



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 20075

Proposed No. 2026-0040.2

Sponsors Barón and Dembowski

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 new sections 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.

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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").

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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 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

56 SECTION 1. Findings: The provision of public defense services will be further
57 subject to collective bargaining agreements with the represented employees in the
58 department of public defense and appropriations.

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

61 In accordance with RCW 10.101.030:

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

64 B. In its order No. 276500-A-1681, where the Supreme Court has yet to issue a
65 standard, as indicated by use of the term "[RESERVED]", the county adopts the following

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from the Washington State Bar Association's September 2024 Standards for Indigent Defense Services. In those Standards adopted by this section, any internal reference to another Standard that is not listed in this section is not adopted:

1. Standard 1.A. (Public Defense Agency Salaries and Benefits) and the first paragraph of 1.B. (Contract and Assigned Counsel Compensation);

2. Standards 4.A. (Expert Witnesses), only 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);

3. Standards 7.A (Support Services Necessary for Legal Defense) and 7.B (Providing for Support Services in Contract and Assigned Counsel Compensation); and

4. 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).

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

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

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

91 B. The agreement has been approved by the county by ordinance.

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

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

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

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

100 C. Standard 6.B. (Investigators).

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

102 SECTION 4. Ordinance 17588, Section 4, as amended, and K.C.C. 2.60.026 are
103 hereby amended to read as follows:

104 A. The department of public defense shall be directed by the county public
105 defender, whose duties include:

106 1. Managing the department of public defense;

107 2. Ensuring the department employs the needed technical and public defense
108 expertise to ensure effective delivery of public defense services;

109 3. Representing the executive in all city, county, state and federal forums where
110 the defense perspective is required;

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

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

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

121 7. Working collaboratively with the public defense advisory board and
 122 providing relevant nonprivileged information to the board upon its reasonable request;
 123 and

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

126 B.1. The county public defender shall be appointed by the executive, subject to
 127 confirmation by the council. The executive shall appoint one of the three candidates
 128 recommended by the public defense advisory board, except that the executive may
 129 request three additional candidates from the public defense advisory board, and the
 130 executive may then appoint the county public defender from among the six candidates,
 131 subject to confirmation by motion by the council. Confirmation requires the affirmative
 132 votes of at least five members of the council.

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133 2. Within seven days after either a vacancy occurs in the office of the county
134 public defender or the county executive learns that a vacancy is expected to occur within
135 one hundred eighty days, including but not limited to a vacancy that will result from the
136 expiration of the term of a county public defender who the executive determines to not
137 reappoint, the executive shall provide written notice of the vacancy or expected vacancy
138 to each member of the public defense advisory board and to the clerk of the council and
139 shall commence a national recruitment for candidates to fill the vacancy. Within sixty
140 days after commencing the recruitment, the executive shall provide to each member of
141 the public defense advisory board the names, resumes and all other relevant information
142 about all candidates who meet the qualifications for office set forth in the county charter
143 and subsection C. of this section. Within ninety days after receiving the names, resumes
144 and other relevant information about the qualified candidates from the executive, the
145 public defense advisory board shall provide in writing at the same time to the executive
146 and the clerk of the county council the names of three candidates to fill the vacancy,
147 together with copies of the candidates' resumes and other relevant information, including
148 all written information upon which the board relied in choosing the three candidates. The
149 board shall not rank the candidates, but may summarize the particular strengths of each
150 candidate. If the board is unable to provide the names of three candidates within ninety
151 days, the board may request in writing additional time from the executive, not to exceed
152 sixty days, to identify candidates.

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

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

159 4. Within thirty days after receiving either the original list of three candidates or
160 the list of up to three additional candidates, the executive shall appoint the county public
161 defender by providing written notice of the appointment to the clerk of the council, who
162 shall provide an electronic copy of the notice to each councilmember and to the chair of
163 the public defense advisory board. If the board fails to timely recommend in writing to
164 the executive the initial three or sufficient additional candidates, as applicable, the
165 executive may either appoint the county public defender from among the candidates who
166 have been recommended or wait until the board has recommended the requisite number
167 of candidates and make the appointment within thirty days thereafter.

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

172 6. If the council rejects the executive's appointment of the county public
173 defender and the executive has not previously elected to request additional candidates
174 from the advisory board under subsection B.3. of this section, the executive may request
175 the public defense advisory board for recommendation of up to three additional
176 candidates in accordance with subsection B.3. of this section. Such a request must be
177 made in writing within seven days after the council rejects the executive's appointment,
178 to the chair of the advisory board, with a copy to the clerk of the council.

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

186 8. At any time after the commencement of the national recruitment process
187 required by subsection B.2. of this section, except when the executive has appointed a
188 county public defender and the council has not confirmed or rejected the appointment, the
189 executive may request that the council authorize the commencement of a new national
190 recruitment and public defense advisory board review and executive appointment
191 process. Such a request must be submitted in writing to the clerk of the council with a
192 copy to the chair of the advisory board. When so requested, the council may authorize
193 commencement of a new recruitment, advisory board review, and appointment process
194 by motion adopted with the affirmative votes of at least five councilmembers.

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

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

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

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

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

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

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

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225 office of the county public defender with a secretary or other assistant to the county
 226 public defender. The executive shall contemporaneously deliver a copy of the written
 227 notice of removal to the clerk of the council and to the chair of the public defense
 228 advisory board.

229 G. The county public defender may appeal removal to the council by delivering a
 230 written notice of appeal to the clerk of the council within ten days after service of the
 231 written notice of removal. The notice of appeal shall be delivered at the same time to the
 232 executive and to the chair of the public defense advisory board. The council shall review
 233 de novo the grounds for removal and either affirm or reverse the removal within thirty
 234 days after delivery of the notice of appeal by an affirmative vote of five members, or else
 235 the removal shall stand. Removal of the county public defender is effective upon the
 236 earliest of:

237 1. Ten days after service of notice of removal, if the county public defender
 238 serves no notice of appeal;

239 2. Affirmation of removal by the council following an appeal;

240 3. Thirty days after delivery of the notice of appeal, if the council neither
 241 affirms nor reverses the removal; or

242 4. The county public defender's delivery of a written notice of resignation to the
 243 executive or the clerk of the council.

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

Ordinance 20075 was introduced on 3/3/2026 and passed as amended by the
Metropolitan King County Council on 6/2/2026, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Fain, Lewis, Mosqueda,
Perry and von Reichbauer

No: 1 - Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Signed by:

Sarah Perry

062AC77E76FB49B...

Sarah Perry, Chair

ATTEST:

DocuSigned by:

Melani Hay

8DE1BB375AD3422...

Melani Hay, Clerk of the Council

APPROVED this ____ day of 6/16/2026, ____.

Signed by:

Girmay Zahilay

B7B9CFF6992F49A...

Girmay Zahilay, County Executive

Attachments: None

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gavin.muller@kingcounty.gov

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Sarah Perry

sarah.perry@kingcounty.gov

Chair, King County Council

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Sarah Perry
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Melani Hay

melani.hay@kingcounty.gov

Clerk of the Council

King County Council

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Girmay Zahilay

execzahilay@kingcounty.gov

Security Level: Email, Account Authentication
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Girmay Zahilay
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In Person Signer Events

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Intermediary Delivery Events

Status

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Certified Delivery Events	Status	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	6/16/2026 11:09:47 AM
Signing Complete	Security Checked	6/16/2026 11:10:07 AM
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