



Proposed Implementations of 2026 Caseload Standards

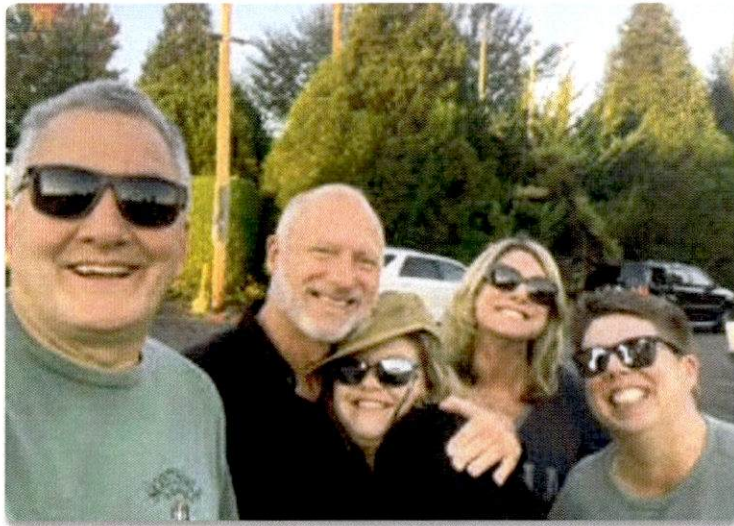
BY ANGELA AVERY, WSBA #55255

ANGELA AVERY LAW, PLLC

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Who I am: Angela Avery, Attorney



- ▶ **Chief Public Defense Officer-Training, Supervision, and Strategic Consultant—Mason County Office of Public Defense, Contract**
 - ▶ Indigent Defense attorney
 - ▶ Former deputy prosecutor (2 years)
 - ▶ Current criminal defense contractor with Mason County (over 2 years)

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New Public Defense Caseload Standards

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FILED
SUPREME COURT STATE
OF WASHINGTON
JUNE 9, 2025
BY SARAH R. PENDLETON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE STANDARDS FOR
INDIGENT DEFENSE IMPLEMENTATION OF
CrR 3.1, CrRLJ 3.1, AND JuCR 9.2

ORDER

NO. 25700-A-1644

The Washington State Supreme Court in October 2023 requested that the Washington State Bar Association ("WSBA") Council on Public Defense ("CPD") review a newly released National Public Defense Workload Study ("The Rand Study") and provide recommendations, if any, to the Court.

Adopted
by the WA
Supreme
Court in
2025

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Summary of Supreme Court Order

- ▶ In 2026, reduces number of cases defense attorneys can accept
 - ▶ Must be accomplished "as soon as reasonably possible"
 - ▶ May reduce attorney caseloads by 10% each year (2036)
 - ▶ Caseload reduction evaluation must be done in three years (2029)

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Order NO. 25700-A-1644

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Effective
public
defenders
are required
by law

Sixth Amendment to United States
constitution

Article I, Section 22 of the Washington
State constitution

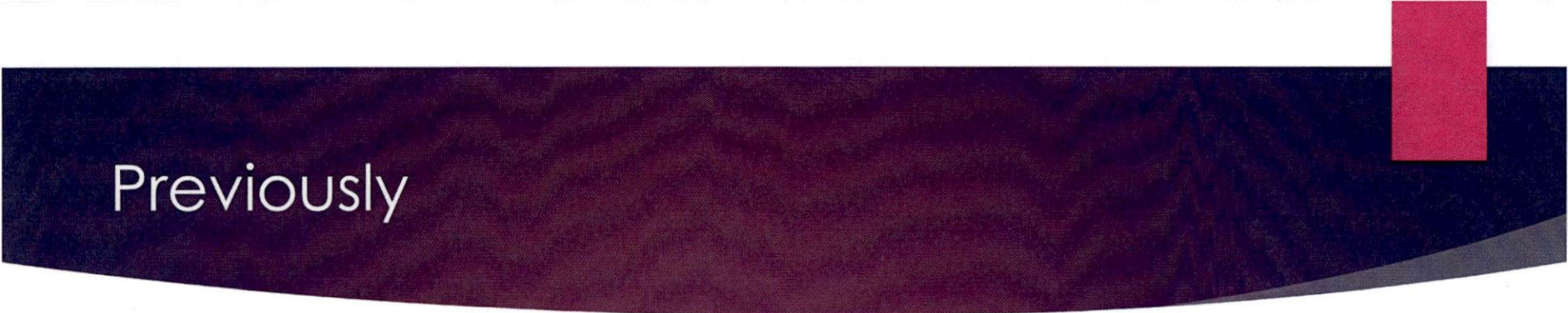
Court rules and Washington State
Supreme Court Order

Washington state Standards of Indigent
Defense

Rules of Professional Conduct

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Previously

- ▶ From **1984 until 2025**, the public defense standards recommended limits:
 - ▶ **150** felony cases per defense attorney, per year, in Superior Court
 - ▶ **300-400** cases per defense attorney, per year, in District Court

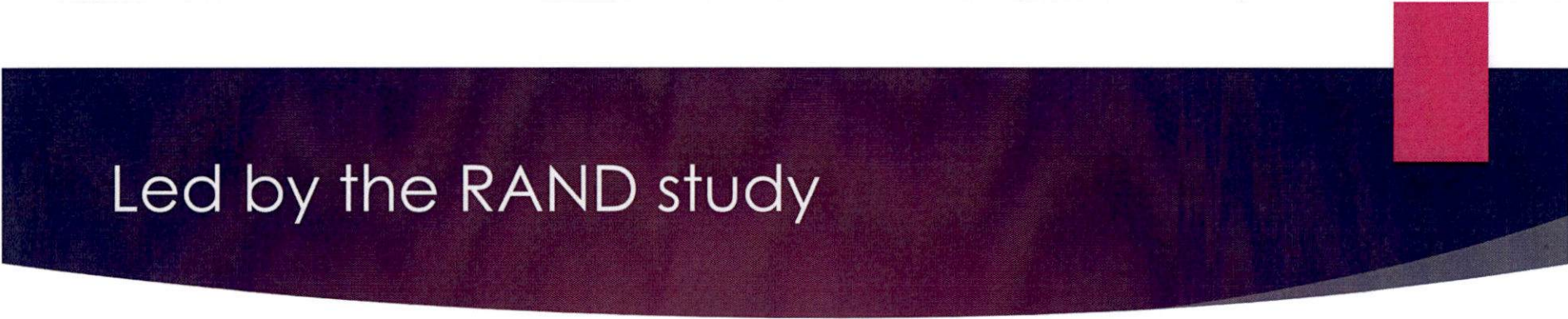
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New Standards of Public Defense

47 Superior Court
cases, per public
defender, per
year

120 District Court
cases, per public
defender, per
year



Led by the RAND study



Research Report

NICHOLAS M. PACE, MALIA N. BRINK, CYNTHIA G. LEE, STEPHEN F. HANLON

National Public Defense Workload Study

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8 categories of necessary work by county attorneys



CLIENT
COMMUNICATION
AND CARE



DISCOVERY AND
INVESTIGATION



EXPERTS



LEGAL RESEARCH,
MOTIONS

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Rand Study-2023 Printed from Mason County DMS



Necessary case work, continued

- ▶ Negotiations
- ▶ Court Preparation
- ▶ Court time
- ▶ Sentencing and Mitigation and Post-adjudication

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Rand study-2023 Printed from Mason County DMS



Not all cases are created equally

- ▶ Superior Court defense attorneys must be qualified to work certain felony cases

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Standards of Indigent Defense

B. Adult Felony Cases—Class A. Each attorney representing a defendant accused of Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. Either:
 - a. has served two years as a prosecutor; or
 - b. has served two years as a public defender; or two years in a private criminal practice; and
- iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.

C. Adult Felony Cases—Class B Violent Offense. Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements.

- i. The minimum requirements set forth in Section 1; and
- ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; or one year in a private criminal practice; and
- iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.

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2024 Mason County Superior Court cases

Total Felony cases: 230

- Murder: 7
- Sex crimes: 17
- Robbery: 11
- Felony Assault: 72
- Theft/Burglary: 60
- Misc...63

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Administrative Office of the Courts
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Salary for Public Defense Office Attorneys

- ▶ Average salary for attorneys is \$114, 639.74
- ▶ Average years of experience as attorneys: 18 years
 - ▶ Attorney 1: 35 years
 - ▶ Attorney 2: 24 years
 - ▶ Attorney 3: 22 years
 - ▶ Attorney 4: 22 years
 - ▶ Attorney 5: 6 years
 - ▶ Attorney 6: Vacant

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Average cost for one county attorney

- ▶ \$154,686 annually, approximately
- ▶ Includes:
 - ▶ L & I
 - ▶ Medical
 - ▶ Retirement
 - ▶ FICA
 - ▶ WA PFL

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Table S.1. Final Results of the Expert Panel Session with Example Caseload Standards

Case Type	Case Weight (Hours per Case)	Annual Caseload Standard
Felony-High-LWOP	286.0	7
Felony-High-Murder	248.0	8
Felony-High-Sex	167.0	12
Felony-High-Other	99.0	21
Felony-Mid	57.0	36
Felony-Low	35.0	59
DUI-High	33.0	63
DUI-Low	19.0	109
Misdemeanor-High	22.3	93
Misdemeanor-Low	13.8	150
Probation/Parole Violations	13.5	154

NOTE: Annual caseload standards were calculated using an assumption of 2,080 hours available annually to a defender for case-related work.

Average
Number of
Hours to work
a Superior
Court case



FTE requirement under new caseload standards

4.89 FTE ATTORNEYS FOR SUPERIOR COURT

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Using 2024 Mason County Superior Court filings

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To have 4.89 Superior Court attorneys

- ▶ Annual cost to the county is:
 - ▶ \$154,686 annual cost for FTE x 5 attorneys (to round up)
- ▶ \$773, 430.00 for Superior Court only attorneys
 - ▶ Includes payroll and benefits

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District Court Cases

Cases filed District Court in 2024 = **665**

-----Misdemeanors-----		
DUI/ Phy Control	Other Traffic	Non Traffic
268	182	215

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AOC-Cases filed 2024 Annual Report
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District Court Caseload recommendations

Table 5.6. Illustrative NPDWS Caseload Standards Based on Attorney Availability Assumptions

Case Type	NPDWS Weight	Annual Case-Related Duty Hour Assumption								
		1,742	1,785.2	1,800	1,856	1,900	1,950	2,000	2,080	2,087
DUI-High	33	52	54	54	56	57	59	60	63	63
DUI-Low	19	91	93	94	97	100	102	105	109	109
Misdemeanor-High	22.3	78	80	80	83	85	87	89	93	93
Misdemeanor-Low	13.8	126	129	130	134	137	141	144	150	151
Probation and Parole Violations	13.5	129	132	133	137	140	144	148	154	154

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Projected Number of District Court Attorneys Required

5.5 county attorneys

665 cases ÷ 120 cases per attorney



Projected cost to the county for 5 county District Court attorneys = **\$850,773**

\$154, 686 annual total compensation per attorney x 5.5 attorneys

Budget for staff
per new
standards

▶ **\$1,623,888.00**

▶ For 10.5 attorneys

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Current Budgeted Vacancies

Chief Public Defender

- Approximate annual salary:
\$148,000

District Court attorney:

- Salary range: \$72,356.16 -
\$92,544.48

Legal Secretary:

- Salary \$51,000

WE'RE SEEKING PUBLIC DEFENDERS COMMITTED TO DEFENDING
THE DIGNITY OF PEOPLE CAUGHT IN A DISEMPOWERING
LEGAL SYSTEM.

JOIN KING COUNTY'S NEW MODEL OF PUBLIC DEFENSE.

At the King County Department of Public Defense (DPD), we're working to transform the work of public defense into a sustainable career.

In July 2025, DPD began implementing the first phase of an innovative case-weight credit model. Felony cases are assigned 1 to 8 credits based on seriousness, with a first-year cap of 10 credits. This is just the starting point of a phased reduction process to give attorneys the time and capacity to provide more effective representation. This model is grounded in the WSPA Caseload Standards (rev. Sept. 2024), which draw from the landmark 2023 National Public Defense Workload Study.



Defend Constitutional Rights

A diverse and dynamic legal practice spanning adult criminal, juvenile, dependency, and involuntary commitment courts

Matt Sanders
DPD Director

At King County DPD, you'll have:

- Holistic representation, including skilled, in-house mitigation specialists and investigators
- Criminal and dependency caseload limits
- Robust funding for expert witnesses
- Ongoing training and development
- Salary range: \$103,272 - \$163,621
- Comprehensive medical benefits
- Strong union workplace
- Well-funded and secure pension
- Supportive and inclusive workplace

DPD is committed to high hiring standards. Candidates should have at least two years of experience in criminal practice, civil litigation, or a judicial clerkship. The strongest candidates will have completed jury trials through verdict.



BE A PART OF THE CHANGE

Visit kingcounty.gov/dpd/jobs or email dpd-hr@kingcounty.gov
Equal opportunity employer



What other counties are doing

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Salary range: \$103,272-
\$163,621 per year

Felony attorneys are only
assigned 110 cases per year
(150 per year for current
standards)

Robust funding for expert
witnesses

King Co.
cont.

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Contract
defense
attorneys

Rate the county pays
for Superior Court
cases: \$175 per hour

Rate the county pays
for District Court
cases: \$150 per hour

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A true example-LWOP murder case

- ▶ In 2024, I had a LWOP murder case.
- ▶ At the time, the hourly rate was \$125 per hour
- ▶ I billed Mason County approximately **\$57,000** for the one year I had the case.
- ▶ I also had a second attorney work with me from the County.
 - ▶ Total cost to the county: Approximately: **\$114,000 total cost to the county**

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LWOP murder case continued

The hourly rate of pay
for contract attorneys is
now \$175 per hour



If I had billed that case
after May 2025, it would
have cost the county
\$56,000 (\$112k with
county attorney)



Again, Mason County
had seven murder
cases in 2024



$\$56,000 \times 7 = \$392,000$
annually



=2.6 county attorneys
rather than 1 contract
attorney

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Administrative Costs are required too

► Standards of Indigent Defense

Standard 5. Administrative Costs

Standard 5.1. [Reserved.]

Standard 5.2.

A. Contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel; telephones; law library, including electronic legal research; financial accounting; case management systems; computers and software; office space and supplies; training; meeting the reporting requirements imposed by these standards; and other costs necessarily incurred in the day-to-day management of the contract.

B. Public defense attorneys shall have (1) access to an office that accommodates confidential meetings with clients and (2) a postal address, and adequate telephone services to ensure prompt response to client contact.

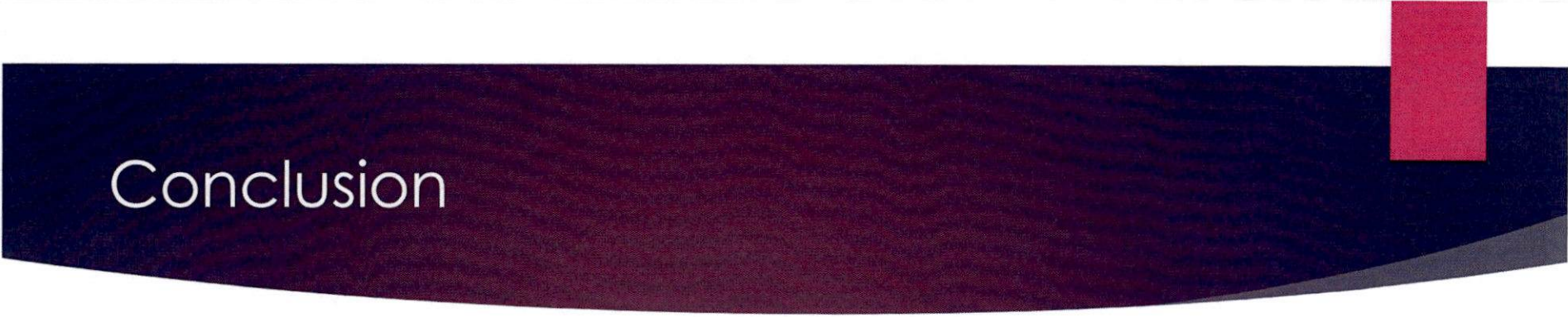
[Adopted effective October 1, 2012.]



Additional county
attorney will
require additional
support staff

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Conclusion

- ▶ The RAND Report is extensive
 - ▶ 168 pages
- ▶ The question for the county now is whether to implement these changes over 10 years
 - ▶ **Or, now to recruit and retain new attorneys to the county**
 - ▶ While expenditures costs are lower

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