



**BUSINESS OF THE CITY COUNCIL
YAKIMA, WASHINGTON
AGENDA STATEMENT**

Item No. 9.D.
For Meeting of: September 17, 2024

ITEM TITLE: Proposed changes to Criminal Rules for Courts of Limited Jurisdiction, CrRLJ 3.1, Standards for Indigent Defense

SUBMITTED BY: Sara Watkins, City Attorney
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SUMMARY EXPLANATION:

On March 8, 2024, the Washington State Bar Association (WSBA) adopted new misdemeanor indigent defense (public defenders) case load limits and is recommending that the Washington State Supreme Court do the same.[1] See link for full text of proposed rule and information on the comment period. Case load limits provide a cap on the number of cases a public defenders may handle in a year. This recommendation is the result of a process that began when the Supreme Court asked the WSBA to look at the issue of indigent defense case load standards. In response to this request the WSBA sent its adopted case load standards to the Supreme Court with a recommendation that the Supreme Court adopt the standards. These new standards, if adopted by the Supreme Court, would ultimately reduce the caseload limit for each Municipal Court public defender from the current 400 cases a year to 120 case credits a year in 2027[2]. The proposed misdemeanor public defense case load limits have the potential to devastate public safety and quality of life in the City of Yakima.

Under the current caseload limits, which were adopted by the Washington State Supreme Court in 2012, the City of Yakima contracts for 9.35 public defenders at a cost of approximately \$1,694,220 in 2023[3].

Under the current case load limits our public defense capacity is 3,200 criminal cases and 540 fail to comply petitions (probation violations) for a total of 3,740 cases a year. Using data from last year we filed approximately 3,123 cases (with an additional 540 probation violations assumed for this analysis). If the proposed case load limits are adopted and no new attorneys were budgeted for and/or hired, our public defender capacity would be 1,122 case credits[4] a year. This represents more than 69% decrease in public defense capacity. This reduced capacity would allow the City to prosecute only a portion of our most serious offenses (DUI and Crimes of Domestic Violence) and no other crimes. In order to provide the same level of prosecutions, many more attorneys will be needed. The rule also requires a social worker and investigator for every three indigent defense attorneys, and a paralegal for every four indigent defense attorneys. This rule is an unfunded mandate to all jurisdictions across the state and will impact the already tight City of Yakima budget.

The Legal Department has a short presentation planned to discuss these changes and initial thoughts on how to approach the changes. We have also prepared a comment which includes an analysis of the

“Study,” the Bar Association relied upon to make the proposed indigent defense caseload standard recommendations. The Legal Department is seeking approval from the Yakima City Council to submit these comments to the Washington Supreme Court on behalf of the City of Yakima.

[1] <https://www.wsba.org/news-events/media-center/media-releases/state-bar-adopts-new-public-defense-standards>

[2] The WSBA standards have a phased implementation. Phase 1, beginning July 2, 2025, would reduce to 280 case credits. Phase 2, beginning July 2, 2026, would reduce to 225 case credits. Phase 3, beginning July 2, 2027, would reduce to 120 case credits.

[3] The City also contracts with various other attorneys for smaller numbers of cases where there are conflicts which prohibit the originally appointed attorney from engaging in representation.

[4] The new indigent defense standards assign a value (credit) to each type of case. Many of the cases we prosecute will actually count as more than a case under the new standards.

ITEM BUDGETED: No

STRATEGIC PRIORITY 24-25: A Safe and Healthy Yakima

RECOMMENDATION: Authorize the Legal Department to submit these comments to the Washington Supreme Court on behalf of the City of Yakima.

ATTACHMENTS:

[Memorandum_Caseload Limits Strategies.pdf](#)

[Ltr_WA Supreme Court Chief Justice & Justices_Proposed Changes to CrRLJ3.1-Indigent Defense Standards.pdf](#)

[Attachment A Study Analysis.pdf](#)

[Presentation_Public Defense Caseload Limits & Charging_Council.pdf](#)