



**King County**

# Department Policies and Procedures

Title

**Case-Weight Credit Policy Manual**

Department/Issuing Agency

**Department of Public Defense**

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Approved

Matt Sanders, Director

## King County Department of Public Defense Case-Weight Credit Policy Manual

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## 1. Introduction<sup>1</sup>

Beginning July 1, 2025, the King County Department of Public Defense (DPD) will be among the first public defense offices in the country to begin implementing groundbreaking caseload standards informed by the **National Public Defense Workload Study (2023) (NPDWS)**.<sup>2</sup> This credit policy serves as both an internal operational manual for DPD and a helpful tool for other public defense offices navigating the complexities of implementation. The goal of this policy is to align DPD's practices with the **Washington State Bar Association's Standards for Indigent Defense Services (WSBA Standards)**,<sup>3</sup> which implements over three phases the caseload recommendations of the NPDWS. The ultimate goal of the WSBA Standards, in turn, is to ensure that public defenders have manageable caseloads that allow each client to receive high-quality, constitutionally required representation. While the work of public defense is always hard, DPD is committed to finding innovative ways to make this critical work sustainable.

The WSBA Standards represent a paradigmatic shift in public defense. For too long, national guidelines on caseloads have allowed for public defenders to carry excessively high criminal caseloads of up to 150 felonies (irrespective of seriousness) or 400 misdemeanors per year.<sup>4</sup> This system afforded public defenders only a handful of hours to spend per case on average, which was a woefully insufficient amount of time in which to expect a public defender to prepare to provide competent and effective counsel to every client. In addition to undermining an indigent defendant's constitutional right to prepared counsel, the unsustainably high caseloads catalyzed an exodus of experienced public defenders from the profession altogether. The NPDWS responded by recommending dramatically more attorney hours per case based on seriousness and taking into consideration the voluminous discovery and higher practice standards associated with modern criminal litigation.

Over the past year, DPD has been preparing for the new standards in order to maximize the likelihood of successful implementation. In terms of capacity, DPD has enjoyed an unprecedented increase both in the total number of its felony attorneys and in the recruitment of new and experienced public defenders locally and nationally. In terms of technology, DPD has thoughtfully built out the necessary IT infrastructure to manage the data tracking and caseloads at scale and in real time. To illustrate, we have built reporting tools to give supervisors contemporaneous data on each attorney's caseload as the year progresses, ensuring supervisors can adjust assignments as needed. By taking these proactive measures and embracing the WSBA Standards, DPD aims not only to improve the quality of representation in King County but also demonstrate that sustainable workloads for public defenders is an achievable and worthwhile goal. DPD hopes the lessons learned from its own transparent implementation of the WSBA Standards will aid other public defense offices in establishing more sustainable caseloads in their communities.

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<sup>1</sup> DPD anticipates this policy will remain in effect throughout Phase 1 and will govern until a new policy is finalized.

<sup>2</sup> The *National Public Defense Workload Study (2023)* was a collaboration between the RAND Corp; the National Center for State Courts (NCSC); the American Bar Association (ABA) Standing Committee on Legal Aid and Indigent Defense (ABA SCLAID); and Stephen F. Hanlon, Principal, Law Office of Lawyer Hanlon.

<sup>3</sup> Under KCC 2.60.026(A)(5), DPD must comply with the Washington State Standards on Indigent Defense Services. The most recent version of the WSBA Standards on Indigent Defense Services was revised September 2024.

<sup>4</sup> See National Advisory Commission on Criminal Justice Standards and Goals, *The Defense* (1973).

## 2. Methodology and Guiding Principles

DPD's **case-weight credit system** assigns a numeric credit value to each case based on the average attorney hours required to provide high-quality representation for that case type. The credit values are derived directly from the WSBA Standards, which, in turn, are informed by the NPDWS. Each credit represents a portion of an attorney's annual available work hours. Under WSBA Standard 3.J, the maximum annual case credits for a full-time public defender are calculated assuming **1,650 case-related work hours per attorney per year**. This 1,650-hour figure reflects the time an attorney has for casework after accounting for holidays, vacation, sick leave, training, supervision, and other non-case duties. By anchoring the credit system to available hours, we ensure that caseloads align with WSBA standards.

DPD's **credit-debit system** and data tracking depend on timely and accurate time entries in the CMS. It is therefore essential that attorneys **record their hours** timely to reflect the work performed on each case. It is also important for professional staff to enter their time so that DPD can better understand their workload and the full costs associated with client representation. In terms of time entry requirements, attorneys are expected to enter 31 hours per regular work week; mitigation specialists, investigators, and paralegals are expected to enter 25 hours per regular work week; and legal assistants are expected to enter 20 hours per regular work week.<sup>5</sup>

**Alignment with WSBA Standards:** Every case assignment in DPD's system is weighted according to the WSBA's definitions of case complexity and associated credit values. The WSBA's revised standards categorize cases by severity (e.g. Felony Low, Felony High, etc.) and assign a credit value to each category. For example, a Class A felony like a homicide might be assigned 7 or 8 credits, whereas a low-level felony is 1 credit. **Table 4.1** below summarizes the presumed hours and base credit values for each major case category in DPD's system.

Notably, the WSBA Standards call for a phased implementation (discussed in Section 3 of this manual) to allow offices to decrease caseloads over the course of three distinct phases. Additionally, WSBA Standard 3.D requires that an attorney's workload be "**reasonably evenly distributed throughout the year.**" This principle is incorporated into our assignment practices (see Section 5.4 on monthly distribution) to prevent workload spikes that could overwhelm attorneys in any given month.<sup>6</sup>

Throughout this policy manual, justifications are provided for key policy decisions to promote understanding. For instance, limits on new attorneys' caseloads (Section 5.2) are justified by empirical research and WSBA guidance on the need for mentorship, and the approach to handling transferred cases (Section 7) is rooted in preserving continuity of representation.<sup>7</sup> Where applicable, we cite the 2023 WSBA Standards to demonstrate that these policies are grounded in research, ethical, and legal mandates. See K.C.C. 2.60.026(A)(5).

If the total number of incoming case assignments exceeds DPD's capacity to provide counsel for newly assigned cases, the Director of DPD must notify the appropriate courts, County Council, and the Executive that DPD is unavailable to accept additional assignments and must decline to accept additional cases.<sup>8</sup>

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<sup>5</sup> See DPD's Time Entry Guidelines Policy dated November 4, 2024.

<sup>6</sup> This section is also supported by the ABA's Ten Principles of a Public Defense Delivery System (2023), specifically Principle 3 (Control of Workloads).

<sup>7</sup> These sections are also supported by the ABA's Ten Principles of a Public Defense Delivery System (2023), specifically Principle 7 (Experience, Training, and Supervision), and Principle 8 (Vertical Representation).

<sup>8</sup> WSBA Standards 3.B. (Quality Representation); see also General Rule 42.

### 3. Implementation Timeline and Phases<sup>9</sup>

The Department's transition to a case-weight credit system is scheduled to occur on **July 1, 2025**, and will take place over four phases as required by the WSBA Standards.<sup>10</sup> Specifically, WSBA Standard 3.J. states that the maximum annual caseload for a full-time public defender must be based upon an assumed 1,650 "case-related hours" per year. Furthermore, WSBA Standard 3.J. states that "[t]his Section shall be implemented according to the schedule in Section 3.O." WSBA Standard 3.O., in turn, sets forth the three-phase caseload implementation timeline. DPD will keep the 1,650 caseload related hours per year constant through the phases resulting in an increase in the hours-per-credit allocation from Phase 1 through Phase 3. The WSBA Standards have provided the following implementation timeline.

**Phase 1 (July 1, 2025 – June 30, 2026):** Each full-time felony attorney may be assigned up to *110 felony case credits* in the year, and each full-time misdemeanor attorney up to *280 misdemeanor case credits*. Family defense attorneys shall not represent more than 45 family defense clients or carry more than 60 open and active credits at any given time.

**Phase 2 (July 1, 2026 – June 30, 2027):** The annual limit is reduced to *90 felony case credits* and *225 misdemeanor case credits* per full-time attorney. Family defense attorneys shall not represent more than 35 family defense clients or carry more than 40 credits at any given time.

**Phase 3 (July 1, 2027):** The annual limit is reduced to *47 felony case credits* and *120 misdemeanor case credits* per full-time attorney. These numbers represent the final step of caseload implementation under the WSBA Standards.

**Phase 4 (July 1, 2028):** Professional staffing ratios are required under the WSBA Standards.

To comply with limits in Phase I, DPD's case management system (CMS) will track credits based on a fixed 12-month cycle aligned with a July-to-June timeline. Each phase in the WSBA Standards begin on July 1 and end on June 30 of the following year. At the start of each phase, it is likely that every attorney's annual credit count will reset to zero to ensure accurate tracking and compliance except SMC and FDU.<sup>11</sup> **Each July–June period constitutes a credit-calendar year.** Credits retained by a **transferring attorney** are limited to credits for cases assigned to that attorney during the relevant credit-calendar year.<sup>12</sup> The annual reset provides a clear baseline for compliance monitoring at the start of each phase. Previously logged hours on ongoing cases will not be lost; these hours will remain visible in CMS and will be used to calculate credit adjustments for any future transfers.

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<sup>9</sup> This case-weighted credit policy is intended to apply for Phase I, but the other Phases that are required by KCC and WSBA Standards are referenced to explain the context of Phase I. While resetting credit calculations are required for operational needs before starting Phase I in order to decouple prior credit counting and this case-weighted credit policy and reduce error in calculating credits, those may or may not be required after Phase III.

<sup>10</sup> For technical reasons, DPD will run on a July 1 through June 30 credit-calendar schedule.

<sup>11</sup> SMC will be a rolling total, which awards supplemental credits. This is required based on contract with the City of Seattle. DPD will separately track the credits SMC attorneys earned during the credit-calendar year in order to assess annual attorney caseloads and availability for assignment. Transfer credits are not included in the contract with the City of Seattle and shall not be considered in an attorney's rolling total when transferring.

<sup>12</sup> DPD limits the transferring attorney's retention of credits to the same credit-calendar year to prevent the same case from being credited in two years' worth of capacity. This practical measure ensures any internal transfers stay contained within a single credit-calendar year.

This structured approach is intended to support equitable case distribution and minimize disruption during the transition to a case-weighted model. Because DPD is bound by the WSBA Caseload Standards, the annual credit resets will not affect an attorney’s overall caseload capacity during the credit-calendar year.

## 4. Case-Weight Credit System Overview

### 4.1 Case Categories and Base Credits

Under the case-weight credit model, each criminal case assignment is given a **base credit** value at the time of assignment, corresponding to its severity level as defined by the WSBA Standards. WSBA Standards define eight case-weight tiers and assign maximum annual credits.

**Table 4.1** below shows the presumed attorney hours (from the WSBA Standards) associated with an average case in each tier, and the resulting credit assignments in Phases 1, 2, and 3 of implementation. The **Felony Credit** is the base credit for that case if handled as a felony, and **Misdemeanor Equivalent Credit** is the same credit value expressed in misdemeanor credit terms (since 1 felony credit = 2.55 misdemeanor credits, see Section 4.2).<sup>13</sup>

**Table 4.1 – Hours per Case and Base Credit Values by Case Type for each Phase:**

Case Type	Phase 1 Hours	Phase 2 Hours	Phase 3 Hours <sup>14</sup>	Felony Credits	Misdemeanor Credit Equivalent (Base Credits)
<b>Felony LWOP</b>	120.21	149.60	280.50	8	20.4
<b>Homicides</b>	105.19	130.90	245.44	7	17.85
<b>Felony Sex</b>	75.13	93.50	175.31	5	12.75
<b>Felony High</b>	45.08	56.10	105.19	3	7.65
<b>Felony Mid</b>	22.54	28.05	52.59	1.5	3.83
<b>Felony Low</b>	15.03	18.70	35.06	1	2.55
<b>Misd. High</b>	8.84	11.00	20.63	(n/a)	1.5
<b>Misd. Low</b>	5.89	7.33	13.75	(n/a)	1

**Assignment at the Initial Filing:** At the time a case is assigned to an attorney, it is credited according to the highest case-weight tier. For example, if a case is filed felony-mid (1.5 felony credits), the attorney will receive the full base credits for that class of case. If charges are later **amended upward** to a more serious category like a felony-high (3 felony credits), the attorney’s supervisor would grant the attorney an additional 1.5 felony credits. Those additional credits will be credited to the attorney on the date of the amendment up. By contrast, if charges are reduced to a lower case-weight tier, the case will **retain the original credit value** that was assigned at the initial filing. Supervisors will not take away credits from an attorney because charges were reduced.<sup>15</sup> If a charge is reduced or dismissed and subsequently assigned to a subsequent lawyer from the

<sup>13</sup> Unless otherwise stated, “credits” is shorthand for misdemeanor credits.

<sup>14</sup> Due to rounding that was done by WSBA when incorporating the RAND case hours into the available 1650 hours, the hours in Phase 3 do not perfectly match the hours in the RAND study. For instance, the RAND study found that and LWOP case takes 286 hours; however, when applying the 8 case credits to the Phase 3 credits provided by the WSBA Standards, the available hours become 280.85. The D.O. is bound by following the WSBA Standards.

<sup>15</sup> WSBA Standard 3.I.(1)(a).

same division or different division, the case credit will be based on the case weight of the most serious charge at the time it is assigned to the new lawyer.<sup>16</sup>

**ITA Court:** An ITA attorney receives credit at the time a case is assigned. The originally assigned attorney does **not** receive an additional credit if the case proceeds to a contested 90-day hearing. However, if the case proceeds to a **contested 180-day hearing**, the ITA attorney will receive a second credit to reflect the additional work required.

#### 4.2 Credit Values and Conversions

Most case credits in DPD's system are designed to be comparable across different types of cases by converting them to a common workload metric. **DPD created a unified credit system based around misdemeanor credits as the baseline unit.** While the WSBA Standards establish the relative weighting of felony versus misdemeanor cases, they do not explicitly prescribe using misdemeanor credits as the baseline. The choice to do so was made by DPD specifically for operational consistency, particularly within our juvenile practice area where attorneys frequently handle both misdemeanors and felonies.

In DPD's system, this results in a straightforward conversion: **1 felony credit = 2.55 misdemeanor credits.** This conversion factor is derived directly from the WSBA Standards ratio (280 misdemeanor credits ÷ 110 felony credits ≈ 2.55), shown in Table 4.1 above. When multiplied by this factor, each felony case's base credit yields its "misdemeanor equivalent" value (e.g., 1 felony credit = 2.55 misdemeanors, 3 felony credits = 7.65 misdemeanors, etc.).

The hours-per-case for each case-weight tier are determined using a mathematical formula based on WSBA Standards 3.J. and 3.O. This formula calculates the presumed hours-per-case by **dividing 1,650 hours by the maximum annual credits to yield the hours per credit.** In other words, these are averages. Some cases will take more time than the average hours, others less. Importantly, **DPD will not adjust the credit value of a case unless an extraordinary circumstance occurs** (such as **trial credits on co-counsel cases and/or transfer credits**, see Section 8 below). That is, once a case is assigned and credited, DPD does not change its credit value because it turned out to be more or less time-consuming than the average case of that case-weight tier.<sup>17</sup> DPD's reasoning, in line with WSBA's approach, is that over the course of an attorney's annual caseload, such variations should even out.

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<sup>16</sup> WSBA Standard 3.l(1)(a), "In the event a charge is amended to a less serious charge, the attorney shall still be given caseload credit for the original, higher charge *as of the time the attorney was appointed to the case*" (emphasis added).

<sup>17</sup> Unless another section of the policy applies. For example, if the initial charge was amended up to a charge with a higher CWT, DPD would grant the attorney credits amounting to the difference between the initial charge and the highest amended charge.

## 5. Attorney Workload and Caseload Limits

This section details the specific workload limits that apply to different attorney practice areas, along with policies to ensure those limits are observed in day-to-day operations. It includes general annual caseload caps, adjustments for new attorneys, reduced loads for supervisors, and guidance on distributing cases month-to-month.

### 5.1 Caseload Maximums by Practice Area

Below are the caseload limits for full-time DPD attorneys in each practice area—expressed in case credits, number of cases, or case-related hours as appropriate. These limits are on an **annual basis**.<sup>18</sup>

**Table 5.1—Criminal Caseload Limits Per Practice Area**

<b>Attorney Type</b>	<b>Phase 1 Credit Limit</b>	<b>Phase 2 Credit Limit</b>	<b>Phase 3 Credit Limit</b>	<b>Notes</b>
<b>Felony Attorneys (Adult Criminal)</b>	110 felony credits (280 misdemeanor equivalent)	90 felony credits (225 misdemeanor credits)	47 felony credits (120 misdemeanor credits)	Includes attorneys handling adult felony cases
<b>Juvenile Practice Attorney</b>	110 felony credits (280 misdemeanor equivalent)	90 felony credits (225 misdemeanor credits)	47 felony credits (120 misdemeanor credits)	Same limits as adult felonies.
<b>Misdemeanor Attorneys (District Court)</b>	280 misdemeanor credits	225 misdemeanor credits	120 misdemeanor credits	Consistent with WSBA misdemeanor standards
<b>Seattle Municipal Court (SMC) Attorneys<sup>19</sup></b>	325 SMC case credits (also tracked as 280 misdemeanor credits)	225 misdemeanor credits	120 misdemeanor credits	Contract differs from WSBA; internal tracking is used to ensure compliance with both.
<b>Involuntary Treatment Act (ITA) Attorneys</b>	N/A (250 civil commitment cases/year)	N/A	N/A	ITA caseload measured in cases not credits.

<sup>18</sup> WSBA Standard 3.I.(3)(d)(iii).

<sup>19</sup> All credit calculations for SMC attorneys must follow the contract with City of Seattle with respect to SMC cases. Transfer credits shall not be a part of the credit calculations because they are not contemplated in the contract with the City of Seattle. While case credits are discussed for Phases II and III for SMC, DPD will likely need to renegotiate the contract with the City of Seattle. It is likely that Phases II and III represent a reduction from 325 SMC credits, so Phases II and III do not reference SMC credits. Additionally, this document is intended to be for Phase I, but explains the context with Phases II and III.

<b>Calendar Attorneys</b>	N/A (1,650 hours/year case-related duties)	N/A (1,650 hours/year case-related duties)	N/A (1,650 hours/year case-related duties)	Calendar role; measured by hours, not credits
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Supervisors are expected to regularly review each attorney’s caseload to ensure compliance with the caseload limits. The Managing Attorneys of each division are responsible for ensuring no attorney is assigned cases beyond these limits.

### 5.2 Reduced Caseloads for New Attorneys

Attorneys who are new to public defense require a ramp-up period to develop their skills and learn office practices. They also require mentoring and often spend additional time researching and seeking guidance on their cases. In line with WSBA Standard 3.F., DPD will assign new attorneys no more than **two-thirds of the standard maximum caseload** during their first 6 months. After 6 months, the full standard maximum caseload applies.

Concretely, for Phase 1 an attorney in their first 6 months will be capped at:

- SMC caseloads are limited to **133<sup>20</sup> credits** (294 total credits in first 12 months).
- KCDC caseloads are limited to **93 credits** (234 total misdemeanor credits in 12 months).
- ITA caseloads are limited to **83 cases** (208 total credits in first 12 months).
- FDU caseloads are limited to **40 open credits** in the first 6 months.

Supervisors will work closely with attorneys to help ensure a smooth transition into a new practice area, and that they are able to balance their caseload while still learning their new role and court practices. Supervisors should take this into consideration when assigning cases.

### 5.3 Attorney Supervisor Caseload Guidelines<sup>21</sup>

DPD’s supervisors are responsible for providing training, mentorship, and case staffing for the attorneys they supervise. To ensure supervisors have sufficient time to fulfill their oversight role, DPD imposes a reduced caseload expectation for attorney supervisors depending on their number of supervisees.

**Supervisor-to-supervisee ratios should comply with the following guidelines:**

- Full-Time Supervisor: A supervisor who directly supervises **6 to 10 attorneys** is considered a **full-time supervisor** and should be assigned no new pretrial cases as solo counsel.<sup>22</sup> Their work time should be dedicated to managing, consulting on cases, and administrative duties. Supervisors may still appear in court for attorney coverage and post-conviction matters.
- Half-Time Supervisor: A supervisor who supervises **1 to 5 attorneys** is a **half-time supervisor**. They may carry up to **half of a standard caseload** as primary counsel. For example, if the normal felony

<sup>20</sup> Under the SMC contract, this two-thirds calculation is based on the Washington Supreme Court Standards on Public Defense, which has a misdemeanor maximum of 400 cases. Given that a significant portion of a SMC caseload consists of supplemental credits, SMC attorneys are not worse off because of the two-thirds off the 400-case maximum under the court rule.

<sup>21</sup> This applies to all practice areas.

<sup>22</sup> Sometimes a half-time supervisor will transition to a full-time supervisor. Their caseload should attrition down and they should then not receive new pretrial cases as solo counsel.

caseload is 110 credits/year, a half-time supervisor in that unit might handle around 55 credits/year as lead counsel.

These limits recognize the corresponding relationship between the number of attorneys a supervisor oversees and the time available for training and development. It is important for supervisors to mentor their supervisees, attend their trials for support and constructive feedback, routinely staff cases, etc.

**Co-Counseling and Training:** Attorney supervisors are strongly encouraged to remain actively involved in casework by serving as co-counsel alongside less experienced attorneys. This practice not only provides supervisors the opportunity to train attorneys through direct collaboration but also ensures that clients benefit from the involvement of an additional attorney. When looking for cases for a less experienced attorney to co-counsel, the attorney supervisor should first consider their own caseload for appropriate cases. Additionally, supervisors must keep in mind the current workload of all of their supervisees when determining who will co-counsel.

**Dividing Co-Counsel Credits:**<sup>23</sup> When supervisors assign co-counsel at the initial stage of a case, the base credits associated with that case must be **evenly divided between the lead attorney and co-counsel**, regardless of whether the co-counsel is a staff attorney or a supervisor; Co-counsel should be added at the time of the initial case assignment.

If a supervisor adds a co-counsel later—such as shortly before trial—they may receive a portion of the base credit given to lead counsel at the time of assignment provided that co-counsel and lead counsel were both assigned during the credit-calendar year.<sup>24</sup> If additional credits are granted pursuant to this subsection, they will be awarded when the supervisor adds the co-counsel or when trial commences.

**Rationale for Evenly Dividing Credits:**<sup>25</sup> Previously, DPD policy allowed supervisors broad discretion in how to apportion case credits between co-counsels. While there may have been legitimate reasons for uneven distribution, such an approach risks unintentional inequities, particularly in situations where a less experienced attorney performs most of the substantive legal work but receives disproportionately fewer credits. This potential inequity is further complicated when one also factors considerations of race, gender, and socioeconomic background. By adopting a clear, standardized policy of evenly dividing base credits between co-counsels assigned at the outset, DPD seeks to promote fairness, transparency, and accountability. Also, when a co-counsel rotates off a case, it is easier to conduct the credit-debit calculation if the base credit is evenly divided (see Section 7.2 Credit Allocations in Transfers).

DPD agrees to revisit this policy and consider providing additional case credits to each co-counsel attorney in the future.

#### 5.4 Monthly Distribution of Cases

While the annual limits set the overall capacity, how cases are **distributed throughout the year** is also important. WSBA Standard 3.D. advises that a public defender’s caseload should be “reasonably evenly distributed throughout the year.” That said, DPD recognizes unexpected changes in staffing or other unforeseeable events may result in uneven distributions on occasion.

**DPD’s approach** is to guide supervisors in leveling case assignments month by month. For example, consider an attorney with a Phase 1 maximum of 280 misdemeanor-equivalent credits per year. This attorney should

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<sup>23</sup> This subsection does not apply to non-criminal practice areas.

<sup>24</sup> If supervisors gave co-counsel credit given to lead counsel during the previous credit-calendar year, then DPD would be effectively creating new credits for those cases as anything debited from lead counsel would have no impact on their caseload since the next credit-calendar year resets.

<sup>25</sup> This subsection does not apply to non-criminal practice areas.

receive an average of about **23 credits per month** (since  $280/12 \approx 23.3$ ). In practice, DPD encourage supervisors to aim for roughly that level of assignments each month for an attorney. Criminal caseload carrying attorneys may receive roughly 23 credits per month. However, operational needs may occasionally result in attorneys receiving more than 23 credits in a given month. If an attorney receives more than 23 credits per month for three consecutive months, then in the fourth month, their credit load will be adjusted downward to account for the overages. Specifically, any credits received in excess of 70 total credits over the prior three-month period will be subtracted from the presumptive 23 credits for the fourth month. For example, if Attorney A received 25 credits each month in January, February, and March for a total of 75 credits (70+5), then Attorney A may receive a maximum of 18 (23-5) credits in April.<sup>26</sup>

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<sup>26</sup> For **felony-high attorneys**, the distribution will be less even given the credits-per-case they receive.

## 6. Case Assignment Guidelines

This section outlines *how* cases are assigned to attorneys under the case-weight credit system, including factors supervisors consider in making assignments.

- **Capacity-Based Assignment:** As a threshold matter, an attorney must have available capacity in terms of remaining credits for the year to take a new assignment. The supervisor will monitor caseloads on a regular basis.
- **Case Complexity and Attorney Experience:** DPD maintains a practice of designating some attorneys as “**Felony High**” attorneys and “**Felony Low/Mid**” attorneys based on experience and training. This designation helps ensure that the most serious cases (like LWOP or other Felony High matters) are handled by attorneys with the appropriate experience level. However, importantly, **this distinction does not affect rotations in and out of the adult felony practice.** A Felony High-designated attorney will generally receive the felony-highs and above, whereas a Low/Mid attorney will receive more lower-level felonies, until they gain the necessary trial experience. This is a flexible system; as attorneys develop, they can move into higher complexity cases. In all cases, **no attorney will be assigned as solo counsel on a case tier for which they do not meet the qualification standards.**<sup>27</sup>
- **Encouraging Co-Counsel in Serious Cases:** To provide high-quality advocacy and simultaneously develop newer attorneys, supervisors are encouraged to assign co-counsel on a portion of cases based on case severity. Supervisors are encouraged to consider the seriousness and complexity of cases at assignment and to assign co-counsel where appropriate. In felony practice, supervisors should ensure that at least 50% of felony-high (and above) cases have a co-counsel team consisting of one felony-high-designated attorney and one felony-low attorney. This pairing helps less-experienced public defenders develop the skills needed to handle more serious cases. As co-counsel, these defense teams are eligible for trial credits and transfer credits when applicable.<sup>28</sup>

**Attorney Vacations:** Attorneys requesting three or more days of vacation should provide 21 days’ notice to their supervisor. The attorney and supervisor should discuss and address coverage needs during the approved leave. Attorneys should try to minimize the number of court hearings that fall during their planned leave, keeping in mind the best interests of the client. Generally, supervisors should avoid assigning new cases to an attorney when the next court hearing will occur during the attorney’s scheduled and approved leave or on the first day of their return, unless the hearing can be meaningfully covered by another attorney.

**Prior Client Relationships:** DPD strongly values continuity of representation. If a new case involves a client who has an existing relationship with an attorney in the practice unit, the supervisor will try to assign the new case to that same attorney. Continuity of representation is an important factor, as familiarity and trust between attorney and client can improve outcomes. That said, this is not an absolute rule, as capacity or other factors might override it. For example, there may be occasions when the prior attorney-client relationship is itself a barrier to trust on the new case. In such situations, supervisors should consider that information and assign the case to a different attorney.

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<sup>27</sup> WSBA Standard 14.C.

<sup>28</sup> See generally Section 8 (Co-Counsel Trial Credits and Transfer Credits).

## 7. Attorney Rotations and Case Transfers

### 7.1 DPD's Credit-Debit System

DPD applies a **credit-debit system** to criminal case transfers. The **transferring attorney** initially receives the full base credit at the time the case is assigned. **If the case is later transferred, the transferring attorney retains credit proportional to the hours they recorded in the CMS on cases assigned during the credit-calendar year and only on cases assigned to them during the credit-calendar year.** The **receiving attorney** will receive credit based on the number of hours entered by prior counsel (the immediately prior attorney and all prior attorneys, if any). The number of hours worked by prior attorney(s) is then deducted from the presumed hours. The remaining hours are then used to calculate the remaining credit available to the receiving attorney who assumes responsibility for the case.<sup>29</sup> **Transferring attorneys** cannot retain more than the credit they were awarded during the **credit-calendar year**. The maximum credit that can be earned on a case is referenced in Table 7.1 for the life of a case in a division. This includes credits through the **credit-debit system and** credits from transferred credits, but does not include co-counsel trial credits.

**Table 7.1 – Maximum Credits by Case Weight Tier<sup>30</sup>**

Case Type	Base Misd. Credit (from Table 4.1)	Max Total % <sup>31</sup>	Max Total Misdemeanor Credits (base + extra) <sup>32</sup>	Equivalent in Felony Credits (based on 110)
LWOP	20.4	200%	<b>40.80</b>	16
Homicides	17.85	200%	<b>35.70</b>	14
Felony Sex	12.75	150%	<b>19.13</b>	7.5
Felony High	7.65	150%	<b>11.48</b>	4.5
Felony Mid	3.83	105%	<b>4.02</b>	1.58
Felony Low	2.55	105%	<b>2.68</b>	1.05
Misd. High	1.5	105%	<b>1.58</b>	—
Misd. Low	1.0	105%	<b>1.05</b>	—

In co-counsel cases, attorneys will each receive half of the credit up front. If a co-counsel rotates and their case gets transferred to either the other co-counsel, or another attorney, that **calculation will be based on half the average hours** in Phase 1 in Table 4.1. For example, Attorney A and Attorney B are both assigned to a felony sex case worth 5 felony credits (i.e., 75 average hours). Both attorneys A and B receive 2.5 felony credits each. If attorney B subsequently rotates off the case, and attorney C takes over the case from Attorney B, then the credit-debit calculation would determine how many of the 2.5 felony credits would attorney C

<sup>29</sup> DPD must limit credits retained by the transferring attorney to those credits for cases assigned during the credit-calendar year because otherwise the transferring attorney would receive credit again for work credited during the previous credit-calendar.

<sup>30</sup> This is the credit maximums for any case involved in the credit-debit calculation or transfer credits. Table 7.1 does not apply to trial credits. In other words, co-counsels may conceivably receive transfer credits up to the maximum outlined in Table 7.1 plus trial credits if the case proceeds to trial. **It is also important to remember that DPD runs off misdemeanor credits.**

<sup>31</sup> This credit maximum is the total credit of the case regardless of the credit year and represents the original base credit and any additional credit earned.

<sup>32</sup> This is the maximum credit awarded on the case for transfer credits. So, if there were multiple transfers that would all accrue towards this maximum.

receive based on 37.5 presumed hours (i.e., 15 hours x 2.5). Attorney B would retain credit based on how many hours they worked on the case during the **credit-calendar year** and if they had earned their initial credit during the **credit-calendar year**.

**Mechanics:** The presumptive hours for a case based on CWT is considered 100% of the work (50% for each co-counsel). If the first attorney handled some portion of those hours, they potentially earned that portion of the credit. The new attorney gets the remainder based on what prior attorney(s) worked.<sup>33</sup> DPD achieves this by using time records in our CMS:

- The number of hours of attorney work on the case are totaled (regardless of if it is from the **transferring attorney** or a prior lawyer assigned the case).
- DPD knows the presumed total hours for that case type (e.g., 45 hours for a Felony High case).
- The fraction of work done is based on the ratio of hours completed by the prior attorney(s) and the presumed total hours for that case weight tier.
- The amount of credit granted to the **receiving attorney** is based on the remaining credit based on the hours worked.
- The **transferring attorney** would retain the amount of credit based on the ratio of hours worked during the **credit-calendar year** if they were originally credited in the **credit-calendar year** and the presumed total hours for that case weight tier. If they earned the credit before the **credit-calendar year**, they receive no credit.

For example, Attorney A was assigned a Felony Mid case (presumed 22.6 hours, 1.5 credits). Attorney A worked 11.3 hours on it (50% of presumed) before it was transferred within the same **credit-calendar year**. Attorney A would keep 0.75 credits (half of 1.5) on their record, and Attorney B (new attorney) would get 0.75 credits upon taking it over. If Attorney A had done very little – say 2 hours (about 9%) – they’d keep ~0.14 credits and Attorney B would get ~1.36 credits.

**Within-Division vs. Cross-Division Transfers:** If a case is transferred **within the same division** (i.e., between two felony attorneys in the same office), the division management will perform the above debit-credit calculation and adjust the internal credit records. If a **case is transferred to a different division**, then the outgoing attorney (in the original division) retains all the credit they earned for work completed pursuant to the debit-credit calculation if the transfer occurred in the same **credit-calendar year** they were awarded credit, and the new attorney **receives the full base credit**.<sup>34</sup>

## 7.2 Credit Carryover Between Units

Attorney rotations, while necessary, can disrupt continuity and potentially lead to workload imbalances if not managed carefully. The following policies govern how DPD handles rotations and transfers in the context of the weighted credit system. The goals are to ensure credits are fairly apportioned for work done, to minimize unnecessary transfers, and to provide for smooth transitions when rotations occur.

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<sup>33</sup> DPD also understands that often times work done by the transferring attorney has to be repeated by the receiving attorney and will take more hours. See WSBA Standards 3.1(3)(c). This is why DPD’s policy provides for transfer credits on some transferred cases. See Section 8.2.

<sup>34</sup> Each Division constitutes a separate law firm under the RPCs and therefore, credit must be granted to the new Division regardless of work at the prior Division. They may never get access to the work completed by the prior Division. The new division would also not have the number of hours in their CMS to do any of the automated calculations. This applies to all practice areas. Transfers between Divisions are rare. The majority of transfers are between attorneys within the same Division.

When an attorney rotates from one practice area to another, DPD will use a **credit-debit system** to subtract the work performed in the prior practice area from the attorney’s overall capacity in the new practice area. Because different units have different annual limits (e.g., 280 misdemeanor credits vs. 250 ITA cases), DPD uses a **credit-debit system** to allow a transferring attorney retain credits for work completed on cases assigned during the **credit-calendar year**, which will proportionally reduce the transferring attorney’s capacity in the new practice area. This is done to provide a fair and transparent way to assess remaining capacity during rotations.<sup>35</sup>

It is important to emphasize that the **transferring attorney** will only be credited for work done on cases assigned during the **credit-calendar year**.<sup>36</sup> By contrast, the attorney receiving the transferred cases may receive any credits remaining on all of the transferring attorneys’ cases based on the credit-debit formula and irrespective of the case age.

- **Criminal to Criminal (felony ↔ misdemeanor):** Our system applies a unified conversion ratio based on the hours-per-credit provided in **Table 4.1**. Under Phase 1, one felony credit corresponds to approximately 15 hours of case-related work, and one misdemeanor credit corresponds to about 5.9 hours. This results in a conversion factor of roughly 1 felony credit to 2.55 misdemeanor credits. For example, if a misdemeanor attorney who has accrued 140 misdemeanor credits mid-year (e.g., as of January 1, 2026) rotates into a felony caseload, those 140 misdemeanor credits equate to approximately 55 felony credits ( $140 \div 2.55 \approx 55$ ). However, because attorneys may not have completed the full credit value of each assigned case at the time of transfer, the supervisor must apply the credit-debit process on cases assigned during the credit-calendar year to determine how many **misdemeanors credits** the transferring attorney retains based on hours actually worked in CMS. The unearned portion of those 140 misdemeanor credits will be debited from the transferring attorney’s record and given to the receiving attorney who take over the cases. The misdemeanor credits the transferring attorney retains are deducted from their capacity for the remainder of the credit-calendar year. This ensures that credited work aligns with hours expended, while maintaining compliance with annual workload limits across practice areas
- **Criminal to SMC or vice versa:** The SMC contract allows for a maximum of 325 misdemeanor case-weight credits with supplemental credits, while the WSBA sets a maximum of 280 case-weight credits. Since DPD tracks both limits, attorneys rotating into or out of the SMC practice area will have their credits converted using the same method applied in other criminal practice areas. The credit calculation will be based on the tracking of the 280-credit WSBA standard and the credit-debit process. This ensures the SMC practice area integrates seamlessly into DPD’s broader case-weight credit model. It also ensures that attorneys assigned to King County District Court and SMC are treated similarly for work completed.
- **Criminal to ITA or vice versa:** Similar to the criminal practice areas, where credit is allocated using a credit-debit calculation based on hours worked, credit retention in ITA depends on the number of hours entered into the CMS on the case. Presumptively, each ITA case should take on average 6.6 hours (1650 hours in a year / 250 cases in a year = 6.6 hours per case). If a case that is transferred has already had a 14-day hearing or a LRO has been entered in lieu of a 14-day hearing, then the **transferring attorney** shall retain the ITA credit and the receiving attorney will receive 0 credit

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<sup>35</sup> Functionally, a “dummy case” for each case type will be established in each division on which credits can be placed. Unit-specific reports will include this dummy case so that credit-calendar year totals are visible on a single unit report.

<sup>36</sup> Without this limitation, a transferring attorney could retain credits for work that was credited during a previous credit-calendar year. These previously credited cases would then reduce the attorney’s capacity in their new practice area in the current year—even though the attorney is no longer assigned to the case and the work is no longer ongoing.

initially. If that case proceeds to a contested 90-day commitment hearing, then the **receiving attorney** will be granted an ITA credit; the receiving attorney may also receive additional ITA credit for 180-day commitment hearings. If a case has not gone to a 14-day hearing or an LRO entered in lieu of a 14-day hearing, then the amount of credit retained by the **transferring attorney** will be proportionate to the number of hours entered into the CMS up to a maximum of 1 ITA credit. Whatever remaining credit would transfer to the **receiving attorney**.

**Transferring from ITA to a criminal caseload:**

Each ITA case credit retained by the transferring attorney is treated as equivalent to **1.12 misdemeanor credits** ( $280 \div 250 = 1.12$ ). For example, if an attorney retains credit for 100 ITA cases based on procedural posture (i.e., post-14-day hearing) during the credit-calendar year and then moves to felonies, then the transferring attorney's remaining capacity would be calculated as follows:

- 100 ITA cases  $\times$  1.12 = 112 misdemeanor credits.
- 112 misdemeanor credits would be deducted and the attorney would have capacity for 168 misdemeanor credits for the remainder of the credit-calendar year (i.e.,  $280 - 112 = 168$ ).

**Transferring from a criminal caseload to ITA:** Each misdemeanor credit retained by the attorney counts as **0.89 of an ITA case** ( $250 \div 280 \approx 0.89$ ). For example, if a felony attorney retained the equivalent of 50 felony credits (equal to 127.5 misdemeanor credits) based on the credit-debit calculation, the conversion to ITA would be:

- 127.5 misdemeanor credits  $\times$  0.89  $\approx$  113 ITA cases worth of work completed  
This would leave the attorney with capacity to take on approximately 137 additional ITA cases for the remainder of the credit-calendar year (i.e.,  $250 - 113 = 137$ ).

- **Criminal/SMC/ITA to Family Defense or vice versa:** Because family defense uses an open-case credit count, DPD does not complete a direct credit transfer. If an attorney rotates from criminal to FDU, they simply start taking FDU cases up to the limits (since their criminal cases will generally not follow them; those will be reassigned). If an FDU attorney rotates to criminal, they likely have fewer "cases" but those were long-term. DPD won't count those past FDU cases against their criminal credit limit, *except* indirectly via a blackout (see Section 7.5). If a FDU attorney rotates into a criminal caseload during the phases, DPD will prorate their capacity based on how many months remain in the **credit-calendar year**. For example, if a FDU attorney rotates from FDU to a felony caseload on January 1, 2026, that attorney's prorated capacity for the remainder of Phase 1 would be 140 credits (i.e., half of 280 credits since the attorney rotated into the felony unit halfway through Phase 1).
- **Calendar Rotations:** When an attorney moves from a caseload to a calendar position (like becoming a full-time arraignment calendar attorney), any remaining credit capacity is not directly applicable since they will not be taking new cases. Instead, DPD ensures they do not exceed 1,650 hours of calendar work for the year (which the managing attorney will monitor by hours logged). If an attorney moves from a calendar back to a caseload mid-year, DPD assumes their calendar months consumed a proportional chunk of the year's work. For example, if a lawyer spent 6 months on a full-time calendar, DPD treats that as roughly half of their year's capacity used. Upon rotating to a felony caseload in January (half year remaining until July), they'd be allowed about half of 110 = 55 felony credits for the remaining half-year. This essentially prorates their caseload for the time left in the credit year.

### 7.3 Minimizing Case Transfers:<sup>37</sup>

Transferred cases pose a significant inefficiency in DPD’s staffing model—as transferred cases reduce our capacity to accept new case assignments. For this reason, and client continuity, DPD strives to minimize unnecessary case transfers. When an attorney is rotating or leaving and DPD must decide which of their cases to reassign, DPD’s policy is to begin by transferring the more recently assigned cases. Cases that the attorney has had for a long time, and presumably put significant work into, may stay with that attorney. The managing attorney will decide if a case will stay with an attorney after consulting with the staff attorney and supervisor in the unit they are leaving and the one they are joining. This approach promotes **continuity of representation**.

This section reinforces that policy with some practical instructions:

- **DPD Values Continuity of Representation.** If an attorney is rotating out, the supervisor should examine if there are cases that attorney can continue to handle to completion (especially if near trial or resolution), rather than automatically transferring every case. In some instances, attorneys will prefer to keep the case despite their rotation given their attorney-client relationship. In other instances, supervisors may decide to delay the rotation to allow an attorney to wrap up certain cases nearing completion. These are only considerations. DPD recognizes there will be occasions when operational factors necessitate full caseloads to be transferred upon an attorney’s rotation.
- **Share Relief via Fewer New Assignments:** When division staffing increases or caseloads need reduction, DPD prefers reducing the flow of cases to other caseload attorneys in their unit through fewer monthly assignments so that their caseload decreases as cases close.

**Unexpected Departures:** If an attorney leaves unexpectedly, transfers may be unavoidable. In those scenarios, supervisors should attempt to distribute newer cases among available attorneys (with capacity considerations) and may need to assign a supervisor to handle any nearly finished matters. See Table 7.1 for maximum credits in either the credit-debit system and transfer credits.

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<sup>37</sup> See Table 7.1 for maximum credits for the credit-debit system and transfer credits.

#### 7.4 Bench Warrant Cases

Cases in **bench warrant** status (meaning the client has an outstanding warrant for failure to appear and the case is on hold) present a special scenario in workload management. These cases can linger for months without activity.

- If a case has been on bench warrant status for **12 months**, the attorney should close it and the attorney retains their credit. If the client returns after 12 months—and the case is closed—the attorney will get a new case credit. If the case is still open, then no additional credits will be given. This is designed to encourage attorneys to close bench warrant cases at 12 months.
- If an attorney rotates units while some of their cases are on warrant status, the **supervisor will keep those cases for monitoring** rather than transferring them to another line attorney. The supervisor tracking the case will not count it toward their own caseload either (since they will not work on it unless it becomes active). If the warrant returns within 12 months, then the supervisor will assign the case and the remainder of the credit will be transferred according to the credit transfer policy (see *generally* Section 7).

#### 7.5 Transfer Blackout Periods and Lateral Onboarding

A **“blackout period”** refers to a temporary period during which an attorney receives no new case assignments. DPD uses blackout periods as a tool to help attorneys adjust when they inherit a significant number of cases and when they first join a unit.

In criminal practice, if an attorney is transferring into a criminal unit and **inherits more than 80 case credits** at the outset, they should get a **30-day blackout** from new assignments. After the 30-day blackout, supervisors must ensure that the tolled case credits from the blackout period are evenly distributed across the multiple months to prevent the attorney from abruptly receiving 30 days’ worth of assignments at once.

For smaller units or situations where a partial caseload is transferred, a shorter blackout may be provided, but in no circumstance may a blackout be longer than 30 days.

During a blackout, the attorney is still expected to work full time. For administrative purposes, the attorney’s unit start date in the CMS is also the start date for the blackout.

**FDU Exception:** Even during a blackout, an FDU attorney may still have to cover a 72-hour shelter care hearing if that day or hearing is assigned to them.

## 8. Co-Counsel Trial Credits and Transfer Credits<sup>38</sup>

The WSBA Standards explicitly acknowledge that cases involving co-counsel assignments or transfers often require significantly more attorney time and effort than the average case.<sup>39</sup> To ensure fairness and workload equity, DPD provides two types of special circumstances in which additional credits may be given: **Co-Counsel Trial Credits** and **Transfer Credits**.

### 8.1 Co-Counsel Trial Credits

**Co-Counsel Trial Credits:** Trial credits apply to co-counsel criminal cases that proceed to a trial. If a criminal case reaches the point where trial commences, the co-counsels handling the trial become eligible for **Co-Counsel Trial Credit**. **Co-Counsel Trial Credits** can add up to the full amount of the case's CWT credit value. These are not subject to the limits in Table 7.1.

#### **Eligibility and Procedure:**

To qualify for **Co-Counsel Trial Credits**, attorneys must meet both of the following criteria:

- The case must have co-counsel attorneys actively serving at trial, and
- A jury must be empaneled or a bench trial must have begun.
- At the time trial commences, the supervisor shall classify these credits as **trial credits** in the CMS. This way DPD can track the number of trial credits being distributed across the divisions.

#### ***Example #1: Co-counsel joins the case three months after the original assignment***

Attorney A has a felony sex case worth 5 felony credits.<sup>40</sup> Attorney B joins the case three months after the assignment as co-counsel, initially receiving no credits. Once the trial commences:

- Attorney A receives an additional 2.5 felony credits once trial commences, bringing A's total credit count to 7.5 felony credits on this felony sex case.
- Attorney B receives 2.5 felony credits once trial commences.

#### ***Example #2: Co-counsel assigned at the same time***

Attorney A and Attorney B are assigned to a murder case (7 felony credits). Both attorneys received 3.5 felony credits at the time of assignment, and the murder cases proceeds to trial, where a jury is impaneled.

- Attorney A receives an additional 3.5 felony credits.
- Attorney B receives an additional 3.5 felony credits.
- Both attorneys received 7 felony credits each on this murder case.

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<sup>38</sup> See generally 3.1. of WSBA standards. Please note this section does not apply to non-criminal practice areas. It also does not apply to SMC where attorneys already receive supplemental credits in ten-hour increments.

<sup>39</sup> WSBA Standards 3.1(3).

<sup>40</sup> To make the math easier to follow, these examples reference felony credits as opposed to misdemeanor credits.

## 8.2 Transfer Credits<sup>41</sup>

It is important to note that these transfer credits are separate and distinct from the credits an attorney may receive at the time of the case transfer by virtue of the **credit-debit system**. This section may apply in situations where an attorney, or co-counsel, receives a transfer case but **less than half** of the case's base felony credits based on the case-weight tier (CWT) and puts in **more than 15 hours of work** on the case. Transfer credits are intended to ensure that attorneys who receive a transfer case with little to no credit but must perform substantial work on the case to bring it to resolution receive some credit for the work. **15 hours of work equals up to 1 felony credit.**<sup>42</sup>

### Eligibility and Procedure:

- **Eligibility Criteria:**
  - It must be a transferred case.
  - The attorney or co-counsel receives less than half of the case's original felony credits based on CWT.
- **Work Requirement:**
  - The attorney must document at least **15 hours** of additional case-related work beyond the presumptive hours based on the credits received at the time of the case transfer. 1 felony credit = 15 hours of work.
  - An Attorney may request up to one felony credit for every extra 15-hours of work up to the credit maximum in Table 7.1 when including credit from prior attorneys and credit-debit system.<sup>43</sup>
- **Supervisor's Responsibilities:**
  - **Supervisor must** review the attorney's timesheets to verify that the additional work was reasonable under the circumstances.
  - **Supervisor must** take into consideration credits given to the **receiving attorney** at the time of assignment. For example, if the **receiving attorney** received 1 felony credit at the time of the transfer and works 15 hours on the case to resolve it, then the **receiving attorney** is not entitled to any transfer credit, since those 15 hours of work were already accounted for by the felony credit given during the **credit-debit system** calculation.
  - **Supervisor must** ensure that the attorney does not receive more than half of original case credits based on CWT through the **credit-debit system**.
  - **Supervisor must** ensure that transfer credits for any single case do not exceed the maximums allowed under Table 7.1. This includes both the credits retained by the **transferring attorney** through the **credit-debit system** and the transfer credits.
  - **Supervisor must** enter transfer credits at the time they are earned and classify the credits as **transfer credits** in the CMS. This way DPD can track how many transfer credits are being distributed across the divisions.

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<sup>41</sup> In every case transfer, there is a transferring attorney and a receiving attorney. Under DPD's credit-debit system, receiving attorneys may receive up to 100% of the original value of the case—based on its CWT and the hours the transferring attorney entered into the CMS. This marks a significant improvement over DPD's preliminary case-weight credit policy, under which receiving attorneys were eligible to receive zero credit for "legacy" cases. To help ensure the sustainability of DPD's credit policy while also maintaining fidelity to the WSBA Standards, supervisors will grant credits provided in Section 8.2 only for eligible criminal cases transferred during the credit-calendar year.

<sup>42</sup> 1,650 hours/110 felony credits = 15 hours per felony credit. 15 hours represent a benchmark hour requirement to earn the credit. If one were to work 16 hours, they'd only be eligible for 1 felony credit.

<sup>43</sup> 15 hours is the presumed number of hours-per-credit for felony cases based on 110 during Phase 1 of the phased implementation.

### **Example 1: Solo Attorney Receives Transfer Case**

Attorney A is assigned as solo counsel at arraignment. Attorney A has handled the murder case for several months, working the presumptive number of hours to earn 5.5 credits out of the 7 originally awarded. Attorney A transfers the case to Attorney B shortly before trial. Attorney B initially receives only 1.5 felony credits. Attorney B prepares for trial, documents 52.5 hours of work, and resolves the case short of trial.

- Attorney B meets the eligibility criteria:
  - Attorney B initially received less than half of the original felony credits based on CWT (i.e.,  $7 \text{ credits} / 2 = 3.5 \text{ credits}$ ).
  - Attorney B worked beyond the presumptive 22.5 hours covered by the 1.5 felony credits received at assignment (i.e.,  $15 \text{ hours} \times 1.5 \text{ credits} = 22.5 \text{ hours}$ )
  - After subtracting the 22.5 presumptive hours from the 52.5 hours worked, Attorney B exceeded the presumed hours by 30 hours, crossing the 15 hours of work threshold twice.
  - Attorney B requests transfer credits.
- Supervisor reviews and approves granting Attorney B two felony transfer credits.
  - Assuming no other attorney received credits from the **credit-debit system** or **transfer credits** on this case, Attorney B has now received a total of 3.5 felony credits.
  - The total number of credits awarded for this murder case totals 9 out of a possible 14 felony credits (See Table 7.1).
  - Based on the maximums in Table 7.1, transfer credit remains on this murder case in the event of a subsequent case transfer (5 felony credits).

### **Example 2: Co-Counsel on a Transfer Case**

Attorney A is assigned a homicide case as solo counsel and works 106 hours on that case. Attorney A rotates to another unit. Attorneys C and D are assigned the homicide case as a transfer case with zero credit from the **credit-debit system**. Both co-counsels inherited the case. Shortly before trial, Attorneys C and D, through extensive trial preparation and advocacy, reach a favorable pretrial resolution. Attorneys C and D each put 45 hours into the case.

- Attorneys C and D meet eligibility criteria (initial allocation less than half base credits) and the case has been resolved.
- Attorneys C and D exceed the remaining presumptive hours worked (which was 0), so all of their additional time is eligible for transfer credits.
- Attorneys C and D exceed the required 15-hour per felony credit threshold three times.
- Their supervisor reviews timesheets and potentially could grant transfer credits up to 3 felony credits each.
- Attorneys C and D receive 3 credits each for their work because the total did not exceed the maximum in Table 7.1 and no prior attorney received credit from the **credit-debit system** or **transfer credits**.
- The total number of credits awarded for this murder case totals 13 out of a possible 14 (7 originally awarded to Attorney A, 3 awarded to Attorney C, and 3 awarded to Attorney D).

### **Example 3: Transfer Credits and Trial Credits**

Attorney A is assigned a murder case, receives 7 felony credits and enters 106 hours into the CMS. Attorneys E and F are assigned that homicide case as a transfer case and receive zero credit from the **credit-debit system**. Attorneys E and F prepare for trial and seat a jury. The State dismisses the case during its case-in-chief. Both Attorneys E and F entered 45 hours into the CMS.

- Attorneys E and F request transfer credits and trial credits.
- Their supervisor reviews their timesheets and approves their request.

- The supervisor approves 3 felony credits for Attorneys E and F as transfer credits (the same as C and D in Example 2). The supervisor approves 3.5 felony credits for Attorneys E and F as trial credits. Both Attorneys E and F receive a total of 6.5 felony credits each for a case that had no upfront transfer credits at assignment.

**Important Takeaways:**

1. Is this a non-transferred solo counsel case? If yes, it is not eligible for trial or transfer credits.
2. Is this a non-transferred co-counsel case? If yes, each co-counsel may become eligible for trial credits but not transfer credits.
3. Is this a transfer case with solo counsel? If yes, then solo counsel may be eligible for transfer credit but not trial credit even if it goes to trial.
4. Is this a transferred, co-counsel case? If yes, each co-counsel may become eligible for transfer credits and trial credits. In fact, only a transferred case with co-counsel can make attorneys eligible for both transfer and trial credits.

## 9. Special Case Assignments<sup>44</sup>

Beyond standard trial case assignments, public defenders often handle a variety of **non-standard assignments** – from post-conviction hearings, to consults, to appeals. The case-weight credit caseload framework must account for these as well, so that attorneys receive appropriate credit for work that does not come in the form of a new case filing.<sup>45</sup> This section describes how DPD credits these special assignments, ensuring that time spent on them is recognized and that taking on such assignments does not inadvertently overload an attorney. For each type of assignment below, DPD defines the credit to be awarded and any conditions or limits on those credits.

### 9.1 Restitution-Only Assignments

If a criminal case results in a conviction or plea, there is often a separate phase to address **restitution** (compensating victims). In King County, sometimes a separate attorney might handle a restitution hearing if the original case attorney is unavailable, a conflict exists or if restitution issues arise much later.

Work on restitution is generally considered part of the original case's effort.<sup>46</sup> The WSBA case weights include time for post-conviction tasks like restitution in the hours presumed per case. Therefore, if the same attorney who handled the case also handles the restitution hearing within 180 days, no additional credit is given– it is covered by the case's original credit.

However, if a restitution hearing is handled by a different attorney (either in another division or in the same division, instead of the original attorney who handled the case), then the attorney handling the restitution will be granted 1 credit for that assignment. Supervisors are encouraged to handle restitution cases instead of assigning them to a new attorney if the original attorney is not available to accept the restitution assignment.

### 9.2 Substantive Advice (Sub-Advice) Assignments

DPD occasionally gives out short-term assignments for providing **legal advice on a discrete matter** – often called “sub-advice” assignments. These might be instances like consulting on a specific motion for another case, or similar brief tasks that are not full representations in court.

Generally, if a sub-advice assignment takes less than 2 hours, an attorney will not be assigned to a sub-advice. If a sub-advice credit is approved by a supervisor, MA, or the director's office and it takes less than 2 hours, the attorney will receive 0.2 **misdemeanor credit** for the task. If the sub-advice assignment takes longer than two hours, the supervisor will grant **1 misdemeanor credit** in total for the task.

If the attorney ends up working **more than 15 hours** on a sub-advice matter (meaning it turned out to be much more involved than a quick consult), then a supervisor will increase the credit to a total of **2.55 credits** (which is an additional 1.55 on top of the initial 1, or 2.35 in addition to the initial 0.2).

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<sup>44</sup> These sections do not apply to FDU except 9.13.

<sup>45</sup> See WSBA Standard 3.I(3).

<sup>46</sup> See ABA/RAND National Public Defense Workload Study, p. 61 and 62.

### 9.3 Material Witness Assignments

A **material witness** assignment occurs when an attorney is appointed to represent a material witness who is being detained or facing a material witness warrant. These situations require quick action to protect the witness's rights, potentially secure release conditions, and counsel them about the process.

Recognizing the urgency and short turnaround of such assignments, DPD will grant **1.5 misdemeanor credits** for representing a material witness. This covers the initial flurry of work – meeting the witness, advocating for conditions, possibly a deposition or hearing.

If the attorney's work on the material witness case exceeds 15 hours, the attorney will receive an additional **1.05 misdemeanor credits**, for a total of **2.55 misdemeanor credits**. After the initial 15 hours of work, for each additional 15 hours of work, the attorney will receive an additional 2.55 credits if the supervising attorney, after reviewing their hours entered on the CMS, believes the work was reasonably necessary.

### 9.4 Motion to Withdraw Plea Assignments

Sometimes, an attorney may be appointed to handle a **motion to withdraw a guilty plea** for a client (often because the original counsel or division might have a conflict).

For an assignment to review and litigate a motion to withdraw a plea, the assigned attorney shall be granted **one-third of the base credit** for the most serious offense in the underlying case.

If the motion to withdraw is **granted**, meaning the plea is withdrawn and the case is essentially re-opened, then the attorney is **granted the remaining two-thirds of the base credit**.

If the motion to withdraw is **denied**, the case doesn't re-open fully; typically sentencing goes forward on the plea. In that event, the attorney handling the motion will also handle the sentencing (as is common), but **no additional credit** is awarded for sentencing because it is considered part of the assignment.

### 9.5 Post-Sentencing Review Hearings

This category includes things like **probation review hearings, revocation hearings, re-sentencings, and other post-sentencing matters** that may occur after a case is closed. Often these matters come up months after the original case ended and may be handled by a different attorney or unit (for example, a specialized post-conviction unit), especially if the original attorney is unavailable.

DPD breaks it down by court:

- **Seattle Municipal Court (SMC):** In SMC, any **review, revocation, or resentencing hearing** is treated as **one credit for the most serious charge** if an attorney is assigned solely for that hearing. However, if one hearing addresses multiple cases (like a combined probation hearing for 3 cases for the same person), it's still only **one credit**. SMC's contract provides a flat credit for these calendar matters.
- **All Other Criminal Courts (District, Superior Juvenile, etc.):** For any **post-sentencing hearings**, the attorney handling it gets **one-third of the base credit** for the most serious offense subject to the hearing. If multiple cause numbers are addressed in one hearing, DPD will count that as one credit assignment based on the most serious offense involved. If a review or violation hearing gets continued to future dates, DPD does *not* award additional credit for each continuance or subsequent hearing. However, if a contested violation hearing is concluded, and a new hearing gets set, an attorney is eligible for the new credit. In this event, in order to track this, an attorney must have closed out the file between violation hearings.

## 9.6 Fugitive Cases

A “fugitive” case is where an individual is arrested on a warrant from another state and there’s a hearing about whether to extradite them (for example, someone wanted in another state). Our attorneys may be assigned to represent the person in the fugitive matter (often limited to arguing bail or voluntary extradition, etc.).

A fugitive case assignment is granted **0.33 misdemeanor credits**. If the attorney ends up working more than 6 hours on it, then they get an additional **0.67 misdemeanor credits** to make it a total of **1 misdemeanor credit**.

## 9.7 Expedited Cases

King County has an “Expedited Felony” program in **District Court** (often low-level felonies that can plead to misdemeanors quickly, etc.).

An expedited case is granted **1.5 misdemeanor credits**. This is the same as a Misdemeanor High credit. District Court only has jurisdiction of misdemeanors and generally these charges qualify as Misdemeanor High cases.

## 9.8 Misdemeanor Appeals and Discretionary Reviews—RALJ and Writs

For appeals and writs handled by trial division attorneys (as opposed to a specialized appellate division), DPD assigns misdemeanor credits as follows:

- **Misdemeanor Appeals (RALJ):** When a trial attorney is assigned an appeal from a court of limited jurisdiction, DPD breaks it into stages:
  - Assignment of the appeal: 1 credit.
  - Filing opening brief: an additional 4 credits.
  - When the case is concluded (if argued): 1.5 credits.
- **Petition for Discretionary Review:** 2.55 credits
- **Misdemeanor Writs:** 2.55 credits

## 9.9 Juvenile Record Sealing and Firearm Restoration

Attorneys might be assigned to handle a juvenile’s **record sealing** motion or a **firearm rights restoration** petition after a case is over. These are largely administrative, though can involve some court filing.

**Policy:** For a juvenile record sealing or firearm rights restoration assignment, the attorney is granted **0.5 misdemeanor credits**. If the attorney works more than 15 hours on it, grant an additional **2.05 misdemeanor credits** for a total of **2.55 misdemeanor credits**.

## 9.10 Drug Diversion Court (DDC) & Mental Health Court (MHC)<sup>47</sup> Assignments

These are therapeutic courts where cases get diverted. Key distinctions:

- If the division assigned the case is **staffing** the DDC/MHC calendar with dedicated calendar attorneys, then:
  - The attorneys get no case credits per case. Essentially, a DDC/MHC staff attorney is treated like a calendar attorney – they accumulate credit proportional to time to equate to the same annual maximum of 1,650 hours.

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<sup>47</sup> For the purpose of this credit policy, Regional Veteran’s Court is included in RMHC.

- If the division assigned the case is not staffing the DDC/MHC calendar with dedicated calendar attorneys, the attorney shall be granted the case weight tier credit for the most serious offense charged.
- If a **pre-opt-in case returns to the original division**, the prior attorney should be reassigned and if less than 12 months has passed since closing the case, no new credit will be awarded. If more than 12 months has passed since the case was closed at the division, then the base credit shall be re-awarded at the time of the new assignment.
  - ◊ If the **prior attorney is not currently in the unit**, then the base credit shall be awarded to the new attorney of record at the time of assignment if it has been more than 12 months since the attorney was assigned the case. If it has been less than 12 months, the attorney will receive credits based on the transfer credit calculation.
  - If a **pre-opt-in case is assigned to a different division** due to a conflict or lack of capacity, that new division shall assign the base credit to the new attorney at the time of assignment.
- If a **post-opt-in case returns to the original division** (e.g. a conflict is identified post-opt-in):
  - If the original division had closed it and over 12 months passed, then re-opening it is treated like a pretrial assignment: they get the base credit of the case-weight tier. They will get this for each case even if it lasts multiple hearings and multiple years. That is why it is credited as a pretrial assignment.
  - If it is within 12 months and the prior attorney is assigned it, they already had the credit and retained it when closing.

If a different division ends up with it or the original attorney is unavailable for the assignment, then it would be like a new assignment with the base credit.

### 9.11 Post-Appeal Remanded Cases

Sometimes a case comes back to the trial level after an appeal – either appeal as of right (e.g., Court of Appeals reverses conviction, remands for new trial) or an interlocutory appeal that paused the trial.

If a case is remanded for further proceedings:

- If it is after an **appeal as a matter of right (full appeal)**, that case on remand should be awarded a new credit(s) based on the most serious offense charged and the stage of the case.
- If it is an **interlocutory appeal (discretionary) that lasted less than 12 months**, then no new credit will be awarded.

If it is an **interlocutory appeal (discretionary) that lasted more than 12 months**, then new credit will be awarded based on the most serious offense charged and stage of the case.

### 9.12 Calendar-Only Assignments

If an attorney is assigned to cover a court **calendar of unrepresented defendants** (like covering arraignments or first appearances where defendants don't have counsel yet and **are advising them for the day**) that is not considered a case assignment for credit purposes in our system.<sup>48</sup>

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<sup>48</sup> WSBA Standards 3.1(3)(d)(ii). The WSBA standards state, “[a] criminal case appearing on a calendar where an attorney provides partial representation with no expectation of additional representation after the initial hearing shall not count as a case for the attorney covering the court calendar.”

### 9.13 On-Call Duties (Phone and Jail Calendar)

DPD attorneys rotate through **24-hour on-call phone duty** (for police station consults, etc.) and **Saturday/holiday bail calendar coverage** at the jail. These tasks are in addition to their regular caseload, so DPD gives credit to reflect that extra work.

Each on-call phone shift (typically 3-4 days long) or each full-day weekend/holiday calendar shift is credited as 1.36 misdemeanor credits (equivalent to 8 hours of work).

- If an attorney does one phone shift (~3-4 days of phone duties) they get 1.36 misdemeanor credits.
- If they do one full-day jail calendar on Saturday, that is 8 hours, so 1.36 misdemeanor credits.

For **Family Defense Unit (FDU)** attorneys, because their standard is counted in open cases, DPD converts on-call credits into case count: DPD grants 1 case credit for every two shifts. That example given: an FDU lawyer does two on-call shifts, then their max open cases for the year reduces from 60 to 59 (because DPD counts that as one case's worth of workload). Essentially, DPD lowers their allowed open cases by 1 credit for 2 shifts in a calendar year and presumes that each FDU lawyer will be assigned two shifts a year.

**Supervisors** who cover on-call or calendars also get credited 1.36 misdemeanor credits per shift.

Attorneys shall accrue one executive leave day upon completion of two OCA shifts, but under no circumstance shall an attorney receive more than 10 days of executive leave in a calendar year.

## 10. Family Defense Unit

Starting on July 1, 2025,<sup>49</sup> DPD adopts a caseload maximum for family defense attorneys of no more than 45 Family Defense client credits or more than 60 total open and active Family Defense case credits at any given time.<sup>50</sup>

### 10.1– Definitions

**Case:** a case is a dependency, termination, or 13.36 or 11.130 guardianship cases.

- A case includes a dependency originating under RCW 13.34 or RCW 13.38.
- Once a youth is emancipated, or turns 18, any pending dependency petition, guardianship petition, or termination petition shall not count towards a parent, guardian, or custodian’s attorney’s case count.
- A case includes the representation of parent on an ongoing voluntary placement agreement (VPA) for an Indian child under RCW 13.38.
- A case includes a reinstatement of parental rights case pursuant to RCW 13.34.215.
- A case includes termination cases filed under RCW 13.34.180 and 13.34.190.
- A case includes a motion to vacate a termination order where the attorney has a good faith basis to proceed.
- A case includes a proceeding to enforce an open adoption agreement pursuant to RCW 26.33.
- A case includes guardianship cases filed under RCW 13.36.
- A case includes guardianship cases filed under RCWP 11.130.
- A case includes a youth’s case in extended foster care.

**Client:** a client is any person entitled to the appointment of counsel pursuant to RCW 13.34.090, LJuCR 2.0(a), this policy, or by order of the court which could include: a child, a young adult in extended foster care, a parent, alleged parent, a guardian, a legal custodian, or an Indian custodian.

**Adjudication:** an adjudication is a dependency order, termination order, or guardianship order.

**Parent:** a parent includes a biological parent, legal parent, and alleged parent.<sup>51</sup>

### 10.2 – Counting Case Credits (maximum of 60 open and active case credits)

A case credit will only be granted when a case is open and active, and the attorney has client direction that is sufficient to ethically proceed. One case credit will be granted per case pending a dependency adjudication. The presumption is that an attorney receives one case credit for a client unless one of the specified conditions exist. If a parent, guardian, or legal custodian has multiple cases pending dependency adjudication that were filed on the same day, they shall be considered as one case credit unless a special circumstance exists as described below. Once dependency cases are post-adjudication, a parent, guardian, or legal custodian’s cases count as one credit for that family. For example, if a parent was a party to two petitions filed on the same day as it related to two of their children. The attorney assigned to that parent would receive one credit. If that parent had a subsequent child that DCYF filed against, they would receive a separate additional credit until the subsequent case was adjudicated.

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<sup>49</sup> See *supra* note 10.

<sup>50</sup> Family defense caseloads include two credit maximums that are distinct and neither should be exceeded. One involves case credits (60 maximum), and the other involves clients (45 maximum) for Phase I. Similar to the criminal section, this policy is intended to apply to Phase I.

<sup>51</sup> An adoptive parent is a legal parent.

If a parent is also a youth in their own petition, the attorney shall receive credits for both statuses. For example, if a youth is the subject of a dependency petition and party to a dependency petition for their own child, the attorney representing the youth shall receive two credits.

Attorneys assigned to a parent that is party to a termination petition shall receive an additional credit, but not more than one per family unless a special circumstance exists. For example, if a parent that has three children subject to a dependency order then becomes party to a termination petition, the attorney for that parent will have two credits (one for the family for the dependencies, and one for the family for the terminations). Additionally, for example, if a parent that has one child with an adjudicated dependency is party to a termination and then becomes party to a new dependency as to a different child, they would receive three credits (one for the adjudicated dependency, one for the pending termination, and one for the pending dependency).

### 10.3 – Case Credits – Special Circumstances

**FTC:** Cases in Family Treatment Court count as two case credits for participating and non-participating parents. If a parent has multiple cases in Family Treatment Court the parent’s attorney only receives two case credits. Only one credit is awarded for termination or guardian petitions as they relate to FTC cases. For example, if a lawyer represents a parent in FTC and the AAG files a termination petition, the lawyer will receive two case credits for the FTC case and one credit for the termination petition.

**Family Adoption Cases:** With supervisor approval, these cases and clients count towards the total number of open and active case credits and client credits.

**Subsequently Filed Petitions:** Where a DPD attorney represents a parent on a pending dependency or termination case, and where a new petition is filed relating to a different child of that same client, the new case counts as an additional case under this policy until such a time as dependency is established and the new case aligns with the pre-existing case.

**Open adoption enforcement:** One case credit will be awarded for work on an open adoption enforcement action or a guardianship modification/termination for a former client when the attorney’s supervisor has approved this work and taking on this case will not cause the attorney or the unit to reach their caseload limit.

**Co-trying cases:** These credits will be assigned at supervisor discretion and each division has a total of five credits they can apportion for this purpose at any one time. Should a division assign five credits for this purpose, they cannot grant additional credits until co-counsel is no longer assigned to one of the five cases, or the case resolves. One case credit may be awarded for work supporting another attorney by co-trying a case subject to the five-credit cap.<sup>52</sup>

**Substantial Advice:** .2 case credit is awarded for substantial advice support for pre-filing cases (except, as noted above for ICWA VPAs) until a dependency case is filed and only while a client continues to need family defense legal advice. No substantial advice credit will be awarded to an attorney that is already receiving credit on an existing family defense case for that client.

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<sup>52</sup> Because supervisors carry a maximum of a half caseload in recognition of the time that goes into supervision, they are not given additional credit for co-trying cases with their supervisees. Cases they carry as solo counsel shall count towards that half caseload.

**CAPTA appeals:** .5 case credit is awarded for CAPTA appeals. However, this credit shall not be awarded if the attorney is already receiving credit on an existing family defense case for that client. This shall not count towards an attorney's client count.

**On-Call Attorney:** Credit is addressed in the OCA section 9.13 of this policy. Due to a presumed two OCA shifts a year, each staff attorney shall have a case credit cap of 59 unless they were not required to perform OCA duties that year. This shall not adjust an attorney's client count.

10.4 – Counting Clients (maximum of 45 clients)

Clients are separately counted and monitored by the Department. Each individual client with one or more family defense cases shall represent one client. For substantial advice assignments, OCA, or CAPTA appeals, those clients will not count towards the client count. In no circumstance shall a client be counted more than once regardless of the number of cases to which the client is a party. For cases that are co-tried, the client will only be counted in the lead lawyer's client count.

## 11. Policy Administration and Inquiries

This Case-Weight Credit Policy is an official DPD Policy. As such, it provides the framework for how attorneys' workloads are managed and will be used for internal planning, budgeting, and evaluation.

Due to the novelty of this Case-Weight Credit Policy, DPD anticipates there may be a check and adjust period following implementation, during which policy adjustments may be necessary to address unforeseen issues. Should DPD determine that updates are required, DPD will provide notice of proposed amendments to the Credit Policy consistent with the requirements in Article 28 regarding new or revised DPD policies, receive feedback, and discharge any required bargaining obligations.

Finally, while this case-weight credit policy is primarily for internal use, DPD anticipates it will be of interest to other public defense offices. It demonstrates DPD's commitment to transparency and innovation in public defense management. DPD intends to share this policy with peer agencies and incorporate feedback and data as implementation proceeds. DPD hopes that its efforts, in some small way, will help contribute to the establishment of state and national models for adopting weighted caseload standards in public defense, contributing to a more equitable criminal legal system for public defenders and the communities they serve.

[End of Policy]

*Any questions regarding the interpretation or application of this policy should be directed in writing to the DPD Director at [Matthew.Sanders@kingcounty.gov](mailto:Matthew.Sanders@kingcounty.gov). Special thanks to Deputy Director Matt Pang and Strategic Planning Manager Stev Weidlich for their contributions to the development of this innovative case-weight credit policy.*

## Glossary of Terms

- **Base Credit:** The initial credit value assigned to a case based on its case type/tier (e.g., 1 felony credit for a Felony Low, 3 for a Felony High, 5 for Felony Sex, etc.). Represents the presumed average workload for that case based on the WSBA Standards. Misdemeanor credits are our base conversion credits.
- **Blackout Period:** A temporary period during which an attorney receives no new case assignments, typically after inheriting a large caseload or when first joining a unit, to allow them to catch up on existing cases (usually up to 30 days).
- **Case Credit:** A unit of workload measurement in DPD's system. One credit roughly corresponds to 15 hours of attorney work (in Phase 1, for felonies). Case credits are weighted by case severity.
- **Case-Related Hours:** The hours in an attorney's work year available for handling cases (1,650 per year under WSBA standards), excluding leave, training, admin, etc. This is the foundation for the credit system.
- **Case-Weight Tier (CWT):** A category of cases by seriousness used in the weighted caseload system (e.g., Felony High, Felony Low, Misdemeanor High). Each tier has a set credit value.
- **Co-Counsel Trial Credit:** Extra credit (up to half of the base credit) awarded when a case goes to a jury trial, given to the attorney(s) who try the case, reflecting the extra work of trial. To receive these credits, the jury must be impaneled or the bench trial commenced.
- **Credit-Calendar Year:** The annual period from July 1 to June 30 is used to track annual caseloads to ensure compliance with the WSBA Standards.
- **Credit-Debit System:** Refers to the process that DPD debits credits from the transferring attorney and credits them to the attorney receiving the cases based on the number of hours worked and the hours-per-credit formula. The credits the transferring attorney retains are limited to those earned during the credit-calendar year.
- **DPD (Department of Public Defense):** King County agency providing public defense services. This policy is specific to DPD's staff and operations.
- **DCYF:** Washington State Department of Children, Youth, and Families. In this context, refers to the state agency and offices involved in dependency (family defense) cases.
- **Eleventh-Hour Co-Counsel:** A second attorney added to a case shortly before trial to assist ("second chair"). They typically receive no base credit (since they join late), but are eligible for co-counsel trial credit if a trial occurs.
- **FDU (Family Defense Unit):** The division of DPD handling dependency (child welfare) cases, representing parents.
- **Felony Credit:** Credits based on WSBA Standards. Phase I limits felony credits to 110.
- **ITA (Involuntary Treatment Act):** Civil commitment cases for mental health or substance treatment. ITA attorneys have a separate caseload standard (250 cases/year).
- **Junior Attorney:** In this context, a less-experienced attorney working as a second chair or co-counsel on a case, or generally an attorney with under 6 months of public defense experience.
- **KCDC (King County District Court):** The county's district court (handles misdemeanors and some felonies via expedited programs). Misdemeanor credit limits often refer to KCDC cases.

- LWOP: “Life Without Parole.” In this document used to designate the highest tier of felonies, typically aggravated murder, which carry potential life without parole sentences (Felony High – LWOP category).
- Misdemeanor-Equivalent Credit: The expression of a felony credit value in misdemeanor terms. Used for conversion; e.g., 1 felony credit = 2.55 misdemeanor credits.
- NPDWS (National Public Defense Workload Study): A major 2023 national study providing data on necessary attorney hours per case, which informed WSBA’s standards.
- On-Call Attorney (OCA): An attorney assigned to be available 24/7 for a period (phone duty) or to cover jail/bail calendars on weekends/holidays. These duties earn separate credits (1.34 per typical shift).
- OPD (Office of Public Defense): Often refers to Washington State OPD, which handles certain appellate assignments and contracts conflict cases. In this context, felony appeals might go to OPD contractors outside DPD.
- Phase (1, 2, 3): Stages of implementing the new standards. Phase 1 (2025–26) has initial caseload limits, Phase 2 (2026–27) further reduced, Phase 3 (July 2027 onward) is the fully implemented standard.
- RALJ: Rules for Appeal of Decisions of Courts of Limited Jurisdiction – essentially a misdemeanor appeal from District/Municipal Court to Superior Court.
- Receiving Attorney: Refers to an attorney who will receive transfer cases as a result on another attorney’s rotation. *See also* “Transferring Attorney.”
- Rotation: When an attorney moves from one unit/practice area to another (e.g., from felonies to dependencies). Involves transferring or converting their workload and possibly a blackout period in the new unit.
- SMC (Seattle Municipal Court): City of Seattle’s Municipal Court. DPD contracts to provide misdemeanor defense there, with its own caseload contract limits (325 credits/year currently) and a supplemental credit system.
- Substantial Work: a minimum of 15 hours.
- Supervisor (Attorney Supervisor): A senior attorney who oversees other attorneys. Full-time supervisors generally carry no caseload; part-time supervisors carry about half a caseload (depending on number of supervisees).
- Transferring Attorney: Refers to an attorney who is rotating out of one practice area. In other words, the attorney rotating out is considered the transferring attorney. *See also* “Receiving Attorney.”
- Transfer Credits. Refers to credits an attorney may receive on a transferred cases beyond what was credited as the time of assignment. Eligibility depends on how many credits the attorney received at assignment, how many hours the attorney worked on the case, the amount of transfer credits available for the particular case based on Table 7.1, and how many credits were retained by the **transferring attorney** so as not to exceed the maximums in Table 7.1.
- Transfer: Reassignment of a case from one attorney to another. In DPD’s context, often occurs during rotations or departures. Credits are split based on work done (via the debit/credit system described).
- WSBA (Washington State Bar Association): The state bar that, among other roles, sets Standards for Indigent Defense. “WSBA Standards” in this document refers to those caseload standards revised in 2024 that this policy implements.

- Workload: The combination of all case responsibilities an attorney has, measured in credits. Distinguished from simple caseload (number of cases), it accounts for the complexity and time required by each case.