



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda Law and Justice Committee

Councilmembers:
Rhonda Lewis, Chair;
Rod Dembowski, Vice-Chair;
Claudia Balducci, Jorge L. Barón, Teresa Mosqueda

Lead Staff: Leah Krekel-Zoppi (206-477-0892)
Co-Lead Erica Newman (206-477-7543)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, May 6, 2026

Hybrid Meeting

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Law and Justice Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

1. **In person:** You may attend the meeting and provide comment in the Council Chambers.
2. **By email:** You may comment in writing on current agenda items by submitting your email comments to committees@kingcounty.gov. If your email is received before 8:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. **Remote attendance at the meeting by phone or computer:** You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join> and entering the Webinar ID number below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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You are not required to sign up in advance. Comments are limited to current agenda items.

You have the right to language access services at no cost to you. To request these services, please contact Language Access Coordinator, Tera Chea at (206) 477-9259 or email Tera.chea2@kingcounty.gov by 8:00 a.m. no fewer than three business days prior to the meeting.

CONNECTING TO THE WEBINAR:

Webinar ID: 889 0017 7467

By computer using the Zoom application at <https://zoom.us/join> and the Webinar ID above.

Via phone by calling 1-253-215-8782 and entering the Webinar ID above.

HOW TO WATCH/LISTEN TO THE MEETING REMOTELY: There are three ways to watch or listen to the meeting:

- 1) Stream online via this link www.kingcounty.gov/kctv or input the link web address into your web browser.
- 2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD).
- 3) Listen to the meeting by telephone see "Connecting to the Webinar" above.

To help us manage the meeting, if you do not wish to be called upon for public comment, please use the Livestream or King County TV options listed above, if possible, to watch or listen to the meeting.

1. **Call to Order**



2. **Roll Call**

3. **Approval of Minutes p. 4**

April 1, 2026 meeting minutes

4. **Public Comment**

To show a PDF of the written materials for an agenda item, click on the agenda item below.

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Briefing

- 5. [Briefing No. 2026-B0035](#) p. 6

Audit report on 911 Communications Center

KyMBER Waltmunson, King County Auditor

Peter Heineccius, Senior Principal Management Auditor, King County Auditor's Office

Luc Poon, Principal Management Auditor, King County Auditor's Office

- 6. [Briefing No. 2026-B0065](#) p. 35

Update on Jail Health Services Expansion

Danotra McBride, Director, Jail Health Services Division, Public Health of Seattle and King County (PHSKC)

Megan Murphy, Jail Health Services Reentry Demonstration Project Manager, PHSKC

Discussion and Possible Action

- 7. [Proposed Ordinance No. 2026-0040](#) p. 52

AN ORDINANCE relating to the department of public defense standards for indigent defense; amending Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 and adding a new section to K.C.C. chapter 2.60.



Sponsors: Barón

Leah Krekel-Zoppi, Council staff

Kapena Pflum, Budget and Business Planning Manager, King County Executive's Office

Other Business

Adjournment

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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Meeting Minutes Law and Justice Committee

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Rhonda Lewis, Chair;
Rod Dembowski, Vice-Chair;
Claudia Balducci, Jorge L. Barón, Teresa Mosqueda

Lead Staff: Leah Krekel-Zoppi (206-477-0892)
Co-Lead Erica Newman (206-477-7543)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, April 1, 2026

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Lewis called the meeting to order at 9:31 a.m.

2. **Roll Call**

Present: 5 - Balducci, Barón, Dembowski, Lewis and Mosqueda

3. **Approval of Minutes**

Councilmember Barón moved approval of the minutes of the March 4, 2026 meeting. Seeing no objections, the minutes were approved.

4. **Public Comment**

There were no individuals present to provide public comment.

Briefing

5. **[Briefing No. 2026-B0047](#)**

Panel Discussion on Human Trafficking Prevention

Kelly Mangiaracina, CSEC Policy and Program Manager, King County Superior Court – Juvenile Court Services, LeAnn Blanco, Civil Rights Program Manager, Port of Seattle, Jay Doran, Manager, Policy and Communications, Office of Equity, Diversity, and Inclusion, Port of Seattle, and Hedda McClendon, SVP of Legacy, Seattle FIFA World Cup 2026, briefed the committee via PowerPoint presentations and answered questions from the members.

This matter was Presented

6. [Briefing No. 2026-B0048](#)

Panel Discussion on the Role of Professional Staff in Public Defense

Molly Gilbert, DPD Investigator and SEIU 925 Chapter President, Zachary Brusseau, Public Defense Attorney, Department of Public Defense (DPD), and Rachel Schultz, Project Program Manager and Teamsters 117 Chief Steward, briefed the committee and answered questions from the members.

This matter was Presented

7. [Briefing No. 2026-B0049](#)

Office of Law Enforcement Oversight Traffic Enforcement Report

Katy Kirschner, Deputy Director, Office of Law Enforcement Oversight (OLEO), Lea Hunter, Senior Policy Analyst, OLEO, Simrit Hans, Policy Analyst, OLEO, Molly Webster, Policy Analyst, OLEO, and Angelica Gonzalez Graham, Healing Justice Organizer, Eastside for All, briefed the committee via a PowerPoint presentation and answered questions from the members.

This matter was Presented

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 11:31 a.m

Approved this _____ day of _____

Clerk's Signature



KING COUNTY AUDITOR'S OFFICE

Kymber Waltmunson, County Auditor

Sheriff's Office: Opportunities to Better Support 911 Callers with Behavioral Health Concerns

Peter Heineccius, Luc Poon

May 6, 2026 | Law and Justice Committee



Key takeaways



Limited use of behavioral health options



Supporting some vulnerable 911 callers



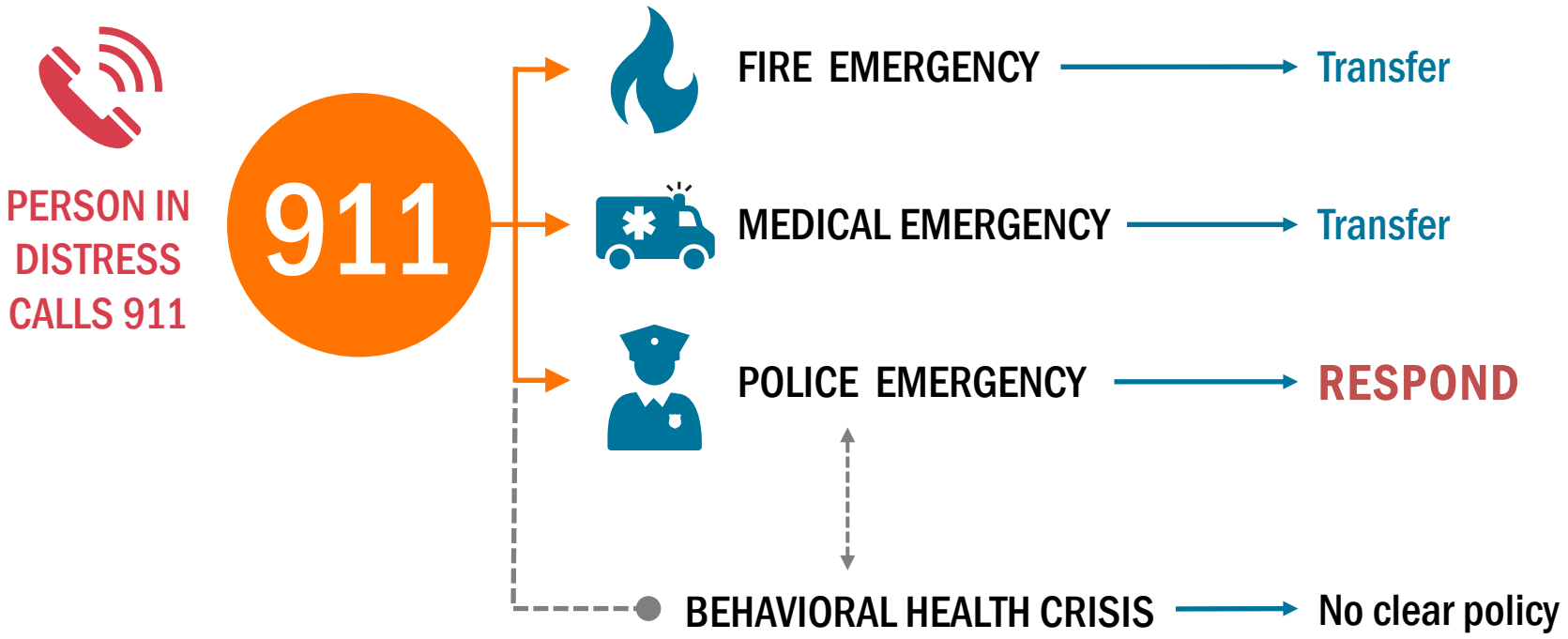
Relying on mandatory overtime

What is behavioral health (BH)?

- Issues related to:
 - Mental health
 - Substance use
 - Emotional dysregulation
 - Social service deficits
- Can overlap with police issues



911 call receiver actions for BH unclear





BH referrals deferred to officers

- 911 call receivers not encouraged to offer options like 988, 211
 - Call receivers not trained to assess needs
 - Officers more familiar with local resources
- No guidance for call receivers on use of behavioral health services



Police focus may delay help and add risk

- Callers without a law enforcement emergency may receive delayed help or no help
- Leading practices recommend clinical response where possible

“Populations experiencing behavioral health inequities are more likely to be placed into involuntary treatment and be victims of police violence. The County aims to reduce these inequities by increasing access to community-based services as alternatives to law enforcement.”

—King County Crisis Care Levy



Police services may not address BH needs

- Officers trained in crisis intervention but usually can't solve root problems
- BH responses use limited officer resources



Behavioral Health options available

Crisis Connections provides various services:

- 988 Suicide and Crisis Lifeline (phone, 24/7)
- 211 Social Service referrals (phone, M-F 9am-5pm)
- Mobile Rapid Response Crisis Team (in-person, 24/7)
- Designated Crisis Responders (involuntary treatment, 24/7)



Limited use of Behavioral Health options

Team listened to audio recordings of 153 calls related to mental health:

- 46% resulted in police dispatch
- Others got phone call from officer
- Some reviewed by sergeant but no response
- None transferred to 988



Some calls eligible for BH services

- 60% of mental health calls did not involve imminent danger — potentially eligible
- Not either/or: callers could talk with clinician while waiting for officers



Challenges to Behavioral Health options

- Many callers asked for police
 - Sometimes issues were not law enforcement-related emergencies
- Some callers declined BH options
 - (BH support rarely mentioned)
- Frequent callers with mental health issues



Recommendations

- Develop procedures and training for call receivers to offer Behavioral Health options



911 Diversion helps

- Crisis Connections 911 Diversion program offers enhanced service to call centers – now 24/7
 - Valley Communications successfully using diversion
 - NORCOM and Redmond signing on this year
- Houston saved over \$1.5M with diversion



Recommendation

Participate in the Crisis Connections 911 Diversion Program



Mitigating risks for vulnerable callers

- Training consistent with leading practices:
 - De-escalation
 - Trauma effects
 - Implicit bias and anti-racism
- Focuses on fact-based questions to mitigate bias



Language interpretation delays response

- Interpretation services add 1-2 minutes
 - Longer delay for uncommon languages
- Bilingual call receivers can't use language skills
- Sheriff's deputies have a certification process
 - Proficiency exam
 - Pay premium

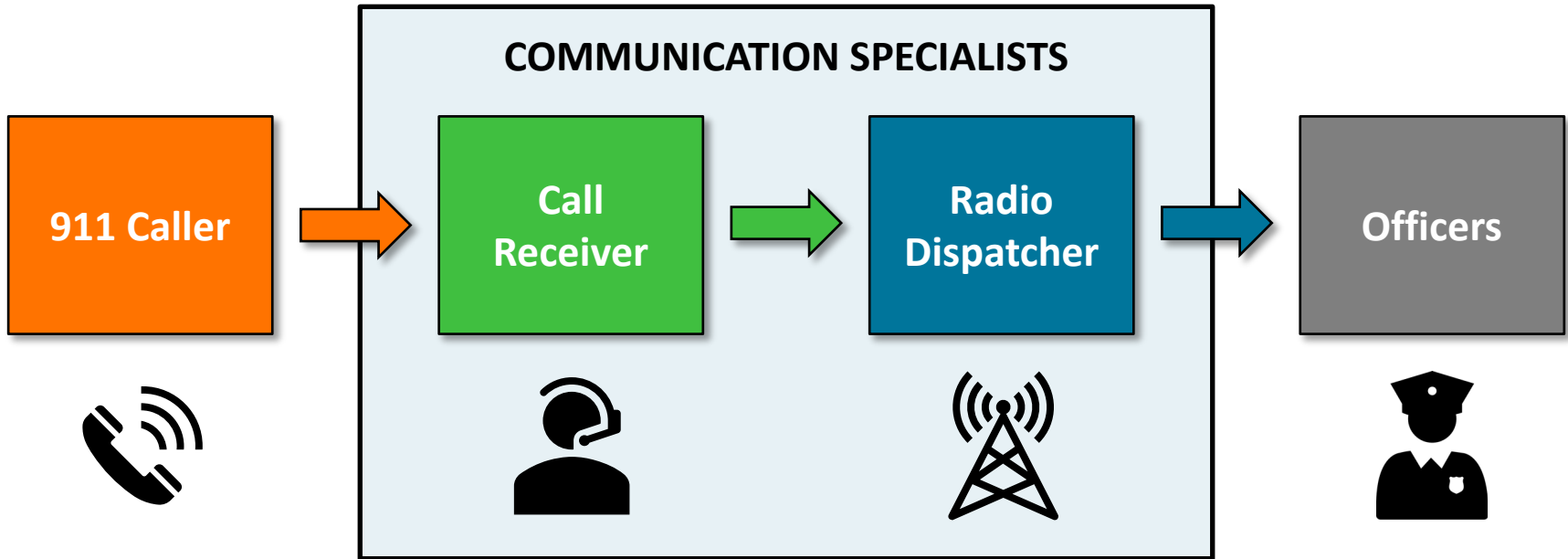


Recommendation

Certify 911 call receivers so they can use language skills on the job

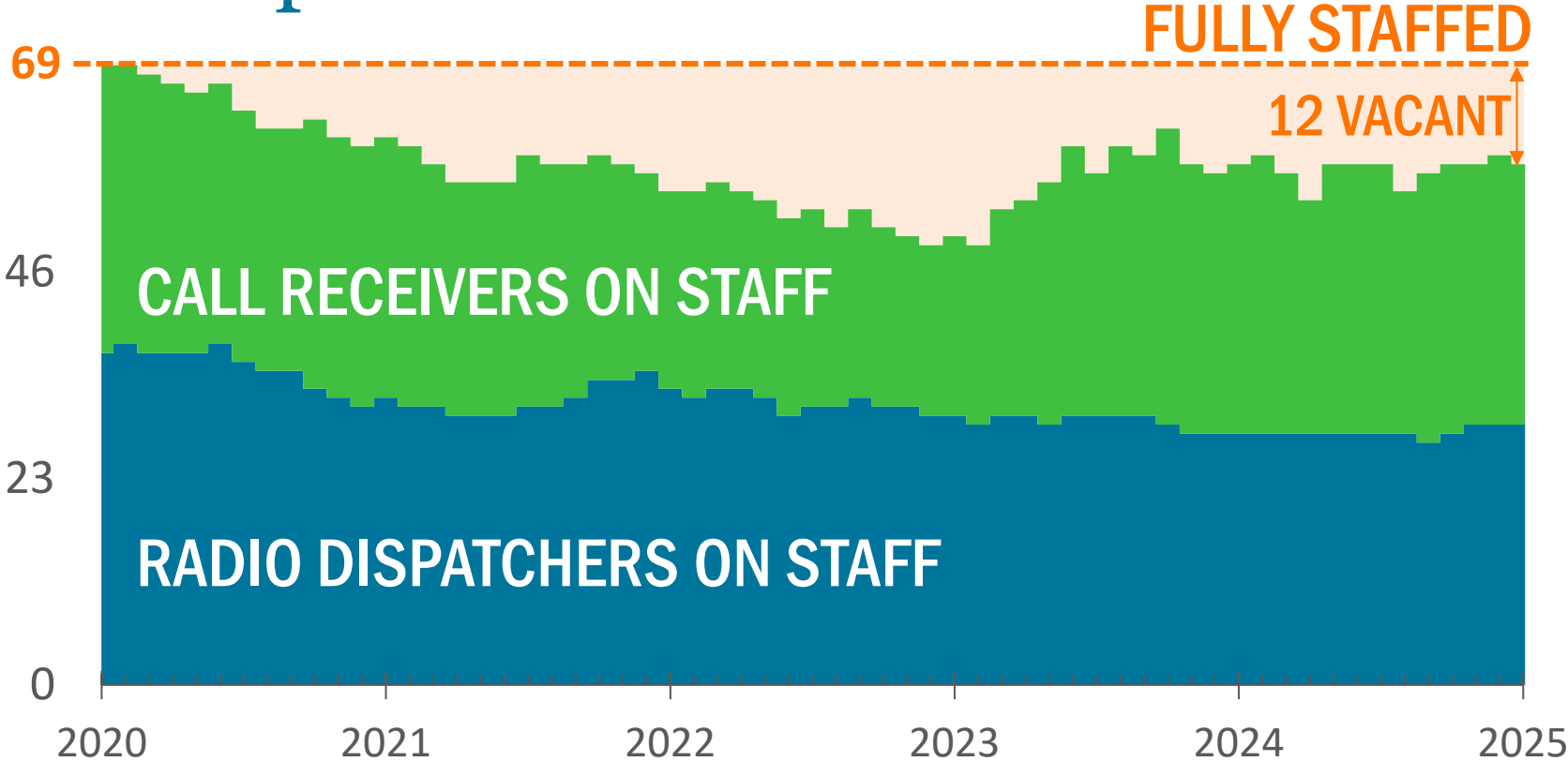


Call receivers and radio dispatchers

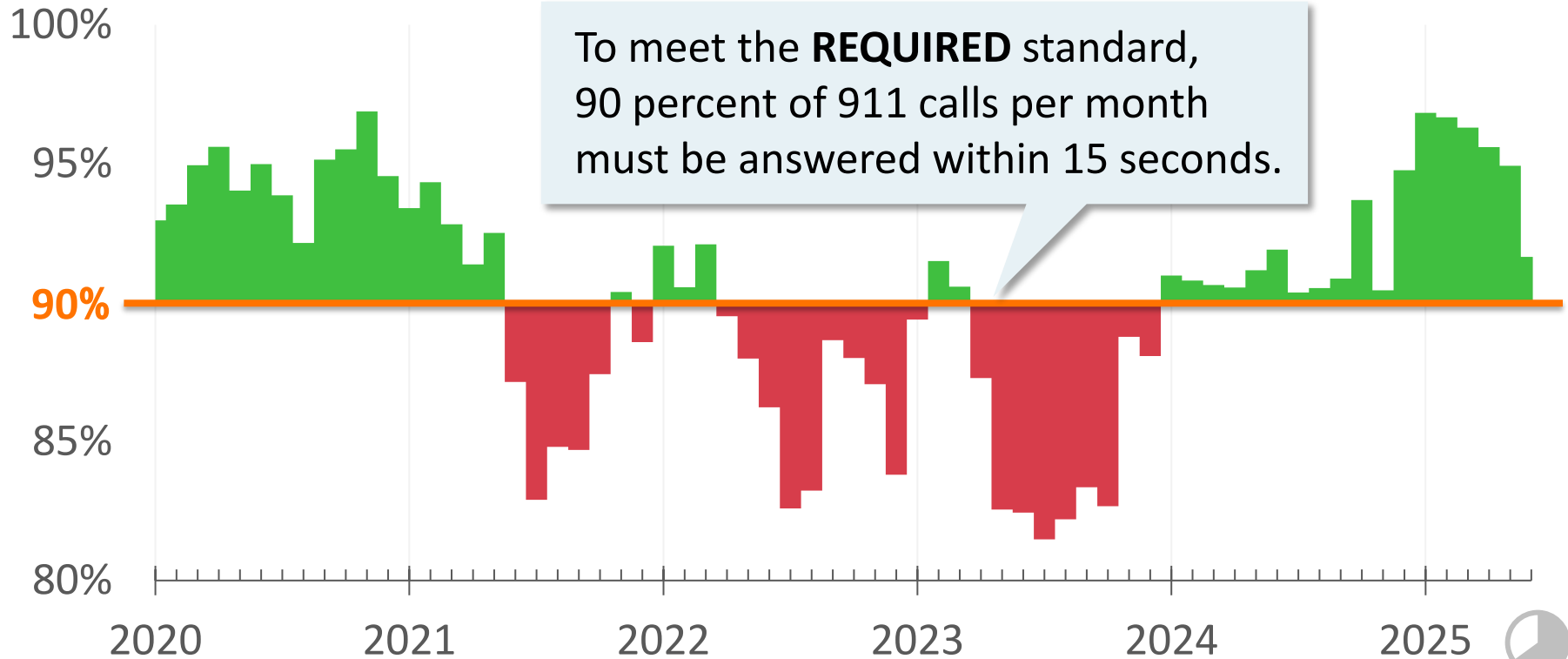




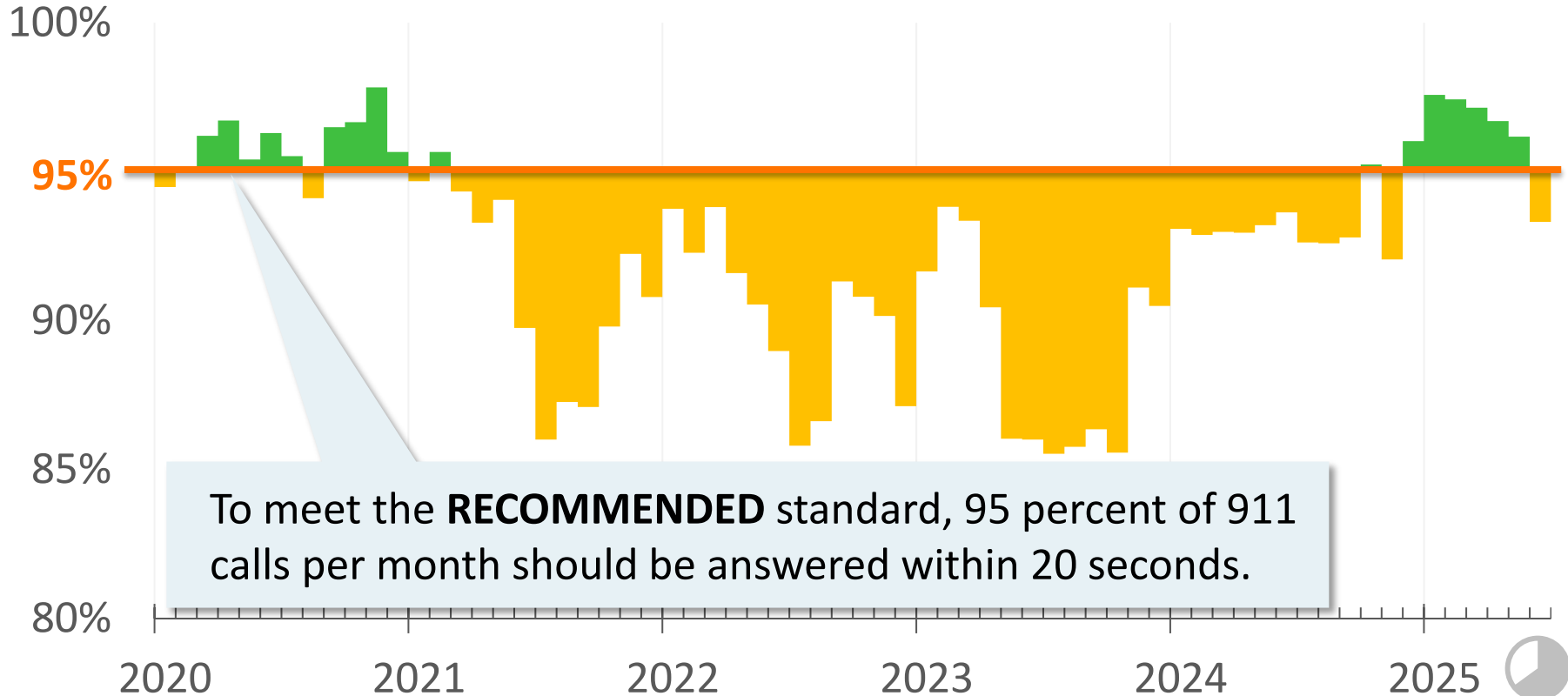
Vacant positions



Still meeting required standards

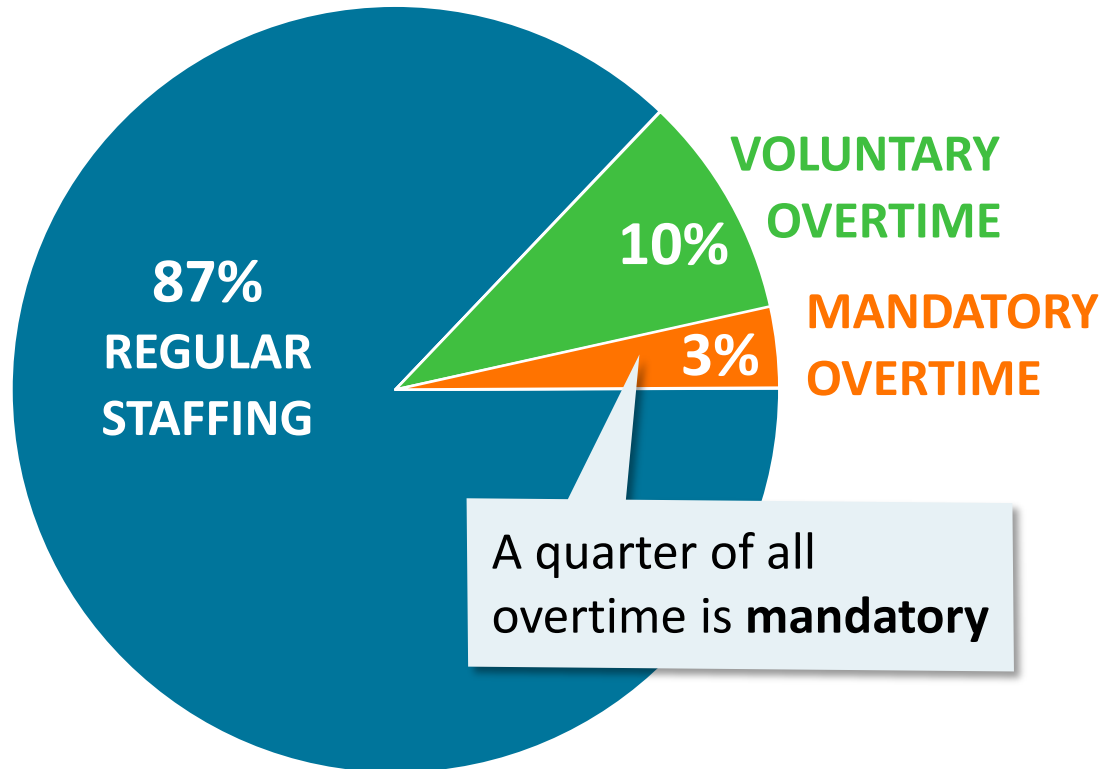


Recently meeting recommended standards



To meet the **RECOMMENDED** standard, 95 percent of 911 calls per month should be answered within 20 seconds.

Meeting standards by using overtime



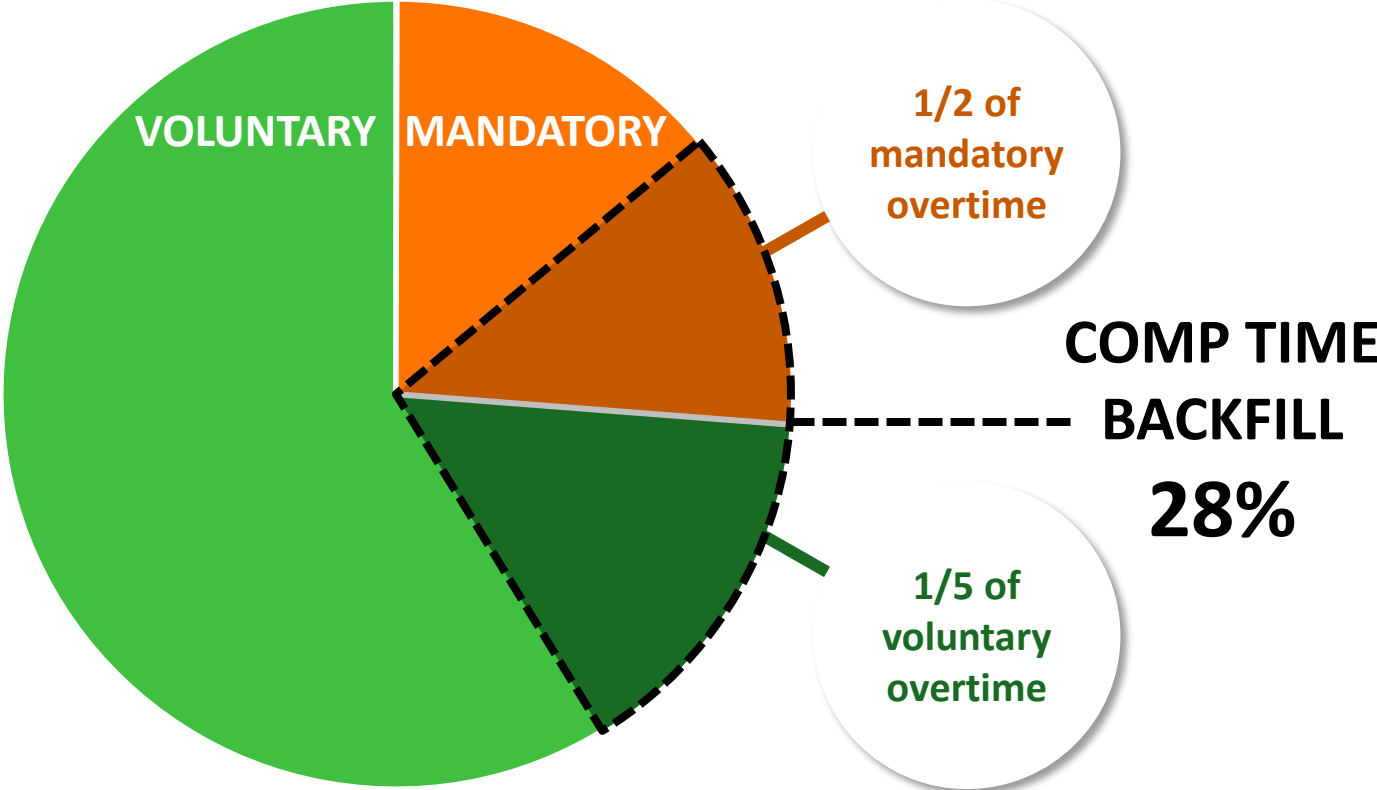


Mandatory overtime unevenly distributed

Who gets mandatory overtime depends on:

- Availability
- Seniority
- Recently-worked voluntary overtime
- Medical restrictions

Half of mandatory OT due to comp time





Recommendation

Propose modification to comp time leave to help reduce mandatory overtime

Scheduling on paper takes a lot of time

1500-0100			-	-	-	-	-	-	-
B	MTW	V	V	F	F	F	F	V	
C	TWT	84	84	42	1/TP 19-01	1/TP 19-01	F	F	V
G	TFS	F	V				F	F	F
L	SSM	F	F	F	45	45	FMLAM		
R	FSS	F	F	F					F
W	WTF	CT	CT	H/V	V		F	F	F
-	-	F	F	F	F	F	F	F	F
B	SSM	F	F	F	1/TP 19-01	1/TP 19-01	1/TP 19-01		V
B	SMT	BRV	F	F	F	F			
E	FSS	F	F						
M	SMT								

		0500	0700	0900	1100	0500	0700	0900	1100	0500	0700	0900	1100	0500	0700	0900	1100	0500	0700	0900	1100								
P	TOTAL	7	5	9	9	8	6	11	11	6	5	9	9	6	4	8	8	6	5	9	9	7	5	10	10	9	7	10	10
P	DSPT	5	5	8	8	5	5	7	7	4	4	6	6	2	2	3	3	3	3	5/4	4	4	4	6	6	4	4	6	6
P	DSPT NEEDED									1	1			3	3	2	2	2	2	1	1	1	1			1	1		
W	PHONES	2	1	5	5	3	1	7	7	2	2	4	5	3	1	4	4	3	2	4/3	3	4	2	5/4	4	5	3	4	4
	PHONES NEEDED	2	3	1	2	1	3			2	3	3	2	1	4	3	3	1	3	3/4	4		3	3/3	3	2	3	3	

4	3	4	4	5	3	5	4	4
0	2	3	3					
				2	4	3	3	



Recommendations

- Ensure new time and labor software meets needs of communication center
- Connect unit supervisors to share knowledge about scheduling options



Key takeaways



Limited use of behavioral health options



Supporting some vulnerable 911 callers



Relying on mandatory overtime



Thank you!

Full report available online at
KingCounty.gov/Auditor

Help us promote positive change in King County government!

Suggest an audit topic online at
bit.ly/KCAOAuditInput



Update: Medicaid 1115 Waiver: Reentry Demonstration Initiative

Danotra McBride – JHS Division Director, PHSKC

Megan Murphy – LICSW, JHS Reentry Demonstration
Project Manager, PHSKC

Law & Justice Committee
May 6th, 2026

Today's Presentation

King County Jail

Key departments and services

Reentry Initiative Overview

What is the Reentry Demonstration Initiative?

Capacity Building Funds

Budget overview and status update

Readiness Assessment

Status update

Next steps

What's been happening?

Q & A

King County Jail

Department of Adult and Juvenile Detention (DAJD)

- DAJD is a department within King County
- Safety, security and day to day operations of the carceral facility
- **Two sites**
 - King County Correctional Facility (KCCF)
 - Maleng Regional Justice Center (MRJC)

Public Health Jail Health Services (JHS)

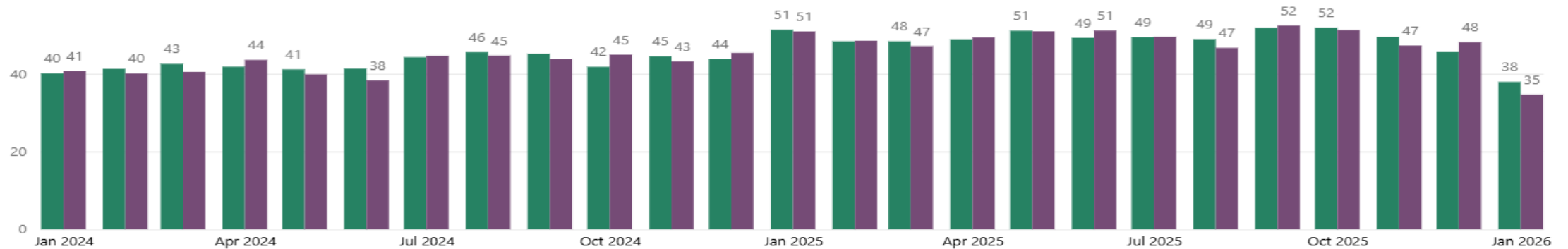
- **Public Health is a department in King County**
 - JHS is a division within Public Health
- **JHS provides health, including Behavioral Health and social services in King County Jail**
- **JHS Social Service Programs:**
 - Court Services: Therapeutic Courts
 - Diversion: Diverting from the legal system into services
 - Community Health Workers: Short term reentry support
 - Coordinated Discharge: Transition Planning including SUD
- **JHS funding: General Fund, MIDD and grants**

Average daily bookings and releases: KCCF & MRJC

Average daily bookings and releases

● Bookings ● Releases

[Microsoft Power BI](#) (link to DAJD data)



Scale of the
Population:

- Bookings & Releases per day (1/2025-1/2026)
- Average Length of Stay
 - 55%+ release in 0-3 days
 - 14%+ release in 4-10 days
- Average Daily Population (ADP): ~1,400 in 2025

Background: Federal Medicaid Inmate Exclusion Policy

- **Social Security Act of 1965: Amendments introducing Medicare & Medicaid**
 - The Medicaid Inmate Exclusion Policy (MIEP).
- **1975 Supreme Court Ruling: Medical care during incarceration requirement**
 - Medicaid cannot pay for services for incarcerated individuals (except for inpatient care in a medical institution for 24 hours or longer).
- **2016 Senate Bill 6430: Allowed HCA to suspend—and not terminate—Medicaid coverage for incarcerated individuals**
 - MCO Transition teams: Discharge planning requirement.
- **2023: Washington State received approval from the federal government to waive the MIEP. (1115 Waiver)**
 - Allows WA to provide a defined set of reentry services to Medicaid enrollees during a period of their incarceration. Paid for by Medicaid.
 - Waiver expires June 30, 2028.
 - Carceral Facilities still have a legal obligation to provide care beyond what is covered through the reentry services initiative.

What is an 1115 waiver?

The US Department of Health and Human Services (HHS) grants 1115 Waivers to state Medicaid agencies to allow them to operate Medicaid differently than is outlined by Federal law.

- Waiver Authority grants states the ability to do things differently.
- Waivers are time-limited (usually 5 years).
 - States can apply for an extension.
 - CMS does not have to grant extensions if the program isn't demonstrating success or no longer meets the objectives of the current administration.

Washington's 1115 Demonstration Waiver is intended to demonstrate how different ways of operating Medicaid can lead to health improvements and lower cost.

Reentry Initiative goals & benefits

Prepare

Prepare people for a successful transition from incarceration back into their community

Improve

Improve health outcomes by reducing return to incarceration, emergency department visits, overdoses, and death

Support

Support substance use disorder (SUD) and recovery

Target

Target infectious diseases like Hepatitis C prior to a person's release

Stabilize and treat

Stabilize and treat other conditions for people prior to release

Services covered under the Reentry Waiver

Mandatory services:

1. Reentry Targeted Case Management (rTCM)*
2. Reentry SUD: Evaluation of and medication for substance use disorder (SUD), including opioid use disorder and alcohol use disorder
3. Reentry Pharmacy: Medications at release
4. Pre-adjudication CAA-eligible clients: Apple Health benefits*
5. Post-adjudication CAA-eligible clients: Clinical assessment and evaluation*

Optional services:

6. Clinical assessment and evaluation for adults
7. Reentry Pharmacy: Pre-release medications (medications during the pre-release period)
8. Laboratory services
9. Radiology services
10. Services by providers with lived experience
11. Medical equipment and supplies at release

Reentry Initiative Policy and Operations Guide
Updated May 2025





3 ways a carceral facility can receive Medicaid funding

This infographic shows the three ways a carceral (incarceration) facility—that's participating in the Reentry Initiative—can receive funding from Medicaid.

Facility population

1-49 people

50-249 people

250-1,000 people

1,000+ people



Capacity building funds

\$1,000,000

\$1,250,000

\$1,500,000

\$1,750,000



IT infrastructure funds

\$1,000,000

\$1,000,000

\$1,000,000

\$1,000,000



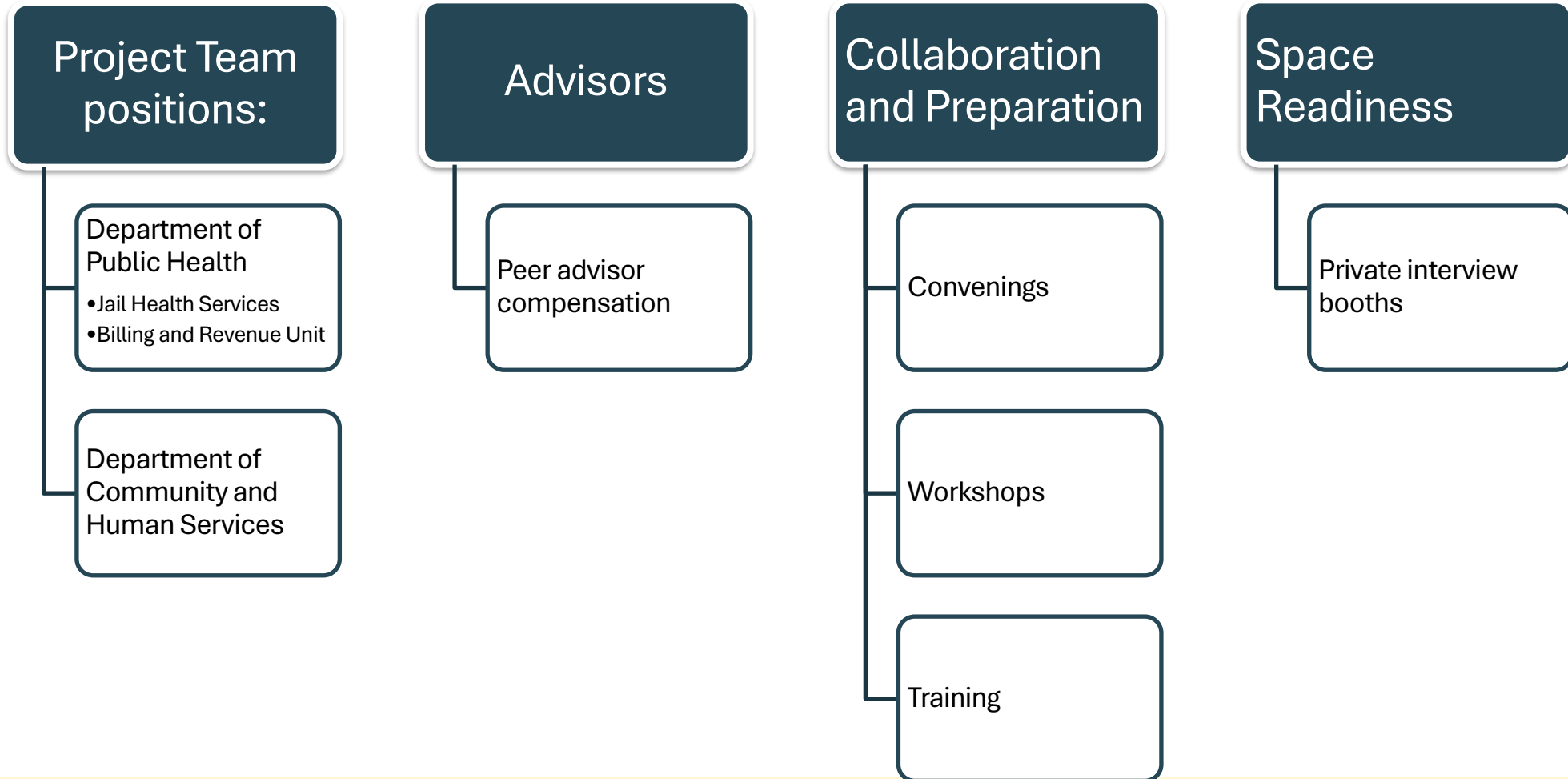
Reimbursement for covered health care services

Dollars for services provided based on pre-release benefit package

Status update: headlines

- HCA is reviewing King County's Readiness Assessment
- Capacity building investments are on track
- Once approved, go-live for King County is July '26 with plans to bring to scale once reimbursement streams begin
- Cross-sector partnership work is underway

Capacity building budget investments



Washington State Reentry Initiative

Status Update

Washington is the second state to be approved, *optional*

Third-party administrator: Community Health Partnership Services (CHPW)

14 facilities went live July 2025-January 2026

6 facilities online March 1 2026

29 more facilities set to launch July 1 2026

King County's cross-sector approach to the Reentry Demonstration Initiative

Project Collaboration (JHS & DAJD)

Steering Committee (Management Guidance team) includes Advisors

Workgroups (Design Teams), includes Advisors

2026 work: completed and planned

COMPLETED since last presentation:

- Steering Committee Meeting (2/3/26)
- **Readiness Assessment submitted to the Health Care Authority (2/27/26)**
- Reentry Advisor Recruitment & selection (early March)
- rTCM Workgroup Orientations (3/25/26 & 3/26/26)
- Continued project work on position recruitments, system builds, partnership collaborations
- Medications for Opioid Use Disorder (MOUD) Future State workshop (4/20/26 – 4/22/26)
- MOUD Management Guidance Team established to clarify needs, resources, decisions (late April 2026)

PLANNED through remainder of the year:

- rTCM Current & Future State Mapping Events (5/5/26 & June)
- Steering Committee Meetings (5/7/26, July, Sept.)
- System Build Testing & Readiness (ongoing through June)
- Workgroup meetings (continue through Q4)
- **Go-Live (7/1/26)**
- Go-Live Celebration (August)
- PDCA Cycles (Monthly through end of year)

In summary: Reentry Initiative planning work is underway, and we are gearing up for implementation

Resources



- [Reentry from a carceral setting | Washington State Health Care Authority](#)
- [Medicaid Basics for Correctional Leaders and Agencies](#)
- [Harp-MedicaidReentry-March2025.pdf](#)
- [HHS Releases New Guidance to Encourage States to Apply for New Medicaid Reentry Section 1115](#)

Q & A





Contact Us

Joy Carpine-Cazzanti, Government Relations

KCBOHAdmin@kingcounty.gov



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 would be needed to comply with the Court Rule Standards timeline and the staff ratios King County has typically maintained. The total cost of the increase, including the IT and space requirements, would be \$3.7 million in 2027. This 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.

million annually²⁰ 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 ²¹	Annual Cost	Attorneys	Professional Staff	Annual Cost ²²
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.²³

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."²⁴ 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:

²⁰ 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.

²¹ 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.

²² 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.

²³ RCW 10.101.030

²⁴ 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,²⁵ 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.²⁶ 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

²⁵ 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.

²⁶ 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 Standard²⁷
Legal Assistants/ Paralegals²⁸	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 Committee²⁹ 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.

²⁷ By July 3, 2028

²⁸ 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.

²⁹ 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.

AMENDMENTS

Amendment 1. This amendment would move a statement of fact to a finding in the body of the ordinance, which would make it part of the law rather than background information. The finding would state: “The provision of public defense services will be further subject to collective bargaining agreements with the represented employees in the department of public defense and appropriations.”

Amendment 2. This amendment would change the portion of the WSBA Standard that the county would adopt related to compensation. Currently, the proposed ordinance would adopt WSBA Standard 1 in its entirety. Under this amendment, the county would adopt Standard 1.A. and the first paragraph of 1.B. This would omit the portions of Standard 1 related to additional details about compensation for contract and assigned counsel (compensation based on experience and comparable compensation to prosecuting attorneys would remain in the standard), flat fee and per case compensation agreements, additional compensation, and substitute attorney costs. Much of what is proposed to be omitted from Standard 1 is required by the Washington Rule of Professional Conduct or ABA Ten Principles of a Public Defense Delivery System, which public defense attorneys must adhere to.

Amendment 3. This amendment would add an additional standard to the public defense standards King County would adopt. This standard originated from the county, rather than from the 2024 WSBA or Court Rule Standards. The standard would specify that in the event of a conflict between the county’s adopted public defense standards and a collective bargaining agreement (CBA) covering Department of Defense employees, the CBA would take precedent over the specific WSBA indigent defense standards adopted by the county, but only if the agreement is lawful and approved by the county by ordinance, and only with respect to employees covered by the CBA and only for the issue in conflict.

Amendment 4. This amendment would state that the WSBA Standards not adopted as part of the county’s public defense standards, which are those mandating professional staff to attorney ratios, should serve as guidance to the county in delivering public defense services and making appropriations.

Title Amendment 1. This amendment would conform the ordinance title to Amendment 4 (only needed if Amendment 4 is adopted).

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.³⁰

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

³⁰ [Washington State Court Rules: Rules of Professional Conduct.](#)

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-time³¹ 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)).³²</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
PROPOSED ORDINANCE: Would adopt the WSBA Standard in full. ³³	

³¹ 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.

³² 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.

³³ 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.

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: <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 	<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 phased approach with an annual reduction of a least 10% the difference between the current standard and the new standard".

○ 120 misdemeanor case credits.	
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. 34,35</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.³⁶ • 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 services shall be made available to meet case/support needs of children/youth in family defense cases. • Public defense attorneys under contract or in assigned counsel systems should have access to mitigation specialists and social 	Reserved

³⁴ 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.

³⁵ 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.

³⁶ Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard.

workers consistent with 4.A.	
<i>4.C. Mental Health Evaluations.</i> Each public defense agency or attorney shall have access to mental health professionals to perform evaluations.	
<i>4.D. Interpreters/Translators.</i> 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.	
<i>4.E. Cost of Expert Services.</i> Attorneys shall not be required to bear the costs of expert services (consistent with RPC 1.8(m)(1)(ii)).	

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><i>5.A.</i> Jurisdictions shall provide funding for administrative costs associated with legal representation (such as travel, telephones, and law library).³⁷ Providing for these costs is necessary for all public defense structures, including agency, contract, and assigned counsel systems.</p> <p><i>5.B.</i> 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 have prompt and consistent access to interpreter services.</p>	<p><i>5.1</i> Reserved</p> <p><i>5.2.A.</i> Contracts for public defense services should provide for or include administrative costs associated with providing legal representation (such as travel, telephones, and law library).³⁸</p> <p><i>5.2.B.</i> 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 client.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard (no substantive difference

³⁷ 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.

³⁸ These costs include the same costs listed in the WSBA Standard (see previous footnote).

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: INVESTIGATORS³⁹

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.⁴⁰</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.⁴¹</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>	<p>Public defense attorneys shall use investigation services as appropriate.</p>

PROPOSED ORDINANCE: Would adopt the Court Rule Standard.

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

STANDARD 7: SUPPORT SERVICES

WSBA Standard**	Court Rule Standard
<p><i>7.A. Support Services Necessary for Legal Defense.</i> In addition to the</p>	<p>Reserved</p>

³⁹ RCW 10.101.030 does not explicitly include investigators in the 16 elements required to be in a county's adopted standards.

⁴⁰ 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.

⁴¹ 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.

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.

7.B. Providing for Support Services in Contract and Assigned Counsel Compensation. 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.

7.C. Necessary Legal Assistants/Paralegals Ratio. 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.⁴²

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**
<p>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, 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-</p>	<p>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.</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</p>

⁴² 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>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>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>
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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>9.A. Annual Training. 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>9.B. Onboarding and Training of New and Current Attorneys. 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>9.C Continuing Education for Public Defense Non-Attorneys. 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 providers receive educational opportunities and up-to-date trainings to ensure they can meet their profession's best practices.⁴³</p>	<p>Reserved</p>

⁴³ 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.

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.⁴⁴ 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 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
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⁴⁴ According to DPD, the agency’s current supervisor to attorney ratio is 1:7.

	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 contract terminates or case assignment ends.</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 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**
<p>This standard is comprehensive with numerous details. Headings include:</p> <p>14.A. Minimum Qualifications for All Public Defense Attorneys</p> <p>14.B. Additional Information Regarding Qualifications Overall</p> <p>14.C. Attorneys' Qualifications by Category/Type of Case and Representation Type (Trial or Appellate)</p> <ol style="list-style-type: none"> 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 	<p>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.</p> <p>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.</p>

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.⁴⁵

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.^{46,47}

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 2023.⁴⁸ 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:

⁴⁵ 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.

⁴⁶ [Report to the ABA House of Delegates \(August 2023\)](#)

⁴⁷ [ABA Ten Principles of a Public Defense Delivery System \(February 2002\)](#)

⁴⁸ [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.⁴⁹*

INVITED

- Matthew Pang, Deputy Director, Department of Public Defense
- Kapena Pflum, Budget Manager, King County Executive

ATTACHMENTS

1. Proposed Ordinance 2026-0040
2. Amendment 1
3. Amendment 2
4. Amendment 3
5. Amendment 4
6. Title Amendment 1

⁴⁹ [Report to the ABA House of Delegates \(August 2023\)](#)



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2026-0040.1

Sponsors Barón

1 AN ORDINANCE relating to the department of public
2 defense standards for indigent defense; amending
3 Ordinance 17588, Section 4, as amended, and K.C.C.
4 2.60.026 and adding a new section to K.C.C. chapter 2.60.

5 STATEMENT OF FACTS:

- 6 1. In January 2022, the Washington State Bar Association ("the WSBA")
7 Council on Public Defense ("the CPD") undertook a comprehensive
8 revision of the WSBA standards for indigent defense services.
- 9 2. In October 2023, following the release of a national study of public
10 defense workloads ("the RAND study"), the Washington Supreme Court
11 ("the Supreme Court") requested the CPD review the RAND study and
12 make recommendations, if any, regarding attorney caseload standards to
13 the Supreme Court.
- 14 3. In 2024, the CPD proposed and the WSBA Board of Governors
15 adopted revised standards for indigent defense services ("the WSBA
16 Revised Standards"), including new attorney caseload standards informed
17 by the RAND study, and recommended that the Supreme Court
18 incorporate the WSBA Revised Standards into the court rules governing
19 indigent defense standards.

20 4. On June 5, 2025, the Supreme Court issued Order No. 25700-A-1642,
21 which extended the suspension of Standard 14 of CrR 3.1, CrRLJ 3.1, and
22 JuCR 9.2 – Qualifications of Attorneys for one year, or until otherwise
23 ordered by the court. The order also modified the Certification of
24 Appointed Counsel of Compliance With Standards Required by CrR
25 3.1/CrRLJ 3.1/JuCR 9.2 during the suspension of Standard 14.

26 5. On June 9, 2025, the Supreme Court issued interim order In re
27 Standards for Indigent Defense Implementation of CrR 3.1, CrRLJ 3.1,
28 and JuCR 9.2, Ord. No. 25700-A-1644, adopting new attorney caseload
29 standards for indigent defense effective January 1, 2026, and requiring full
30 implementation no later than January 1, 2036, upon meeting certain
31 conditions. The order was further clarified by Order No. 25700-A-1671,
32 which was issued by the court on November 6, 2025.

33 6. On September 5, 2025, the Supreme Court issued Order No. 25700-A-
34 1656, which addressed caseload standards for family defense cases, as
35 well as Order No. 25700-A-1657, which addressed interim caseload
36 standards for appellate cases pending further order of the court.

37 7. On December 15, 2025, the Supreme Court issued an order in the
38 matter of the adoption of amendments to the standards for indigent
39 defense by Order No. 25700-A-1681, finalizing the Supreme Court's
40 revisions with an effective date of January 1, 2026. The Supreme Court
41 indigent public defense standards are codified in the court rules ("the
42 Court Rules Standards").

43 8. Included in the amendments to the Court Rule Standards are updated
44 attorney caseload levels, now referred to as case credits. The Court Rules
45 Standards require public defense attorneys to use investigation services as
46 appropriate. In addition, the King County council recognizes the vital
47 importance of legal and administrative support staff including, but not
48 limited to, paralegals, legal assistants, mitigation specialists, investigators,
49 and social workers to ensure effective delivery of public defense services.

50 9. RCW 10.101.030 requires a county to adopt standards for the delivery
51 of public defense services and names specific elements that the standards
52 must address. The statute also states that the standards endorsed by the
53 WSBA for the provision of public defense services should serve as
54 guidelines to local legislative authorities in adopting standards.

55 10. This ordinance adopts the county's public defense services standards.
56 It is the expectation of the council that the provision of public defense
57 services will be further subject to collective bargaining agreements with
58 employees in the department of public defense and appropriations.

59 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

60 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 2.60 a
61 new section to read as follows:

62 In accordance with RCW 10.101.030:

63 A. The county adopts the Washington Supreme Court Standards for Indigent
64 Defense, promulgated by the Supreme Court in its order No. 276500-A-1681; and

65 B. In its order No. 276500-A-1681, where the Supreme Court has yet to issue a

66 standard, as indicated by use of the term "[RESERVED]", the county adopts the following
67 from the Washington State Bar Association's September 2024 Standards for Indigent
68 Defense Services. In those Standards adopted by this section, any internal reference to
69 another Standard that is not listed in this section is not adopted:

- 70 1. Standard One (Compensation);
- 71 2. Standards 4.A. (Expert Witnesses), only the first paragraph of 4.B.
72 (Mitigation Specialists, Social Workers), 4.C. (Mental Health Professionals for
73 Evaluations), 4.D. (Interpreters and Translators), and 4.E. (Cost of Expert Services);
- 74 3. Standards 7.A (Support Services Necessary for Legal Defense) and 7.B
75 (Providing for Support Services in Contract and Assigned Counsel Compensation); and
- 76 4. Standard Nine (Training); Standard Ten (Supervision); Standard Eleven
77 (Monitoring and Evaluation of Attorneys); Standard Twelve (Substitution of Counsel);
78 and Standard Sixteen (Cause for Termination of Defender Services and Removal of
79 Attorney).

80 SECTION 2. Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 are
81 hereby amended to read as follows:

- 82 A. The department of public defense shall be directed by the county public
83 defender, whose duties include:
 - 84 1. Managing the department of public defense;
 - 85 2. Ensuring the department employs the needed technical and public defense
86 expertise to ensure effective delivery of public defense services;
 - 87 3. Representing the executive in all city, county, state and federal forums where
88 the defense perspective is required;

89 4. Ensuring that the American Bar Association Ten Principles (~~(for)~~ of) a Public
90 Defense Delivery System, as approved by the American Bar Association House of
91 Delegates in (~~February~~) August of (~~(2002)~~) 2023, guide the management of the
92 department and development of department standards for legal defense representation,
93 and filing with the clerk of the council by April 1 of at least every other year a report on
94 the results of the county public defender's efforts in that regard;

95 5. Following the (~~Washington State Standards for Indigent Defense Services~~)
96 county's adopted standards for the delivery of public defense services;

97 6. Developing and maintaining appropriate standards and guidelines for the
98 qualifications and experience level of public defense attorneys and paraprofessionals;

99 7. Working collaboratively with the public defense advisory board and
100 providing relevant nonprivileged information to the board upon its reasonable request;
101 and

102 8. Fostering and promoting system improvements, efficiencies, access to justice
103 and equity in the criminal justice system.

104 B.1. The county public defender shall be appointed by the executive, subject to
105 confirmation by the council. The executive shall appoint one of the three candidates
106 recommended by the public defense advisory board, except that the executive may
107 request three additional candidates from the public defense advisory board, and the
108 executive may then appoint the county public defender from among the six candidates,
109 subject to confirmation by motion by the council. Confirmation requires the affirmative
110 votes of at least five members of the council.

111 2. Within seven days after either a vacancy occurs in the office of the county
112 public defender or the county executive learns that a vacancy is expected to occur within
113 one hundred eighty days, including but not limited to a vacancy that will result from the
114 expiration of the term of a county public defender who the executive determines to not
115 reappoint, the executive shall provide written notice of the vacancy or expected vacancy
116 to each member of the public defense advisory board and to the clerk of the council and
117 shall commence a national recruitment for candidates to fill the vacancy. Within sixty
118 days after commencing the recruitment, the executive shall provide to each member of
119 the public defense advisory board the names, resumes and all other relevant information
120 about all candidates who meet the qualifications for office set forth in the county charter
121 and subsection C. of this section. Within ninety days after receiving the names, resumes
122 and other relevant information about the qualified candidates from the executive, the
123 public defense advisory board shall provide in writing at the same time to the executive
124 and the clerk of the county council the names of three candidates to fill the vacancy,
125 together with copies of the candidates' resumes and other relevant information, including
126 all written information upon which the board relied in choosing the three candidates. The
127 board shall not rank the candidates, but may summarize the particular strengths of each
128 candidate. If the board is unable to provide the names of three candidates within ninety
129 days, the board may request in writing additional time from the executive, not to exceed
130 sixty days, to identify candidates.

131 3. The executive may request in writing to the board chair, within fifteen days
132 after receiving the list of three candidates, that the board provide to the executive the
133 names, resumes and other relevant written information of up to three additional

134 candidates, depending on the number of qualified candidates remaining, and the board
135 shall comply with such a request within sixty days and shall at the same time provide a
136 copy of the additional materials to the clerk of the council.

137 4. Within thirty days after receiving either the original list of three candidates or
138 the list of up to three additional candidates, the executive shall appoint the county public
139 defender by providing written notice of the appointment to the clerk of the council, who
140 shall provide an electronic copy of the notice to each councilmember and to the chair of
141 the public defense advisory board. If the board fails to timely recommend in writing to
142 the executive the initial three or sufficient additional candidates, as applicable, the
143 executive may either appoint the county public defender from among the candidates who
144 have been recommended or wait until the board has recommended the requisite number
145 of candidates and make the appointment within thirty days thereafter.

146 5. The county council may confirm or reject the executive's appointment by
147 adoption of a motion with the affirmative votes of at least five members. A motion to
148 confirm or reject the appointment shall be referred for committee consideration to the
149 council's committee of the whole.

150 6. If the council rejects the executive's appointment of the county public
151 defender and the executive has not previously elected to request additional candidates
152 from the advisory board under subsection B.3. of this section, the executive may request
153 the public defense advisory board for recommendation of up to three additional
154 candidates in accordance with subsection B.3. of this section. Such a request must be
155 made in writing within seven days after the council rejects the executive's appointment,
156 to the chair of the advisory board, with a copy to the clerk of the council.

157 7. Within thirty days after receiving the additional name or names, the executive
158 shall appoint the county public defender from among the recommended candidates,
159 except that the executive may not reappoint any candidate whose appointment has been
160 rejected by the council. If the advisory board fails to recommend the additional candidate
161 or candidates required by subsection B.3. and 6. of this section and provide the required
162 written information, the executive shall proceed in the same manner as set forth in
163 subsection B.4. of this section.

164 8. At any time after the commencement of the national recruitment process
165 required by subsection B.2. of this section, except when the executive has appointed a
166 county public defender and the council has not confirmed or rejected the appointment, the
167 executive may request that the council authorize the commencement of a new national
168 recruitment and public defense advisory board review and executive appointment
169 process. Such a request must be submitted in writing to the clerk of the council with a
170 copy to the chair of the advisory board. When so requested, the council may authorize
171 commencement of a new recruitment, advisory board review, and appointment process
172 by motion adopted with the affirmative votes of at least five councilmembers.

173 9. Within seven days after appointment, the county public defender shall
174 designate an employee in the department of public defense to serve as a deputy and, in
175 the event of a vacancy in that office, as interim county public defender until a new county
176 public defender has been appointed.

177 C. The county public defender must be an attorney admitted to practice law in
178 any jurisdiction within the United States and in active status and good standing. The
179 county public defender shall, within two years after appointment, be an attorney admitted

180 to practice law in the courts of the state of Washington and an active member of the
181 Washington State Bar Association in good standing and shall, at the time of appointment,
182 have at least seven years of experience as an attorney primarily practicing criminal
183 defense, including both felonies and misdemeanors, as well as supervisory and
184 managerial experience.

185 D. The term of office of the county public defender shall end at the same time as
186 the term of the county prosecuting attorney. The county executive may reappoint the
187 county public defender to additional four-year terms, subject to confirmation by the
188 county council. The county council may confirm or reject the executive's reappointment
189 by adoption of a motion with the affirmative votes of at least five members.

190 E. The executive may remove the county public defender from office for cause,
191 which includes, but is not limited to:

- 192 1. The grounds for vacancy of elective office under Section 680 of the King
193 County Charter;
- 194 2. Failure to meet the applicable legal requirements for serving as county public
195 defender, as set forth in the county charter or the county code;
- 196 3. Conviction of a crime;
- 197 4. A finding or stipulation of misconduct under the Washington Rules of
198 Professional Conduct; and
- 199 5. Failure to manage the department effectively.

200 F. To remove the county public defender for cause, the executive shall serve a
201 written notice of removal, specifying the cause for removal, by delivering a copy of the
202 notice to the county public defender personally or by leaving a copy of the notice at the

203 office of the county public defender with a secretary or other assistant to the county
204 public defender. The executive shall contemporaneously deliver a copy of the written
205 notice of removal to the clerk of the council and to the chair of the public defense
206 advisory board.

207 G. The county public defender may appeal removal to the council by delivering a
208 written notice of appeal to the clerk of the council within ten days after service of the
209 written notice of removal. The notice of appeal shall be delivered at the same time to the
210 executive and to the chair of the public defense advisory board. The council shall review
211 de novo the grounds for removal and either affirm or reverse the removal within thirty
212 days after delivery of the notice of appeal by an affirmative vote of five members, or else
213 the removal shall stand. Removal of the county public defender is effective upon the
214 earliest of:

- 215 1. Ten days after service of notice of removal, if the county public defender
216 serves no notice of appeal;
- 217 2. Affirmation of removal by the council following an appeal;
- 218 3. Thirty days after delivery of the notice of appeal, if the council neither
219 affirms nor reverses the removal; or
- 220 4. The county public defender's delivery of a written notice of resignation to the
221 executive or the clerk of the council.

222 H. The county public defender shall receive compensation at the same rate as the
223 prosecuting attorney.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Sarah Perry, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Girmay Zahilay, County Executive

Attachments: None

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.*

4/27/2026

RL2

[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 "C. The county adopts Standard Twenty (Collective Bargaining) as follows.

4 20. When a collective bargaining agreement between the county and a group,
5 guild, or union of represented employees of the department of public defense establishes
6 a condition of employment, benefit, or procedure that differs with a condition, benefit, or
7 procedure established in the specific Washington State Bar Association's September 2024
8 Standards for Indigent Defense Services adopted by the county, the collective bargaining
9 agreement shall take precedence with respect to those employees covered by the
10 agreement and only to the subject condition, benefit, or procedure in conflict, so long as
11 the following conditions are met:

12 A. The condition of employment, benefit, or procedure created by the agreement
13 is lawful; and

14 B. The agreement has been approved by the county by ordinance."

15 ***EFFECT prepared by L. Krekel-Zoppi: Specifies that in the event of a conflict***
16 ***between the county's adopted public defense standards and a collective bargaining***
17 ***agreement (CBA) covering Department of Defense employees, the CBA would take***
18 ***precedent over the specific WSBA indigent defense standards adopted by the county,***

- 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.*

4/27/2026

RL3

[L. Krekel-Zoppi]

Sponsor: Councilmember LewisProposed No.: 2026-00401 **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 in delivering public
7 defense services and making appropriations:

8 A. Standard 4.B. (Mitigation Specialists, Social Workers);

9 B. Standard 7.C. (Necessary Legal Assistants/Paralegals Ratio); and

10 C. Standard 6.B. (Investigators)."

11 Renumber the remaining sections consecutively and correct any internal references
12 accordingly.13 ***EFFECT prepared by L. Krekel-Zoppi: Specifies that WSBA Standards not adopted***
14 ***as part of the county's public defense standards, which are those mandating***
15 ***professional staff to attorney ratios, should serve as guidance to the county in***
16 ***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.***