

Washington State Judicial Branch

2025-2027 Biennial Budget

Washington Defender Association Resource Support

Agency: Office of Public Defense

Decision Package Code/Title: 1R – WA Defender Assoc. Resources

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests \$810,000 to sustain the nonprofit Washington Defender Association's (WDA) resource assistance and case support services to public defense attorneys throughout the state. WDA receives pass-through funding for numerous services that have not received a cost-of-business increase in more than five years. The requested funding includes a new WDA staff position to recruit, train, and provide ongoing technical assistance to investigators for public defense cases.

Fiscal Summary: Funding is requested to support statewide public defense resources at the nonprofit Washington Defender Association.

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	0.0	0.0	0.0	0.0	0.0	0.0
Operating Expenditures						
Fund 001-1	\$375,000	\$435,000	\$810,000	\$435,000	\$435,000	\$870,000
Total Expenditures						
	\$375,000	\$435,000	\$810,000	\$435,000	\$435,000	\$870,000

Package Description:

Issues:

For more than 20 years, the Office of Public Defense (OPD) has administered critical pass-through funding to the nonprofit Washington Defender Association (WDA) to implement resource assistance and case support services to public defense attorneys throughout the state.¹ Each year WDA provides thousands of individualized case consultations for criminal public defense attorneys as well as dozens of training programs. However, WDA has not received a cost-of-business increase in more than five years.

During the Covid pandemic, WDA was able to absorb rising business costs with temporary savings from moving all training online. Over the past year, however, WDA has resumed its hallmark in-person CLE seminars as well as onsite visits with public defense providers around the state. Travel and event costs are significantly higher since 2019, including stipends for speakers and to support those with lived experience for their participation. In addition, WDA is in the process of adjusting salaries in order to recruit and retain professional staff in a competitive legal services environment. The nonprofit also faces increased costs for rent, IT, and other basic business operations.

¹ WDA provides a variety of unique case support and technical assistance for criminal public defense attorneys around the state. Among the WDA services are live and recorded trainings; felony and misdemeanor case consultations; individualized consultations about immigration consequences associated with criminal charges; resources and case assistance for incarcerated parents and their families, etc. See www.defensenet.org

To comply with the Washington State Bar Association’s (WSBA) updated Standards for Indigent Defense Services², public defense attorneys likely will need access to more investigator services. The existing pool of experienced defense investigators is extremely limited and defenders already struggle to find competent investigators available to work for them, especially in rural areas and in smaller offices. The current pool includes individuals with various backgrounds and training, and some investigators who may have good forensic skills, such as former law enforcement officers, are not always trained in best defense practices related to client communication. WDA has been able to offer some investigator training, but it is insufficient to train those new to investigation and to provide advanced training.

Proposed Solutions:

OPD requests funding to support WDA’s ongoing salary, training, and business operations, as well as to add a new investigator resource position at the nonprofit. WDA will hire a full-time staff attorney (or potentially a non-attorney experienced as a defense investigator) to establish a training program that supports current defense investigators and those interested in a career in criminal defense investigation. The WDA staff position will survey the current landscape and coordinate with OPD and local defenders on pathways for recruitment and training to build up defense investigative services consistent with ratios identified in Standard Six of the WSBA Standards for Indigent Defense Services. WDA will provide multi-day in-person investigator training programs as well as stand-alone one-day training and monthly webinar training.

Fully describe and quantify expected impacts on state residents.

This decision package ensures that WDA can continue to provide timely response in more than 4,000 case consultation requests and dozens of training sessions each year for public defense attorneys and investigators.

Explain what alternatives were explored by the agency and why this was the best option chosen.

1. OPD inquired about WDA’s ability to further raise member dues, use reserve funds, and secure grants. This alternative was rejected because WDA has utilized these alternative fund sources to their maximum capacity.
2. OPD considered leaving WDA to take their request directly to the Legislature. OPD rejected this alternative because the request is well-aligned with OPD’s mission and vision. OPD historically has included WDA requests for pass-through funding in an agency Decision Package.

What are the consequences of not funding this request?

Not funding this request will leave WDA with insufficient resources to respond to public defense resource assistance requests during a time of increased need and dwindling numbers of public defense attorneys and investigators.

Is this an expansion or alteration of a current program or service?

This decision package funds an investigative resource position at WDA to enhance current training and public defense support services.

² WSBA Standards for Indigent Defense Services, updated March 2024, available at [wsba-indigent-defense-standards-as-approved-by-bog-2024.03.08.pdf](https://www.wsba.org/wp-content/uploads/2024/03/08-WSBA-Indigent-Defense-Standards-as-Approved-by-Bog-2024.03.08.pdf). Updated WSBA Standard Six regarding use of defense investigators requires 1 FTE investigator for every 3 FTE attorneys at public defense agencies, and requires the equivalent level of defense investigation services be made available for contracted and assigned public defense counsel. The updated Standard is to be implemented by July 2028.

Decision Package expenditure, FTE and revenue assumptions:
Staffing Assumptions N/A

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 26	FY 27	FY 28	FY 29	
No OPD FTEs					

Use Standard Costs?
No

If No, Explain Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 26	FY 27	FY 28	FY 29	
Grants or Pass-Thru Funding	\$375,000	\$435,000	\$435,000	\$435,000	Pass-through funding to WDA to support their resource assistance for public defense attorneys. Includes a WDA position to train/recruit investigators for public defense cases.

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

This decision package helps ensure that those with the least resources have access to effective legal representation. Public defense clients are among the most vulnerable in our society and often come from marginalized communities.

Accessibility

This decision package helps those overseeing public defense delivery systems to ensure that marginalized communities can access effective legal representation.

Access to Necessary Representation

This decision package supports public defenders, who are the first line of defense in assuring constitutionally mandated services are provided to marginalized individuals.

Commitment to Effective Court Management

Trained, effective attorneys assist the court to maintain efficient and professional court proceedings.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.

This decision package benefits public defense attorneys, and by extension their clients who are disproportionately low-income and BIPOC.

Describe the how the agency conducted community outreach and engagement.

OPD and WDA leadership meet monthly.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.

This decision package helps mitigate existing disproportionate impacts by supporting public defense attorneys and, by extension, their clients, many of whom are from communities of color that are disproportionately impacted by the criminal legal system.

Are there impacts to other governmental entities?

This decision package supports county and municipal public defense services as well as state OPD and its contractors.

Stakeholder response:

WDA enjoys broad support for its public defense support services, including from the WSBA, Washington State Association of Counties, as well as other organizational and community advocacy groups.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

- WSBA Standards for Public Defense Services, [wsba-indigent-defense-standards-as-approved-by-bog-2024.03.08.pdf](#)
- Overview of WDA resource and case support services, www.defensenet.org

Are there information technology impacts?

No

Agency Contact:

Sophia Byrd McSherry
OPD Deputy Director for Government Relations
360-878-0550
Sophia.byrdmcsherry@opd.wa.gov