



WSBA COUNCIL ON PUBLIC DEFENSE MEETING AGENDA

July 25, 2025
9:30am – 11:00am

Join by Video Conference:

For video and audio: <https://wsba.zoom.us/j/86831734727?pwd=JdPRPtrj3zUwG7Vm54liXXDo85uKa5.1>

For audio only: **LOCAL OPTION:** (253) 215-8782 || **TOLL-FREE OPTION:** (888) 788-0099

Meeting ID: 868 3173 4727 || **Passcode:** 892144

The purpose of the meeting is for the Council to discuss, deliberate, and take potential final action regarding the following agenda items:

5 min	Welcome and Introductions	Maialisa Vanyo	Discussion	
3 min	May Meeting Minutes	Maialisa Vanyo	Action	pp 2-3
15 min	Appendix B Changes	Jason Schwarz	Discussion for September Vote	pp 4-33
10 min	BOG Discussion: Aligning WSBA Standards with Court's Order	Maialisa Vanyo	Discussion	pp 34-36
20 min	Defender Initiative Updates	Bob Boruchowitz	Discussion	
10 min	Office of Public Defense Updates	Sophia Byrd-McSherry	Discussion	
5 min	Announcements	Everyone	Announcement	

The next regular CPD meeting will be September 5, 2025, via Zoom

No meeting in August 2025

Find Council on Public Defense guiding documents and initiatives online at <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/council-public-defense>.

Reasonable accommodations for people with disabilities will be provided upon request. Please email bonnies@wsba.org.



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
MAY 23, 2025 - 9:30AM – 11:00AM
MINUTES

CPD Voting Members: Maialisa Vanyo (Chair), Molly Gilbert, Paul Holland, Chris Swaby (Vice-Chair), Maya Titova, Victoria Blumhorst, Christie Hedman, David Montes, Judge Dee Sonntag, Abraham Ritter, Jason Schwarz (Immediate Past Chair), Louis Frantz, Jonathan Nomamiukor, Justice Sheryl Gordon McCloud

CPD Emeritus members (non-voting members): Ann Christian, Bob Boruchowitz, Kathy Kyle

WSBA Staff: Bonnie Sterken, Cate Schur

Guests: Sophia Byrd McSherry, Matt Pang, Katrin Johnson, Jordan Couch, Renata Garcia

Absent:

Judge Maria Polin, Jonathan Quittner, Karen Denise Wilson, Larry Jefferson, Arian Noma, Eileen Farley

Vacancies: Two current or former prosecutors, one local government/public defense agency representative, One At-Large

April Meeting Minutes: The minutes were approved without edits.

WSBA Entity Regulation Pilot: Renata Garcia with the Washington State Bar Association gave an update on the Entity Regulation Pilot Project. It will be a process where entities can become regulated to provide legal service. Some examples include instances where a law firm wants to include non-attorney members in their ownership and nonprofits that want to explore alternative options for delivering civil legal aid. The Court has suggested that the Council on Public Defense review the pilot project and discuss innovative methods for the delivery of criminal defense. Renata addressed questions Kathy Kyle, who manages a nonprofit public defense office, noted that she plans to learn more about the pilot project and will share learnings with the Council.

Standards Update and WSBA Amicus Brief: Jason Schwarz shared that the Court is still reviewing the proposed Standards and we do not have any new information. He also shared that the Washington State Bar Association Board of Governor's were considering whether to submit an amicus brief relating to case pending before the WA Supreme Court, *re Detention of M.E.* Jason and other members of the Council have submitted comments encouraging the Board of Governors to submit the amicus brief. The Board of Governors is considering the request in the next few weeks. The Council discussed the merits of submitting the amicus brief.

Office of Public Defense Legislative Updates: Sophia Byrd McSherry provided a comprehensive overview of the funding decisions from the recent legislative session. She provided a document that displayed the 2025-27 biennial and 2025 supplemental budgets, including the agency's request compared to the actual budget. Sophia highlighted key budget decisions and addressed questions.

Announcements: Maialisa Vanyo reminded members that CPD could send participants to the Access to Justice Conference and encouraged those interested to contact staff. Bob Boruchowitz shared about the June 27 Defender Initiative conference at Seattle University.

The meeting adjourned at 10:49 a.m.

To: Members – WSBA Council on Public Defense

From: Appendix B Revision Committee Members

Re: PROPOSED EDITS TO WSBA INDIGENT DEFENSE STANDARDS – APPENDIX B

The Appendix B subcommittee proposes the attached changes to Appendix B of the WSBA Indigent Defense Standards for the CPD’s consideration and vote. This memo serves as an outline to the changes, though many individual edits will be found only in the attached document.

BACKGROUND

The Committee met in May and June of 2025 to review and update Appendix B.

Our deliberations were led by three factors:

- Adding new crimes or amending existing ones based on new legislation since the last draft
- Revisions to the Appendix B case types for currently listed crimes, if any. The Committee considered the following factors when deciding whether to amend a crimes case type:
 - Attorney time data and other data from jurisdictions suggesting a modification is needed
 - Caseload management concerns, including the concerns to non-lawyer staff and data management systems needed to administer assignments consistent with Appendix B
 - Other considerations
- Corrections/Errors

The Committee considered recommendations from members and non-members alike.

PROPOSED CHANGES

The Committee proposes one large structural change along with seven other smaller changes:

1. Create a new case category called “Felony Sex - Low” and “Felony Sex – High”
 - 10 Crimes would go from Felony-Sex (5) to Felony Sex Low (3). These class C sex offenses would be worth 3 credits moving forward. The Indecent Liberties sections d,e,f, will go from felony low (1) to Felony – Sex Low (3).

Felony – Sex Low	unranked	3	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100 (1)(d),(e) and (f))
Felony – Sex Low	2	3	Voyeurism 1 (RCW 9A.44.115)(2)
Felony – Sex Low	3	3	Promoting Prostitution 2 (second or subsequent conviction)

			(RCW 9A.88.080)
Felony – Sex Low	4	3	Indecent Exposure to Person Under Age 14 (subsequent conviction or prior sex offense conviction) (RCW 9A.88.010)
Felony – Sex Low	5	3	Child Molestation 3 (RCW 9A.44.089)
Felony – Sex Low	5	3	Custodial Sexual Misconduct 2 (RCW 9A.44.170)
Felony – Sex Low	5	3	Incest 2 (RCW 9A.64.020(2))
Felony – Sex Low	5	3	Rape 3 (RCW 9A.44.060)
Felony – Sex Low	5	3	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Felony – Sex Low	5	3	Sexually Violating Human Remains (RCW 9A.44.105)
Felony – Sex Low	6	3	Rape of a Child 3 (RCW 9A.44.079)

- 6 Crimes will go from Felony Sex (5) to a new category of Felony Sex High (6). These indeterminate plus sex offenses would be worth 6 credits moving forward.

Felony – Sex High	10	6	Child Molestation 1 (RCW 9A.44.083)
Felony – Sex High	10	6	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Felony – Sex High	11	6	Rape 2 (RCW 9A.44.050)
Felony – Sex High	11	6	Rape of a Child 2 (RCW 9A.44.076)
Felony – Sex High	12	6	Rape 1 (RCW 9A.44.040)
Felony – Sex High	12	6	Rape of a Child 1 (RCW 9A.44.073)

- Promoting prostitution 2 (RCW 9A.88.080) would become Felony – Low.
 - This is not a sex offense and does not require registration and is a Class C. The second or subsequent conviction does have registration so would become Felony Sex and worth 3 credits as referenced above.
- Controlled Substance Homicide (RCW 69.50.415) would become Felony - Murder.
 - This is currently listed as Felony – Low and be reclassified as Felony – Murder to be consistent with all other cases where a death is alleged.
- Criminal Mistreatment 2 (RCW 9A.42.030) - Would become Felony – Low.
 - This corrects an error which categorized this crime as Felony – Sex
- Sending, bringing into state depictions of minor engaged in sex explicit conduct 1 (RCW 9.68A.060(1)) - Would become Felony – Sex.

- Currently a Felony – Low. Sending 2nd degree is also a Class B sex offense and is already listed as Felony – Sex. From 1 to 5 credits.
6. Municipal Statute case weights
- Currently, the direction in the guidelines indicates that all Municipal crimes shall be in the same case weight as equivalent State crime. If there is no comparable State crime, gross misdemeanor (Misdemeanor - High (1.5)) and a simple misdemeanor (Misdemeanor - Low (1)). This can result in potentially out of balance caseloads between county and city PD's as potentially more cases would be misdemeanor high in Municipal courts. Since most municipal codes that create new and unique crimes label them as simple misdemeanors, we opted to reclass Municipal Crimes as Misdemeanor – Low. This is listed in the chart and at the top of the first page of the chart.
7. Trafficking 1 and 2 relabeled based on revised statute.
- The statute is changing on 7-1-25 and what sections are, and are not, sex offenses is going to be even more confusing. The revisions attempt to provide clarity for practitioners and supervisors.
8. Inchoate Sex Offenses will remain sex offense.
- This change attempts to resolve the confusion of what happens to an inchoate sex offense if it drops to a Case Type that is below what is expected of other sex offense cases. Currently, all inchoate offenses drop a case type from the underlying charge (i.e. a Rape 1 is Felony Sex (6), but attempted Rape 1 is Felony High (3)).
 - The edit retains the same categories but makes an exception for sex offense cases. In those cases, when an inchoate sex offense is charged, the case type remains the same as the underlying crime. (i.e. when a person is charged with a crime categorized as an attempt of a Felony Sex – Low, the case remains a Felony Sex - Low).
9. Minor DUI and Negligent Driving 1st Degree reclassified as Misdemeanor – High
- The cases involved the same types of discovery as DUIs, which are often technical and involving experts and should track the classification of DUI.

REJECTED CHANGES

The Committee considered two edits which were voted down.

The Committee declined to reclassify Burglary 1 as a Felony High.

APPENDIX B

Crimes Categorized by Public Defense Case Category

All unlisted State misdemeanors are Misdemeanor Low. Cases arising from violations of municipal criminal codes must be weighted the same as a state crime criminalizing the same conduct. All other municipal criminal violations will be Misdemeanor - Low.

Formatted: Indent: Left: 0.33", Right: 0.06", Line spacing: single

PD Misdemeanor Case Category	Seriousness Level	Case Value	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
Misdemeanor - High	GM	1.5	Aiming or discharging a firearm (RCW 9.41.230)
Misdemeanor - High	GM	1.5	Animal cruelty in the second degree committed under RCW 16.52.207(1)
Misdemeanor - High	GM	1.5	Assault 4 (RCW 9A.36.041(3))
Misdemeanor - High	GM	1.5	Attempt, Solicitation, or Conspiracy of a Class C Felony ((RCW 9A.28.020-040))
Misdemeanor - High	GM	1.5	Communication with a Minor for Immoral Purposes (RCW 9.68A.090) (First Prosecution)
Misdemeanor - High	GM	1.5	Driving While Under the Influence (RCW 46.61.502(6))
Misdemeanor - High	GM	1.5	H&R Attended (RCW 46.52.020)
Misdemeanor - High	GM	1.5	Harassment (RCW 9A.46.020(1-2))
Misdemeanor - High	GM	1.5	Indecent Exposure to Person Under Age 14 (first offense) (RCW 9A.88.010)
Misdemeanor - High	GM	1.5	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
Misdemeanor - High	GM	1.5	Possession of a Controlled Substance (RCW 69.50.4013)
Misdemeanor - High	GM	1.5	Reckless Driving RCW 46.61.45500
Misdemeanor - High	GM	1.5	Sexual Misconduct with a Minor2 (RCW 9A.44.096)
Misdemeanor - High	GM	1.5	Stalking (RCW 9A.46.110(1-45))
Misdemeanor - High	GM	1.5	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(4))
Misdemeanor - High	GM	1.5	Unlawful carrying or handling of a firearm (RCW 9.41.270)
Misdemeanor - High	GM	1.5	Vehicle Prowling 2 (first or second offense) (RCW 9A.52.100(1-2))

Misdemeanor - High	GM	1.5	Violation of Anti-Harassment Protection Order (RCW 7.105.4559)
Misdemeanor - High	GM/M	1.5	Domestic Violence Offense listed in RCW 10.99.020(4) or RCW 9.41.040(2)(a)(i)(B-D)
	GM/M	1.5	Municipal Crimes shall be the same case category as the equivalent State crime. When there is no State crime, a Municipal Gross Misdemeanor is Misdemeanor - High and a Simple Municipal Misdemeanor is a Misdemeanor - Felony Low
Misdemeanor - Low	M	1	Attempt, Solicitation, or Conspiracy to Commit a Gross Misdemeanor (RCW 9A.28.020-040)
Misdemeanor - High	MGM	1.5	Minor Driving After Alcohol (RCW 46.61.503)
Misdemeanor - High	MGM	1.5	Negligent Driving 1 RCW 46.61.5249

Formatted Table

All unlisted felonies are Felony Low

PD Felony Case Category	Seriousness Level	Case Value	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
Felony - Low	1	1	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Felony - Low	1	1	False Verification for Welfare (RCW 74.08.055)
Felony - Low	1	1	Forgery (RCW 9A.60.020)
Felony - Low	1	1	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Felony - Low	1	1	Malicious Mischief 2 (RCW 9A.48.080)
Felony - Low	1	1	Mineral Trespass (RCW 78.44.330)
Felony - Low	1	1	Possession of Stolen Property 2 (RCW 9A.56.160)
Felony - Low	1	1	Reckless Burning 1 (RCW 9A.48.040)
Felony - Low	1	1	Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
Felony - Low	1	1	Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
Felony - Low	1	1	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Felony - Low	1	1	Theft 2 (RCW 9A.56.040)

Felony - Low	1	1	Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
Felony - Low	1	1	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096(5)(b))
Felony - Low	1	1	Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
Felony - Low	1	1	Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Felony - Low	1	1	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Felony - Low	1	1	Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Production of Payment Instruments (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
Felony - Low	1	1	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Felony - Low	1	1	Unlawful Use of Food Stamps (RCW 9.91.144)
Felony - Low	1	1	Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
Felony - Low	1	1	Vehicle Prowl 1 (RCW 9A.52.095)
Felony - Low	1	1	Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))
Felony - Low	2	1	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Felony - Low	2	1	Computer Trespass 1 (RCW 9A.90.040)
Felony - Low	2	1	Counterfeiting (RCW 9.16.035(3))
Felony - Low	2	1	Electronic Data Service Interference (RCW 9A.90.060)
Felony - Low	2	1	Electronic Data Tampering 1 (RCW 9A.90.080)
Felony - Low	2	1	Electronic Data Theft (RCW 9A.90.100)
Felony - Low	2	1	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Felony - Low	2	1	Escape from Community Custody (RCW 72.09.310)
Felony - Low	2	1	Failure to Register as a Sex Offender (first, second, or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Felony - Low	2	1	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
Felony - Low	2	1	Health Care False Claims (RCW 48.80.030)
Felony - Low	2	1	Identity Theft 2 (RCW 9.35.020(3))
Felony - Low	2	1	Improperly Obtaining Financial Information (RCW 9.35.010)
Felony - Low	2	1	Malicious Mischief 1 (RCW 9A.48.070)
Felony - Low	2	1	Organized Retail Theft 2 (RCW 9A.56.350(3))
Felony - Low	2	1	Possession of a Stolen Vehicle (RCW 9A.56.068)
Felony - Low	2	1	Possession of Stolen Property 1 (RCW 9A.56.150)
Felony - Low	2	1	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
Felony - Low	2	1	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
Felony - Low	2	1	Theft 1 (RCW 9A.56.030)
Felony - Low	2	1	Theft of a Motor Vehicle (RCW 9A.56.065)
Felony - Low	2	1	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096(5)(a))
Felony - Low	2	1	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Felony - Low	2	1	Trafficking in Insurance Claims (RCW 48.30A.015)
Felony - Low	2	1	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Felony - Low	2	1	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Felony - Low	2	1	Unlawful Practice of Law (RCW 2.48.180)
Felony - Low	2	1	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Felony - Low	2	1	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Felony - Low	2	1	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Felony - Low	3	1	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
Felony - Low	3	1	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Felony - Low	3	1	Assault of a Child 3 (RCW 9A.36.140)
Felony - Low	3	1	Bail Jumping with class B or C (RCW 9A.76.170(3)(c))
Felony - Low	3	1	Burglary 2 (RCW 9A.52.030)
Felony - Low	3	1	Communication with a Minor for Immoral Purposes (RCW 9.68A.090) (Second or subsequent prosecution with prior)
Felony - Low	3	1	Criminal Gang Intimidation (RCW 9A.46.120)
Felony - Low	3	1	Custodial Assault (RCW 9A.36.100)
Felony - Low	3	1	Cyber Harassment (RCW 9A.90.120(2)(b))
Felony - Low	3	1	Escape 2 (RCW 9A.76.120)
Felony - Low	3	1	Extortion 2 (RCW 9A.56.130)
Felony - Low	3	1	False Reporting 2 (RCW 9A.84.040(2)(b))
Felony - Low	3	1	Harassment (RCW 9A.46.020)
Felony - Low	3	1	Hazing (RCW 28B.10.901(2)(b))
Felony - Low	3	1	Intimidating a Public Servant (RCW 9A.76.180)
Felony - Low	3	1	Introducing Contraband 2 (RCW 9A.76.150)
Felony - Low	3	1	Malicious Injury to Railroad Property (RCW 81.60.070)
Felony - Low	3	1	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
Felony - Low	3	1	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
Felony - Low	3	1	Mortgage Fraud (RCW 19.144.080)
Felony - Low	3	1	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Felony - Low	3	1	Organized Retail Theft 1 (RCW 9A.56.350(2))
Felony - Low	3	1	Perjury 2 (RCW 9A.72.030)
Felony - Low	3	1	Possession of Incendiary Device (RCW 9.40.120)

Felony - Low	3	1	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9A.190)
Felony - Low	3	1	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
Felony - Low	3	1	Securities Act violation (RCW 21.20.400)
Felony - Low	3	1	Tampering with a Witness (RCW 9A.72.120)

Felony - Low	3	1	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
Felony - Low	3	1	Theft of Livestock 2 (RCW 9A.56.083)
Felony - Low	3	1	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
Felony - Low	3	1	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Felony - Low	3	1	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
Felony - Low	3	1	Unlawful Imprisonment (RCW 9A.40.040)
Felony - Low	3	1	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
Felony - Low	3	1	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Felony - Low	3	1	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
Felony - Low	3	1	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
Felony - Low	3	1	Unlawful Use of a Non-designated Vessel (RCW 77.15.530(4))
Felony - Low	3	1	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Felony - Low	3	1	Promoting Prostitution 2 (RCW 9A.88.080)
Felony - Low	4	1	Driving While Under the Influence (3 or more offenses) (RCW 46.61.502(6))
Felony - Low	4	1	Influencing Outcome of Sporting Event (RCW 9A.82.070)
Felony - Low	4	1	Physical Control of a Vehicle While Under the Influence (three or more offenses) (RCW 46.61.504(6))
Felony - Low	4	1	Theft of Livestock 1 (RCW 9A.56.080)
Felony - Low	4	1	Threats to Bomb (RCW 9.61.160)

Commented [SK1]: Class C (not listed a sex offense in SRA) but 10ry registration if subsequent offense

Felony - Low	4	1	Trafficking in Stolen Property 1 (RCW 9A.82.050)
Felony - Low	4	1	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
Felony - Low	4	1	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Felony - Low	4	1	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Felony - Low	4	1	Unlawful transaction of insurance business (RCW 48.15.023(3))

Felony - Low	4	1	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
Felony - Low	4	1	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Felony - Low	4	1	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
Felony - Low	5	1	Abandonment of Dependent Person 2 (RCW 9A.42.070)
Felony - Low	5	1	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Felony - Low	5	1	Air bag diagnostic systems (RCW 46.37.660(2)(c))
Felony - Low	5	1	Air bag replacement requirements (RCW 46.37.660(1)(c))
Felony - Low	5	1	Bail Jumping with class A (RCW 9A.76.170(3)(b))
Felony - Low	5	1	Criminal Mistreatment 2 (RCW 9A.42.030)
Felony - Low	5	1	Extortionate Extension of Credit (RCW 9A.82.020)
Felony - Low	5	1	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Felony - Low	5	1	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
Felony - Low	5	1	Perjury 1 (RCW 9A.72.020)
Felony - Low	5	1	Possession of a Stolen Firearm (RCW 9A.56.310)
Felony - Low	5	1	Rendering Criminal Assistance 1 (RCW 9A.76.070)
Felony - Low	5	1	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
Felony - Low	6	1	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Felony - Low	6	1	Bribery (RCW 9A.68.010)
Felony - Low	6	1	Intimidating a Judge (RCW 9A.72.160)
Felony - Low	6	1	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Felony - Low	6	1	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Felony - Low	6	1	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
Felony - Low	6	1	Theft of a Firearm (RCW 9A.56.300)
Felony - Low	6	1	Unlawful Storage of Ammonia (RCW 69.55.020)
Felony - Low	7	1	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))

Felony - Low	7	1	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
Felony - Low	7	1	Civil Disorder Training (RCW 9A.48.120)
Felony - Low	7	1	False Reporting 1 (RCW 9A.84.040(2)(a))
Felony - Low	7	1	Malicious placement of an explosive 3 (RCW 70.74.270(3))
Felony - Low	7	1	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
Felony - Low	7	1	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
Felony - Low	7	1	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
Felony - Low	7	1	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
Felony - Low	7	1	Use of a Machine Gun or Bump-fire Stock in Commission of a (RCW 9.41.225)
Felony - Low	8	1	Theft of Ammonia (RCW 69.55.010)
Felony - Low		1	Attempt, Solicitation, or Conspiracy of a Class B Felony (RCW 9A.28.020-040)
Felony - Mid	4	1.5	Arson 2 (RCW 9A.48.030)
Felony - Mid	4	1.5	Assault 2 (RCW 9A.36.021)
Felony - Mid	4	1.5	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Felony - Mid	4	1.5	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
Felony - Mid	4	1.5	Assault by Watercraft (RCW 9A.60.060)
Felony - Mid	4	1.5	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090 , 9A.72.100)
Felony - Mid	4	1.5	Cheating 1 (RCW 9.46.1961)
Felony - Mid	4	1.5	Commercial Bribery (RCW 9A.68.060)
Felony - Mid	4	1.5	Counterfeiting (RCW 9.16.035(3 - 4))
Felony - Mid	4	1.5	Endangerment with a Controlled Substance (RCW 9A.42.100)
Felony - Mid	4	1.5	Escape 1 (RCW 9A.76.110)
Felony - Mid	4	1.5	Hate Crime (RCW 9A.36.080)

Felony - Mid	4	1.5	Hit and Run with Vessel—Injury Accident (RCW 9A.60.200(3))
Felony - Mid	4	1.5	Hit and Run—Injury (RCW 46.52.020(4)(b))
Felony - Mid	4	1.5	Identity Theft 1 (RCW 9.35.020(2))
Felony - Mid	4	1.5	Residential Burglary (RCW 9A.52.025)
Felony - Mid	4	1.5	Robbery 2 (RCW 9A.56.210)
Felony - Mid	4	1.5	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Felony - Mid	5	1.5	Domestic Violence Court Order Violation (RCW 7.105(4-5), 450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070)
Felony - Mid	5	1.5	Extortion 1 (RCW 9A.56.120)
Felony - Mid	5	1.5	Kidnapping 2 (RCW 9A.40.030)
Felony - Mid	5	1.5	Persistent prison misbehavior (RCW 9.94.070)
Felony - Mid	5	1.5	Stalking (RCW 9A.46.110(5(b)))
Felony - Mid	5	1.5	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
Felony - Mid	7	1.5	Burglary 1 (RCW 9A.52.020)
Felony - Mid	7	1.5	Drive-by Shooting (RCW 9A.36.045)
Felony - Mid	7	1.5	Introducing Contraband 1 (RCW 9A.76.140)
Felony - Mid	9	1.5	Explosive devices prohibited (RCW 70.74.180)

Formatted: Underline, Font color: Accent 1

Formatted: Font: Not Bold, Underline, Font color: Accent 1

Felony - Mid	9	1.5	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Felony - Mid	9	1.5	Malicious placement of an explosive 2 (RCW 70.74.270(2))
Felony - Mid	10	1.5	Malicious explosion 3 (RCW 70.74.280(3))
Felony - Mid	10	1.5	Sexually Violent Predator Escape (RCW 9A.76.115)
Felony - Mid		1.5	Attempt, Solicitation, or Conspiracy of a Class A Felony (RCW 9A.28.020-040)
Felony - Mid	DG2	1.5	Felony Offense with Firearm Enhancement or Deadly Weapon Enhancement that becomes a Strike (RCW 9.94A.030(32)(s) and 9.94A.825)
Felony – Sex LowFelony – HighSex	unranked	3	Indecent Liberties (without forcible compulsion(compulsion)) (RCW 9A.44.100 (1)(d),(e) and (f))
Felony – Sex LowFelony – HighSex	2	3	Voyeurism 1 (RCW 9A.44.115)
Felony – Sex LowFelony – HighSex	3	3	Promoting Prostitution 2 (second or subsequent conviction) (RCW 9A.88.080)
Felony – Sex LowFelony – HighSex	4	3	Indecent Exposure to Person Under Age 14 (subsequent conviction or prior sex offense conviction)(RCW 9A.88.010)
Felony – Sex LowFelony – HighSex	5	3	Child Molestation 3 (RCW 9A.44.089)
Felony – Sex LowFelony – HighSex	5	3	Custodial Sexual Misconduct 2 (RCW 9A.44.170)
Felony – Sex LowFelony – HighSex	5	3	Incest 2 (RCW 9A.64.020(2))
Felony – Sex LowFelony – HighSex	5	3	Rape 3 (RCW 9A.44.060)
Felony – Sex LowFelony – HighSex	5	3	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Felony – Sex LowFelony – HighSex	5	3	Sexually Violating Human Remains (RCW 9A.44.105)
Felony – Sex LowFelony – HighSex	6	3	Rape of a Child 3 (RCW 9A.44.079)

Formatted: Centered

Formatted Table

Commented [SK2]: Class B but unranked and 3X offense 15 yr registration

Commented [SK3]: Class C/10yr registration

Formatted: Centered

Commented [SK4]: Class C (not listed a sex offense in SRA) but 10yr registration if subsequent offense. Admittedly this would be hard to track - as the charging info would not reflect this...

Formatted: Centered

Formatted Table

Commented [SK5]: Class C/10 yr registration

Formatted: Centered

Commented [SK6]: Class C and 10yr registration

Formatted: Centered

Commented [SK7]: Class C and 10yr registration (3X if child under 14)

Formatted: Centered

Commented [SK8]: Class C and 10yr registration (3X)

Formatted: Centered

Commented [SK9]: Class C and 10yr registration

Formatted: Centered

Commented [SK10]: Class C and 10yr registration

Formatted: Centered

Commented [SK11]: Class C and 10yr registration (not a 3X offense?)

Formatted: Centered

Felony – Sex Low		<u>3</u>	<u>Attempt, Solicitation, or Conspiracy to Commit a Felony – Sex Low Offense (RCW 9A.28.020)</u>
Felony - High	8	3	<u>Arson 1 (RCW 9A.48.020)</u>
Felony - High	9	3	<u>Abandonment of Dependent Person 1 (RCW 9A.42.060)</u>
Felony - High	9	3	<u>Assault of a Child 2 (RCW 9A.36.130)</u>

Commented [SK12]: I thought we settled on attempted Class C sex to remain a felony Sex low? Right?

Felony - High	9	3	<u>Robbery 1 (RCW 9A.56.200)</u>
Felony - High	10	3	<u>Criminal Mistreatment 1 (RCW 9A.42.020)</u>
Felony - High	10	3	<u>Kidnapping 1 (RCW 9A.40.020)</u>
Felony - High	10	3	<u>Leading Organized Crime (RCW 9A.82.060(1)(a))</u>
Felony – High	<u>12</u>	<u>3</u>	<u>Trafficking 2 (RCW 9A.40.100(3)) when not charged as a sex offense</u>
Felony - High	12	3	<u>Assault 1 (RCW 9A.36.011)</u>
Felony - High	12	3	<u>Assault of a Child 1 (RCW 9A.36.120)</u>
Felony - High	12	3	<u>Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))</u>
Felony - High	13	3	<u>Malicious explosion 2 (RCW 70.74.280(2))</u>
Felony - High	13	3	<u>Malicious placement of an explosive 1 (RCW 70.74.270(1))</u>
Felony - High	14	3	<u>Trafficking 1 (RCW 9A.40.100(1)(a)(i)) when not charged as a sex offense</u>
Felony - High	15	3	<u>Malicious explosion 1 (RCW 70.74.280(1))</u>
Felony – Sex	<u>2</u>	<u>5</u>	<u>Voyeurism 1 (RCW 9A.44.115)</u>
Felony – Sex	<u>3</u>	<u>5</u>	<u>Promoting Prostitution 2 (RCW 9A.88.080)</u>
Felony – Sex	<u>4</u>	<u>5</u>	<u>Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010)</u>
Felony - Sex	4	5	<u>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))</u>
Felony – Sex	4	5	<u>Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))</u>
Felony – Sex	<u>5</u>	<u>5</u>	<u>Child Molestation 3 (RCW 9A.44.089)</u>
Felony – Sex	<u>5</u>	<u>5</u>	<u>Criminal Mistreatment 2 (RCW 9A.42.030)</u>
Felony – Sex	<u>5</u>	<u>5</u>	<u>Custodial Sexual Misconduct 2 (RCW 9A.44.170)</u>
Felony - Sex	5	5	<u>Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))</u>

Formatted: Not Highlight

Commented [SK13]: Class C/10yr registration

Formatted: Indent: Left: 0"

Commented [SK14]: Class C (not listed a sex offense in SRA) but 10yr registration if subsequent offense

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0", Space Before: 0 pt, Line spacing: Exactly 13.35 pt

Commented [SK15]: Class C/10 yr registration

Formatted: Indent: Left: 0.02"

Commented [SK16]: Not a sex offense

Formatted: Indent: Left: 0"

Commented [SK17]: Class C and 10yr registration

Formatted: Indent: Left: 0.02"

Felony—Sex	5	5	Incest 2 (RCW 9A.64.020(2))
Felony—Sex	5	5	Rape 3 (RCW 9A.44.060)
Felony—Sex	5	5	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
Felony—Sex	5	5	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Felony—Sex	5	5	Sexually Violating Human Remains (RCW 9A.44.105)
Felony—Sex	6	5	Incest 1 (RCW 9A.64.020(1))
Felony—Sex	6	5	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
Felony—Sex	6	5	Rape of a Child 3 (RCW 9A.44.079)
Felony—Sex	7	5	Child Molestation 2 (RCW 9A.44.086)
Felony—Sex	7	5	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Felony—Sex	7	5	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
Felony—Sex	7	5	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Felony — Sex	7	5	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
Felony—Sex	8	5	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
Felony—Sex	8	5	Promoting Prostitution 1 (RCW 9A.88.070)
Felony—Sex	9	5	Sexual Exploitation of a Minor (RCW 9.68A.040)
Felony — Sex High+	10	56	Child Molestation 1 (RCW 9A.44.083)
Felony — Sex High+	10	56	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Felony — Sex High+	11	56	Rape 2 (RCW 9A.44.050)
Felony — Sex High+	11	56	Rape of a Child 2 (RCW 9A.44.076)
Felony—Sex	12	5	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
Felony — Sex High+	12	56	Rape 1 (RCW 9A.44.040)
Felony — Sex High+	12	56	Rape of a Child 1 (RCW 9A.44.073)

Commented [SK18]: Class C and 10yr registration (3X if child under 14)

Commented [SK19]: Class C and 10yr registration (3X)

Formatted: Indent: Left: 0.02"

Commented [SK20]: Class C and 10yr registration

Formatted: Indent: Left: 0.02"

Commented [SK21]: Class C and 10yr registration

Formatted: Indent: Left: 0.02"

Formatted: Indent: Left: 0"

Commented [SK22]: Class C and 10yr registration (not a 3X offense?)

Formatted: Indent: Left: 0.02"

Commented [SK23]: Determinate Plus

Commented [SK24]: Determinate Plus

Commented [SK25]: Determinate Plus

Commented [SK26]: Determinate Plus

Commented [SK27]: Determinate Plus

Commented [SK28]: Determinate Plus

Felony – Sex	12	5	Trafficking 2 (RCW 9A.40.100(1)(a) or (3)) when charged as a sex offense
Felony – Sex		5	<u>Any Felony Offense where a Special Allegation of Sexual Motivation is alleged pursuant (RCW 9.94A835)</u>
Felony – Sex		5	<u>Attempt, Solicitation, or Conspiracy to Commit a Sex Offense (RCW 9A.28.020) (Class A or B), or C</u>
Felony – Sex		6	Attempt, Solicitation or Conspiracy to Commit a Determinant plus sex offense
Felony Murder	7	7	<u>Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)(1)(c)</u>
Felony Murder	7	7	<u>Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)</u>
Felony - Murder	7	7	<u>Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)(1)(c)</u>

Commented [SK29]: Class C sex offenses are now Felony Sex Low - so I don't think we can make an attempt to commit a Class C sex a felony sex.

Felony - Murder	8	7	<u>Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)</u>
Felony - Murder	8	7	<u>Manslaughter 2 (RCW 9A.32.070)</u>
Felony - Murder	III – dDrug Grid	7	Controlled Substance Homicide (RCW 69.50.415)
Felony - Murder	9	7	<u>Hit and Run—Death (RCW 46.52.020(4)(a))</u>
Felony - Murder	9	7	<u>Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)(1)(a)</u>
Felony - Murder	11	7	<u>Manslaughter 1 (RCW 9A.32.060)</u>
Felony - Murder	11	7	<u>Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)(1)(a)</u>
Felony - Murder	11	7	<u>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)(1)(b)</u>
Felony - Murder	14	7	<u>Murder 2 (RCW 9A.32.050)</u>
Felony - Murder	15	7	<u>Homicide by abuse (RCW 9A.32.055)</u>
Felony - Murder	15	7	<u>Murder 1 (RCW 9A.32.030)</u>
Felony - Murder	16	7	<u>Aggravated Murder 1 (RCW 10.95.020)</u>
Felony - Murder		7	<u>Attempt, Solicitation, or Conspiracy to Commit Murder (RCW 9A.28.020-040)</u>

Commented [SK30]: Level III drug grid cases as felony mid? Range is equivalent to level 10

Felony - LWOP		8	Any "Third Strike" or final offense where a life sentence could be imposed (RCW 9.94A575)
---------------	--	---	---

APPENDIX B

Crimes Categorized by Public Defense Case Category

All unlisted State misdemeanors are Misdemeanor Low. Cases arising from violations of municipal criminal codes must be weighted the same as a state crime criminalizing the same conduct. All other municipal criminal violations will be Misdemeanor - Low.

PD Misdemeanor Case Category	Seriousness Level	Case Value	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
Misdemeanor - High	GM	1.5	Aiming or discharging a firearm (RCW 9.41.230)
Misdemeanor - High	GM	1.5	Animal cruelty in the second degree committed under RCW 16.52.207(1)
Misdemeanor - High	GM	1.5	Assault 4 (RCW 9A.36.041)
Misdemeanor - High	GM	1.5	Attempt, Solicitation, or Conspiracy of a Class C Felony ((RCW 9A.28.020-040))
Misdemeanor - High	GM	1.5	Communication with a Minor for Immoral Purposes (RCW 9.68A.090) (First Prosecution)
Misdemeanor - High	GM	1.5	Driving While Under the Influence (RCW 46.61.502)
Misdemeanor - High	GM	1.5	H&R Attended (RCW 46.52.020)
Misdemeanor - High	GM	1.5	Harassment (RCW 9A.46.020(1))
Misdemeanor - High	GM	1.5	Indecent Exposure to Person Under Age 14 (first offense) (RCW 9A.88.010)
Misdemeanor - High	GM	1.5	Physical Control of a Vehicle While Under the Influence (RCW 46.61.504)
Misdemeanor - High	GM	1.5	Possession of a Controlled Substance (RCW 69.50.4013)
Misdemeanor - High	GM	1.5	Reckless Driving RCW 46.61.500
Misdemeanor - High	GM	1.5	Sexual Misconduct with a Minor2 (RCW 9A.44.096)
Misdemeanor - High	GM	1.5	Stalking (RCW 9A.46.110(1-4))
Misdemeanor - High	GM	1.5	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Misdemeanor - High	GM	1.5	Unlawful carrying or handling of a firearm (RCW 9.41.270)
Misdemeanor - High	GM	1.5	Vehicle Prowling 2 (first or second offense) (RCW 9A.52.100(1-2))

Misdemeanor - High	GM	1.5	Violation of Anti-Harassment Protection Order (RCW 7.105.455)
Misdemeanor - High	GM/M	1.5	Domestic Violence Offense listed in RCW 10.99.020(4) or RCW 9.41.040(2)(a)(i)(B-D)
	M	1	Municipal Crimes shall be the same case category as the equivalent State crime. When there is no State crime, a Municipal Misdemeanor is a Misdemeanor - Low
Misdemeanor - Low	M	1	Attempt, Solicitation, or Conspiracy to Commit a Gross Misdemeanor (RCW 9A.28.020-040)
Misdemeanor - High	GM	1.5	Minor Driving After Alcohol (RCW 46.61.503)
Misdemeanor - High	GM	1.5	Negligent Driving 1 RCW 46.61.5249

All unlisted felonies are Felony Low

PD Felony Case Category	Seriousness Level	Case Value	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
Felony - Low	1	1	Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Felony - Low	1	1	False Verification for Welfare (RCW 74.08.055)
Felony - Low	1	1	Forgery (RCW 9A.60.020)
Felony - Low	1	1	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Felony - Low	1	1	Malicious Mischief 2 (RCW 9A.48.080)
Felony - Low	1	1	Mineral Trespass (RCW 78.44.330)
Felony - Low	1	1	Possession of Stolen Property 2 (RCW 9A.56.160)
Felony - Low	1	1	Reckless Burning 1 (RCW 9A.48.040)
Felony - Low	1	1	Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
Felony - Low	1	1	Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
Felony - Low	1	1	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Felony - Low	1	1	Theft 2 (RCW 9A.56.040)

Felony - Low	1	1	Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))
Felony - Low	1	1	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096(5)(b))
Felony - Low	1	1	Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
Felony - Low	1	1	Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Felony - Low	1	1	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Felony - Low	1	1	Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Production of Payment Instruments (RCW 9A.56.320)
Felony - Low	1	1	Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))
Felony - Low	1	1	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Felony - Low	1	1	Unlawful Use of Food Stamps (RCW 9.91.144)
Felony - Low	1	1	Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))
Felony - Low	1	1	Vehicle Prowl 1 (RCW 9A.52.095)
Felony - Low	1	1	Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))
Felony - Low	2	1	Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
Felony - Low	2	1	Computer Trespass 1 (RCW 9A.90.040)
Felony - Low	2	1	Counterfeiting (RCW 9.16.035(3))
Felony - Low	2	1	Electronic Data Service Interference (RCW 9A.90.060)
Felony - Low	2	1	Electronic Data Tampering 1 (RCW 9A.90.080)
Felony - Low	2	1	Electronic Data Theft (RCW 9A.90.100)
Felony - Low	2	1	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Felony - Low	2	1	Escape from Community Custody (RCW 72.09.310)
Felony - Low	2	1	Failure to Register as a Sex Offender (first, second, or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Felony - Low	2	1	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
Felony - Low	2	1	Health Care False Claims (RCW 48.80.030)
Felony - Low	2	1	Identity Theft 2 (RCW 9.35.020(3))
Felony - Low	2	1	Improperly Obtaining Financial Information (RCW 9.35.010)
Felony - Low	2	1	Malicious Mischief 1 (RCW 9A.48.070)
Felony - Low	2	1	Organized Retail Theft 2 (RCW 9A.56.350(3))
Felony - Low	2	1	Possession of a Stolen Vehicle (RCW 9A.56.068)
Felony - Low	2	1	Possession of Stolen Property 1 (RCW 9A.56.150)
Felony - Low	2	1	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
Felony - Low	2	1	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
Felony - Low	2	1	Theft 1 (RCW 9A.56.030)
Felony - Low	2	1	Theft of a Motor Vehicle (RCW 9A.56.065)
Felony - Low	2	1	Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096(5)(a))
Felony - Low	2	1	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Felony - Low	2	1	Trafficking in Insurance Claims (RCW 48.30A.015)
Felony - Low	2	1	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Felony - Low	2	1	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Felony - Low	2	1	Unlawful Practice of Law (RCW 2.48.180)
Felony - Low	2	1	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
Felony - Low	2	1	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Felony - Low	2	1	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Felony - Low	3	1	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
Felony - Low	3	1	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Felony - Low	3	1	Assault of a Child 3 (RCW 9A.36.140)
Felony - Low	3	1	Bail Jumping with class B or C (RCW 9A.76.170(3)(c))
Felony - Low	3	1	Burglary 2 (RCW 9A.52.030)
Felony - Low	3	1	Communication with a Minor for Immoral Purposes (RCW 9.68A.090) (Second or subsequent prosecution with prior)
Felony - Low	3	1	Criminal Gang Intimidation (RCW 9A.46.120)
Felony - Low	3	1	Custodial Assault (RCW 9A.36.100)
Felony - Low	3	1	Cyber Harassment (RCW 9A.90.120(2)(b))
Felony - Low	3	1	Escape 2 (RCW 9A.76.120)
Felony - Low	3	1	Extortion 2 (RCW 9A.56.130)
Felony - Low	3	1	False Reporting 2 (RCW 9A.84.040(2)(b))
Felony - Low	3	1	Harassment (RCW 9A.46.020)
Felony - Low	3	1	Hazing (RCW 28B.10.901(2)(b))
Felony - Low	3	1	Intimidating a Public Servant (RCW 9A.76.180)
Felony - Low	3	1	Introducing Contraband 2 (RCW 9A.76.150)
Felony - Low	3	1	Malicious Injury to Railroad Property (RCW 81.60.070)
Felony - Low	3	1	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
Felony - Low	3	1	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
Felony - Low	3	1	Mortgage Fraud (RCW 19.144.080)
Felony - Low	3	1	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Felony - Low	3	1	Organized Retail Theft 1 (RCW 9A.56.350(2))
Felony - Low	3	1	Perjury 2 (RCW 9A.72.030)
Felony - Low	3	1	Possession of Incendiary Device (RCW 9.40.120)

Felony - Low	3	1	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Felony - Low	3	1	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
Felony - Low	3	1	Securities Act violation (RCW 21.20.400)
Felony - Low	3	1	Tampering with a Witness (RCW 9A.72.120)

Felony - Low	3	1	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
Felony - Low	3	1	Theft of Livestock 2 (RCW 9A.56.083)
Felony - Low	3	1	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
Felony - Low	3	1	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Felony - Low	3	1	Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
Felony - Low	3	1	Unlawful Imprisonment (RCW 9A.40.040)
Felony - Low	3	1	Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))
Felony - Low	3	1	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Felony - Low	3	1	Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
Felony - Low	3	1	Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
Felony - Low	3	1	Unlawful Use of a Non-designated Vessel (RCW 77.15.530(4))
Felony - Low	3	1	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Felony - Low	3	1	Promoting Prostitution 2 (RCW 9A.88.080)
Felony - Low	4	1	Driving While Under the Influence (3 or more offenses) (RCW 46.61.502(6))
Felony - Low	4	1	Influencing Outcome of Sporting Event (RCW 9A.82.070)
Felony - Low	4	1	Physical Control of a Vehicle While Under the Influence (three or more offenses) (RCW 46.61.504(6))
Felony - Low	4	1	Theft of Livestock 1 (RCW 9A.56.080)
Felony - Low	4	1	Threats to Bomb (RCW 9.61.160)

Felony - Low	4	1	Trafficking in Stolen Property 1 (RCW 9A.82.050)
Felony - Low	4	1	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
Felony - Low	4	1	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Felony - Low	4	1	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Felony - Low	4	1	Unlawful transaction of insurance business (RCW 48.15.023(3))

Felony - Low	4	1	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
Felony - Low	4	1	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Felony - Low	4	1	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
Felony - Low	5	1	Abandonment of Dependent Person 2 (RCW 9A.42.070)
Felony - Low	5	1	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Felony - Low	5	1	Air bag diagnostic systems (RCW 46.37.660(2)(c))
Felony - Low	5	1	Air bag replacement requirements (RCW 46.37.660(1)(c))
Felony - Low	5	1	Bail Jumping with class A (RCW 9A.76.170(3)(b))
Felony - Low	5	1	Criminal Mistreatment 2 (RCW 9A.42.030)
Felony - Low	5	1	Extortionate Extension of Credit (RCW 9A.82.020)
Felony - Low	5	1	Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Felony - Low	5	1	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
Felony - Low	5	1	Perjury 1 (RCW 9A.72.020)
Felony - Low	5	1	Possession of a Stolen Firearm (RCW 9A.56.310)
Felony - Low	5	1	Rendering Criminal Assistance 1 (RCW 9A.76.070)
Felony - Low	5	1	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
Felony - Low	6	1	Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Felony - Low	6	1	Bribery (RCW 9A.68.010)
Felony - Low	6	1	Intimidating a Judge (RCW 9A.72.160)
Felony - Low	6	1	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Felony - Low	6	1	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Felony - Low	6	1	Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
Felony - Low	6	1	Theft of a Firearm (RCW 9A.56.300)
Felony - Low	6	1	Unlawful Storage of Ammonia (RCW 69.55.020)
Felony - Low	7	1	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))

Felony - Low	7	1	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
Felony - Low	7	1	Civil Disorder Training (RCW 9A.48.120)
Felony - Low	7	1	False Reporting 1 (RCW 9A.84.040(2)(a))
Felony - Low	7	1	Malicious placement of an explosive 3 (RCW 70.74.270(3))
Felony - Low	7	1	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
Felony - Low	7	1	Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
Felony - Low	7	1	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
Felony - Low	7	1	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
Felony - Low	7	1	Use of a Machine Gun or Bump-fire Stock in Commission of a (RCW 9.41.225)
Felony - Low	8	1	Theft of Ammonia (RCW 69.55.010)
Felony - Low		1	Attempt, Solicitation, or Conspiracy of a Class B Felony (RCW 9A.28.020-040)
Felony - Mid	4	1.5	Arson 2 (RCW 9A.48.030)
Felony - Mid	4	1.5	Assault 2 (RCW 9A.36.021)
Felony - Mid	4	1.5	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))



Felony - Mid	4	1.5	Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))
Felony - Mid	4	1.5	Assault by Watercraft (RCW 79A.60.060)
Felony - Mid	4	1.5	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090 , 9A.72.100)
Felony - Mid	4	1.5	Cheating 1 (RCW 9.46.1961)
Felony - Mid	4	1.5	Commercial Bribery (RCW 9A.68.060)
Felony - Mid	4	1.5	Counterfeiting (RCW 9.16.035(3 - 4))
Felony - Mid	4	1.5	Endangerment with a Controlled Substance (RCW 9A.42.100)
Felony - Mid	4	1.5	Escape 1 (RCW 9A.76.110)
Felony - Mid	4	1.5	Hate Crime (RCW 9A.36.080)

Felony - Mid	4	1.5	Hit and Run with Vessel— Injury Accident (RCW 79A.60.200(3))
Felony - Mid	4	1.5	Hit and Run— Injury (RCW 46.52.020(4)(b))
Felony - Mid	4	1.5	Identity Theft 1 (RCW 9.35.020(2))
Felony - Mid	4	1.5	Residential Burglary (RCW 9A.52.025)
Felony - Mid	4	1.5	Robbery 2 (RCW 9A.56.210)
Felony - Mid	4	1.5	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Felony - Mid	5	1.5	Domestic Violence Court Order Violation (RCW 7.105(4-5).450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050 , or 26.52.070)
Felony - Mid	5	1.5	Extortion 1 (RCW 9A.56.120)
Felony - Mid	5	1.5	Kidnapping 2 (RCW 9A.40.030)
Felony - Mid	5	1.5	Persistent prison misbehavior (RCW 9.94.070)
Felony - Mid	5	1.5	Stalking (RCW 9A.46.110(5(b))
Felony - Mid	5	1.5	Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
Felony - Mid	7	1.5	Burglary 1 (RCW 9A.52.020)
Felony - Mid	7	1.5	Drive-by Shooting (RCW 9A.36.045)
Felony - Mid	7	1.5	Introducing Contraband 1 (RCW 9A.76.140)
Felony - Mid	9	1.5	Explosive devices prohibited (RCW 70.74.180)

Felony - Mid	9	1.5	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Felony - Mid	9	1.5	Malicious placement of an explosive 2 (RCW 70.74.270(2))
Felony - Mid	10	1.5	Malicious explosion 3 (RCW 70.74.280(3))
Felony - Mid	10	1.5	Sexually Violent Predator Escape (RCW 9A.76.115)
Felony - Mid		1.5	Attempt, Solicitation, or Conspiracy of a Class A Felony (RCW 9A.28.020-040)
Felony - Mid	DG2	1.5	Felony Offense with Firearm Enhancement or Deadly Weapon Enhancement that becomes a Strike (RCW 9.94A.030(32)(s) and 9.94A.825)
Felony – Sex Low	unranked	3	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100 (1)(d),(e) and (f))
Felony – Sex Low	2	3	Voyeurism 1 (RCW 9A.44.115)
Felony – Sex Low	3	3	Promoting Prostitution 2 (second or subsequent conviction) (RCW 9A.88.080)
Felony – Sex Low	4	3	Indecent Exposure to Person Under Age 14 (subsequent conviction or prior sex offense conviction) (RCW 9A.88.010)
Felony – Sex Low	5	3	Child Molestation 3 (RCW 9A.44.089)
Felony – Sex Low	5	3	Custodial Sexual Misconduct 2 (RCW 9A.44.170)
Felony – Sex Low	5	3	Incest 2 (RCW 9A.64.020(2))
Felony – Sex Low	5	3	Rape 3 (RCW 9A.44.060)
Felony – Sex Low	5	3	Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Felony – Sex Low	5	3	Sexually Violating Human Remains (RCW 9A.44.105)
Felony – Sex Low	6	3	Rape of a Child 3 (RCW 9A.44.079)
Felony – Sex Low		3	Attempt, Solicitation, or Conspiracy to Commit a Felony – Sex Low Offense (RCW 9A.28.020)
Felony - High	8	3	Arson 1 (RCW 9A.48.020)
Felony - High	9	3	Abandonment of Dependent Person 1 (RCW 9A.42.060)
Felony - High	9	3	Assault of a Child 2 (RCW 9A.36.130)

Felony - High	9	3	Robbery 1 (RCW 9A.56.200)
Felony - High	10	3	Criminal Mistreatment 1 (RCW 9A.42.020)
Felony - High	10	3	Kidnapping 1 (RCW 9A.40.020)
Felony - High	10	3	Leading Organized Crime (RCW 9A.82.060(1)(a))

Felony – High	12	3	Trafficking 2 (RCW 9A.40.100(3)) when not charged as a sex offense
Felony - High	12	3	Assault 1 (RCW 9A.36.011)
Felony - High	12	3	Assault of a Child 1 (RCW 9A.36.120)
Felony - High	12	3	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Felony - High	13	3	Malicious explosion 2 (RCW 70.74.280(2))
Felony - High	13	3	Malicious placement of an explosive 1 (RCW 70.74.270(1))
Felony - High	14	3	Trafficking 1 (RCW 9A.40.100(1)(a)(i)) when not charged as a sex offense
Felony - High	15	3	Malicious explosion 1 (RCW 70.74.280(1))
Felony - Sex	4	5	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
Felony – Sex	4	5	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
Felony Sex	5	5	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
Felony Sex	5	5	Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
Felony Sex	6	5	Incest 1 (RCW 9A.64.020(1))
Felony Sex	6	5	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))

			
Felony Sex	7	5	Child Molestation 2 (RCW 9A.44.086)
Felony Sex	7	5	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Felony Sex	7	5	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
Felony Sex	7	5	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Felony – Sex	7	5	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
Felony Sex	8	5	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
Felony Sex	8	5	Promoting Prostitution 1 (RCW 9A.88.070)
Felony Sex	9	5	Sexual Exploitation of a Minor (RCW 9.68A.040)
Felony – Sex High	10	6	Child Molestation 1 (RCW 9A.44.083)
Felony – Sex High	10	6	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Felony – Sex High	11	6	Rape 2 (RCW 9A.44.050)
Felony – Sex High	11	6	Rape of a Child 2 (RCW 9A.44.076)
Felony Sex	12	5	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
Felony – Sex High	12	6	Rape 1 (RCW 9A.44.040)
Felony – Sex High	12	6	Rape of a Child 1 (RCW 9A.44.073)
Felony – Sex	12	5	Trafficking 2 (RCW 9A.40.100 (3)) when charged as a sex offense
Felony Sex		5	Any Felony Offense where a Special Allegation of Sexual Motivation is alleged pursuant (RCW 9.94A835)
Felony Sex		5	Attempt, Solicitation, or Conspiracy to Commit a Sex Offense (RCW 9A.28.020) (Class A or B) 
Felony – Sex High+		6	Attempt, Solicitation or Conspiracy to Commit a Determinant plus sex offense
Felony – Murder	7	7	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)(1)(c)
Felony – Murder	7	7	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

Felony - Murder	7	7	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)(1)(c)
Felony - Murder	8	7	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
Felony - Murder	8	7	Manslaughter 2 (RCW 9A.32.070)
Felony - Murder	III – Drug Grid	7	Controlled Substance Homicide (RCW 69.50.415)
Felony - Murder	9	7	Hit and Run—Death (RCW 46.52.020(4)(a))
Felony - Murder	9	7	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)(1)(a)
Felony - Murder	11	7	Manslaughter 1 (RCW 9A.32.060)
Felony - Murder	11	7	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)(1)(a)
Felony - Murder	11	7	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)(1)(b)
Felony - Murder	14	7	Murder 2 (RCW 9A.32.050)
Felony - Murder	15	7	Homicide by abuse (RCW 9A.32.055)
Felony - Murder	15	7	Murder 1 (RCW 9A.32.030)
Felony - Murder	16	7	Aggravated Murder 1 (RCW 10.95.020)
Felony - Murder		7	Attempt, Solicitation, or Conspiracy to Commit Murder (RCW 9A.28.020-040)
Felony - LWOP		8	Any "Third Strike" or final offense where a life sentence could be imposed (RCW 9.94A575)




Request to present to BOG at September Meeting

From Terra Nevitt <terran@wsba.org>

Date Wed 6/25/2025 12:31 PM

To Maialisa Vanyo <mvanyo@co.whatcom.wa.us>; Bonnie Sterken <bonnies@wsba.org>

Cc Catherine Schur <catherines@wsba.org>; sunitha <sunitha@amlawseattle.com>

 1 attachment (218 KB)

2025-06-23 ED Request for Advisory Opinion Re Caseloads.pdf;

Good afternoon, I hope you are well. I have received a request from a Board member that CPD present to the Board of Governors at the September 26-27 meeting with respect to the question of whether WSBA should align the caseload standards with the Court's order. I know you all will be discussing this at your July meeting, can you please plan to provide an update to the BOG in September?

On our end, I've asked the Committee on Professional Ethics to consider issuing an ethics advisory opinion (see attached) and we are also working on FAQs to help address some of the questions folks have.

Warmly,
Terra



Terra Nevitt | **Executive Director**

Washington State Bar Association | 206.727.8282 | terran@wsba.org

1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

Pronouns she/her (more information about why pronouns matter [here](#))

Confidentiality Notice: The information contained in this email, and any attachments, is intended solely for the use of the individual or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination, or other use of, or taking any action in reliance upon this information by persons or entities other than the intended recipient is strictly prohibited. **If you receive this email in error, please contact me and the sender and delete the material from any device.**

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director

June 23, 2025

Monte Jewell, Chair
WSBA Committee on Professional Ethics
1325 4th Ave. Suite 600
Seattle, WA 98101
Via Email: mjewell@jfsseattle.org

RE: Advisory opinion regarding excessive public defense caseload

Dear Monte,

As detailed below, I request that the Committee on Professional Ethics (CPE) review its [1990 advisory opinion](#) regarding excessive public defense caseloads and issue additional guidance, as appropriate, in light of the [WSBA Standards for Indigent Defense Services](#) and the June 9, 2025 Washington Supreme Court [order](#).

For many years, WSBA and the Washington Supreme Court have promulgated practice standards applicable to public defense lawyers. In March 2024, the WSBA Council on Public Defense proposed revisions to the WSBA Standards for Indigent Defense Services, including changes to the maximum caseloads for Washington public defenders. The Council on Public Defense proposed a two-year phased implementation schedule for the new caseloads beginning July 2, 2025. The WSBA Board of Governors adopted the revisions, including the caseload standards and implementation schedule, and forwarded the new WSBA Standards to the Washington Supreme Court with the request that the Court incorporate the updates into the Court's standards.

The Court's June 9, 2025 order adopted the proposed caseload standards effective January 1, 2026. The Court directed that implementation of the caseload standards must be accomplished as soon as reasonably possible, but by no later than ten years from January 1, 2026, and that jurisdictions must make annual reductions in caseloads of at least 10% of the difference between the current and new caseload standards. The differences between the implementation timeline in WSBA's Standards and the timeline adopted by the Court have raised questions among public defense attorneys and administrators regarding their ethical obligations under each set of standards. These attorneys have sought guidance from WSBA.

The CPE's 1990 advisory opinion touched on some of the ethical issues raised by excessive public defense caseloads. That opinion, however, is brief and does not address many aspects of the current circumstances facing public defense attorneys and administrators, including the respective roles of the Court and WSBA standards. I ask that CPE now address the following questions:



1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
800-945-9722 | 206-443-9722 | questions@wsba.org | www.wsba.org

- Which Washington Rules of Professional Conduct are implicated by excessive caseloads and how are they implicated?
- What ethical obligations do public defense attorneys and administrators have with respect to the caseload standards in WSBA's Standards for Indigent Defense Services?
- What ethical obligations do public defense attorneys and administrators have with respect to the caseload standards as adopted by the Washington Supreme Court in its June 9, 2025, order?
- What responsibilities does a lawyer have if the lawyer believes that their caseload is excessive?
- When assigning cases to public defense attorneys, what are the ethical responsibilities of supervisors and administrators? If an attorney communicates to their supervisor that they cannot fulfill their ethical responsibilities under their caseload, what steps must a supervisor take? What ethical considerations are implicated if an employer seeks to discipline an attorney for refusing to accept additional clients?

Thank you for your attention to this important matter. Your guidance will greatly assist the public defense community in better understanding their ethical obligations with respect to Washington's caseload standards.

Sincerely,



Terra Nevitt
WSBA Executive Director

CC: Sunitha Anjilvel, President

Jeanne Marie Clavere, Staff Liaison to the Committee on Professional Ethics

Mary Rathbone, BOG Liaison to the Committee on Professional Ethics