

Benton County Office of Public Defense Administrative Reporting Guidelines

Public Defense Contractor Resources

This Administrative Reporting Guide is provided to you as a quick reference to your administrative reporting obligations as a contractor with Benton County Office of Public Defense (“BCOPD”). It does not take the place of, or interpret, your professional services agreement. If anything in here is unclear, please refer to your professional services agreement, the terms of which control over anything stated herein.

For uniformity and ease of compliance, BCOPD has created forms for most of the reporting requirements as indicated below. Please make sure to use the appropriate form when one has been provided.

Contract Compliance

BCOPD’s contract compliance functions are mandated by law and follows certain timelines that are imposed by County Resolution.

Noncompliance Protocol

Once a contract non-compliance has been determined, the noncompliant contractor receives notification by email listing both the nature of the noncompliance as well as the steps necessary to be back in compliance. A grace period for compliance is then provided with the length of the period dependent on the nature of the noncompliance.

Insurance noncompliance

From the County’s perspective, lack of insurance is the most serious breach of your contract and the grace period for compliance is accordingly quite short: ten (10) calendar days to be exact.

Other noncompliance

For other contract noncompliance, you will be provided with a thirty (30) day grace period. However, certain noncompliance (such as a lapse in your licensing or failure to provide mandatory caseload reporting) may result in a delay or reduction of your compensation in the meantime.

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Final notice

At the end of the grace period, if the required action has not been taken, then a contractor is regarded as being in formal noncompliance. A notice of formal noncompliance will then be delivered pursuant to the professional services agreement in place with an advisement that the contract in question will be subject to termination without further notice if the noncompliance is not cured within ten (10) business days.

A record of noncompliance

Please note that any formal noncompliance notices, and any pattern of noncompliance notifications (ie with an accompanying grace period) are used in making contract award decisions when Requests for Qualifications are published.

REPORTING GUIDELINES

Every Month

Caseload Reporting

You are responsible for providing an accurate caseload report to BCOPD every month. This is a very important contractual obligation and your compensation will be delayed if a report is not received by the 15th of each month, covering the entire previous month. Please make sure your report meets the following criteria:

- Use the [appropriate OPD form for the report](#). *(This is a fillable form and must be submitted in that format. If your browser is not opening it correctly, please open it in a PDF viewer so that you can use the fillable features.)*
- If you have a contract where you are “paid by the case” (Superior Court and District Court overflow/conflict contracts) then you must also include a **Claim for Compensation (Legal Services)** as well as **an invoice on your letterhead**.
- Please make sure your report only covers one month at a time and is not a running year-to-date listing of your assigned cases.
- Remember that it is your obligation to let us know ASAP when a case assigned to you is transferred to private counsel. We have a system of checks that will eventually catch such cases but unless you tell us when, or soon after, it happens, you will not be eligible to claim any partial credit for any work you may have done on the case.
- If your caseload report conflicts with our internal records, then a “Disputed Case Report” will be generated and sent to you. If you receive such a report, then you have ten (10) days to respond with documentation substantiating your appointment to any disputed cases. If you are unable to provide documentation

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or do not respond within ten days, then you will not receive credit for those cases.

Every Quarter

Public Defense Certification

At the beginning of each quarter, you must file a Public Defense Certification as mandated by order of the Washington State Supreme Court. Please use the BCOPD Public Defense Certification form (C-1) for this report. This, as well as other frequently used forms, are all located on the BCOPD website that can be accessed at BentonCountyDefense.org.

Every Year

Private Case Report

RCW 10.101 as well as your contract mandate that you provide BCOPD with a report of your private caseload hours once each year. This report is due **by December 31** of each year. Please use the BCOPD Private Caseload Reporting Form (M-1) for this report.

CLE Compliance Report

RCW 10.101 as well as your contract mandate that you attend at least 7.0 CLE hours in your area of public defense practice each year. A report documenting this is due each year by **December 31**. Furthermore, at least one CLE attended must be “approved by State OPD.” All CLE sessions offered by WDA, WACDL, WSBA and BCOPD in criminal law are all “approved by State OPD.” Please use the BCOPD CLE Reporting Form (C-2) for this report.

When it happens

Insurance Expiration

Insurance compliance is probably the most important contract compliance obligation you have. It is critically important to not only have the proper insurance in place (including endorsements as required, such as the “additional insured” endorsement) but to also make sure your renewals happen so as not to allow for any lapse in coverage. Finally, the proof of insurance in the form specified by your contracts must be sent in to BCOPD so as to always make sure there is evidence to show that there hasn’t been a break in coverage. **Please always be mindful of your insurance coverage and**

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expirations. Historically, failure to maintain insurance has probably been the #1 reason for involuntary and immediate terminations of public defense contracts for cause.

Professional Licensing

Depending on your role, your contract requires that you maintain certain professional licensing to continue to be eligible to provide contract public defense services. It is your responsibility to ensure that your license remains active. BCOPD conducts regular audits of licensing status and if your licensing is not active and in good standing, this can create an immediate breach of contract issue that is considered a *critical compliance* issue that can threaten your contract.

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