



ADDITIONAL MEETING
MATERIALS
KING COUNTY
COUNCIL



King County

**Metropolitan King County Council
Law and Justice Committee**

STAFF REPORT

Agenda Item:	7	Name:	Leah Krekel-Zoppi Melissa Bailey
Proposed No.:	2026-0040	Date:	May 6, 2026

SUBJECT

Proposed Ordinance 2026-0040 would adopt standards for King County’s delivery of public defense services.

SUMMARY

State law requires counties to adopt standards for the delivery of public defense services and lists 16 elements that must be addressed in those standards. It also notes that the standards endorsed by the Washington State Bar Association (WSBA) should serve as guidelines.

King County Code currently instructs the Public Defender to follow the "Washington State Standards for Indigent Defense Services." It is unclear, however, whether this refers to the WSBA or the Washington Supreme Court’s standards. Historically, the two sets of standards have been consistent, but recent revisions have resulted in differences in implementation of the caseload standard.¹ County code also directs the County Public Defender to rely on the American Bar Association (ABA) Ten Principles for a Public Defense Delivery System (approved February 2002) to guide the management of the department and development of department standards for legal defense representation.

The proposed ordinance would update the county code to specify the County's adopted standards for the delivery of public defense services by adopting the Supreme Court's Standards for Indigent Defense. Where the Supreme Court has yet to issue a standard, the county would adopt the following from the WSBA's September 2024 Standards:

- Standard One (Compensation);
- Standards 4.A. (Expert Witnesses), the first paragraph of 4.B. (Mitigation Specialists, Social Workers) 4.C (Mental Health Professionals for Evaluations), 4.D. (Interpreters and Translators), and 4.E. (Cost of Expert Services);

¹ Both agree on a lower caseload limit but with different implementation timelines.

- Standards 7.A (Support Services Necessary for Legal Defense) and 7.B (Providing for Support Services in Contract and Assigned Counsel Compensation);
- Standard Nine (Training);
- Standard Ten (Supervision);
- Standard Eleven (Monitoring and Evaluation of Attorneys);
- Standard Twelve (Substitution of Counsel); and
- Standard Sixteen (Cause for Termination of Defender Services and Removal of Attorney)

It would also update the code to refer to the August 2023 version of the ABA Ten Principles of a Defense Delivery System.

BACKGROUND

Standards for Public Defense. The Washington State Bar Association (WSBA) first adopted standards for indigent defense services in 1984 (WSBA Standards).² In 1989, the state legislature mandated cities and counties to adopt standards for the delivery of public defense services and included 16 elements required to be included in local standards.³ In 2005, this state statute was amended to provide that the WSBA Standards should serve as guidelines to local legislative authorities in adopting standards.⁴ In 2012, the Washington Supreme Court (the Supreme Court) adopted aspects of the WSBA Standards into court rules (the Court Rule Standards).

State Law. State law⁵ requires counties to adopt standards for the delivery of public defense services and that the adopted standards include the following 16 elements:

1. Compensation of counsel;
2. Duties and responsibilities of counsel;
3. Case load limits and types of cases;
4. Responsibility for expert witness fees and other costs associated with representation;
5. Administrative expenses;
6. Support services;
7. Reports of attorney activity and vouchers;
8. Training;
9. Supervision;
10. Monitoring and evaluation of attorneys;

² The WSBA operates under the delegated authority of the Washington Supreme Court and exercises a governmental function authorized by the Washington Supreme Court to license and regulate the state's more than 40,000 legal professionals. The WSBA administers the bar admission process, including the bar exam, provides record-keeping and licensing functions; administers the lawyer discipline system; and provides continuing legal education for legal professionals.

³ RCW 10.101.030. Laws of 1989, Chapter 409, Section 4.

⁴ RCW 10.101.030. Laws of 2005, Chapter 157, Section 2.

⁵ RCW 10.101.030.

11. Substitution of attorneys or assignment of contracts;
12. Limitations on private practice of contract attorneys;
13. Qualifications of attorneys;
14. Disposition of client complaints;
15. Cause for termination of contract or removal of attorney; and
16. Nondiscrimination.

And, as noted, state law also provides that the standards endorsed by the WSBA for the provision of public defense services should serve as guidelines for local legislative authorities.⁶ The WSBA Standards address all 16 elements mandated by state statute whereas the Court Rule Standards do not.

WSBA Standards and Court Rule Standards. The WSBA Standards have historically been consistent with, but more comprehensive than, the Court Rule Standards. However, in 2024, the WSBA Standards underwent a comprehensive revision, and the standard dealing with caseload limits (Standard 3) diverged from the Court Rule Standard on caseload limits.⁷ The Supreme Court ultimately issued an order updating the Court Rule Standards – agreeing with the lower caseload limits recommended by the WSBA but not mandating case weighting and providing for a longer timeline of 10 years rather than three years to achieve full implementation.⁸

King County Code. In 2013, the Department of Public Defense was established in the King County Charter and in county code.⁹ At that time, the county also codified requirements related to standards for the delivery of public defense services.¹⁰ County code directs the County Public Defender to:

- Rely on the American Bar Association (ABA) Ten Principles for a Public Defense Delivery System (as approved by the ABA House of Delegates in February 2002) to guide the management of the department and development of department standards for legal defense representation¹¹; and
- Follow the "Washington State Standards for Indigent Defense Services."¹² The County Code is unclear as to whether this refers to the WSBA Standards or the Court Rule Standards.

⁶ RCW 10.101.030. During the 2026 Legislative Session, legislation was introduced to direct local legislative authorities to align, if practicable, with the Court Rule Standards and to use WSBA Standards if desired but only if they do not conflict with the Court Rule Standards ([HB 2163](#) and [SB 5913](#)). These bills, however, have not received a hearing.

⁷ WSBA Standards for Indigent Defense Services Revised March 8, 2024 and September 7, 2024 [\[LINK\]](#)

⁸ Washington Supreme Court [Order No. 276500-A-1681](#)

⁹ King County Charter Section 350.20.60 and K.C.C. Chapter 2.60.

¹⁰ Ordinance 17588 and K.C.C. 2.60.026

¹¹ K.C.C. 2.60.026.A(4); ABA Ten Principles of a Public Defense Delivery System, Feb. 2002 [\[LINK\]](#). Note, in August 2023, the ABA House of Delegates approved the Revised ABA Ten Principles of a Public Defense Delivery System [\[LINK\]](#).

¹² K.C.C. 2.60.026.A(5). At the time this code change went into effect, the WSBA Standards (2011) addressed all mandated elements required by state statute.

As part of the 2026-2027 Biennial Budget adoption process, then-County Executive Shannon Braddock transmitted an ordinance to clarify that it was the County's intent to follow the Washington Supreme Court Standards for Indigent Defense (the Court Rule Standards).^{13,14} The proposed ordinance was briefed in the Budget and Fiscal Management (BFM) Committee on October 28, 2025, however the BFM Committee decided not to act on the proposed ordinance and to wait for a final order from the Supreme Court before amending the county code. Additionally, the 2026-2027 Biennial Budget Ordinance, adopted on November 18, 2025, included the following statement of facts¹⁵:

- *In 2024, the Washington State Bar Association ("the WSBA") Board of Governors adopted revised standards for indigent defense services ("the WSBA Revised Standards") and recommended that the Washington state Supreme Court ("the Supreme Court") incorporate the WSBA Revised Standards into the court rules governing indigent defense standards. On June 9, 2025, the Supreme Court issued interim order In re Standards for Indigent Defense Implementation of CrR 3.1, CrRLJ 3.1, and JuCR 9.2, Ord. No. 25700-A-1644, adopting new attorney caseload standards for indigent defense effective January 1, 2026, and requiring full implementation no later than January 1, 2036, upon meeting certain conditions. RCW 10.101.030 requires a county to adopt standards for the delivery of public defense services and states that the standards endorsed by the WSBA for the provision of public defense services should serve as guidelines to local legislative authorities in adopting standards.*
- *The 2026-2027 biennial budget is predicated on implementing the Supreme Court's interim order regarding attorney caseload standards and to achieve the caseload standards in accordance with the conditions and timeline set forth in the interim order, continuing to use a case-weight credit policy, and following Phase 1 of Standard 3.O. in the WSBA Revised Standards; and*
- *It is the council's intent to review the county's standards for the delivery of public defense services. It is also the council's intent for the county to work with the state to address the adequacy of state funding for public defense services.*

On December 15, 2025, the Supreme Court issued Order No. 276500-A-1681 finalizing the Court Standards for Indigent Defense.¹⁶

Public Defense Standards Implementation in Other Jurisdictions. A review of a sample of other Washington local legislative authorities reveals that other jurisdictions such as the City of Spokane and Snohomish County have adopted public defense standards but have not yet updated them in response to the updated WSBA and

¹³ [Proposed Ordinance 2025-0305](#). See staff report for additional background information.

¹⁴ Codified as Washington State Supreme Court Rule CrR 3.1, CrRLJ 3.1, and JuCr 9.2.

¹⁵ [Ordinance 20023](#)

¹⁶ Washington Supreme Court [Order No. 276500-A-1681](#).

Supreme Court standards. Adopted standards in these jurisdictions reference previous versions of the Washington State Bar Association Standards.

ADDITIONAL ANALYSIS FOR MAY 6TH DISCUSSION

Comparison of Implementing the WSBA Versus Court Rule Standards. The most consequential differences between the updated WSBA Standards and Court Rule Standards are:

- The timeline for implementing the updated caseload standards for felony and misdemeanor case credits, and
- Whether the WSBA professional staff ratios are required.

In those two areas of distinction, the proposed ordinance would follow the Court Rule Standards.

Implementation Timeline. The WSBA and Court Rule Standards provide different timelines for reaching the new attorney case load limits of 47 felony credits and 120 misdemeanor credits. The proposed ordinance would adopt the Court Rule standard, applying the longer timeline for implementation.

The Supreme Court of Washington caseload standards in effect at the time of the Supreme Court ruling were 150 felony cases and 300 misdemeanor cases. The WSBA Standards, adopted in 2024, established a phase 1 reduction to take effect on July 2, 2025, of 110 felony case credits and 280 misdemeanor case credits. King County, in anticipation of the Supreme Court order, appropriated resources such that the case load standard in King County as of December 2025 matched phase 1 of the WSBA timeline. This is the baseline from which King County must make annual reductions towards the new case load standards.

Currently under analysis is the rate of reduction required by the Supreme Court for counties with case load standards that were below 150 felony case credits and 300 misdemeanor case credits immediately prior to the new Supreme Court standards (now codified in the Court Rules) taking effect on January 1, 2026. As noted above, as of December 31, 2025, DPD's case load limit was 110 felony case credits. Table 1 shows the more conservative interpretation of the Court Rules, making annual reductions of 10.3 case credits per year, based on a starting point of 150 felony case credits. This is compared to an alternative interpretation reducing by 6.3 felony case credits annually, which reflects a 10 percent reduction from a starting point of 110 felony case credits. There is agreement that the "conservative" approach would clearly satisfy the Court Rules. Whether a reduction based on a starting point of 110 felony case credits is a viable interpretation is still being analyzed.

Table 1. Case Load Standards Implementation Timeline

Effective Date¹⁷	WSBA Felony Standard	Court Rule Felony Standard (conservative interpretation)	Court Rule Felony Standard (alternative interpretation)
July 2, 2025	110	-	-
Jan. 1, 2026	-	110	110
July 2, 2026	90	-	-
Jan. 1, 2027	-	99.7	103.7
July 2, 2027	47	-	-
Jan. 1, 2028		89.4	97.4
Jan. 1, 2029		79.1	91.1
Jan. 1, 2030		68.8	84.8
Jan. 1, 2031		58.5	78.5
Jan. 1, 2032		48.2	72.2
Jan. 1, 2033		47	65.9
Jan. 1, 2034			59.6
Jan. 1, 2035			53.3
Jan. 1, 2036			47

The WSBA Standards define three phases of reductions to meet the new case load standards (shaded in blue in Table 1). As noted previously, King County has already met the case load limits defined as phase 1 under the WSBA Standards. Table 2 shows the timelines the county would need to meet to reach the final two phases of case load reductions, based on which approach is taken. The proposed ordinance would adopt the longer timeline.

Table 2. Required Timelines to Reach New Case Load Standards

	WSBA Standard	Conservative Interpretation of Supreme Court Standard	Alternate Interpretation of Supreme Court Standard
Phase 2	July 2, 2026	January 1, 2028	January 1, 2030
Phase 3	July 2, 2027	January 1, 2033	January 1, 2036

For misdemeanors, the Supreme Court similarly requires a reduction to 120 misdemeanor case credits over a ten-year period. The standard in King County immediately prior to the new case load standard taking effect was 280 misdemeanor case credits. The most conservative interpretation of the Court Rule Standards would require King County to make annual reductions such that the county meets the 120-

¹⁷ The Supreme Court Rules state that, “Effective January 1, 2026, the caseload standard for each full-time appointed felony attorney for any 12-month period shall be 47 case credits” and provides a 10-year timeline for reaching the new standard. DPD has interpreted this to mean that DPD must be meeting the new standard during the 12-month period prior to the new standard taking effect, which would mean that DPD should have had less than 110 case credits per attorney in 2025. However, a plain reading of the Court Rule is that the new standard took effect on January 1, 2026, and the reductions must be met over the course of the following 12-month period.

misdemeanor case credit limit within nine years. For jurisdictions that adopt the WSBA Standards, the reduction will occur over a three-year period.

Fiscal Impact. Implementing the new Supreme Court attorney case load standards will have significant fiscal impacts on King County. As noted above, the timing of those impacts varies based on whether the county applies the Court Rule timeline or the WSBA Standards timeline. Under the proposed legislation, which would adopt the Supreme Court caseloads timeline, the fiscal impacts of implementation are over a seven-to-ten-year period, rather than the three-year period under the WSBA Standards timeline.

Under the proposed ordinance, the estimated total cost of implementing the Court Rule Standards is \$67.2 million annually by 2034,¹⁸ according to the Executive. These estimates include the following:

- Attorneys and supervisors needed to meet the case load standards under the current case filing rates;
- Professional staff needed to maintain the attorney to professional staff ratios that the Executive has historically provided (not the staff ratios required under the 2024 WSBA Standards);
- Information technology (IT) increases for the level of estimated staff;
- Rent increases and capital facility improvements to accommodate the level of estimated staff; and
- Inflation.

The cost estimates do not include full overhead costs nor the cost impacts that may occur in King County's other criminal justice departments, such as the Prosecuting Attorney's Office, the courts, and Department of Adult and Juvenile Detention. If the county also applied the WSBA Standards for professional staff ratios, the estimated cost of implementation by 2034 would be \$77.2 million annually.¹⁹

Within the current biennium, an additional 19 professional staff, at a cost of \$3.5 million, would be needed in 2026 to comply with the Court Rule Standards timeline and the staff ratios King County has typically maintained. In 2027, an additional \$9 million for 16.5 attorneys and 11.75 additional professional staff would be needed to comply with the Court Rule Standards, including traditional professional staff ratios. These increases²⁰ would need to be appropriated through a supplemental budget request.

If the county were to implement the case load standards according to the WSBA Standards, which is not proposed in this legislation, an estimated additional \$62.8

¹⁸ All cost estimates in this section assume a reduction rate based on the annual reduction of 10.3 felony case credits under the Supreme Court order timeline.

¹⁹ This cost estimate does not include IT and facility costs, so is not a direct comparison with the \$67.2 million estimate above that includes lower attorney to professional staff ratios.

²⁰ These estimated cost increases include staffing costs as well as the associated IT and space requirement costs.

million annually²¹ would be required by July 2, 2027, according to the Executive. Table 3 provides a comparison of estimated implementation costs for staffing for the next three biennia under the proposed legislation compared to the WSBA Standards. These costs are in addition to DPD's adopted 2026-2027 biennial budget of \$223.5 million (approximately \$111.8 million annually). The numbers in each row are cumulative rather than incremental.

Table 3. Comparison of Additional Resources Needed to Implement through 2031

Year	WSBA Standard			Court Rule Standard (Proposed Ord. 2026-0040)		
	Attorneys	Professional Staff ²²	Annual Cost	Attorneys	Professional Staff	Annual Cost ²³
2026	19	60	\$13.6 M	-	19	\$2.5
2027	176.5	191.75	\$64.8 M	16.5	30.75	\$7.2 M
2028	176.5	191.75	\$66.9 M	39	45.75	\$13.9 M
2029	176.5	191.75	\$68.9 M	64.5	63.75	\$21.9 M
2030	176.5	191.75	\$70.8 M	103.5	90.5	\$34.25 M
2031	176.5	191.75	\$72.7 M	153.5	125	\$51.3 M

Impact of non-Action. At the March 4th Law and Justice Committee meeting, Councilmembers asked about the impact of not acting on the proposed legislation. If King County does not enact the proposed legislation, or an alternative version of it, King County would remain out of compliance with state law. State law requires counties to adopt standards for the delivery of public defense services.²⁴

While King County's code does not include adopted public defense standards, it does direct the DPD director to follow the "Washington State Standards for Indigent Defense Services."²⁵ DPD interprets this as directing the agency to follow the WSBA Standards. If the code is not clarified by July 2, 2026, when Phase 2 of the WSBA Standards takes effect, the lack of clarity could lead to adverse consequences. According to the Executive, the Executive plans to transmit budget appropriations aligned with the Supreme Court implementation timeline. If DPD interprets that the agency is required to adhere WSBA Standards timeline while only being appropriated enough resources to comply with the Court Rule Standards, consequences could include:

²¹ This estimate includes the cost of meeting the WSBA professional staff ratios, which the WSBA Standards require by July 3, 2028, but does not include the IT and facility cost increases necessary to accommodate that level of staff.

²² This represents the number of professional staff necessary to meet the professional staff ratios required in the WSBA Standards by July 3, 2028. Actual professional staff numbers and costs in 2026 and 2027 may be somewhat lower as the WSBA Standards require meaningful progress towards the professional staff ratios but don't require full implementation until July 3, 2028.

²³ In order to provide a comparison of the same level of costs, these costs include only the staffing costs, although the Executive has also provided the IT and facility costs of implementing the Court Rule Standard, provided above for the full implementation cost estimate.

²⁴ RCW 10.101.030

²⁵ K.C.C. 2.60.026

- Criminal cases being dismissed and defendants being released if DPD determines that providing appointed counsel would violate required case load standards,
- DPD further shifting resources to attorney positions and reducing professional staff ratios,
- Unfair labor practice complaints, and
- Litigation.

Professional Staff Ratios. In alignment with the previous version of the WSBA Standards, the county has historically provided resources to support legal assistants, paralegals, and investigators, each at a ratio of one to every four full-time equivalent attorneys. The county has not historically provided appropriations for mitigation specialists, but DPD has been funding mitigation specialists by shifting resources within the agency’s appropriation authority, thereby reducing the ratio of other professional staff to attorneys. As the professional staff ratios contained in the previous version of the WSBA Standards were structured as guidance rather than requirements,²⁶ shifting resources in this way was within compliance with the standards.

In 2025, filed cases increased such that DPD was obligated to hire additional attorneys to remain in compliance with case load standards. In some cases, attorneys were added by repurposing resources allocated for professional staff, and in other cases, DPD was appropriated resources to hire additional attorneys but did not receive commensurate resources for additional professional staff. For those reasons, DPD’s current attorney to professional staff ratio is lower in some categories than what the county has historically budgeted.

The 2024 WSBA Standards increase the number of professional staff per attorney and make those ratios requirements rather than guidance.²⁷ These requirements are not included in the 2025 Court Rule Standards, and the proposed ordinance would also avoid adopting required professional staff ratios.

Table 4 shows the current professional staff resources compared to the current approach, Court Rule Standards, and the WSBA Standards.

Table 4. Number of Professional Staff per Attorneys

²⁶ The prior WSBA Standards used “should” when discussing professional staff to attorney ratios, while the current WSBA Standards state that public defense agencies “shall” employ the stated professional staff ratios.

²⁷ there is flexibility to contract for professional staff and an exception for temporary staff reductions “because of illness, disability, or reasonable delay in filling vacancies.”

	Current Ratios	Prior Standard	2025 Court Rule Standard	2024 WSBA Standard²⁸
Legal Assistants/ Paralegals²⁹	1:2.6	1:4	Reserved	1:4
Investigators	1:5.8	1:4	As appropriate	1:3
Mitigation Specialists	1:7.6	NA	Reserved	1:3

The supplemental budget omnibus currently before the Budget and Fiscal Management Committee³⁰ would provide resources for 13 additional professional staff positions. If this proposal is adopted, the budgeted professional staff ratios would be reduced to 1:24 for legal assistants and paralegals and 1:5.2 for investigators. Note, however, that DPD is likely to shift some of these positions to mitigation specialists, as is the agency’s practice, which would change the ratios. According to the Executive, an additional six professional staff positions over what is proposed in the supplemental budget would be needed for King County to reach attorney to professional staff ratios that have historically been provided.

The proposed ordinance would not adopt the WSBA Standards related to professional staffing ratios and would instead leave professional staffing resource decisions to be made through budget appropriations and management decisions, providing the county with greater flexibility. However, this approach leads to risk that, if the county faces significant financial constraints, professional staffing levels could fall short of levels considered optimal for providing efficient and quality public defense services.

Input from Partners and Interested Parties. In development of Proposed Ordinance 2026-0400, the sponsor conducted outreach and sought input from:

- The Department of Public Defense Director’s Office;
- The King County Executive’s Office;
- The labor unions representing DPD staff, Service Employees International Union (SEIU), Local 925, and Teamsters, Local 117; and
- The Public Defense Advisory Board.

The DPD Director expressed a preference for no action at this time so that the Council may gain more information about what level of public defense funding the state may provide to local jurisdictions. DPD interprets the existing code as requiring the agency to adhere to the WSBA Standards for Indigent Defense.

²⁸ By July 3, 2028

²⁹ While the WSBA Standards combine legal assistants and paralegals into one category of professional staff, King County has historically broken them into separate categories as they perform significantly different functions within DPD. So, while the WSBA Standard calls for an overall ratio of one legal assistant or paralegal per four attorneys, King County has historically budgeted for a ratio of 1:4 in each category, for a combined ratio of 1:2. However, as previously mentioned, some of these positions have historically been repurposed to mitigation specialists by DPD.

³⁰ Proposed Ordinance 2026-0071

Representatives of SEIU, Local 925 and Teamsters, Local 117 participated in a panel discussion at the April 1st Law and Justice Committee meeting to emphasize the importance of professional staff in delivering public defense services.

ANALYSIS FROM MARCH 4TH STAFF REPORT

Proposed Ordinance 2026-0040 would do the following:

- **Section 1** would add a new section to K.C.C. Chapter 2.60 clarifying that, in accordance with state law, the County adopts the Washington Supreme Court Standards for Indigent Defense (the Court Rule Standards). Where the Supreme Court has yet to issue a standard, the County would adopt the following from the WSBA's September 2024 Standards for Indigent Defense Services:
 - Standard 1(Compensation);
 - Standards 4.A. (Expert Witnesses), the first paragraph of 4.B. (Mitigation Specialists, Social Workers) 4.C (Mental Health Professionals for Evaluations)., 4.D. (Interpreters and Translators), and 4.E. (Cost of Expert Services);
 - Standards 7.A (Support Services Necessary for Legal Defense) and 7.B (Providing for Support Services in Contract and Assigned Counsel Compensation);
 - Standard 9 (Training);
 - Standard 10 (Supervision);
 - Standard 11 (Monitoring and Evaluation of Attorneys);
 - Standard 12 (Substitution of Counsel); and
 - Standard 16 (Cause for Termination of Defender Services and Removal of Attorney).

- **Section 2** would amend K.C.C. 2.60.026 so it refers to the August 2023 version of the ABA Ten Principles of a Defense Delivery System rather than the February 2002 version. It would also amend K.C.C. 2.60.026 to refer to the “county’s adopted standards for the delivery of public defense services” rather than the “Washington State Standards for Indigent Defense Services.”

WSBA Standards and Court Rule Standards. State law requires counties to adopt standards for the delivery of public defense services and that the adopted standards shall include the 16 elements listed in the background section of this staff report. The state statute does not provide specific requirements for what must be included in each standard element, but states that the WSBA Standards should serve as guidelines. What elements to include within each required standard are a policy choice for counties. Public defense attorneys must certify that they comply with the Court Rule Standards and must adhere to the Washington Rules of Professional Conduct.³¹

³¹ [Washington State Court Rules: Rules of Professional Conduct.](#)

Each standard element is listed below with a comparison of the relevant WSBA Standard (September 2024) and Court Rule Standard (December 2025). At the end of each comparison summary, there is a note indicating which standard the proposed ordinance would adopt (also noted by **) and discussion of impacts. Council staff analysis is ongoing. Analysis of the fiscal impacts of the proposed ordinance will be provided in the staff report at the next committee hearing of this item.

Table 1. Comparison of WSBA Standards (September 2024) and Court Rule Standards (December 2025)

STANDARD 1: COMPENSATION OF COUNSEL	
WSBA Standard**	Court Rule Standard
<p><i>1.A. Employees:</i> Compensation for public defense agency employees shall:</p> <ul style="list-style-type: none"> • Be at a rate commensurate with training and experience; • Be comparable to attorneys and staff in prosecution or other opposing party offices in the area; • Include necessary costs for administrative expenses, support staff, training, and supervision (Standards 5, 7, 9, and 10, respectively). <p><i>1.B. Contract/Assigned Counsel:</i> List in 1.A. applies to attorneys in contract and assigned counsel systems, and compensation for these attorneys shall:</p> <ul style="list-style-type: none"> • Reflect time and labor required for effective and quality representation; • Reasonable compensation shall be provided whether the work is full-time or part-time³² and reasonable compensation rates shall be set at least on a pro rata basis consistent with the attorney’s percentage of a full caseload (see Standard 3); and • Contracts and government budgets shall recognize the need to provide reasonable compensation for all public defense attorneys, including but not limited to, those attorneys who are "on call," staff court calendars, or staff specialty or therapeutic courts. <p><i>1.C. Flat Fee/Per Case:</i> Attorneys shall not engage in flat fee or per case compensation contracts or agreements (to avoid conflict).</p> <p><i>1.D. Additional Compensation:</i> Contracts and policies shall provide for additional compensation over and above the base contract amount(s) for cases that require an extraordinary amount of time and preparation (consistent with RCW 10.101.060(1)(a)(iv)).³³</p> <p><i>1.E. Substitute Attorney Costs:</i> Attorneys who have a conflict of interest shall not be required to bear the cost of the new, substituted attorney.</p>	Reserved

³² WSBA Standards define "Reasonable Compensation" as market rate for similar legal and expert services and includes attorney wages, salary, benefits, contract payments or hourly rate payments, as well as the cost of office overhead, support staff or services, training, supervision, and other services not separately funded.

³³ Situations that require additional compensation include, but are not limited to: days spent in trial, if no per diem is paid; testimonial motion hearings; interpreter cases; cases involving mental health competency and other issues (RCW 10.77); cases with extensive discovery; cases that involve a significant number of counts, alleged victims, or witnesses; cases requiring consultation with experts, including, for example, immigration legal analysis and advice or DNA testing and analysis.

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.³⁴

IMPACT: While sections A, C, D, and E align with the current practices of the Department of Public Defense (DPD), Section B would have a fiscal impact. In recent years, the rate of compensation to assigned counsel has been lower than market rate, such that it has been difficult to find assigned counsel willing to accept cases. In 2026, in anticipation of coming into compliance with this standard, DPD increased the rate of compensation for assigned counsel, using an increase in state funding. Sustaining this increased rate in the future would have a fiscal impact.

STANDARD 2: DUTIES AND RESPONSIBILITIES OF COUNSEL

WSBA Standard	Court Rule Standard**
<p>Counsel shall be provided in all situations in which the right to counsel attaches, including first appearances, bail decisions, plea negotiations.</p> <p>Representation shall be prompt and delivered in a professional, skilled manner consistent with minimum standards set forth by these WSBA Standards, the Washington Supreme Court’s Court Rule Standards (CrR 3.1, CrRLJ 3.1, JuCR 9.2, and CCR 2.1), the American Bar Association, the Washington Rules of Professional Conduct, case law and relevant court rules and orders defining the duties of counsel.</p> <p>Applicable WSBA or ABA Performance Guidelines should serve as guidance for attorney performance. The most fundamental responsibility of jurisdictions and public defense attorneys is to promote and protect the stated interests of public defense clients.</p>	<p>Counsel shall be provided in all situations in which the right to counsel attaches.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 3: CASE LOAD LIMITS AND TYPES OF CASES

WSBA Standard	Court Rule Standard**
<ul style="list-style-type: none"> • An attorney’s ability to accept a new case must include assessment of the impact of new case on their existing open caseload. • Each criminal case is assigned a “case credit,” and public defenders will be limited to a number of case credits per year. Full-time attorneys will be limited to the following for any 12-month period, implemented in phases: <ul style="list-style-type: none"> • Phase I. Beginning on July 2, 2025: <ul style="list-style-type: none"> ○ 110 felony case credits ○ 280 misdemeanor case credits • Phase II. Beginning July 2, 2026: 	<p>Largely mirrors WSBA Standard; however, in the Court Rule Standard:</p> <ul style="list-style-type: none"> • Case weighting is permitted and encouraged but not required. • Longer implementation timeline permitted, with full implementation required by January 2036. • Additionally: "Caseload standards must be accomplished as soon as reasonably possible, however, can be done in a

³⁴ Per the proposed ordinance, if a WSBA Standard is adopted and it references other WSBA Standards, those referenced WSBA Standard are not adopted unless explicitly stated in the ordinance.

<ul style="list-style-type: none"> ○ 90 felony case credits ○ 225 misdemeanor cases ● Phase III: Beginning July 2, 2027: <ul style="list-style-type: none"> ○ 47 felony case credits ○ 120 misdemeanor case credits. 	<p>phased approach with an annual reduction of a least 10% the difference between the current standard and the new standard".</p>
--	---

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: Both the WSBA and Court Rule Standards would significantly reduce case load limits, which would improve the quality of public defense services the county is able to provide, and ease the quality-of-life concerns of public defense attorneys who currently bear high caseloads. As caseloads decrease, short of a significant systemic decrease in cases, the number of defense attorneys will need to increase to comply with the standard. The Court Rule Standard, which the proposed ordinance would adopt, would provide a longer timeframe to reach the final caseload limits, requiring full compliance by 2036 with annual reductions of at least 10%. Fiscal analysis is ongoing.

STANDARD 4: RESPONSIBILITY OF EXPERT WITNESS FEES AND OTHER COSTS ASSOCIATED WITH REPRESENTATION

WSBA Standard**	Court Rule Standard
<p><i>4.A. Expert Witnesses.</i> Jurisdictions shall provide reasonable compensation for expert witnesses necessary for preparation and presentation of a case. ^{35,36}</p> <p><i>4.B. Mitigation Specialists and Social Workers.</i></p> <ul style="list-style-type: none"> ● Shall be made readily available to public defense attorneys to provide support (release plans, treatment services, housing, health care and to develop dispositional and sentencing alternatives). ● By July 3, 2028, a minimum of one full-time mitigation specialist or social worker shall be provided for every three full-time attorneys (with meaningful progress towards this ratio made prior). Public defense agencies that do not employ a sufficient number of mitigation specialists or social workers to meet this ratio shall enter contracts to provide the same resource level.³⁷ ● By July 3, 2028, a minimum of one full-time family defense social worker or family defense social service worker shall be provided for every one full-time attorney representing parents in family defense proceedings, on a pro rata basis according to the size of the contract (with meaningful progress made prior). Adequate social work support 	<p>Reserved</p>

³⁵ Reasonable Compensation – Market rate for similar legal and expert services. Reasonable compensation includes attorney wages, salary, benefits, contract payments or hourly rate payments, as well as the cost of office overhead, support staff or services, training, supervision, and other services not separately funded.

³⁶ Additionally, expert witness costs should be maintained and allocated from funds separate from those provided for attorney legal representation. Jurisdictions shall adopt and publish procedures to confidentially receive, review, and grant requests for expert witness services. In jurisdictions where attorneys are required to request approval for expert witnesses or other necessary services from the court, such motions shall be ex parte and include a motion to seal. The public defense attorney should be free to retain the expert of their choosing and shall not be required to select experts from a list pre-approved by either the jurisdiction, the court, or the prosecution.

³⁷ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard.

<p>services shall be made available to meet case/support needs of children/youth in family defense cases.</p> <ul style="list-style-type: none"> Public defense attorneys under contract or in assigned counsel systems should have access to mitigation specialists and social workers consistent with 4.A. <p>4.C. Mental Health Evaluations. Each public defense agency or attorney shall have access to mental health professionals to perform evaluations.</p> <p>4.D. Interpreters/Translators. All individuals providing public defense services (attorneys, investigators, experts, support staff, etc.) shall have access to translators and qualified interpreters to facilitate communication with Deaf and hearing-impaired individuals, and persons with limited English proficiency.</p> <p>4.E. Cost of Expert Services. Attorneys shall not be required to bear the costs of expert services (consistent with RPC 1.8(m)(1)(ii)).</p>	
---	--

PROPOSED ORDINANCE: Would adopt a portion of WSBA Standard (4.A., the first paragraph of 4.B., 4.C., 4.D., and 4.E.)

IMPACT: Adoption of the components of this standard included in the proposed ordinance align with current DPD practices and would have no substantive impact. The previous version of the WSBA Standards did not include recommendations for ratios of mitigation specialists and social workers, so historically, the county has not specifically budgeted for them. However, DPD has recognized the need for such work and has reallocated resources within DPD’s appropriation authority to fund mitigation specialists and social workers. By not adopting standard 4.B. in full, the intent of the proposed ordinance is to allow the number and ratio of mitigation specialists and social workers to be determined through budget appropriations and DPD management decisions.

STANDARD 5: ADMINISTRATIVE EXPENSES

WSBA Standard	Court Rule Standard**
<p>5.A. Jurisdictions shall provide funding for administrative costs associated with legal representation (such as travel, telephones, and law library).³⁸ Providing for these costs is necessary for all public defense structures, including agency, contract, and assigned counsel systems.</p> <p>5.B. All public defense attorneys shall have access to an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone and electronic services to ensure prompt response to client contact. Public defense attorneys and clients must</p>	<p>5.1 Reserved</p> <p>5.2.A. Contracts for public defense services should provide for or include administrative costs associated with providing legal representation (such as travel, telephones, and law library).³⁹</p> <p>5.2.B. Appointed attorneys shall have access to an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone and electronic services to ensure prompt response to client contact. Appointed counsel and clients shall have prompt and consistent access to interpreter services to facilitate communication between counsel and</p>

³⁸ These costs include, but are not limited to, travel, telephones, law library, including electronic legal research, electronic document filing, financial accounting, case management systems, legal system databases and programs, computers and software, equipment, office space and supplies, internet services, training, and other costs necessarily incurred for public defense representation and necessary to comply with the requirements imposed by these standards.

³⁹ These costs include the same costs listed in the WSBA Standard (see previous footnote).

have prompt and consistent access to interpreter services.	client.
PROPOSED ORDINANCE: Would adopt the Court Rule Standard (no substantive difference between the two standards).	
IMPACT: According to DPD, this standard aligns with their current practices. As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional travel, information technology, and capital costs associated with complying with this standard.	
STANDARD 6: INVESTIGATORS⁴⁰	
WSBA Standard	Court Rule Standard**
<p><i>6.A. Access to Investigation Services.</i> Public defense representation must include access to investigation services (necessary for representing clients for purposes of verifying facts, identifying and questioning witnesses, and testing the evidence presented by the opposing party).</p> <p><i>6.B. Investigation for Public Defense Agencies.</i> By July 3, 2028, a minimum of one full-time investigator shall be employed for every three full-time trial court level (adult and/or juvenile) attorneys (with meaningful progress made prior). Public defense agencies that do not employ a sufficient number of investigators to meet this ratio shall enter contracts to provide the stated resource level.⁴¹</p> <p><i>6.C. Investigation for Contract and Assigned Counsel.</i> Public defense attorneys under contracts or assigned counsel systems must have the same level of access to investigators as described in 6.B.⁴²</p> <p><i>6.D. Investigation for Pro Se Litigants.</i> All jurisdictions should make conflict-free investigation services available to indigent defendants or respondents who are representing themselves in all cases in which the court has approved waiver of their right to court-appointed counsel.</p> <p><i>6.E. Cost of Investigation Services.</i> Attorneys shall not be required to bear the costs of investigation services (<i>consistent</i> with Washington Rule of Professional Conduct 1.8(m)(1)(ii)).</p>	Public defense attorneys shall use investigation services as appropriate.
PROPOSED ORDINANCE: Would adopt the Court Rule Standard.	
IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.	

⁴⁰ RCW 10.101.030 does not explicitly include investigators in the 16 elements required to be in a county's adopted standards.

⁴¹ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different investigation resources.

⁴² Additionally, jurisdictions shall adopt and publish confidential procedures to receive, review, and grant requests for investigation services. In jurisdictions where attorneys are required to request court approval for investigative services, such motions shall be ex parte, consistent with the requirements of Washington Rule of Professional Conduct 1.8(m)(1)(ii) and court rules.

STANDARD 7: SUPPORT SERVICES

WSBA Standard**	Court Rule Standard
<p><i>7.A. Support Services Necessary for Legal Defense.</i> In addition to the necessary resources described in Standards 4, 5, and 6, public defense attorneys shall have adequate legal and administrative support. Legal and administrative support services include, but are not limited to, administrative assistants, legal assistants, paralegals, human resources, finance, reception services, and IT and data management administrators. These professionals are essential for effective legal defense and an operational law office. Jurisdictions shall ensure all public defense attorneys have access to needed support services as provided in this Standard and as required by Washington Rule of Professional Conduct 1.4 to ensure attorney/client communication.</p> <p><i>7.B. Providing for Support Services in Contract and Assigned Counsel Compensation.</i> The support services described in 7.A. are required for all public defense attorneys, regardless of their employment, contract or assigned counsel status. Contract and assigned counsel attorneys shall receive compensation at levels that ensure these non-attorney support services are provided.</p> <p><i>7.C. Necessary Legal Assistants/Paralegals Ratio.</i> By July 3, 2028, a minimum of one full-time legal assistant or paralegal shall be employed for every four full-time attorneys (with meaningful progress made prior). Public defense agencies that do not employ a sufficient number of legal assistants or paralegals to meet this ratio should enter into contracts with qualified professionals to provide the same resource level or request authorization of such services ex parte or administratively.⁴³</p>	Reserved

PROPOSED ORDINANCE: Would adopt a portion of WSBA Standard (7.A. and 7.B.)

IMPACT: According to DPD, 7.A and 7.B. align with their current practices. The legal assistant and paralegal ratios contained in 7.C. align with the appropriation authority provided to DPD, however, as discussed in impacts of Standard 4, resources for mitigation specialists and social workers have not historically been appropriated, and DPD has had to shift resources to fund those. As with Standard 4, intent of the proposed ordinance is to allow the number and ratio of legal assistants and paralegals to be determined through budget appropriations and DPD management decisions.

STANDARD 8: REPORTS OF ATTORNEY ACTIVITY AND VOUCHERS

WSBA Standard	Court Rule Standard**
Jurisdictions and family defense contracting agencies shall require all public defense attorneys to use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours,	Jurisdictions should adopt a reliable means for accurate reporting of caseloads. In addition, all appointed defense attorneys should use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours, and case dispositions.

⁴³ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different resources.

<p>and case dispositions.</p> <p>Data from these systems should be routinely reported to public defense administrators in a manner in which confidential, secret, and otherwise non-public information are not disclosed.</p> <p>Consistent with Standard 11, public defense administrators should review these reports on a regular basis to monitor compliance with these Standards. For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.</p>	<p>Data from these systems should be routinely reported to public defense administrators in a manner that shields confidential, secret, and otherwise nonpublic information from disclosure.</p> <p>Consistent with Standard 11 of the WSBA Standards for Indigent Defense Services, public defense administrators and the Office of Public Defense should review these reports on a regular basis to monitor compliance with these standards. Certification forms shall be filed by every appointed attorney in each trial court case file in criminal and juvenile offender cases, and civil commitment proceedings under chapter 71.05 RCW.</p>
--	--

PROPOSED ORDINANCE: Would adopt the Court Rule Standard (no substantive difference between the two standards).

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 9: TRAINING

WSBA Standard**	Court Rule Standard
<p><i>9.A. Annual Training.</i> All public defense attorneys shall participate in regular training, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. Training should include relevant topics including training specific to certain case types as required in Standard 14, the types of cases assigned (for example, criminal, dependency, appellate), racial and ethnic disparities, elimination of bias, mental illnesses, improved and effective communication with clients, forensic sciences, and other topics that impact legal representation. Every public defense attorney should attend training that fosters trial or appellate advocacy skills and review professional publications and other media.</p> <p><i>9.B. Onboarding and Training of New and Current Attorneys.</i> Public defense agencies and contracted private law firms should develop their own practices and procedures to onboard and train new attorneys. Offices should develop written materials (e.g. manuals, checklists, hyperlinked resources) to inform new attorneys of local rules and procedures of the courts in their jurisdiction. In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedures and policies. All attorneys should be required to attend regular in-house training programs on developments in their legal representation areas.</p> <p><i>9.C Continuing Education for Public Defense Non-Attorneys.</i> Funding for training for all public defense non-attorneys must be provided. A fully supported public defense attorney is one whose staff and expert service</p>	<p>Reserved</p>

providers receive educational opportunities and up-to-date trainings to ensure they can meet their profession's best practices. ⁴⁴	
PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.	
IMPACT: According to DPD, this standard aligns with their current practices. As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional training costs.	
STANDARD 10: SUPERVISION	
WSBA Standard**	Court Rule Standard
<p><i>10.A. General Provisions.</i></p> <ul style="list-style-type: none"> Requires a minimum of one full-time supervisor for every ten full-time public defense attorneys (or one half-time supervisor for every five attorneys). Full-time supervisors should not carry caseloads, but supervisors may act as cocounsel in a limited number of cases to provide mentoring and training experience for their supervisees. Part-time supervisors should limit their caseloads on a pro-rata basis. Supervisors should have training in personnel management and supervision. Supervisors should be qualified under Standard 14 for the practice area(s) they are supervising. <p><i>10.B. Supervision for Family Defense Representation</i></p> <ul style="list-style-type: none"> Where a contracted provider is contracted for more than 1.0 FTE, they shall designate one full-time supervising attorney for every ten full-time family defense attorneys. Part-time supervising attorneys should limit their caseload on a pro-rata basis. Supervisors may act as co-counsel in a limited number of cases to provide mentoring and training experience for their supervisees. Supervisors for family defense cases must meet the criteria as set forth in Standard 14.C.4.a. Where a contracted provider is contracted for one FTE or less, the Office of Public Defense or the Office of Civil Legal Aid shall make available programs to support co-counsel opportunities, mentoring programs, or training experiences, as set forth in Standard 14. 	Reserved
PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.	
IMPACT: According to DPD, they exceed this standard with regard to supervisory ratios due to the structure of divisions and provisions in labor agreements. ⁴⁵ The proposed ordinance includes a statement of fact that, "This ordinance adopts the county's public defense services standards. It is the expectation of the council that the provision of public defense services will be further subject to collective bargaining agreements with employees in the department of	

⁴⁴ This may include attendance at national conferences and regular access to online trainings, such as those offered by the Washington State Office of Public Defense, Washington Defender Association, the National Association for Public Defense, the National Legal Aid and Defender Association, the National Alliance of Sentencing Advocates and Mitigation Specialists, the National Defense Investigator Association, the National Federation of Paralegal Associations, and the National Association for Legal Support Professionals.

⁴⁵ According to DPD, the agency's current supervisor to attorney ratio is 1:7.

public defense and appropriations.”

As Standard 3 is implemented, however, short of a significant systemic decrease in cases, the increased number of attorneys may result in additional supervisory costs.

STANDARD 11: MONITORING AND EVALUATION OF ATTORNEYS

WSBA Standard**	Court Rule Standard
<p>All jurisdictions shall provide a mechanism for systematic monitoring of public defense attorneys and their caseloads and ensure timely review and evaluation of public defense services.</p> <p>Monitoring and evaluation should include, but not be limited to, review of reports submitted per Standard 8, review of time and caseload assignments, in-court observations, periodic conferences, verification of attorney compliance with Standard 9 training requirements, verification of compliance with Certifications of Compliance with the Supreme Court’s Court Rule Standards, and management of client complaints, consistent with Standard 15.</p> <p>Attorneys should be evaluated on their skill and effectiveness as advocates, including their communication with clients.</p>	Reserved

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 12: SUBSTITUTION OF ATTORNEYS OR ASSIGNMENT OF CONTRACTS

WSBA Standard**	Court Rule Standard
<p><i>12.A. Availability at No Cost to Attorney.</i> Consistent with Standard 1.E, alternate or conflict public defense attorneys shall be available for substitution in conflict situations at no cost to the attorney declaring the conflict.</p> <p><i>12.B. Subcontracting.</i> Public defense contracts and assigned counsel policies should prohibit counsel from subcontracting with another firm or attorney to provide representation, absent approval of the public defense administrator.</p> <p><i>12.C. Attorney Names.</i> In contract and assigned counsel systems, the public defense administrator should receive the names and experience levels of those attorneys who will be and actually are providing the legal representation, to ensure the attorneys meet the minimum qualifications required by Standard 14.</p> <p><i>12.D. Continuing Representation and Client Files.</i> Public defense contracts and assigned counsel policies shall address the procedures for continuing representation of clients upon the conclusion of the contract or case assignment. Public defense contracts and assigned counsel policies shall include which attorney or firm or public defense office is responsible for maintaining client files confidentially when a</p>	Reserved

contract terminates or case assignment ends.	
PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.	
IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.	
STANDARD 13: LIMITATIONS ON PRIVATE PRACTICE OF CONTRACT ATTORNEYS	
WSBA Standard	Court Rule Standard**
Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.	Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.
PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which is identical to WSBA Standard.	
IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.	
STANDARD 14: QUALIFICATIONS OF ATTORNEYS	
WSBA Standard	Court Rule Standard**
This standard is comprehensive with numerous details. Headings include: 14.A. Minimum Qualifications for All Public Defense Attorneys 14.B. Additional Information Regarding Qualifications Overall 14.C. Attorneys' Qualifications by Category/Type of Case and Representation Type (Trial or Appellate) 1. Overview of Adult Criminal and Juvenile Court Cases – Trial Level 2. Adult Criminal Trial Court Cases 3. Juvenile Trial Court Cases 4. Civil Cases – Trial Court Cases 5. Appellate Cases 6. Legal Interns	Prior to accepting a case, appointed attorneys shall review and certify that they meet the applicable qualifications outlined in Standard 14 of the WSBA Standards for Indigent Defense Services. The appointed attorney shall file the Certification of Compliance Form in each trial court case file in criminal and juvenile offender cases, and civil commitment proceedings under chapter 71.05 RCW.
PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which refers to the WSBA Standard.	
IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.	

STANDARD 15: DISPOSITION OF CLIENT COMPLAINTS

WSBA Standard	Court Rule Standard**
<p>15.A. Jurisdictions that administer public defense services shall provide a process for receiving, investigating, and promptly responding to client complaints. Complaints should first be directed to the assigned attorney, firm, or agency that is providing or provided representation.</p> <p>15.B. Public defense agencies and contractors with multi-attorney private firms shall include investigation and disposition of client complaints in their supervisory services.</p> <p>15.C. The complaining client should be informed as to the disposition of their complaint in a timely manner</p>	<p>15.1. Jurisdictions that administer public defense services should provide a process for receiving, investigating, and promptly responding to client complaints. Complaints should first be directed to the assigned attorney, firm, or agency that is providing or provided representation.</p> <p>15.2. Public defense agencies and contractors with multi-attorney private firms should include investigation and disposition of client complaints in their supervisory services.</p> <p>15.3. The complaining client should be informed about the disposition of their complaint in a timely manner.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard, which is identical to the WSBA Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 16: CAUSE FOR TERMINATION OF CONTRACT OR REMOVAL OF ATTORNEY

WSBA Standard**	Court Rule Standard
<p>Contracts for public defense services shall include the grounds for termination of the contract by the parties.</p> <p>Termination of a public defense attorney’s or private firm’s contract unilaterally by the jurisdiction should only be for good cause which shall include, but not be limited to, the failure of a contract attorney or firm to provide effective or quality representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of these WSBA Standards or the Court Rule Standards.</p> <p>Removal by the court of an appointed attorney from representation normally should not occur over the objection of the attorney and the client.</p>	<p>Reserved</p>

PROPOSED ORDINANCE: Would adopt the WSBA Standard in full.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 17: NONDISCRIMINATION

WSBA Standard	Court Rule Standard**
<p>Public defense contracts and assigned counsel policies shall include language prohibiting discrimination by the jurisdiction, contractor, contractor’s attorneys, or assigned counsel on the grounds of race, ethnicity, religion, national origin, language, age, marital status, gender identity, sexual orientation, or disability.</p> <p>The public defense administrator and all public defense attorneys and support staff shall comply with all federal, state, and local non-discrimination requirements.</p>	<p>Public defense services and appointed lawyers shall comply with all laws prohibiting discrimination on the grounds of race, ethnicity, religion, national origin, language, age, marital status, gender identity, sexual orientation, or disability.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard. The protected classes listed are the same in both the WSBA Standard and the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 18: GUIDELINES FOR AWARDING DEFENSE CONTRACTS

WSBA Standard	Court Rule Standard**
<p>Recruitment for public defense contracts and assigned counsel lists should include efforts to achieve a diverse public defense workforce.</p> <p>Attorneys or firms applying for contracts or placement on assigned counsel lists must demonstrate their ability to meet these [WSBA] Standards and the Supreme Court Standards for Indigent Defense. Their contracts must comply with Washington Rule of Professional Conduct 1.8(m).</p> <p>Under no circumstances should a contract be awarded on the basis of cost alone. Judges, judicial staff, city attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will be included in a contract or an assigned counsel list.</p>	<p>Judges, judicial staff, city attorneys, county prosecutors, and law enforcement offices shall not select the attorneys who will be included in a contract or an assigned counsel list. See GR 42.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

IMPACT: No substantive impact. According to DPD, this standard aligns with their current practices.

STANDARD 19: INDEPENDENCE AND OVERSIGHT OF PUBLIC DEFENSE SERVICES

WSBA Standard	Court Rule Standard
<p>Public defense providers should not be restrained from independently advocating for the resources and reforms necessary to provide defense related services for all clients.</p> <p>Judges and judicial staff shall not manage and oversee public</p>	<p>No standard</p>

defense offices, public defense contracts, or assigned counsel lists nor shall they select public defense administrators or the attorneys who provide public defense services.

Attorneys with public defense experience insulated from judicial and political influence should manage and oversee public defense services.⁴⁶

Those responsible for managing and overseeing public defense services shall apply these [WSBA] Standards, the Supreme Court Standards for Indigent Defense, and the WSBA Performance Guidelines in their management and oversight duties.

PROPOSED ORDINANCE: Would not address this standard. This is not one of the 16 elements required by state statute to be included in a county's adopted standards; however, the issue of independence is already touched on in the King County Charter Section 350.20.60.

The American Bar Association Ten Principles of a Defense Delivery System. The American Bar Association (ABA) House of Delegates adopted the original Ten Principles of a Public Defense Delivery System in February 2002 with the intent to provide policymakers, public defense administrators, and others with a roadmap for providing effective indigent defense as required by the Sixth Amendment.^{47,48}

In 2018, the ABA's Standing Committee on Legal Aid and Indigent Defense (SCLAID) formed the Ten Principles Revision Committee, comprised of public defense leaders, academics, and other experts. Their work resulted in the revised Ten Principles, which were eventually adopted by the ABA House of Delegates in August 2023.⁴⁹ All the principles have been revised to provide more detail and clarity. Some of the 2002 principles were consolidated to make room for additional principles, but all topics addressed in the 2002 version are addressed in the 2023 version.

Proposed ordinance 2026-0040 would update the county code to refer to the 2023 version and the Ten Principles.

As noted in the ABA's materials, the following changes are particularly notable:

⁴⁶ The terms "manage" and "oversee" include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring quality; monitoring compliance with contracts, policies, procedures, and standards; and recommending compensation.

⁴⁷ [Report to the ABA House of Delegates \(August 2023\)](#)

⁴⁸ [ABA Ten Principles of a Public Defense Delivery System \(February 2002\)](#)

⁴⁹ [ABA Ten Principles of a Public Defense Delivery System \(August 2023\)](#)

- *A new principle (Principle 4) was added to reflect the importance of data collection and transparency to ensure public defense systems are receiving adequate resources and are following these Principles.*
- *The principle on training and supervision (Principle 7) reflects a deeper understanding of the need for systematic evaluation of defense lawyers, as well as the need for specialized training and cultural competency.*
- *A new principle (Principle 9) was added to reflect the importance of nonlawyer professionals, such as investigators, social workers, and experts, to the public defense function.*
- *The principle on public defense workloads (Principle 3) has been substantially revised to reflect the new information gleaned from the National Public Defense Workload Standards study and SCLAID's several state-based studies. Language has also been added on the duties of defenders who face unmanageable workloads.*
- *A new principle (Principle 10) was added to reinforce the important place public defense providers have in the legal system, especially in relation to any law or policy changes that are likely to affect their clients.⁵⁰*

⁵⁰ [Report to the ABA House of Delegates \(August 2023\)](#)

4/27/2026

RL1

[L. Krekel-Zoppi]

Sponsor: Councilmember Lewis

Proposed No.: 2026-0040

1 **AMENDMENT TO PROPOSED ORDINANCE 2026-0040, VERSION 1**

2 On page 3, strike lines 55 through 58.

3 On page 3, after line 59, insert:

4 "SECTION 1. **Findings:** The provision of public defense services will be further
5 subject to collective bargaining agreements with the represented employees in the
6 department of public defense and appropriations."

7 Renumber the remaining sections consecutively and correct any internal references
8 accordingly.

9 **EFFECT prepared by L. Krekel-Zoppi: Moves a statement of fact to a finding in the**
10 ***body of the ordinance, which would make it part of the law rather than background***
11 ***information.***

4/28/2026

JB1

[L. Krekel-Zoppi]

Sponsor: Councilmember BarónProposed No.: 2026-00401 **AMENDMENT TO PROPOSED ORDINANCE 2026-0040, VERSION 1**

2 On page 4 line 70, after "1. Standard" strike "One (Compensation)" and insert "1.A.
3 (Public Defense Agency Salaries and Benefits) and the first paragraph of 1.B. (Contract
4 and Assigned Counsel Compensation)"

5 **EFFECT prepared by L. Krekel-Zoppi: *Would remove the following sections***
6 ***of the Washington State Bar Association (WSBA) Standards from the proposed county***
7 ***public defense standards:***

- 8 • *The second and third paragraphs of 1.B.,*
- 9 • *The entirety of 1.C., 1.D., and 1.E.*

10 ***The omitted sections include the following (summarized to highlight key points¹):***

11 ***1.B. paragraphs 2 and 3 Contract/Assigned Counsel: Reasonable compensation***
12 ***shall be provided whether the work is for full- or part-time defense attorneys.***
13 ***Contracts and government budgets shall recognize the need to provide reasonable***
14 ***compensation for attorneys who are “on call,” staff court calendars, or staff specialty***
15 ***or therapeutic courts.***

¹ The full text of WSBA Standards 1.B. through 1.E. can be found at https://www.wsba.org/docs/default-source/legal-community/committees/council-on-public-defense/standards-for-indigent-defense-services_2024.09.07_final.pdf?Status=Master&sfvrsn=8bdb19f1_5, pp. 5 - 6

16 *1.C. Flat Fee and Per Case Compensation Agreements: Attorneys shall not*
17 *engage in flat fee or per case compensation contracts or agreements, in order to avoid*
18 *conflict for the public defense attorney.*

19 *1.D. Additional Compensation: Contracts and policies shall provide for*
20 *additional compensation over and above the base contract amount(s) for cases that*
21 *require an extraordinary amount of time and preparation (consistent with RCW*
22 *10.101.060(1)(a)(iv)).*

23 *1.E. Substitute Attorney Costs: Attorneys who have a conflict of interest shall*
24 *not be required to bear the cost of the new, substituted attorney.*

- 19 *but only if the agreement is lawful and approved by the county by ordinance, and only*
- 20 *with respect to employees covered by the CBA and only for the issue in conflict.*

6/1/2026

RL3.1

[L. Krekel-Zoppi]

Sponsor: Councilmember Lewis

Proposed No.: 2026-0040

1 **AMENDMENT TO PROPOSED ORDINANCE 2026-0040, VERSION 1**

2 On page 4, after line 79, insert:

3 "NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.60 a
4 new section to read as follows:

5 The following from the Washington State Bar Association's September 2024
6 Standards for Indigent Defense Services should serve as guidance, subject to budget
7 constraints and labor policies, in delivering public defense services and making
8 appropriations:

- 9 A. Standard 4.B. (Mitigation Specialists, Social Workers);
- 10 B. Standard 7.C. (Necessary Legal Assistants/Paralegals Ratio); and
- 11 C. Standard 6.B. (Investigators).

12 Nothing in this section shall be construed as waiving any management right."

13 Renumber the remaining sections consecutively and correct any internal references
14 accordingly.

15 **EFFECT prepared by L. Krekel-Zoppi: Specifies that WSBA Standards not adopted**
16 **as part of the county's public defense standards, which are those mandating**
17 **professional staff to attorney ratios, should serve as guidance to the county in**
18 **delivering public defense services and making appropriations.**

T1

4/27/2026

RLT1

[L. Krekel-Zoppi]

Sponsor: Lewis

Proposed No.: 2026-0040

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2026-0040, VERSION 1**

2 On page 1 line 4, after "adding" strike "a new section" and insert "new sections"

3 **EFFECT prepared by *L. Krekel-Zoppi: Conforms the title to Amendment X.***