

September 4, 2025

Dear Chief Justice Stephens and Honorable Justices of the Washington State Supreme Court:

On behalf of Washington's 281 cities and towns, the Association of Washington Cities thanks the Court for the attention to our local jurisdictions' concerns about proposed changes to public defender caseload standards. We very much appreciate that the Court's order of June 9 included a 10-year implementation period for the new caseload limits.

While this phase-in period is appreciated, we recognize that cities will nonetheless face significant challenges complying with the new standards. We look forward to partnering with the Court connect with city leaders, municipal attorneys, public defenders, and other stakeholders to develop effective solutions to this multifaceted issue. In the meantime, we ask that the Court to consider additional clarifications in the final rule's order and support for additional assistance to help meet these challenges.

We ask the Court's partnership with and support for cities and counties to ensure the new caseload standards are workable. Cities are responsible for 65% of Washington's misdemeanor cases and 54% of all criminal cases in the state, yet receive only 10% of the state's extremely limited funding for public defender services. This burden historically required cities to spend more than an estimated \$40 million annually to provide public defense. Complying with the increased demands of the Court's order will strain budgets further. A long-recognized shortage of available qualified attorneys exacerbates the challenge.

Because of our state's funding structure, the burden will be felt unevenly, jurisdiction by jurisdiction. According to the National Institute of Justice, [Washington is one of only five states](#) in which indigent defense services is a fully local responsibility. Cities that have defense attorney staff will, in time, need to triple their public defender staffing levels. Small cities that share a public defender with other jurisdictions may need to recruit their own full-time attorney, or will be required to contract with additional attorneys. This hiring cannot be done without funding. In the absence of better state resources, local jurisdictions will need increased revenue authority and flexibility.

Moreover, as we have communicated in response to the proposed rules, funding alone cannot solve this challenge, due to workforce constraints. We request the Court's help in increasing the pool of attorneys to serve as public defenders, and to increase training for legal professionals to serve in other capacities that will ease systemic overload. Potential improvements may include reviving the Limited License Legal Technician program, creating new educational pathways for lawyers to be trained and licensed, or other innovations and use of technology.

We hope that the Court will partner with us to identify other opportunities to incentivize and encourage attorneys to take on this important work. AWC is able and eager to facilitate stakeholder engagement to help design feasible solutions for communities throughout Washington.

Finally, we ask the Court to clarify that its 10-year timeline takes precedence over the timeline in the Washington State Bar Association's Standards, which will provide clarity to cities and allow for more consistency in implementation.

Please do not hesitate to reach out should you have any questions, or if you would like to discuss how we can partner to bring stakeholders to the table to tackle these challenges together.

Best,



Deanna Dawson, CEO