



**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**  
Larry Jefferson, Director

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**TO:** County Officials  
**FROM:** Larry Jefferson, Director  
**DATE:** June 6, 2023  
**RE:** Application for State Public Defense Funding for Calendar Year 2024

[RCW 10.101.050](#) allows counties to apply for a pro rata share of available state funds to improve the quality of public defense services for youth and adults. Attached is an updated application for funding in calendar year 2024. Application materials also are available at [www.opd.wa.gov](http://www.opd.wa.gov).

The projected statewide total disbursement for 2024 is \$5,821,675, with each county receiving a pro rata share based on the statutory formula in [RCW 10.101.070](#). **Completed applications are due at the Washington State Office of Public Defense (OPD) by 5 p.m., Friday, August 25, 2023.** OPD will notify applicants of funding status in October and will mail out disbursements in early January. Applications should be submitted via secure file transfer using Axway SecureTransport software. Please see attachment for instructions.

Per [RCW 10.101.060](#), counties in receipt of state funds must document that they are meeting the [WSBA Standards for Indigent Defense Services](#), or that funds are being used to make appreciable demonstrable improvements to public defense services. Attached is a policy on allowable uses for the funding. Pursuant to statute, state funds cannot be used to supplant county funds that were being spent on public defense services prior to the initial disbursement of state funds (2006 for most counties).

In the months since the downturn of the COVID-19 pandemic, public defense and assigned counsel attorneys have been experiencing higher than average open-caseloads. For more information on the impact of these case backlogs on effective representation, we encourage you to refer to materials recently published by the [WSBA's Council on Public Defense](#).

For information regarding the improvement of public defense services or this application, contact OPD Public Defense Services Managers Geoffrey Hulse, [Geoffrey.Hulse@opd.wa.gov](mailto:Geoffrey.Hulse@opd.wa.gov), 360-586-3164 ext. 147 or George Yeannakis, [George.Yeannakis@opd.wa.gov](mailto:George.Yeannakis@opd.wa.gov), 360-586-3164 ext. 102.

*Justice ♦ Service ♦ Equity ♦ Excellence*

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# 2023 Application Instructions/Definitions

## ***Completed applications are due to OPD by 5 p.m., Friday, August 25, 2023.***

With the implementation of GR 42, more local duties involving public defense services, including completing this application, have been moved from court personnel to non-legal positions. OPD is including these instructions and definitions to assist those who may not be familiar with the legal terms used in this application and do not have another resource to access. Of course, if any questions arise, please contact Geoffrey Hulseley, at [geoffrey.hulseley@opd.wa.gov](mailto:geoffrey.hulseley@opd.wa.gov).

The information provided in this Application must reflect all county expenditures on public defense services including (1) public defense agencies, (2) contract services, and (3) appointed counsel. If public defense services are provided through different county offices, all county-wide information must be consolidated into this application.

Please do not leave any answers blank. If the question calls for information that is not available, please enter n/a.

\*\* Hyperlinks to Washington State Court Rules have been removed due to a continued update to the AOC website ([www.courts.wa.gov](http://www.courts.wa.gov)). We anticipate adding them back at a subsequent application cycle.

## **Definitions**

**Case** - The filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed to provide representation.

### **Case Types –**

- **Juvenile Offender** – A criminal case in which the person accused of committing a crime is a youth, and the case is being heard in juvenile court or the juvenile division of the superior court.
- **Adult Felony** – A criminal case in which the defendant is either an adult, and the alleged conduct is classified as a felony. Youths may also fit in this category if the juvenile court or juvenile division of the superior court refuses to hear the case (known as a “decline”).
- **Adult Gross Misdemeanor/Misdemeanor** – A criminal case in which the defendant is an adult and the alleged conduct is not a felony (i.e., a misdemeanor or gross misdemeanor).
- **ITA** – Involuntary Treatment Act. These are civil cases in which the state seeks the commitment of the respondent/defendant for evaluation or treatment, or both, of a “mental disorder” or “substance use disorder.”
- **Becca Case** – Truancy, Children-in-Need-of-Services (CHINS), At-Risk Youth (ARY) cases.
- **Dependency** – A case regarding the care and safety of youth in relationship to their parents/caregivers. A child is determined to be “dependent” on the state if they have been abandoned, abused, neglected, or have no parent/guardian/caregiver. The stated goal is to reunite families.

**Case weighting** – A system for accounting for complexity, seriousness, or other extraordinary time commitments of certain types cases and, therefore, adjusting the number of maximum case assignments. A weighting system may compensate for a case type by increasing or decreasing the weight given to a case type. Case weighting systems may only be used if the local government entity adopts and publishes written policies and procedures for implementing such a system.

**Defendant** – The person answering or responding to a criminal charge. The state has accused these people of committing a crime, and they are defending themselves against the accusations. In certain cases, the defendant is referred to as the respondent.

**Diversion** – An agreement or program in which a defendant agrees to participate for some benefit. Typically, a defendant agrees to certain conditions (e.g., not commit any other crimes, abstain from alcohol, stay away from a particular person or place, engage in some sort of treatment evaluation and follow-through).

**Indigent** – Suffering from extreme poverty. A legal determination of whether someone is indigent is made by a judicial officer in accordance with RCW 10.101.010. Generally, someone is indigent if they receive certain public assistance, involuntarily committed to a public mental health facility, receiving income 125% below the federal poverty level, or unable to pay the anticipated costs of defending themselves against the accusations against them.

**Judicial Officer** – Includes judges, court commissioners, and those acting in a temporary and limited judicial capacity (i.e., judges pro tem).

**Public Defense / Public Defense Services** – The entire system of providing legal representation and other services to indigent defendants/respondents. Public defense services encompass administration, investigative, social work, community support, as well as traditional trial defense representation. In Washington, public defense services also include non-criminal matters such as in dependency.

**Public Defender** – A licensed attorney who represented indigent persons in court proceedings at public expense. A public defender works in a government public defense agency, a non-profit public defense agency, a private firm or solo practice on a contractual basis, or by court appointment.

**RALJ** – From the acronym “Rules for Appeals from Courts of Limited Jurisdiction.” RALJ appeals are cases in which there is an appeal to the county’s superior court from the county’s district court or a municipal court.

**Supplanting Funds** – Use of state funds to replace existing county funds for public defense. For a simple example, if the jurisdiction budgets \$500,000 for public defense, and subsequently receives RCW 10.101 funds in the amount of \$20,000, jurisdictions are prohibited from reducing their county-funded public defense budgets by \$20,000.

**WSBA** – Washington State Bar Association.

2023 Application for Chapter 10.101 RCW  
Public Defense Improvement Funds

**County:** \_\_\_\_\_

**Primary Contact's Name:** \_\_\_\_\_

**Primary Contact's Title:** \_\_\_\_\_

**Primary Contact's Email:** \_\_\_\_\_

**Secondary Contact's Name:** \_\_\_\_\_

**Secondary Contact's Title:** \_\_\_\_\_

**Secondary Contact's Email:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**State Vendor Number:** \_\_\_\_\_

For more information see:

<https://ofm.wa.gov/it-systems/accounting-systems/statewide-vendorpayee-services>

## Section I: 2022 County Public Defense Expenditures

1.1 In 2022, the total costs for county indigent defense services were as follows:

**Total Expenditures (sum of 1.1(a) through 1.1(g)):** \_\_\_\_\_ \$

**a. General Indigent Defense:** \_\_\_\_\_ \$

For jurisdictions that only report under this sub-category, include all costs. Please also answer c(1) and c(2) below. For jurisdictions that report in multiple sub-categories, include costs not otherwise provided for by the case type listed below, such as civil contempt proceedings in child support, paternity actions and runaway dependent children. If applicable, include other expenses not already included below, such as overhead or central services.

Please provide a brief description of the expenditures included in the "General Indigent Defense" category.

**b. Adult Felony:** \_\_\_\_\_ \$

Please also include costs arising from the following actions should be reported in this category: fugitive complaints; special inquiry proceedings; material witness proceedings; coroner inquest proceedings; hearings or proceedings on remand from appellate courts; personal restraint petitions; and habeas petition hearings in Superior Court where counsel is appointed.

**c. Adult Misdemeanor/Gross Misdemeanor/RALJ Appeals:** \_\_\_\_\_ \$

**(1) Does the county provide public defense services for any cities?**

Yes  No

If yes, which ones? (Please provide a copy of the Memorandum of Understanding or other documents)

**(2) If yes, does the above amount include expenses for defense in municipal cases?**

Yes  No

If yes, how much?

**d. Juvenile Offender:** \_\_\_\_\_ \$ \_\_\_\_\_

**e. Juvenile Dependency and Termination of Parental Rights – Representation of Children:** \_\_\_\_\_ \$ \_\_\_\_\_

**f. Becca, Truancy, At-Risk-Youth, CHINS:** \_\_\_\_\_ \$ \_\_\_\_\_

**g. ITA and Civil Commitments – Mental Health/Alcohol:** \_\_\_\_\_ \$ \_\_\_\_\_

*Was the above information derived from the State Auditor’s Budgeting & Reporting System (BARS) categories?*

Yes  No

**1.2 Out of the amount(s) listed in question 1.1, approximately how much was spent on the following public defense services in 2022?**

Investigation: \_\_\_\_\_ \$ \_\_\_\_\_  Unknown

Experts: \_\_\_\_\_ \$ \_\_\_\_\_  Unknown

Social workers/social service/mitigation experts: \_\_\_\_\_ \$ \_\_\_\_\_  Unknown

Interpreter services for attorney-client meetings: \_\_\_\_\_ \$ \_\_\_\_\_  Unknown

**1.3 In what areas (case types and/or job types) do you anticipate needing more financial assistance for public defense in 2024 and 2025?**

## Section II: 2022 Case Assignments

**2.1 In 2022, attorneys providing indigent defense representation had the following case assignments** (please indicate actual number of cases, not case weights or payment points):

- a. For **public defender agency** (government or non-profit), provide the information below regarding **staff attorney case assignments**.

| Types of Cases   | Total # of cases assigned to all agency attorneys | # of probation violations/post sentencing cases assigned | # of FTE agency attorneys | Average per-attorney caseload |
|--|---|--|---------------------------|-------------------------------|
| Superior Court adult felonies  |   |  |                           |                               |
| District Court misdemeanors and gross misdemeanors                   |   |  |                           |                               |
| Juvenile Court offender cases  |   |  |                           |                               |
| “Becca” cases (truancy contempt, at-risk-youth, CHINS)               |   |  |                           |                               |
| Civil commitment – mental health/alcohol                             |   |  |                           |                               |
| Appeals from Courts of Limited Jurisdiction to Superior Court (RALJ) |   |  |                           |                               |

- b. For **private attorneys/firms** that **contract** with the county for public defense services, or attorneys/firms **appointed** to public defense cases by list appointment.

| Types of Cases   | Total # of public defense cases assigned to all attorneys | # of probation violations/post sentencing cases assigned | # of attorneys with public defense contracts (or on appointment list) |
|--|---|--|---|
| Superior Court adult felonies                          |   |  |   |
| District Court misdemeanors and gross misdemeanors     |   |  |   |
| Juvenile Court offender cases                          |   |  |   |
| “Becca” cases (truancy contempt, at-risk-youth, CHINS) |   |  |   |

|   |  |  |  |
|---|--|--|--|
| <b>Civil commitment – mental health/alcohol</b>                             |  |  |  |
| <b>Appeals from Courts of Limited Jurisdiction to Superior Court (RALJ)</b> |  |  |  |

c. Do the misdemeanors and gross misdemeanors contained in the Tables above include municipal cases?  Yes  No  N/A

If yes, how many? \_\_\_\_\_

**2.2 Does the county use a case-weighting policy as allowed for in Standard 3 of the Standards adopted by the WSBA and the Washington State Supreme Court (CrR 3.1, CrRLJ 3.1, JuCR 9.2, MPR 2.1)?** If yes, please attach the county’s case-weighting policy.  Yes  No

**2.3 What is the county’s method for counting probation violations and other post-sentencing cases?**

**2.4 With the passage of 2E2SSB 5536, OPD anticipates an increase in filings of criminal cases centered around possession of controlled substance charges. How many district court cases does the county believe will be filed as a result?**

**2.5 The bill (2E2SSB 5536) also encourages diverting these cases. Please describe all diversionary programs the county maintains.**



## Section III: Grant Funds

**3.1 Please indicate in the table below and attach a narrative paragraph explaining how the county uses RCW 10.101 funds in 2023, and how the funds will be used in 2024.** The table below reflects common allowed uses of funds. See the attached policy for an expanded list of allowed and prohibited uses.

| Uses of State Funding:   | 2023                     | 2024                     |
|--|--------------------------|--------------------------|
| Creating or expanding a county or regional public defense agency   | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing an attorney coordinator who oversees contracts with attorneys providing public defense           | <input type="checkbox"/> | <input type="checkbox"/> |
| Adding attorneys to reduce public defense caseloads  | <input type="checkbox"/> | <input type="checkbox"/> |
| Adding investigator services   | <input type="checkbox"/> | <input type="checkbox"/> |
| Adding expert services   | <input type="checkbox"/> | <input type="checkbox"/> |
| Increasing public defense attorney compensation  | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing public defense services at preliminary appearance calendars                                      | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing social work services or sentencing mitigation as part of public defense representation           | <input type="checkbox"/> | <input type="checkbox"/> |
| Providing interpreter services for attorney-client interviews and communications                           | <input type="checkbox"/> | <input type="checkbox"/> |
| Other use - supported by the <a href="#">WSBA Standards for Indigent Defense Services</a> (please explain) | <input type="checkbox"/> | <input type="checkbox"/> |
| (Use this space for the narrative paragraph detailed above, or use additional pages if needed)             |                          |                          |

## Section IV: Court/County Information

**4.1 In what year did the county last update its public defense standards ordinance as required by [RCW 10.101.030](#)? Please attach the current local standards.**

Year: \_\_\_\_\_

Web link (if applicable):

**4.2 Does the District Court or Superior Court offer any adult pre-filing or post-filing diversion programs, including relicensing programs? If yes, please describe the program(s).**

Yes  No

**4.3 Please describe the county's indigency screening procedure ([RCW 10.101.010 – 020](#)), including fees typically charged (if any), and attach any related written county policies and screening documents used in:**

a. Superior Court

b. District Court

c. Juvenile Court

**4.4 If attorney costs are ordered or assessed, is there a standard recoupment amount or does it vary?**

**Superior Court**

Standard Amount: \$ \_\_\_\_\_

Amount Varies (typical range): \$ \_\_\_\_\_

Recoupment of attorney costs is rarely or never ordered

**District Court**

Standard Amount: \$ \_\_\_\_\_

- Amount Varies (typical range): \$ \_\_\_\_\_
- Recoupment of attorney costs is rarely or never ordered

**Juvenile Court**

- Standard Amount: \$ \_\_\_\_\_
- Amount Varies (typical range): \$ \_\_\_\_\_
- Recoupment of attorney costs is rarely or never ordered

**Section V: Washington State Bar Association Standards for Indigent Defense Services**

*RCW 10.101.060 requires each county that receives state funds to document to the Washington State Office of Public Defense that it is meeting the [WSBA Standards for Indigent Defense Services](#), or that state funds are being used to make “appreciable, demonstrable improvements in the delivery of public defense services.” The following questions address many of the provisions set forth in statute and the WSBA Standards for Indigent Defense Services.*

**Standard One: Compensation**

**5.1 Do the county’s public defense contracts (including sub-contracts and assigned counsel policies) require the attorneys to compensate conflict counsel, investigators or experts?**  Yes  No

If yes, please explain:

**5.2 Does the county provide for extra compensation in cases of extraordinary complexity? [RCW 10.101.060\(1\)\(a\)](#)**  Yes  No

If no, please explain:

**5.3 If representation is provided by attorneys employed by a public defense agency, are job classifications, compensation and benefit levels comparable to local prosecuting attorneys?**  Yes  No  N/A

If no, please explain:

**5.4 Are compensation amounts for contracted, sub-contracted, and assigned counsel attorneys sufficient to cover administrative costs such as travel, telephone, technology, office space, supplies, insurance, taxes and training?**  Yes  No

If no, please explain:

**5.5 What is the average compensation rate for contract or assigned counsel in 2023? (Please use additional pages if needed.)**

| Case Type  | Amount | Base Rate  | Additional Compensation (e.g. trial days) |
|--|--------|--|---|
| Superior Court Adult Felonies – Class A, Persistent Offender         | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| Superior Court Adult Felonies – Other Felonies                       | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| District Court Misdemeanors and Gross Misdemeanors                   | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| Juvenile Court Offender Cases  | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| “Becca” Cases (Truancy, Contempt, At-Risk-Youth, CHINS)              | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| Civil Commitment – Mental Health/Alcohol                             | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |
| Appeals from Courts of Limited Jurisdiction to Superior Court (RALJ) | \$     | <input type="checkbox"/> Per Hour<br><input type="checkbox"/> Per Case<br><input type="checkbox"/> Per Month, Average Monthly Caseload: _____<br><input type="checkbox"/> Other: _____ |   |

## Standard Two: Duties and Responsibilities

### 5.6 In the Superior Court are public defense attorneys present and representing defendants at:

- a. In-custody first appearance hearings where bail is addressed (defined in CrR 3.2.1)?  Yes  No

If no, please describe when and how defendants first have access to counsel:

- b. Out-of-custody initial or first appearance hearings?  Yes  No

If no, please describe when and how defendants first have access to counsel:

- c. Are public defense attorneys made available to consult with clients prior to first appearance or arraignment hearings?  Yes  No

### 5.7 In juvenile matters are public defense attorneys present and representing juveniles at:

- a. In-custody first appearance hearings where bail is addressed (as defined in JuCR 7.3 and JuCR 9.2(d))?  Yes  No

If no, please describe when and how juvenile defendants first have access to counsel:

- b. Out-of-custody first appearance hearings?  Yes  No

If no, please describe when and how juvenile defendants first have access to counsel:

- c. Are public defense attorneys made available to consult with clients prior to first appearance hearings?  Yes  No

### 5.8 In the District Court are public defense attorneys present and representing defendants at:

- a. In-custody first appearance hearings where bail is addressed (as defined by CrRLJ 3.2.1)?  Yes  No

If no, please describe when and how defendants first have access to counsel:

b. Out-of-custody first appearance hearings?  Yes  No

If no, please describe when and how defendants first have access to counsel:

### Standard Three: Caseload Limits

**5.9 Do the county's public defense contracts (and subcontracts, if applicable) specify the types of cases for which representation shall be provided and the maximum number of cases each attorney shall be expected to handle?**

Yes  No

If no, please explain:

**5.10 Are the attorneys' full caseloads (including private cases and public defense cases from other jurisdictions) within the limits set by the Washington Supreme Court?**

Yes  No  Not sure

If yes was not selected, please explain:

### Standard Four: Responsibility for Expert Witnesses

**5.11 Does the county identify funds specifically for the purpose of paying defense experts? [RCW 10.101.060\(1\)\(a\)](#)**

Yes  No

If no, please explain:

**5.12 In 2022 did the public defense attorneys use expert witnesses?**

**Superior Court felonies:**  Yes  No

**District Court cases:**  Yes  No

**Juvenile Offender cases:**  Yes  No

If no, please explain:

**Standard Five: Administrative Costs**

**5.13 Do all public defense attorneys have offices or access to private meeting space to accommodate confidential meetings with clients?**  Yes  No

If no, please explain:

**5.14 Does your public defense agency maintain a ratio of one full-time supervisor for every ten full-time staff attorneys?**  Yes  No  N/A

If no, please explain:

**5.15 Does your county have written criteria for the monitoring and evaluation of attorney performance?**  Yes  No

If no, please explain how monitoring and evaluation is conducted:

If yes, please attach a copy.

**Standards Six and Seven: Investigators and Support Services**

**5.16 Does the county identify funds specifically for the purpose of paying defense investigators? [RCW 10.101.060\(1\)\(a\)](#)**  Yes  No

If no, please explain:

**5.17 In 2022 did the public defense attorneys use investigative services?**

**Superior Court felonies:**  Yes  No

**District Court cases:**  Yes  No

**Juvenile Offender cases:**  Yes  No

If no, please explain:

**5.18 How do public defense attorneys access investigative and additional professional services? Please describe the steps that attorneys (agency employees and contract/assigned counsel) must take to access these services.**

## Standard Eight: Reports of Attorney Activity

**5.19 Do the attorneys maintain a case reporting and case management system?**

Yes  No

If yes, do the attorneys report the following to the county?

a. Number and type of cases?

Yes  No

b. Attorney hours?

Yes  No

c. Dispositions?

Yes  No

d. Trials?

Yes  No

Please describe any other reported data:

If available, please attach a template or sample report.

## Standard Nine: Training

**5.20 Does the county require attorneys to attend seven hours of training related to criminal defense each calendar year? [RCW 10.101.050](#)**

Yes  No

If no, please explain: *(See attached [OPD Training Policy](#))*

## Standards Ten and Eleven: Supervision, Monitoring and Evaluation of Attorneys

**5.21 Who maintains the *Certifications of Compliance with the Supreme Court Standards for Indigent Defense* filed in your county's courts? CrR 3.1(d)(4), CrRLJ 3.1(d)(4), JuCR 9.2(d)(1), MPR 2.1**

How are Certifications made available for public review?

**5.22 Has someone from the county verified that all attorneys that provide public defense representation in your county filed Certifications for the first and second quarters of 2023?**

Yes  No



\*Please provide copies of all Certifications filed by contract/assigned counsel attorneys for the 2nd Quarter of 2023. (It is not necessary to provide Certifications of staff attorneys employed at county or non-profit public defense agencies.)

### Standard Twelve: Substitution of Counsel

**5.23 Do any of the contracted or assigned counsel public defense attorneys sub-contract with another firm or attorney to provide representation?**  Yes  No

If yes, please describe any practices put in place by the county to ensure that subcontracted attorneys meet professional standards as required by RPC 1.8(m)(1):

**5.24 Please describe the procedure for providing continued representation of existing clients after a contract has been terminated:**

### Standard Thirteen: Limitations on Private Practice

**5.25 Does the county require contract public defense attorneys to report all of their public defense contracts and “hours billed for nonpublic defense legal services...including number and types of private cases?”**  Yes  No

If no, please explain: (See attached OPD Time Reporting Policy and [RCW 10.101.050](#).)

### Standard Fourteen: Qualifications of Attorneys

**5.26 Do all attorneys providing public defense services in the county meet the qualification requirements as identified in Standard Fourteen of the [WSBA Standards for Indigent Defense Services](#)?**  Yes  No

If no, please explain:

### Standard Fifteen: Disposition of Client Complaints

**5.27 Who does the county designate to receive and investigate complaints about public defense services?** Please provide the name and contact information for the person/office.

**5.28 How are indigent defendants notified of the county’s complaint policy and procedure?**  
Please provide a copy of the county’s complaint procedure, complaint form, or any other relevant documentation.

**Standards Sixteen, Seventeen, Eighteen and Nineteen: Termination/Removal, Non-Discrimination, Guidelines for Awarding Defense Contracts, and Independence and Oversight**

**5.29 Does your county experience challenges in recruiting and/or retaining a sufficient pool of defense attorneys?**  Yes  No

If yes, please describe:

**5.30 Do the contracts (and/or assigned counsel policies) for public defense attorneys include non-discrimination clauses?**  Yes  No

If no, please explain:

**5.31 Do county judicial officers, judicial staff, county prosecutors, or law enforcement officers select public defense attorneys or award public defense contracts? [WSBA Indigent Defense Services Standard 19](#); [RCW 10.101.040](#); GR 42**  Yes  No

If yes, please describe:

**5.32 Briefly describe the process and criteria used for selecting contract and/or assigned counsel public defense attorneys:**

**5.33 Who in the county is responsible for overseeing contract attorneys, sub-contract attorneys and assigned counsel attorneys? What is their title/position?**

**5.34 Does your county public defense system utilize Rule 9 interns, and/or collaborate with law schools?**  Yes  No

If yes, please describe:

**5.35 Does your county maintain policies/procedures for evaluating public defender performance per contract terms?**

Yes  No

If yes, please attach a copy of the policies/procedures.

## Section VI: Improvements to and Challenges with Public Defense

**6.1 In recent years, what have been some specific budgetary, administrative, policy or other changes that have improved county public defense services?**

**6.2 In recent years, what have been some challenges to delivering county public defense services? Have those challenges been resolved? Please explain.**

**6.3 Are the public defense attorneys in your county continuing to experience a backlog or higher-than-usual level of pending cases resulting from the COVID-19 pandemic court closures and jury trial suspensions?**

Yes  No

If yes, what are the county's plans for addressing the pending workload?

## Section VII: Attachments and Tables

- 7.1 If the county has public defense contracts, complete the Table of Public Defense Contracts (see Table I on next page), and provide a copy of each current contract in alphabetical order by attorney name.** Please include contracts between attorneys and county, as well as any attorney subcontracts (if applicable). Failure to provide current contracts could result in an incomplete application ([RCW 10.101.050](#)).
- 7.2 If the county appoints public defense attorneys from a list, provide the name of each attorney and the compensation rate in the Table of List-Appointed Public Defense Attorneys (see Table II).**
- 7.3 If available and applicable, provide an organizational chart of the county public defense agency/agencies or non-profit public defense agency.**
- 7.4 If the county has a public defense agency, or contracts with a non-profit public defense agency, complete Table III to indicate the number of FTEs within each job category.**
- 7.5 Please include the following items with the county's application. Each required attachment must be labeled with the question number(s) to which it corresponds. If attachments are submitted as separate documents, please ensure the question number is referenced in the file name as well as inside on the document itself. Failure to include any of the required items could result in an incomplete application.**
- Case-weighting policy, if applicable (*see question 2.2*)
  - Narrative detailing county's proposed use for state funding (*see question 3.1*)
  - County's public defense standards (*see question 4.1*)
  - Indigency screening forms and related documents (*see question 4.3*)
  - Written criteria for monitoring and evaluating attorney performance (*see question 5.15*)
  - Sample template or report for monthly or quarterly attorney activity, if applicable (*see question 5.19*)
  - 2<sup>nd</sup> Quarter 2022 Certifications filed (*see question 5.22*)
  - Complaint procedure, forms or other relevant documentation (*see question 5.28*)
  - Policy/Procedures for monitoring attorney performance under the county's public defense contracts, if applicable (*see question 5.35*)
  - Currently effective public defense contracts (*see question 7.1*)
  - Organizational chart of the county public defense agency/agencies or non-profit public defense agency (*see question 7.3*)

Other relevant information (*applicant's discretion*)

**Declaration**

*I declare under penalty of perjury under the laws of the State of Washington that the foregoing information is true and correct.*

---

**Signature**

---

**Date**

---

**Printed Name**

---

**Title**

---

**Place**





**Washington State Office of Public Defense**  
**Table III: 2023 FTEs – County or Non-Profit Public Defense Agency**

| Job Category                       | Number of Full Time Equivalents (FTEs) |
|------------------------------------|--|
| Supervising Attorney               |  |
| Attorney                           |  |
| Investigator                       |  |
| Social Worker or Mitigation Expert |  |
| Attorney Assistant*                |  |
| Administrative Staff**             |  |
| Other (describe below)             |  |

Other: \_\_\_\_\_

\*Attorney Assistant refers to employees who directly support attorneys in legal representation and client services. Examples include trial assistant, legal assistant, paralegal, and docket clerk staff.

\*\*Administrative Staff refers to employees who provide office services rather than direct attorney or client services. Examples include reception, information technology, human resources, and finance.



## Estimated State Funding Distribution to Counties for Calendar Year 2024

| County       | 2022 OFM Population Estimate* | 2022 Superior Court Filings** | Estimated 2024 Distribution |
|--------------|-------------------------------|-------------------------------|-----------------------------|
| Adams        | 21,100                        | 171                           | \$30,704                    |
| Asotin       | 22,600                        | 160                           | \$30,299                    |
| Benton       | 212,300                       | 1206                          | \$184,425                   |
| Chelan       | 80,650                        | 523                           | \$81,079                    |
| Clallam      | 77,625                        | 401                           | \$69,748                    |
| Clark        | 520,900                       | 2964                          | \$439,905                   |
| Columbia     | 3,950                         | 57                            | \$15,133                    |
| Cowlitz      | 112,350                       | 1331                          | \$160,182                   |
| Douglas      | 44,000                        | 189                           | \$40,188                    |
| Ferry        | 7,300                         | 32                            | \$14,192                    |
| Franklin     | 99,750                        | 595                           | \$93,790                    |
| Garfield     | 2,300                         | 12                            | \$10,768                    |
| Grant        | 101,800                       | 575                           | \$92,818                    |
| Grays Harbor | 76,400                        | 508                           | \$78,337                    |
| Island       | 87,700                        | 205                           | \$56,740                    |
| Jefferson    | 33,350                        | 105                           | \$29,406                    |
| King         | 2,317,700                     | 4956                          | \$1,232,875                 |
| Kitsap       | 280,900                       | 1069                          | \$196,751                   |
| Kittitas     | 47,200                        | 318                           | \$52,170                    |
| Klickitat    | 23,150                        | 64                            | \$22,403                    |
| Lewis        | 83,400                        | 777                           | \$103,435                   |
| Lincoln      | 11,050                        | 76                            | \$19,204                    |
| Mason        | 66,200                        | 364                           | \$62,656                    |
| Okanogan     | 42,700                        | 298                           | \$48,919                    |
| Pacific      | 23,600                        | 115                           | \$26,856                    |
| Pend Oreille | 13,625                        | 88                            | \$21,111                    |
| Pierce       | 937,400                       | 3625                          | \$640,504                   |
| San Juan     | 18,150                        | 39                            | \$18,557                    |
| Skagit       | 131,250                       | 890                           | \$129,604                   |
| Skamania     | 11,900                        | 63                            | \$18,404                    |
| Snohomish    | 847,300                       | 1576                          | \$436,528                   |
| Spokane      | 550,700                       | 3390                          | \$486,164                   |
| Stevens      | 47,050                        | 259                           | \$47,147                    |
| Thurston     | 300,500                       | 1224                          | \$216,629                   |
| Wahkiakum    | 4,525                         | 20                            | \$12,216                    |
| Walla Walla  | 62,625                        | 391                           | \$63,687                    |
| Whatcom      | 231,650                       | 1476                          | \$213,905                   |
| Whitman      | 47,800                        | 199                           | \$42,353                    |
| Yakima       | 259,950                       | 2166                          | \$281,884                   |

\* Washington Office of Financial Management, April 1, 2022 Official Population Estimates  
<https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/april-1-official-population-estimates>

\*\*Criminal Cases Filed in Superior Court 2022, Caseloads of the Courts of Washington  
<https://www.courts.wa.gov/caseload/?fa=caseload.showReport&level=s&freq=a&tab=criminal&fileID=crmfilyr>

† King County Criminal Cases Filed, King County Superior Court 2022 Annual Statistical Report  
<https://kingcounty.gov/~media/courts/Clerk/docs/Statistics/AnnualReport2022.ashx?la=en>