

FILED
SUPREME COURT STATE
OF WASHINGTON
NOVEMBER 6, 2025
BY SARAH R. PENDLETON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE STANDARDS FOR
INDIGENT DEFENSE IMPLEMENTATION OF
CrR 3.1, CrRLJ 3.1, AND JuCR 9.2

) **CLARIFYING**
) **ORDER**
)
) NO. 25700-A-1671
)
)

On June 9, 2025, this court issued Order No. 25700-A-1644 which set revised caseload standards for attorneys appointed to represent indigent criminal defendants and other respondents. Questions have arisen regarding two aspects of the Court’s decision to allow a phased approach to full implementation: one question concerns implementation of the 10% annual reduction and the other question concerns implementation of the requirement to achieve compliance with the reduced caseload standards “as soon as reasonably possible.”

Therefore, to clarify the Court’s requirements on these points, the Court enters the following explanation:

1. The requirement that the reduced caseload standards be implemented “as soon as reasonably possible” does not allow for any increase in caseloads above those currently in place, even in jurisdictions that are already ahead of the court’s implementation schedule. Similarly, failing to implement annual reductions is contrary to implementation “as soon as reasonably possible.”

CLARIFYING ORDER

IN THE MATTER OF THE STANDARDS FOR INDIGENT DEFENSE IMPLEMENTATION
OF CrR 3.1, CrRLJ 3.1, AND JuCR 9.2

2. The provision allowing for “an annual reduction of at least 10% of the difference between the current standard and the new standard (as measured on January 1, 2026), until the new standard has been met” requires a steady yearly decrease in caseloads of no less than 10% of the difference between the current caseload maximum standard and the new caseload maximum standard, now expressed in case credits for any 12 month period.

The following calculations illustrate how the 10% annual reduction is calculated:

- a. 10.3 felony case credits (representing 10% of 103, the difference between the current standard of 150 cases and the standard effective on January 1, 2026 of 47 case credits).
- b. 18 misdemeanor case credits (representing 10% of 180, the difference between the current standard of 300 cases and the standard effective on January 1, 2026 of 120 case credits).

IT IS SO ORDERED.

DATED at Olympia, Washington this 5th day of November, 2025.

For the Court

A handwritten signature in black ink, appearing to read "John Z.", is written over a horizontal line.

ACTING CHIEF JUSTICE