



King County

DEPARTMENT POLICIES AND PROCEDURES

Title
EXPERT SERVICES POLICY

Department/Issuing Agency
Department of Public Defense

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Approved

Matthew Sanders, Director

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I. PURPOSE

To establish clear and uniform policies and procedures for applying for and processing requests for Expert Services at public expense.

II. APPLICABILITY

This policy is applicable to attorneys requesting Expert Services at public expense for their indigent clients and to defendants who have been granted the right to represent themselves (proceed *Pro Se*). All references to “Attorneys” shall include *Pro Se* defendants, as under the law they are held to the same standards as attorneys.

The King County Department of Public Defense (DPD) may approve requests for funding for Expert Services at public expense for indigent persons in Adult and Juvenile criminal cases and for child representation in Family Defense cases in King County Superior Court and King County District Court. Requests in Involuntary Treatment Act (ITA) cases are approved by the ITA Commissioner. Requests in Special Commitment Unit and adult representation in Family Defense cases are approved and paid by the Washington State Office of Public Defense (OPD). Requests in Seattle Municipal Court (SMC) are approved and paid by the Court.

III. REFERENCES

Revised Code of Washington Chapter 10.101 ([RCW 10.101](#))

King County Code Chapter 2.60 ([KCC 2.60](#))

Washington State Court Criminal Rule 3.1(f) ([CrR 3.1\(f\)](#))

Washington State Criminal Rules for Courts of Limited Jurisdiction 3.1(f) ([CrRLJ 3.1\(f\)](#))

King County Superior Court Local Criminal Rules 3.1(f) ([LCrR 3.1\(f\)](#))

King County Superior Court Local Juvenile Court Rules 9.3(c) ([LuCR 9.3\(c\)](#))

King County Superior Court Criminal Department [Manual](#), Section 10

King County Superior Court Juvenile Legal Proceedings [Manual](#)

Washington State Court Rules for Professional Conduct 1.8(m)(1)(ii) ([RPC 1.8\(m\)\(1\)\(ii\)](#))

Washington State Supreme Court Standards for Indigent Defense (adopted pursuant to [CrR 3.1](#), [CrRLJ 3.1](#), and [JuCR 9.2](#)) and all other amendments ([revised January 1, 2026](#)).

Washington State Bar Association (“WSBA”) Standards for Indigent Defense Services ([revised February 04, 2026](#)).

IV. DEFINITIONS

Expert Authorization: Expert Service Authorization and Request for Payment Form (aka Expert Billing Affidavit)

Expert Services Administrative Attorney (ESAA): Expert Services Administrative Attorney is a qualified attorney contracted by DPD to review all expert service requests and determine whether investigative, expert, or other services are necessary to an adequate defense, pursuant to authority delegated to DPD under [LCrR 3.1\(f\)](#)

Order/ORES: Order Authorizing Expert Services at Public Expense

V. EXPERT SERVICE REQUESTS

A. General Provisions

1. Approval Required to Begin Work: Expert Services requests must be submitted and approved **prior to** the expert beginning any work.

- a. It is the attorney's responsibility to inform the expert when they are authorized to begin work and to clearly communicate the scope of that work.
- b. DPD is **not responsible** for payment for any services performed before approval, except as otherwise provided.

2. Sufficient Justification of Necessity: Requests must include a detailed declaration demonstrating that the expert's services are reasonably necessary for client representation.

- a. When requesting the appointment of an expert, it is important to provide specific and detailed information to support the necessity of the request. General or conclusory statements—such as simply stating, “The client has mental health issues”—do not, on their own, establish a sufficient basis for approval. Instead, the request should include the client's diagnosis (if known) or, in the absence of a diagnosis, describe observed symptoms and explain how these support the conclusion that appointing a psychologist is reasonably necessary to assist in the defense.
- b. Even if an expert has been approved on a case in the past or funding has been previously approved in other cases, each new request must include sufficient justification. All requests are evaluated individually and should clearly explain the current need.

3. Role of Expert Services Administrative Attorneys (ESAAs): ESAAs operate independently of DPD.

- a. Decisions made by ESAAs to approve, deny, or modify Expert Services requests are not subject to internal DPD review.

- b. ESAs evaluate each individual request and make their ruling considering:
 - i. The necessity of the requested services to ensure an adequate defense
 - ii. Compliance with DPD Expert Fee Guidelines
 - iii. The expert’s qualifications to perform the requested work.
- 4. Fee Guidelines:** Authorizations for Expert Services at public expense must comply with the DPD Expert Fee Guidelines (Appendix A).
- a. The DPD Expert Fee Guidelines are based on standard, market-informed rates and may be updated periodically.
 - b. Exceptions to these guidelines may be considered at the discretion of the ESAA and must include detailed justification within the declaration. For guidance on requests that exceed the fee guidelines, please refer to Section V.F.
 - c. Requests for experts in fields not covered by the current guidelines will be reviewed on a case-by-case basis by the ESAs.
 - d. Updates to the fee guidelines do not apply retroactively and will not affect the rates or amounts of previously approved requests.
- 5. Expert Selection Standards:** It is generally presumed that a qualified local expert is available to perform the necessary work within the DPD Expert Fee Guidelines.
- a. While defense teams may seek experts who are well-suited to the needs of the case, the defendant is not entitled to the most highly regarded or “best” expert available.
 - b. An expert’s exceptional qualifications, experience, or reputation do not —on their own— justify a request to exceed the fee guidelines or to appoint an expert who would need to travel to complete the work.

B. Submission of Materials

- 1. Electronic Submission of Materials is Required:** Except for in-custody Pro Se defendants, all submissions must be made electronically. Submission of Expert Services requests should follow the instructions specific to the applicable jurisdiction of the case and the sealing status of the request.
- 2. DPD Standard Forms Must be Used:** Attorneys must use the standard Expert Services form pleadings. These forms are separated by jurisdiction and posted on DPD’s Expert Services website for external users and on DPD’s Expert Services page of the employee SharePoint and within the eDefender Portal application for internal users:
 - a. Order Authorizing Expert Services at Public Expense (ORES)

- b. Motion and Certification for Expert Services at Public Expense
 - c. Motion and Order to Seal Documents
 - d. Motion and Protective Order for Expert Witness and Services Funding Request
 - e. Order Appointing Independent Expert or Professional Person and Directing Payment to be Reimbursed by DSHS
- 3. RUSH Requests:** If an attorney believes a request should be expedited, the attorney must designate the request as a RUSH. The "RUSH" designation should be used only when necessary, as it prioritizes the request to the front of the review queue and will delay the processing of non-RUSH requests that are pending at the time of submission.
- a. The attorney should include the language "RUSH REQUEST" in the subject line of any submission emails, both internally within DPD and to external parties like the court.
 - b. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) should also select the checkbox indicating "RUSH" when entering the request details into the eDefender Portal.
 - c. The attorney must include a specific justification for the need to expedite the request in their Declaration.
- 4. DSHS Orders:** An Expert Services request for an evaluation to address Competency or NGRI must include a proposed Order Appointing Independent Expert or Professional Person and Directing Payment to be Reimbursed by DSHS (DSHS Order) in addition to the standard required forms.
- a. Only one order needs to be submitted per NGRI or competency evaluation pursuant to [WAC 388-875-0040](#).
 - b. An evaluation to address Diminished Capacity (Dim Cap) alone does not require a DSHS Order.
 - c. **Internal users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) should select "RCW 10.77 Eligible" when entering request details in to the eDefender Portal.
 - d. For DSHS Orders to be sealed, they must be listed on the Sealing/Protective order as a protected document along with the standard Expert Services Motion and Order.
 - e. Supplemental requests and testimony funding requests related to the initial evaluation do not require subsequent DSHS Orders unless the supplemental request is for an NGRI or Competency evaluation that was not part of the original request.

- 5. Sealed Requests – Superior Court:** Expert Services requests which contain an Order to Seal and/or Protective Order in Superior Court are first submitted to the Court to rule on the proposed Sealing/Protective Orders and are then submitted to DPD to rule on the Expert Services request. All request documents, including the Order to Seal, Protective Order, Order on Expert Services, Motion for Expert Services (and any accompanying exhibits) must be submitted via email to the Seattle Superior Court Chief Criminal Judge at seacriminalmotions@kingcounty.gov or to the Chief Juvenile Court Judge.
- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must also enter the request details into the eDefender Portal in accordance with internal procedures.
 - i. Request documents for sealed requests in Superior Court should not be attached to the request in the eDefender Portal when submitted. DPD staff will upload them once received back from the Court.
 - ii. Counsel will be notified of outcomes via the eDefender Portal.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants and Assigned Counsel Panel attorneys working on privately retained cases) must submit their request documents to the Court.
 - i. DPD will enter the request into the eDefender Portal for processing and counsel will be notified of request outcomes via email.
 - c. If the Judge approves the Order to Seal and/or Protective Order, the court will file the signed Order to Seal and/or Protective Order in the court file and email all Expert Service request documents, including the signed sealing and protective orders, the Motion for Expert Services, and the unsigned Order on Expert Services, to DPD for review and processing.
 - d. If the Judge denies the Order to Seal and/or Protective Order, the court will email the denial to the attorney. The attorney may choose to submit the Expert Services request to DPD without sealing, move the court for reconsideration, or withdraw the request.
 - e. Director’s Office staff will e-file all sealed Expert Services requests in Superior Court SCRIPT once the request has been ruled on.
- 6. Unsealed Requests – Superior Court:** Expert Services requests which are unsealed in Superior Court are submitted directly to DPD for review and ruling.
- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must enter the request details into the eDefender Portal in accordance with internal procedures.
 - i. Request documents for unsealed requests in Superior Court should be attached to the request in the eDefender Portal when submitted.

- ii. Counsel will be notified of outcomes via the eDefender Portal.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit their request documents to DPD via email at DPD-ExpertRequests@kingcounty.gov.
 - i. DPD will enter the request into the eDefender Portal for processing and counsel will be notified of request outcomes via email.
 - c. Director's Office staff will e-file all unsealed Expert Services requests in Superior Court SCRIPT once the request has been ruled on.

- 7. Sealed Requests - District Court:** Expert Services requests which contain an Order to Seal and/or Protective Order in Superior Court are first submitted to DPD for a ruling on the funding request. Once an ESAA has ruled on the funding request, all pleadings, including the unsigned Order to Seal and/or Protective Order and the signed Order on Expert Services, will be forwarded to the presiding District Court Judge or designee by Director's Office staff for a ruling on the sealing/protective orders.
 - a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must enter the request details into the eDefender Portal in accordance with internal procedures.
 - i. Request documents for sealed requests in District Court should be attached to the request in the eDefender Portal.
 - ii. Counsel will be notified of outcomes via the eDefender Portal.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit their request documents to DPD via email at DPD-ExpertRequests@kingcounty.gov. DPD will enter the request into the eDefender Portal for processing and counsel will be notified of request outcomes via email.
 - c. If the Judge approves the Order to Seal and/or Protective Order, the court will file the Expert Services request documents under seal with the clerk's office.
 - d. If the Judge denies the Order to Seal and/or Protective Order, the materials will be returned to the attorney by the Court.
 - i. The decision to file the Expert Services request unsealed rests with the attorney.
 - ii. Orders Authorizing Expert Services must be filed with the Court in order to be valid. If counsel declines to file an unsealed Order Authorizing Expert Services, the ORES is void and will not be honored by DPD.

- 8. Unsealed Requests – District Court:** Expert Services requests which are unsealed in Superior Court are submitted directly to DPD for review and ruling.

- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must enter the request details into the eDefender Portal in accordance with internal procedures.
 - i. Request documents for unsealed requests in Superior Court should be attached to the request in the eDefender Portal.
 - ii. Counsel will be notified of outcomes via the eDefender Portal.
- b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit their request documents to DPD via email at DPD-ExpertRequests@kingcounty.gov.
 - i. DPD will enter the request into the eDefender Portal for processing and counsel will be notified of request outcomes via email.
- c. Attorney is responsible for filing all unsealed Expert Services requests in District Court.

C. Contents of the Motion and Certification for Expert Services at Public Expense

1. Required Contents: The Motion and Certification for Expert Services at Public Expense must include the following:

- a. A statement of the facts of the case
- b. A copy of the Certification for Determination of Probable Cause.
- c. The relevant facts/legal issue supporting the need for the expert, which should include if applicable:
 - i. The client's history
 - ii. Observations made of the client,
 - iii. Specific facts from police reports,
 - iv. Reports by family members,
 - v. Other salient facts that support the request.
- d. Why the expert is reasonably necessary to representation (conclusory statements alone are insufficient to establish reasonable necessity),
- e. The anticipated scope or focus of the expert's work and the issue(s) the attorney needs the expert to address,
- f. The name and business name (DBA) of the expert and the expert's credentials, including a CV if applicable.
- g. Estimates for travel, if applicable (See section VIII: Travel).

2. Hourly Rates: If the services are provided at an hourly rate, the attorney must include:

- a. Confirmation of whether the rate aligns with DPD's Expert Fee Guidelines. If the rate exceeds these guidelines, the declaration should explain why the higher rate

is justified or why other experts charging within the guidelines are not suitable (see details in Subsection F).

- b. An estimate of the total hours needed to complete the work, broken down by task (e.g., interviewing the client, writing the report) with the estimated time for each.
- 3. Flat Rates:** Flat-rate services are typically approved only in rare cases, such as sexual behavioral risk evaluations and polygraphs. If a flat-rate request is approved, please note that no additional funding requests for that work will be accepted.
- 4. Requests for Testimony and Trial Preparation:** When requesting approval for testimony and/or trial preparation from a previously approved expert, please include the expected number of hours required for testimony and the hourly rate for these services. Testimonial rates should always be confirmed with the expert before engaging their services. Please note that testimonial rates cannot exceed 130% of the hourly rate approved by the ESAA for the original request. Additionally, interviews conducted by opposing counsel will be compensated at the same rate as testimony.
- 5. Cancellation or Missed Appointment:** Fees charged by experts for canceled or missed appointments are generally not approved in advance. If an expert seeks to bill or charge for cancellation fees or bill for time lost because of a client missing an appointment, such a request must be made in a supplemental Expert Services request justifying the additional expenditure even if funds remain on the original request. Please note that requests for cancellation fees or for time lost because of rescheduled or canceled testimony will not be approved or paid.
- 6. Costs of Equipment:** Payment for additional costs of equipment or materials the expert may use in the course of their work will not be approved or authorized.
 - a. Requests for cost of devices required by opposing counsel or law enforcement to procure copies of discovery (hard drives, etc.) may be considered on a case-by-case basis. Such requests must demonstrate that discovery is not available using alternate means or using previously approved and reimbursed devices.

D. Approval Process

- 1. Submission to the ESAA:** Once DPD receives a new Expert Services request, DPD staff perform a cursory review of the request documents (and system entry if required for external users) for completeness and forward the request to the ESAA through DPD's eDefender Portal. The ESAA's generally review submissions within one (1) business day after they have received them.

2. **Request for Clarifying or Additional Information:** If an ESAA returns a request to the attorney for additional or clarifying information, a timely response is necessary for the processing of a submission to be completed. Failure of the attorney to respond to a request for additional or clarifying information from an ESAA will result in the request not being processed. It is the attorney's obligation to answer specific questions, or the request will not be processed. These communications are covered by the Sealing and Protective orders signed by the court and are considered supplements to the declaration.
 - a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases), will receive requests for additional or clarifying information from an ESAA via the eDefender Portal. Attorney responses to ESAA inquiries should also be sent via the eDefender Portal following internal procedure.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) will receive requests for additional or clarifying information from an ESAA via email. Attorney responses to ESAA inquiries should also be sent via email.

3. **ESAA Responses:** The ESAAs may approve the request as proposed, approve the request with modifications, or deny the proposed request.
 - a. **Approved ORES:** If the request is approved by the ESAA, the attorney will receive a copy of the signed ORES and the Expert Service Authorization and Request for Payment form. These documents must be submitted to DPD along with the expert's invoice for payment after the work has been completed.
 - i. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) can access the signed ORES immediately through the eDefender Portal. The Expert Service Authorization and Request for Payment form will become available in the eDefender Portal once DPD Finance staff have completed their review of the approval.
 - ii. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) will receive a copy of the signed ORES and the Expert Service Authorization and Request for Payment form from DPD Finance staff via email.
 - b. **Modified ORES:** If the request is approved by the ESAA with modifications, the attorney will receive a copy of the signed, modified ORES and the Expert Service Authorization and Request for Payment form like a standard approved ORES. The ESAA will provide a written explanation for any modifications, either included in or attached to the signed ORES.
 - i. Attorneys may appeal a modified ORES ex parte directly to the court.

- ii. The ESAA may only modify specific elements of the ORES once submitted, including the hourly rate, the number of approved hours, and the expert's DBA name if necessary or requested.
 - iii. The ESAA cannot amend or modify the ORES to include a different expert than originally requested if a sealing order or protective order has been signed by the court or the request has already been filed with the Court. If the named expert changes, the attorney must submit a new expert service request, including any applicable sealing or protective orders.
- c. **Denied ORES:** If the request is denied, the attorney will receive a copy of the signed, denied ORES. The ESAAs will provide a written explanation of their denial, either included in, or attached to, the signed ORES.
- i. Attorneys may appeal a denied ORES ex parte directly to the court.
 - ii. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) can access the signed, denied ORES immediately through the eDefender Portal.
 - iii. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) will receive a copy of the signed, denied ORES from DPD Finance staff via email.

E. Appealing a Denial or Modification

- 1. Requirements of the Appeal:** If a request has been denied or modified, that decision can be appealed to the Chief Criminal Judge in Seattle, Chief MRJC Judge, or Chief Juvenile Court Judge pursuant to the King County Superior Court Criminal Department Manual, Section 10, and local criminal rules. For King County District Court, a denied or modified ruling can be appealed to the Chief Presiding Judge or designee.
- a. **DPD Staff Attorneys Should Consult Their Supervisor:** If an ORES submitted by a DPD staff attorney is denied or modified, the attorney should consult with their supervisor prior to filing an appeal.
 - b. **Must Include the ESAA's Written Ruling:** A signed ORES from the ESAA that modifies or denies a request is required to file an appeal. The appeal submission to the Court must include the signed ORES containing the ESAA's written ruling denying or modifying the request.
 - i. An email from the ESAA alone does not constitute a valid written denial or modification for appeal purposes.
 - ii. A request for clarification from the ESAA, by itself, does not provide sufficient grounds to appeal to the Court.
 - iii. All email communications with the ESAA regarding the ORES must be included with the appeal documents submitted to the Court.

- c. **Appeal Must Mirror the Original Request:** The appeal submission to the Court must include an unsigned copy of the original ORES for review by the Judge.
 - i. The ORES submitted to the Judge must be identical to the one originally provided to the ESAA, reflecting the same expert, rates, hours, funding amount, and scope of work as in the original request that was denied or modified by the ESAA.
- d. **New Sealing/Protective Orders Must Accompany the Appeal, if applicable:** Sealing or protective orders associated with the original request do not apply to the appeal. If the attorney seeks to have appeal documents sealed or to protect sensitive financial information, a new set of sealing or protective orders must be submitted along with the appeal.
- e. **Court's Decision:** The attorney must provide a copy of the Court's ruling and Judge-signed ORES, regardless of outcome, as well as any other documents submitted with the appeal, to the DPD Director's Office and to the ESAA.
 - i. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must submit appeal documents, including the Court's signed Order, through the eDefender Portal in accordance with internal procedures.
 - ii. **External Users** (Private counsel, out-of-custody pro se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit appeal documents, including the Court's signed Order, via email to DPD-ExpertBilling@kingcounty.gov.
- f. **Payment Affidavits:** If Expert Services funding is approved or modified by the Court on appeal, the Director's Office will issue an Expert Services Authorization and Request for Payment Form once the signed ORES is received from the attorney.
 - i. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) will receive can access the Expert Service Authorization and Request for Payment form in the eDefender Portal once DPD Finance staff have completed their review of the appeal.
 - ii. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) will receive a copy of the Expert Service Authorization and Request for Payment form from DPD Finance staff via email.

F. Payment of Experts

1. **Expert Authorization Form:** DPD Finance staff will provide an Expert Service Authorization and Request for Payment form (billing affidavit) with each approved ORES.

- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) can access the Expert Service Authorization and Request for Payment form in the eDefender Portal once DPD Finance staff have performed the necessary tasks to process an approval.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) will receive a copy of the Expert Service Authorization and Request for Payment form along with a copy of the signed ORES from DPD Finance staff via email.
- 2. Expert Bill Payment:** Once services have been provided and the attorney has received an invoice from the expert, the attorney must submit the completed Expert Authorization—signed by both the attorney and the expert—along with the expert’s invoice to DPD for payment. Payment requests submitted directly by experts will not be accepted. Attorneys are responsible for ensuring the accuracy of all invoices submitted for payment. Each approval is limited to the exact authorized amount. Invoices exceeding an approved amount cannot be processed, regardless of whether the expert has other active approvals with available funds.
- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must submit expert billing through the eDefender Portal in accordance with internal procedures.
 - b. **External Users** (Private counsel, out-of-custody pro se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit expert billing via email to DPD-ExpertBilling@kingcounty.gov.
 - c. Any inquiries regarding payment status or Expert Authorizations should be directed to DPD-ExpertBilling@kingcounty.gov.

G. Supplemental Requests

- 1. Required Contents:** Supplemental funding requests for expert work previously approved must include the following:
 - a. A clear initial statement indicating that this request supplements a prior request(s) for the same expert, including the date the prior request(s) was filed.
 - b. A brief case summary with a complete description of all expert work performed to-date under the initial ORES, including, if applicable, the number of hours spent on each task.
 - c. A statement confirming that the total pretrial hours requested for the expert do not exceed the DPD Expert Fee Guidelines, or, if they do, a detailed explanation of the exceptional circumstances justifying the excess.

- d. An explanation of the remaining work the expert needs to complete, along with the estimated hours required.
 - e. If the supplemental request is due to the expert exceeding the original approval without prior ESAA authorization, the attorney must provide a thorough explanation justifying the additional funding. Attorneys should include documentation of any communications instructing the expert not to exceed the approved funding to support the request.
- 2. Trial Preparation and/or Testimony:** Supplemental requests for trial preparation and/or testimony do not require exceptional circumstances. The hourly rate for trial preparation and testimony must not exceed 130% of the rate approved by the ESAA for the original request.

H. Requests for Work Already Performed by an Expert

- 1. Exceptional Circumstances Justifying Work Already Performed:** Expert hours must be approved in advance. Funding for work performed without prior approval will only be considered in cases where the expert's immediate involvement is necessary to prevent irreparable harm to the case or the client's legal interests. Such funding is granted at the sole discretion of the ESAA. Examples include:
- a. An expert spending additional time testifying due to unforeseen trial delays or extended testimony beyond initial estimates.
 - b. Expert work necessary to prevent loss or destruction of evidence.
 - c. Preservation of video or recorded evidence.
 - d. Photographs of injuries.
 - e. Collection of physical evidence for later scientific testing or examination.
 - f. Unexpected transcription or translation needs arising during trial.
 - g. Unexpected language interpretation necessary for effective representation.
 - h. Other emergency circumstances that justify not seeking prior approval.
- 2. Examples of Work That Do Not Qualify for this Exception:**
- a. Witness interviews that can be conducted at a later time.
 - b. Mental health or substance abuse evaluations.
 - c. Routine investigation in the course of a case.
 - d. Experts exceeding the original authorization amounts after counsel has instructed them not to do so.

I. Exceeding Fee Guidelines

1. **Required Contents:** Expert service requests that exceed the DPD Fee Guidelines must provide case-specific justification demonstrating exceptional circumstances. The attorney must show that no qualified expert is available to perform the necessary work within the established fee guidelines. Such requests must include the following information:
 - a. The specific basis for exceeding the fee guidelines,
 - b. The extraordinary needs or demands of the case or client,
 - c. An explanation of why services within the fee guidelines are unavailable in the community, and
 - d. A list of multiple local experts who were consulted along with explanations of why they cannot accomplish the same goal within the fee guidelines.

2. **Prior Expert Authorization Above the Fee Guidelines:** Previous authorization of a rate or amount that exceeds the fee guidelines by an ESAA or Judge in another case or on a previous request is not a basis to exceed them again. Assertions that the expert was approved for a rate that exceeds the fee guidelines on another case or on a previous request cannot be considered by the ESAA when issuing a ruling and should not be included in the declaration.

J. Out-of-State Experts

1. **Required Contents:** An attorney requesting an out-of-state expert who will need to travel to perform any portion of the work, including interviews or testimony, must include in their declaration which local experts were contacted and why those providers are unavailable or unable to perform the work. The attorney must also consult experts in neighboring states—Oregon, Idaho, and British Columbia—and explain why they are similarly unavailable or unable to perform the required work.
 - a. There is a presumption that a qualified local expert exists who can perform the necessary work within DPD’s Expert Fee Guidelines.
 - b. Attorneys must make reasonable efforts to minimize travel expenses for any expert requiring travel to complete the work.

K. Involuntary Treatment Act (ITA) Expert Service Requests

1. **ITA Cases Assigned By DPD:** Attorneys must seek approval for Expert Services for ITA cases directly from the Court. Orders authorizing Expert Services for ITA cases must include sufficient information for the request to be processed by DPD, including:
 - a. The standard case caption containing the client’s name and case number

- b. The hourly rate, number of hours, subtotals, and grand total of all approved funding.
 - c. The name and business name (DBA) of the expert.
- 2. Expert Bill Payment:** The attorney must provide a copy of the Court’s order authorizing Expert Services at public expense to DPD to receive a billing affidavit for the approved work.
- a. **Internal Users** (DPD staff and Assigned Counsel Panel attorneys with DPD-assigned cases) must submit the request via the eDefender Portal in accordance with internal procedures.
 - i. Request documents for unsealed requests in Superior Court should be attached to the request in the eDefender Portal when submitted. Counsel will receive a billing affidavit via the eDefender Portal once the approval has been processed.
 - b. **External Users** (Private counsel, out-of-custody Pro-Se defendants, and Assigned Counsel Panel attorneys working on privately retained cases) must submit their request documents to DPD via email at DPD-ExpertRequests@kingcounty.gov. DPD will enter the request into the eDefender Portal for processing and counsel will be provided a billing affidavit via email.

L. Alternative Process for Child Representation Dependency Expert Service Requests

- 1. Child Representation Cases Assigned By DPD:** Attorneys are encouraged to use the Alternative Process for Child Representation Dependency Expert Service Requests when requesting expert services for child representation dependency cases assigned by DPD. An attorney may also seek approval for expert funding directly from the Court.
- 2. DPD Standard Forms Must be Used:** Attorneys must use the Alternative Process for Child Representation Dependency Expert Services Request forms when submitting a request. DPD staff may access these forms internally on the SharePoint site. Assigned/Private counsel should email DPD.AssignedCounsel@kingcounty.gov.
- 3. Required Contents:** Do not include client name or case number or other client-identifying information in your request. The request must include the following information:
 - a. The expert’s name, email address, phone number, and mailing address.
 - b. The expert’s DPD-issued vendor number (if applicable) to expedite payment to the expert.

- c. A brief case background as to why the expert is necessary and brief description of the services to be provided.
 - d. The estimated cost for services including the hourly rate, an estimate of total hours to complete the work, and a breakdown of hours by activity. If the services are provided at a flat rate, state the fee and the specific services to be provided. Include any other necessary expenses such as travel expenses.
 - e. A certification from the attorney indicating whether other expert services have been authorized for that client and, if so, the name of the expert and the amount authorized.
 - f. If requesting funds for an interpreter, the request must state that the Court Office of Interpreter Services (OIS) has declined to provide one and whether the requested interpreter is Washington State Court-Certified.
- 4. Submission of Materials:** The attorney must submit completed Alternative Process for Child Representation Dependency Expert Services Request forms via email to DPD-ExpertRequests@kingcounty.gov.
- 5. DPD Approval:** The attorney will be notified via email when the request has been processed. The Special Counsel for Expert Services and Legal Contracting (or designee) will act as the ESAA in reviewing the request.
- a. If the request is approved, the attorney will be notified via an email stating the nature of services and the financial scope of the authorization. If the request is denied or modified, the attorney will be notified via email to explain the basis for the denial or modification.
 - b. The attorney will receive the Expert Authorization form for an approval via email from DPD Finance staff. The Expert Authorization will reference a unique Request ID number to correlate the Expert Authorization form to the approval without client or case identifying information.
- 6. Expert Bill Payment:** Once services have been rendered, and the attorney receives an invoice from the expert, the attorney must return the completed Expert Authorization, signed by both the attorney and the expert, together with the expert's invoice to DPD-ExpertBilling@kingcounty.gov. Requests for payment will not be accepted from the expert directly. Attorneys are responsible for the accuracy of the invoices submitted for payment.
- a. The Request ID number must be written or typed on the top of the expert's invoice and any client-identifying information must be redacted before sending the invoice to DPD.

VI. SUBSTITUTION OF NEW COUNSEL OR NEW EXPERT

A. Withdrawing Counsel

1. **Required Obligations:** In the event an expert services request has been granted on a pending case, withdrawing counsel must contact all experts previously approved that have not completed their work and advise them to stop work until or unless they hear from new counsel. The expert shall be informed that if they do not hear from new counsel, they should submit a final bill to the withdrawing attorney for payment within 60 days of receiving notice from withdrawing counsel.

B. Substituting Counsel

1. **Required Obligations:** Substituting counsel should seek release from the client to communicate with prior counsel to determine what experts were retained on the case, what work has been completed, and what expert work is still outstanding.
2. **Discretion of Substituting Counsel:** It is within the professional judgment of new counsel to authorize continued work for a previously approved expert, to order the expert to stop work and submit a final bill, or to submit a request for a new expert.
 - a. If new counsel authorizes the previously approved expert to continue work, the previous Order to Seal and Protective Order follow the case and remain in full effect along with the prior expert approval.
 - b. If new counsel makes a request for a new expert to do work previously authorized, there must be a justification for the change in experts. If prior authorized expert work has already been performed, there is a strong presumption that requests for duplicate work by a new expert will be denied.

C. Substitution of New Expert

1. **Termination of Expert:** An attorney should make every attempt to thoroughly discuss what work they wish the expert to perform prior to the submission of the request to avoid confusion and unusable work product. In the event that an attorney wishes to terminate the work of an expert for any reason, they shall inform the expert to stop work immediately and submit a final bill to DPD, providing an account of what work was completed.
2. **Required Contents:** If the attorney wishes to engage a new expert for the same or substantially similar work, the attorney must submit a new expert service request explaining the following:

- a. What work the previous expert completed,
- b. If the work product produced is unusable and why,
- c. The reasons for terminating the work of the prior expert, and
- d. A thorough explanation justifying the potentially duplicative work.

NOTE: A new expert will not be approved based upon the attorney disagreeing with the opinion, findings, or potential testimony of the previously retained expert.

VII. TRAVEL

A. Travel Requests

- 1. Expert Travel:** All requests for funds for travel by an expert must be submitted as an Expert Services request.
 - a. Attorneys are encouraged to discuss the willingness of an expert to accept a reduced rate for travel time prior to submitting the request.
 - b. Expert travel time and travel-related expenses must be listed separately from expert work hours and work-related expenses on the ORES.
- 2. DPD Employee Travel (Attorney/Staff):** Case-related travel for a DPD employee or staff member must be submitted as an Expert Services request if the travel is by air or overnight.
 - a. An Expert Service request is not necessary for travel expenses for DPD employees if the travel is not overnight, is not by air, and the estimated cost is less than \$500.00 or approved by a Managing Attorney. DPD employees must follow internal DPD procedures to pay for this travel and should contact their Division Program Manager before booking any travel.
- 3. Non-DPD Employee Travel (Assigned Counsel, Private Counsel, etc.):** Case-related travel for Assigned Counsel or privately-retained counsel must be submitted as an Expert Services request.
- 4. Witness Travel** All requests for funds for travel by a witness must be submitted as an Expert Services request. See Section E. Material Witness Travel Expenses for additional requirements.

B. Travel Estimate and Agency

1. **Travel Estimate:** Before submitting any Expert Services request for case-related travel that requires airfare, hotels, and/or rental cars, attorneys must obtain a travel estimate from King County’s contracted travel agency. This estimate is a required part of the request.
 - a. All hotel, per diem, and mileage costs must align with Federal GSA rates where applicable.
 - b. DPD employees must follow internal Expert Services travel procedures to request estimates.

2. **Travel Agency:** All travel estimates must be obtained through King County’s contracted travel agency. **When contacting the agency via phone or email, it is critical to inform them that the inquiry is regarding King County Department of Public Defense Expert Services-related travel.** This helps to ensure that the request is routed properly and is handled within the correct guidelines for DPD Expert Services. King County’s contracted travel agency for Expert Services travel is:

CTM (Corporate Travel Management)

Expert Services Email: kingcountyexpertDPD@travelctm.com

Toll free within USA & Canada: 1 (855) 326-5853

Local number if outside of USA & Canada: 1 (206) 674-4335

C. Requests for Expert Services Travel

1. **Required Content:** Expert Services requests must be submitted for case-related travel expenses for the attorney, staff, or an expert. Family Defense travel funding requests may use the alternative process contained in section V. L. The request for travel must include the case-related reasons for the travel along with a proposed/pending travel itinerary including:
 - a. Dates necessary for travel,
 - b. Method of travel (air, car, etc.),
 - c. If travel is by air, please include airline change fees in the request,
 - d. Hotel needs within the Federal GSA rates,
 - e. Car rental or rideshare estimate, if necessary, and
 - f. An estimate of the total cost which must be obtained through King County’s contracted travel agency. See section VIII. A.

2. **Reimbursable Costs:** Lodging, per diem, and mileage costs must be within the federal GSA rates where applicable (available at www.gsa.gov/perdiem). These expenses must be itemized when submitted.

- a. DPD employees must request reimbursement for costs approved through Expert Services not paid via DPD's Travel Credit Card through internal DPD procedures within their Division.
- b. Receipts must be submitted with requests for reimbursement when required by County policy. However, receipts are not required for reimbursement for approved Per Diem, whether for a DPD employee or otherwise, which will be reimbursed at the federal Per Diem rate.
- c. King County does not reimburse tips, alcohol, interest, or late charges.
- d. Requests including mileage should list the cities of origin and destination, the total miles as determined from a map application, the GSA rate, and the total.

D. Approved Travel Arrangements

1. **Travel Arrangements:** Upon approval of an Expert Services request for travel, the attorney must follow required procedures to book approved travel reservations through King County's contracted travel agency. **Attorneys and/or Experts should not book or pay for approved Expert Services travel directly.**
 - a. DPD employees must follow internal Expert Services travel procedures to request reservations.
 - b. Non-DPD employees shall email DPDTravel@kingcounty.gov with the details of travel and attach copies of the Motion/Declaration for Expert Services at Public Expense and the signed approved ORES. The DPD Director's Office will then finalize and pay for the booking with the travel agency. Travel details must include:
 - i. Dates and times for the travel,
 - ii. Preference for direct flight or if connecting flights are acceptable,
 - iii. Originating and returning city,
 - iv. Dietary restrictions,
 - v. Transportation needs to/from airport,
 - vi. Hotel preferences (if any),
 - vii. Any reference information provided to the attorney by the travel agency when requesting an estimate, if applicable

E. Material Witness Travel Expenses

1. **Required Court Order:** Travel for a defense witness to testify, whether they are an Expert or other type of witness, can be requested via an Expert Services request, if accompanied by a Court Order finding the witness material. A copy of this signed order must be attached to the Motion for Expert Services.

- a. Depending on the actual cost of a non-Expert material witness to appear and the ability of the witness to travel, appear at court, and return home in the same day, the ESAA's will consider a request for funds to cover the cost of travel in excess of that provided by the court.

VIII. ASSIGNED COUNSEL, PRIVATELY RETAINED COUNSEL & PRO SE DEFENDANTS

A. Privately Retained Attorneys with Indigent Clients

1. **Rights of Indigent Clients:** An attorney who has been retained to represent a defendant may seek funding for expert services for their client at public expense, pursuant to CrR 3.1 and *State v. Punsalan*, 156 Wn.2d 875 (2006).
2. **Client Must Be Screened by DPD:** Prior to the submission of any requests for Expert Services, the client shall screen with DPD to establish indigency. Screenings are valid for one year, after which time a client must re-screen. Instructions on DPD's financial screening can be found on the King County Department of Public defense website.
3. **Obligations of Counsel:** The attorney must follow the procedures outlined in this policy. Counsel is responsible for submitting all Expert Services requests and related paperwork as required under the Expert Services Policy. Expert Services requests and billing submissions will not be accepted from the expert directly.

B. Pro Se Defendants/Standby Counsel,

1. **Rights of Pro Se Defendants:** A defendant, authorized by the Court to proceed *Pro Se* pursuant to *Faretta v. California*, 95 S. Ct. 2525 (1975), who is seeking Expert Services must follow the procedures outlined in this policy.
 - a. The *Pro Se* defendant is responsible for locating and communicating with any experts whose services they wish to engage as well as submitting all Expert Services requests and related paperwork as required under the Expert Services Policy.
 - b. DPD staff in the Director's Office or standby counsel, if one is appointed, will provide the defendant with the necessary forms to request Expert Services funding upon request.
 - c. DPD cannot appoint or solicit experts on behalf of a *Pro Se* defendant or provide legal advice that would interfere with a *Pro Se* defendant's right to self-representation.

2. **In-Custody *Pro Se* Defendants:** *Pro Se* defendants who are in-custody at a King County jail facility may submit Expert Services requests to DPD in writing, via mail.
3. **Stand-By Counsel:** Stand-by counsel authorized by the Court to submit Expert Services requests on behalf of a *Pro Se* defendant may submit them in their normal course of work.
4. **Approval of Requests:** The Special Counsel for Expert Services and Legal Contracting or designee acts as the Expert Services Administrative Attorney for the purposes of ruling on Expert Services requests from *Pro Se* defendants. Any motions to seal or motions for a protective order must be directed to the Court.

C. Investigators for Assigned Counsel, Retained Counsel, and *Pro Se* Defendants

1. **Required Contents:** Attorneys must include the charge and brief investigative plan when requesting investigator funding, such as:
 - a. The number of civilian and police witnesses to be interviewed,
 - b. Other investigative tasks to be performed,
 - c. The amount of time reasonably anticipated to be necessary to accomplish these tasks.
2. **Standard Hours:** The number of hours authorized will depend on the facts and circumstances of the case. DPD will authorize up to 75 hours per class A felony request and up to 50 hours for all other requests.
3. **Investigator Requirements:** For investigation conducted in the State of Washington, attorneys may seek authorization only for investigators licensed pursuant to RCW 18.165.030 and must provide DPD with a copy of the investigator's license.
4. **DPD Staff Investigators:** DPD will not appoint or approve expert services funding for any staff investigator employed by DPD to assist in any case in which the client is not represented by a DPD staff attorney, including *Pro Se* defendants or appointed counsel.

IX. COMMON EXPERT SERVICES REQUESTS

A. Forensic Psychological Evaluations

1. **Required Content:** Psychological evaluations may be authorized in cases where a professional assessment is reasonably necessary to support a legal defense and/or

assist in mitigation for negotiations or sentencing. For a mental health expert to be approved, there must be some combination of the following:

- a. A history of mental health diagnosis and/or treatment;
- b. A history of prescribed mental health medication;
- c. Reports from family or friends that client suffers from a mental health condition or has a history of abnormal behavior;
- d. The existence of school or health records indicative of cognitive or behavioral difficulties or mental health issues or needs;
- e. Case facts such as witness or law enforcement observations indicating suspected mental health issues;
- f. Placement in a mental health unit within the jail;
- g. Defense team observations of behavior indicative of a mental health disorder, particularly input from social worker, mitigation specialists, or supervisor;
- h. Proposed expert's preliminary assessment of possible mental health issues or needs;
- i. Credible self-reports from client of symptoms evidencing mental illness or prior treatment or hospitalizations (should be corroborated with the above factors if reasonably possible); and/or
- j. A careful recitation of other particular facts of the case giving rise to the belief that such an issue is present.

B. NGRI/Competency

1. **Mandatory DSHS Order:** A request for NGRI or competency evaluation must include a proposed Order Appointing Independent Expert or Professional Person and Directing Payment to be Reimbursed by DSHS in addition to the ORES. Only one order needs to be submitted per NGRI or competency evaluation pursuant to WAC 388-875-0040. Supplemental requests and testimony funding requests do not require submission of an additional order unless the supplemental is for an NGRI or competency evaluation that was not part of the original request. Please note that for DSHS Orders to be sealed, they must be listed on the sealing/protective order as a protected document along with the standard Expert Services motion and order.

C. Sexual Behavioral Risk Evaluations

1. **Required Contents:** Sexual behavioral risk evaluations may be authorized in cases where a professional assessment is reasonably necessary to assist in mitigation for negotiations or sentencing. For sexual behavioral risk evaluations to be approved, there must be some combination of the following:

- a. That counsel is considering a Special Sex Offender Sentencing Alternative (SSOSA);
- b. The prosecuting attorney has affirmatively required such an evaluation as a condition for negotiation.

D. Polygraphs

- 1. Required Contents:** Expert service requests for independent polygraphs must include information demonstrating case-specific exceptional circumstances that justify the request given their inadmissibility. A request for a polygraph should include those facts which show the need for such examination. For independent polygraphs to be approved there must be some combination of the following:
 - a. The prosecuting attorney has agreed to consider such an examination in negotiations for a reduction in charges (or has demonstrated a willingness to consider successful examinations for reductions in similar cases in the past);
 - b. There is an assertion of actual innocence, self-defense or an affirmative defense and there exists substantial corroborating evidence in the case that supports innocence, self-defense, or an affirmative defense;
 - c. There is an assertion of actual innocence and the evidence to be presented by the state consists solely of testimonial evidence of a criminal act by a complaining witness unsupported by any physical or other corroborating evidence;
 - d. A plea offer has been extended that significantly reduces client's exposure and the attorney can assert a good faith basis to believe such an examination is necessary for meaningful and productive communications with the client to provide effective assistance of counsel;
 - e. It is a request for an ultimate issue polygraph involving a juvenile sex offense and the attorney can assert a good faith basis to believe participation in the polygraph will lead to the client participating in a subsequent sexual behavioral risk evaluation.

- 2. Sexual Behavioral Risk Polygraphs:** Requests for polygraphs in conjunction with psychosexual behavioral risk evaluations may be included with the original request if included in costs from your expert. These may also be submitted by separate request for the individual polygrapher. Either request should include a statement that the psychosexual behavioral risk expert is requiring or requesting such an examination to complete the evaluation or to provide an expert opinion.

E. Mitigation Work

1. **Required Content:** Attorneys must demonstrate case and client-specific facts justifying the need for mitigation work and whether the work product will be used for a motion for release, negotiation, or a sentencing presentation. The following factors should be addressed in the request:
 - a. Complexity of the social or mental health history of the client that warrants mitigation work;
 - b. If the focus of the work will be interviewing witnesses for the preparation of a psychosocial history as part of a larger mitigation packet;
 - c. If the focus of the work will be developing a restorative process that addresses the alleged harm caused and accountability of the client; and
 - d. Demonstration in the declaration of why the proposed work cannot be completed by an investigator or attorney and requires specialized expertise in assessing and interpreting psychosocial histories or addressing the alleged harm caused through a restorative process that would be presented through persuasive mitigation reports to be used in negotiations or sentencing/disposition hearings.

F. Transcripts

1. **Audio/Video Recordings:** A request for a transcript of either an audio or video-recorded hearing or an interview must include at a minimum:
 - a. Clear reasons that establish the necessity of the transcription;
 - b. Either the length of time it will take to prepare the transcript and the hourly rate, or an estimate of the number of pages and the rate per page;
 - c. The timeframe in which the transcript is needed;
 - d. The length of the interview and whether it would be more efficient for the attorney to listen to the tape rather than have it transcribed; and/or
 - e. The charge, the number of witnesses in the case, and the centrality of the witness who was interviewed.
2. **DPD Attorneys:** DPD staff attorneys must follow internal DPD procedures for requesting audio transcription work.
 - a. Managing Attorneys authorize transcription requests within each division. DPD staff attorneys do not need to submit an Expert Services request if the Managing Attorney approves the request. The same standards apply to consideration of a request for transcription within the divisions as any expert service request. Transcript requests must be tracked in compliance with DPD's internal Transcription and Records Requests Policy.

- b. Internal DPD procedures for audio transcription work do not apply to a request for a transcript from a Court Reporter. Please see Section H. below regarding a request for transcript from a Court Reporter or Stenographer.

G. Medical and Mental Health Records

1. **DPD Attorneys:** Expert Services requests must be submitted for hospitals and other institutions which do not accept the King County P-Card. In all other instances, DPD staff attorneys must follow internal DPD procedures for ordering copies of medical and mental health records. Records requests must be tracked in compliance with DPD's internal Transcription and Records Requests Policy.

H. Court Reporters, Stenographers and Depositions

1. **Required Contents:** An attorney who needs the services of a court reporter or stenographer to be present for a deposition or to create a written transcript from a hearing or trial already completed, must submit an Expert Services request.
 - a. A request for a court reporter for the purposes of a deposition or for the purposes of transcribing existing notes of a deposition or hearing must include:
 - i. Clear reasons that establish the necessity of the transcription or deposition;
 - ii. The hourly rate for the court reporter to appear at the deposition and the per-page costs of producing a written transcript.

I. Language Interpretation and Translation

1. **Required Contents:** An attorney who needs the services of a language interpreter should contact the King County Office of Interpreter Services (OIS). For interpreter services that OIS declines to provide (such as defense expert evaluations), defense counsel may submit an Expert Services request for case related work that requires the use of an interpreter or translator.
 - a. Attorneys must indicate in the Declaration why the interpreter cannot be obtained through OIS.
 - b. Interpreters must be Washington State Court Certified whenever possible. Attorneys must state in the Declaration if the interpreter is Washington State Court Certified or provide an explanation of why a Washington State Court Certified interpreter cannot perform the requested work.
 - c. Audio translation should be billed per hour. Translation of written materials should be billed per word.

d. Half-day rates are applicable to in-person interpretation only.

NOTE: DPD employees and Assigned Counsel are expected to utilize DPD's Voiance interpretation service for phone interpretation whenever possible.

X. DPD Expert Fee Guidelines

NOTE: Changes to the fee guidelines are not retroactive. Testimonial rates cannot exceed 130% of the hourly rate approved by the ESAA for the original request.

	Expert Service Type	Required Credentials	Financial Guidelines	Hourly Guidelines
Crime Scene / Evidence Analysis	Accident Reconstruction	B.A. in Engineering and/or specialized training in accident reconstruction	\$350/hr. max.	Max. 30 hrs.
	Accounting	B.A. in Accounting or related field <u>AND</u> CPA	\$250/hr. max.	
	Arson	Specialized training in fire investigation <u>AND</u> certification from the National Association of Fire Investigators or Fire and Arson Training from the National Fire Academy	\$400/hr. max.	
	Audio/Video Forensic Analyst	Expertise in forensic digital analysis/enhancement	\$225/hr. max.	
	Computer/Cell Phone Forensic Analyst	Expertise in forensic computer/cell phone analysis	\$250/hr. max.	
	Crime Scene / Trace Evidence / Firearms / Ballistics	B.S./B.A. in Chemistry, Biology, Microbiology, Forensic Science, or other related fields	\$275/hr. max.	
	DNA	B.S. or Ph.D. in Biology, Molecular Biology, Genetics, Biochemistry, Zoology, or related fields	\$250/hr. max. (B.S.) \$300/hr. max (Ph.D.)	Max. 20 hrs.
	Documents	Specialized training in document examination	\$200/hr. max.	
	Eyewitness / Memory / Perception	Ph.D. in Psychology or other related fields <u>AND</u> significant research in the fields of memory, perception, or eyewitness identification	\$300/hr. max.	
	Fingerprints	Specialized training in fingerprint ID	\$200/hr. max.	Max. 8 hrs.
	Gang Expert	Specialized training or expertise in gang culture	\$150/hr. max.	
	Police Practices/Use-of-Force Expert	Specialized training or expertise in police practices or use-of-force policies and procedures	\$200/hr. max.	
Deposition / Transcription	Transcription	Authorized transcriptionist pursuant to G.R. 35	\$4.50/page max.	
	Depositions	For testimony preservation/witness interview refusal	\$125/hr. max.	

	Expert Service Type	Required Credentials	Financial Guidelines	Hourly Guidelines
Mental Health Evaluation	Neuropsychological	Ph.D., Psy.D., or Ed.D. in Psychology / Neuropsychology	\$375/hr. max.	Max. 25 hrs.
	Psychiatric	Board-certified Psychiatrist	\$500/hr. max.	Max. 25 hrs.
	Quantitative Electroencephalogram Testing	Board-certified Psychiatrist specializing in QEEG testing	\$4500 flat fee (must include all travel, admin., interpretation, report writing)	
	Psychological	Ph.D., Psy.D., or Ed.D. in Psychology <u>OR</u> Board-certified Nurse Practitioner with Ph.D.	\$325/hr. max.	Max. 25 hrs.
Medical / Toxicology	Medical or Dental Consultant	M.D., O.D., D.D.S., or D.M.D.	\$500/hr. max.	
	Pathology	M.D. <u>AND</u> Board-certified forensic pathologist or equivalent certification	\$500/hr. max.	
	Pharmacology	Ph.D. in Pharmacology or M.D. with training or expertise in the field	\$375/hr. max. (Ph.D.), \$425/hr. max. (M.D)	
	Toxicology	B.S./B.A. in Chemistry, Toxicology, or Pharmaceutical Science or other related fields	\$300/hr. max.	
	DUI Breath Testing	Specialized training in relevant breath test machine and effects of alcohol	\$400/hr. max.	Max. 10 hrs.
	Drug Recognition Expert/Evaluator	Significant training, education, and experience in drug recognition/evaluation	\$150/hr. max.	
	Forensic Nurse	Registered Nurse with certification in forensic nursing	\$300/hr. max.	
	Veterinarian	Doctor of Veterinary Medicine (D.V.M. or V.M.D.)	\$375/hr. max.	

	Expert Service Type	Required Credentials	Financial Guidelines	Hourly Guidelines
Sexual Behavioral Health / Substance Abuse Evaluation	Sexual Behavioral Health Evaluation (Master's)	M.A. in Psychology, Counseling, or Social Work <u>AND</u> Certified Sex Offender Treatment Provider	\$200/hr. max. <u>OR</u> up to \$3,000 flat fee	Max. 16 hrs. (\$3,200 max)
	Sexual Behavioral Health Evaluation (Ph.D.)	Psychiatrist/Psychologist <u>AND</u> Certified Sex Offender Treatment Provider	\$250/hr. max. <u>OR</u> up to \$3,850 flat fee	Max. 16 hrs. (\$4,000 max)
	Polygraph	Nationally-certified polygraph examiner or equivalent education	\$600 flat fee	
	Substance Abuse Assessment	Washington State Chemical Dependency Professional Certification	\$150/hr. max. <u>OR</u> up to \$400 flat fee	
Case Support	Paralegal (limited to complex cases / cases with voluminous discovery)	Experience in data management and expertise in complex cases; exercises discretion in case prep. Paralegal certification advised but not required	\$50/hr. max.	Max. 50 hrs. per request
	Investigation	Investigator's License pursuant to RCW 18.165.030	\$55/hr. max.	Non-Class A: max. 50 hrs. per request Class A: max. 75 hrs. per request
	Mitigation Specialist	Degree in Social Work or other related fields or significant training, education, and experience in forensic psychology, social work, or other related fields	\$100/hr. max., Up to \$120/hr. for specialized expertise (case-needed foreign language fluency)	Max. 45 hrs. per request / 90 hrs. per case
	Mitigation Video Production	Experience in video production and Mitigation/Sentencing video creation	\$200/hr. max.	Max. 25 hrs.
Interpretation & Translation	Interpretation	Washington State Court Certified interpreters	\$85/hr. max, \$340/half-day	
	Document Translation	For translation of written documents	22 cents per word	Translation of audio at hourly interpretation rate