By expressing these concerns and working with members of the surrounding communities the Tribe is taking its rightful place as a responsible citizen and custodian of the natural resources surrounding its home.

The Tribe is one of 29 federally recognized Indian Tribes in Washington State. The population of the Port Gamble S’Klallam Tribe is currently just over 1,256 enrolled tribal members. About half the tribal members reside on the reservation, along with other Native Americans and non-Indians. More information about the Tribe can be found at the Tribe’s website: www.pgst.nsn.us

Intent of Tribe

The Port Gamble S’Klallam Tribe is seeking proposals from qualified candidates to provide Public Defender services in criminal matters within the jurisdiction of the Port Gamble S’Klallam Tribal Community Court. The Public Defender shall assist individuals understand the criminal charges filed, possible outcomes of those charges, the procedures the court is required to follow and to represent defendants throughout the process. The Public Defender must be licensed to practice law in Washington State or eligible as a Rule 9 and under the direction of a supervising attorney.

Hours and Compensation

This is an independent contractor position and does not have benefits. Tribal Court is in session four (4) times monthly with two (2) criminal days (first and third Wednesday of each month). The Tribe continues to undertake rehabilitative justice and will implement its Wellness Court in the Winter of 2018, with Wellness hearings on the afternoon docket of each criminal day.

In the year 2016, the Tribe's overall annual caseload was approximately 531 cases, of those, 218 were criminal matters. The Tribe approximates \$42,500/year for the successful contract award.

Desired Scope of Services

The Public Defender contract position responsibilities shall include, but not limited to, the following in criminal court:

- A. The Public Defender shall represent criminal defendants in the Tribal Court, including its appellate courts.
- B. The Public Defender may also supervise Rule 9 eligible law students/interns and/or junior attorneys who represent criminal defendants of their rights; if the primary Public Defender utilized by the provider has a conflict of interest and is unable to represent a defendant the Public Defender shall make available at least one additional attorney/Rule 9 eligible student to provide representation in the event of such conflict.
- C. Attending all scheduled court appearances as counsel to all appointed defendants at all scheduled hearings on court days, including telephonic bail review hearings. In the event of vacation or illness, Public Defender is responsible for arranging for the rescheduling of matters and/or coverage by another qualified attorney.
- D. Representing defendants in appointed cases at pre-trial hearings, trials, sentencing, post-disposition proceedings, negotiation of plea agreements, and filing any notices of appeal.
- E. Consulting with defendants at or prior to any pretrial hearings. Appointment as the Tribe's Public Defender may require meetings with defendants at the Kitsap County Jail.
- F. Preparing for trial to ensure that the defendant receives adequate representation. Trial preparation shall include but not be limited to: interviewing witnesses as identified by the Tribal Prosecutor, interviewing witnesses as identified by the defendant, reviewing of police reports and other evidence, researching relevant legal issues, preparing a witness list on behalf of the defendant, and consulting with the defendant.

The Public Defender contract position responsibilities shall include, but not limited to, the following in Wellness Court:

- G. Wellness Court will require the public defender to preserve defendant's formal protection in an informal process. To use a non-adversarial approach to promote public safety while protecting defendants' due process rights.
- H. Participation in Wellness Court screenings, team meetings, court proceedings.
- I. Advocate for defendant during staffing and court proceedings.
- J. Represent and counsel defendant in all court proceedings.

The Public Defender shall provide reports to the Director of Court Services and Tribal Council on a quarterly basis. The report shall include the number of clients served, demographics, the nature of the crimes charged and the disposition, recommendations for future needs or services, and any significant legal issues raised or redressed by the Public Defender.

The Public Defender will notify the Tribe in writing of any conflict of interest, conflicting litigation or inability to practice law.

Selection Criteria and Qualifications (In no particular order)

- a. Cost and experience including a demonstrated record of success providing public defender services to tribes;
- b. Ability to effectively provide public defender services to the Tribe within the traditional and cultural environment;
- c. Must have demonstrated ability to become thoroughly familiar with the Port Gamble S'Klallam Law and Order Code; must be familiar with the Indian Civil Rights Act; courtroom procedures; demonstrated experience with Federal Indian Law, trial law and principles of tribal sovereignty and jurisdiction; criminal law concepts including juvenile jurisdiction; and be willing to become familiar with the cultures, traditions and values of the people of the Port Gamble S'Klallam Tribe;
- d. Be familiar with alternative sentencing and restorative justice;
- e. Have a juris doctorate degree from an ABA accredited law school;
- f. Licensed to practice law in the State of Washington is preferred but licensed to practice law in one of the 50 States is required;
- g. Must be of good character and reputation and never have been reprimanded, suspended or disbarred in any jurisdiction for violation of any ethics standards
- h. Must be able to travel to attend training and meetings as necessary; and
- i. The Port Gamble S'Klallam Tribe reserves the right to award a contract according to its Indian Preference Policy.

Proposed Schedule

1. Tribe to release RFP by November 6, 2017
2. Proposals must be received no later than 4:30 p.m. P.S.T. time on December 5, 2017; late proposals will not be accepted.
3. The tentative selection timeline is to select an applicant and have a contract completed by January 1, 2018.

Proposal Requirements/Guidelines

Please include with any proposal the following: Proposals should include all out of court and in court time. Please provide a proposed rate. Joint proposals from multiple firms/attorneys will be considered. If joint proposals are submitted, please clearly specify whether the payment proposed is a total combined payment or whether the amount is proposed to be paid to each firm/attorney.

- a. Letter of Interest and a statement of overall qualifications not to exceed ten pages.
- b. At least three (3) references capable of speaking to the reputation and qualification of the law firm/individual attorney.
- c. Description of individual's practice and services the individual can provide, including an explanation of how these services will best meet the Tribe's needs.
- d. Certificate of Insurance.
- e. Consent to enter into a contract to govern the performance of the work on the terms as negotiated between successful candidate and Tribe.
- f. A plan for helping defendants if the attorney is conflicted out.

Procedures for Submission

Interested applicants are invited to submit a copy of their proposal prior to 4:30 p.m., December 5, 2017.

Written proposals can be mailed to:

ATTN: Director of Court Services
Port Gamble S'Klallam Tribe
31912 Little Boston Road N.E.
Kingston, WA 98346

Electronic transmissions should be submitted to: cbarone@pgst.nsn.us

For additional information or clarification please contact the Director of Court Services for the Port Gamble S'Klallam Community Court, at 360-297-6297. All material submitted in response to this Request for Proposals becomes the property of the Tribe and will not be returned.

Rejection of Responses

The Tribe reserves the right to reject any or all responses to this Request for Proposals or to award a contract to the next most qualified candidate, based solely on the Tribe's judgment, if the successful candidate does not enter into a contract with the Tribe within thirty (30) days after the selection of the candidate by the Tribe.

Dispute Resolution and Waiver of Sovereign Immunity

Any candidate responding to this Request for Proposals should include a statement of their consent to the jurisdiction of the Port Gamble S'Klallam Tribal Court for the resolution of any disputes that may arise between the candidate and the Tribe along with their agreement that any waiver of sovereign immunity that may be included in a contract between the Tribe and the candidate will be limited to declaratory and injunctive relief in Port Gamble S'Klallam Tribal Court.