

Enhance indigent defense

2026



Increase state support and funding for indigent defense services and build pathways to increase the public defense workforce.

Background:

In June 2025, the Washington Supreme Court ordered lower caseload limits for public defenders over the next decade. The new order will eventually cut caseload standards by roughly two-thirds for each public defender by 2036.

In Washington, cities are responsible for:

- **65%** of misdemeanor cases; and
- **54%** of criminal cases overall (including public defense costs).

Cities need to hire more public defenders to cover the existing caseload but are struggling. Statewide, there aren't enough public defenders available for hire, and many cities already cannot afford it. Without options to pay for more public defenders, cities will have no choice but to drop or dismiss cases. This will have dire consequences on local communities by undermining public safety and damaging the criminal justice system's credibility overall.

Cities fully embrace the constitutional requirement to provide counsel for individuals who need defense services and understand the well-intentioned change. However, the reality of covering public defense costs is already difficult for many cities to fulfill—a challenge exacerbated by new caseload standards.

Washington is one of only five states in the U.S. where public defense is funded significantly by local budgets. About 90% of our state's small public defense allocation goes to counties. For cities, Office of Public Defense grants cover only 3% of the conservatively estimated \$54 million in current annual municipal costs.

Cities cover a wide array of vital local services, including public safety, and statutorily restricted local budgets are already stretched thin. This caseload standard change increases the strain on municipal courts, especially for small and rural court systems.

Strong cities need:

An increase in funding to cities of \$10 million per year to hire and support public defenders.

New, innovative programs to ease systemic overload:

- Increasing the pool of attorneys to serve as public defenders.
- Training for legal professionals to serve in other capacities.
- Creating new educational pathways for lawyers to be trained and licensed.

Legislative modifications to help address local needs:

- Population-based caseload implementation standards to help rural and small cities.
- Innovative uses of technology to allow attorneys to defend clients remotely.
- Statutory harmonization between the Supreme Court's 10-year phase-in order and the Washington State Bar Association's authority to set a three-year transition.

\$54 million → **\$162 million**

Cities' annual costs to cover public defense could more than triple over the next decade.

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