King County	DEPARTMENT POLICIES AND PROCECURES
Title **ASSIGNED COUNSEL POLICY**	
Department/Issuing Agency **DEPARTMENT OF PUBLIC DEFENSE**	Effective Date **3/9/2023**
Approved **Anita Khandelwal, Director**	

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I. PURPOSE

To create a qualified panel of attorneys to provide indigent defendants and respondents with legal representation in King County when a conflict of interest or other case demands prevent the Department of Public Defense ("DPD") from providing representation.

II. APPLICABILITY

This policy is applicable to all attorneys on the King County Assigned Counsel Panel and sets out the criteria for being a member of the Assigned Counsel Panel, as well as procedures for billing.

III. REFERENCES

Revised Code of Washington Chapter 10.101 (RCW 10.101)

King County Code Chapter 2.60 (KCC 2.60)

Washington State Bar Association ("WSBA") Standards for Indigent Defense Services (approved September 22, 2011)

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 (effective June 30, 2012)

National Legal Aid & Defender Association ("NLADA") Standards for the Administration of Assigned Counsel Systems (1989)

IV. DEFINITIONS

Assigned Counsel: Attorney(s) who have been named to the King County Assigned Counsel Panel ("AC Panel"). This includes Capacity Counsel that have signed contracts with the Department of Public Defense and are bound by this policy.

Assigned Counsel Coordinator: Attorney named by the Director of the Department of Public Defense ("Director") to oversee the panel. The Assigned Counsel Coordinator ("AC Coordinator") shall be responsible for the selection of Assigned Counsel, tracking caseloads, quality control, approving Assigned Counsel invoices, and other matters as determined by the Director. Contact information for the AC Coordinator can be found on the DPD Assigned Counsel website.

Immediately: Within forty-eight (48) hours of a designated event, exclusive of weekends and holidays.

"Written" or "In Writing": Includes email communication.

V. APPLICATION PROCESS AND ONGOING REVIEW

A. Request to be on Assigned Counsel Panel

1. Any attorney wishing to be named to the AC Panel must complete and submit the King County Department of Public Defense Assigned Counsel application form, providing all documentation requested, and be subject to the DPD review and approval process. The Assigned Counsel application form is available on the DPD Assigned Counsel website.

B. Selection of Assigned Counsel

1. Selection of Assigned Counsel will be based on experience, training, and demonstrated proficiency in representation and litigation skills as set out in the American Bar Association Criminal Justice Standards for the Defense Function, the NLADA Standards for the Defense, and the WSBA Standards for Indigent Defense Services.

2. The AC Coordinator will name the King County AC Panel. A request to be on the AC Panel may be made to the AC Coordinator at any time. The AC Coordinator will only review those requests and add to the AC Panel when necessary to maintain an adequate number of attorneys on the AC Panel. Nothing in this policy shall create a right of any attorney to be included or kept on the AC Panel. Acceptance to the panel does not guarantee the assignment of cases or any predetermined income.

C. Practice Area Panel Assignments

1. Assigned Counsel will be selected for one or more of the below practice area panels:

    - Adult Felony
    - Adult Misdemeanor - King County District Court
    - Adult Misdemeanor - Seattle Municipal Court
    - Juvenile Defense

- Family Defense
- Involuntary Treatment Act
- Civil Contempt of Court

2. Assigned Counsel are selected for practice area panels based on their experience, reference and background checks, and DPD needs.

3. Assigned Counsel may seek to add practice areas by submitting an updated application that includes new information in support of appointment to the additional practice panel(s).

D. Ongoing Review of Panel Members

1. In order to ensure that indigent clients are provided high-quality representation, the AC Coordinator or a designee will evaluate the performance of Assigned Counsel accepting cases. Such evaluation may include, but is not limited to:

    - observing the Assigned Counsel's performance in court;
    - soliciting and receiving comments from clients, judges, other counsel, and court staff regarding the Assigned Counsel's performance; and
    - examining documents filed by the Assigned Counsel in court or submitted to DPD for billing or other DPD processes or requirements.

VI. ASSIGNED COUNSEL AS INDEPENDENT CONTRACTORS

A. The relationship of an Assigned Counsel to DPD, King County, and the City of Seattle, by reason of an assignment, shall be that of an independent contractor. An assignment does not authorize the Assigned Counsel to act as the agent or legal representative of DPD, King County, or the City of Seattle, for any purpose whatsoever and neither the Assigned Counsel nor their employees shall be deemed employees of DPD, King County, or the City of Seattle. The Assigned Counsel is not granted any express or implied right to assume or create any obligation or responsibility on behalf of or in the name of DPD, King County, or the City of Seattle, or to bind DPD, King County, or the City of Seattle in any manner whatsoever.

B. Nothing in this policy shall be construed to impair or inhibit the exercise of independent professional judgment by Assigned Counsel with respect to the representation of clients.

C. Assigned Counsel serve on Assigned Counsel Panels at the sole discretion of DPD. Assigned Counsel can be removed from panels for any reason, including failing to comply with the requirements of this policy.

VII. ASSIGNED COUNSEL PANEL REQUIREMENTS

A. Licensing and Certification Requirements

1. Assigned Counsel must be licensed and a member in good standing of the WSBA.

2. Assigned Counsel shall satisfy all ongoing requirements for practicing law as determined by the Washington State Supreme Court, including continuing legal education ("CLE") requirements. Seven (7) hours of the annual CLE requirement shall be courses related to criminal law or courses relevant to the Assigned Counsel's practice area panel assignment(s).

3. Panel members shall demonstrate competence in all areas of the law relevant to their practice areas, including knowledge and familiarity with:

    - the Washington State statutes and Seattle ordinances, Supreme Court and local court rules, and case law relevant to the practice area;
    - all relevant consequences of a conviction, including possible immigration and other collateral consequences;
    - mental health issues;
    - the process of identifying and obtaining appropriate expert services; and
    - performing legal research.

4. Assigned Counsel must submit quarterly certifications to the AC Coordinator demonstrating compliance with Washington State Supreme Court Standards for Indigent Defense pursuant to CrR 3.1, CrRLJ 3.1, and JuCr 9.2. Failure to submit timely certifications can result in the denial of case assignments and removal from the AC Panel.

5. Pursuant to RCW 10.101.050, Assigned Counsel must report to the AC Coordinator by February 1 of each year the number of hours billed for non-public defense legal services in the previous calendar year, including the number and types of private cases.

B. Professional Standards

1. Assigned Counsel shall provide services to all clients in a professional, skilled manner consistent with minimum standards set forth by the Washington State Bar Association Rules of Professional Conduct, applicable court rules, and case law defining the duties of counsel and the rights of defendants in criminal cases.

2. The primary and most fundamental responsibility of Assigned Counsel is to provide vigorous and effective representation as required by the State and Federal Constitutions and the Rules of Professional Conduct.

C. Office Access, Resources, and Contact Requirements

1. Assigned Counsel shall maintain a functioning email address and check that email daily. When an Assigned Counsel panel member is unavailable to check email, another person shall be designated to make daily email checks and be provided with instructions on how to contact Assigned Counsel or a designated coverage attorney, if needed.

2. Assigned Counsel must submit a King County Substitute W-9 Form to the AC Coordinator upon acceptance to the AC Panel. This form is available on the DPD Assigned Counsel website.

3. Assigned Counsel are responsible for notifying the AC Coordinator of a change in contact or billing information, including but not limited to new telephone number, address, email address, employer, or tax ID number within one (1) day of any such change.

    a. When notifying the AC Coordinator of a change in business address, Assigned Counsel must supply an updated Substitute W-9 and a letter on their letterhead containing the old business address, the new business address, and a brief explanation for the change.

4. Assigned Counsel shall also have:

    - Access to an office that accommodates confidential meetings with clients and is easily accessible by public transportation for the client population.

- A postal address and adequate telephone services to ensure prompt response to client contact. Telephone service must allow the caller to leave a message if the attorney is unavailable.

- A telephone account with King County Correctional Facilities where clients can call Assigned Counsel at no cost on a confidential "do not record" telephone number. DPD can provide such an account at no cost to the Assigned Counsel. Contact the Assigned Counsel Coordinator to arrange such an account if an account has not been set up independent of DPD.

5. Assigned Counsel shall maintain suitable technology resources, including the ability to send and receive scanned and other electronic materials and documents, access to electronic legal research materials, and the capability to handle electronic discovery and video. Assigned Counsel shall also regularly back up data in the event of loss of or damage to computer(s) containing client files and information.

6. Assigned Counsel must utilize and maintain commonly used software and programs in order to effectively submit billings, expert services requests, or other exchanges of data with DPD and the court. Commonly used software currently includes Adobe Acrobat and the Microsoft Office Suite. (This list is subject to change as announced by the AC Coordinator.)

D. Insurance Coverage and Indemnification Requirements

1. Assigned Counsel must maintain:

    - Professional Liability Insurance Coverage in the amount of $1,000,000 for each claim and $1,000,000 in the aggregate, with a maximum deductible of $10,000;

    - If an employer, statutory Worker's Compensation Coverage in compliance with the Industrial Act of the State of Washington;

    - If an employer, Employer's Liability/Stop Gap Endorsement at a limit of $1,000,000.

2. Compliance with DPD insurance requirements shall be met by submitting the DPD Assigned Counsel Certification of Assigned Counsel Requirements form to the AC Coordinator by March 1 of each year. The form can be found in Appendix B to this

Policy and on the DPD Assigned Counsel website. Assigned Counsel must provide a certificate of such coverage or a complete copy of the insurance policy at DPD request.

3. Assigned Counsel shall protect, defend, indemnify, and hold harmless the County, the City, its officers, employees, and agents from any and all costs, claims, judgments, and/or awards of damages or attorney fees, arising out of or in any way resulting from any acts or omissions regardless of whether such acts arise from, without limitation, negligence, gross negligence, inadvertence, intention conduct, misfeasance, malfeasance, or excusable neglect with the Assigned Counsel's representation of indigent clients as a result of an appointment by DPD. Assigned Counsel agrees that his/her obligations under this subparagraph extend to any claim, demand, and/or cause of action brought by, or on behalf of, any employees or agents. For this purpose, Assigned Counsel, by mutual negotiation, hereby waives, as respects the County only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions of Title 51 RCW. In the event the County incurs any judgment, award, and/or cost arising therefrom, including attorney's fees, to enforce the provisions of this article, all such fees, expenses, and costs shall be recoverable from the Assigned Counsel.

VIII. CASE AND CLIENT ELIGIBILITY

A. Eligible Clients

1. Assigned Counsel will be paid only for representation of eligible clients. Eligibility is established pursuant to RCW 10.101. DPD is responsible for certifying a client's eligibility.

2. Assigned Counsel is responsible for representing eligible clients and cases only. Assigned Counsel must notify the AC Coordinator immediately if it is reasonable to believe a case has been assigned in error.

3. Assigned Counsel are responsible for returning case assignments back to DPD immediately if they are not on the practice area panel for the cases assigned to them.

B. Ineligible Cases and Clients

1. The AC Panel does not provide representation in any of the municipal courts in King County outside of Seattle Municipal Court.

2. DPD or the AC Panel does not provide representation at public expense or pay for case work in the following types of cases:

    a. Paternity Cases: The right to counsel in paternity cases is limited to a court-ordered appointment of counsel citing *State v. James*, 38 Wn. App. 264, 686 P.2d 1097 (1984) or a contempt of court proceeding arising from a failure to take a blood test. Any assignments outside of these limitations are in error and must be returned to DPD immediately.

    b. Contempt Cases: DPD is funded only for cases where a defendant or respondent faces jail time.

    c. Private Matters: DPD lacks the authority to fund representation in private matters (e.g. custody, visitation) where parties are not facing jail time, with some limited exceptions.

    d. Family Defense: DPD will only pay for assigned family law matters consistent with DPD family law policy. Generally, private family law matters are not assigned or handled by DPD. If Assigned Counsel receives a new case assignment from DPD that fits in this category, AC should contact DPD to confirm the assignment was not made in error prior to casework being done. AC should also contact DPD when engaged in collateral representation for the purposes of resolving a dependency case.

3. If Assigned Counsel is ordered by the court to appear with a client who has not been found eligible for indigent representation, Assigned Counsel must seek a provisional appointment from the court for that hearing only (pursuant to RCW 10.101). The client must be screened for financial eligibility by DPD in order for Assigned Counsel to bill DPD for any time spent representing that client at that hearing.

IX. CASE ASSIGNMENT PROCESS AND RESPONSIBILITIES

A. Appointment of Counsel

1. Cases will be assigned to members of the AC Panel according to the AC Coordinator's assessment of the best interest of each client and DPD needs.

2. Cases will be assigned based on the Assigned Counsel's qualifications and experience, current workloads, and the proximity of their office to where the client is detained and the courthouse where the case is assigned.

3. If AC declines all case assignments for 12 months, the AC Coordinator will notify AC that they are being placed on inactive status and will not be offered new case assignments. If after 12 months on inactive status, AC has not reached out to the AC coordinator to request a new case assignment, AC will be notified that they are removed from the AC panel and must re-apply for reinstatement.

4. Upon appointment, Assigned Counsel shall immediately determine whether there is a conflict of interest that prevents representation of an assigned client and immediately notify the AC Coordinator in writing if a conflict exists.

B. Scope of Work

1. Assigned Counsel shall provide effective representation until a case is completed or a court has permitted the attorney to withdraw. A complete case involves all necessary legal action from arraignment through disposition or the completion of legal services necessary to fulfill the purposes of assignment.

2. When a client requests appellate review, Assigned Counsel shall file notice of appeal and assist in perfecting the record, consistent with the Washington State Courts Rules of Appellate Procedure. For misdemeanor appeals under RALJ 2.2, the Assigned Counsel shall immediately provide the AC Coordinator a copy of the Notice of Appeal for DPD to appoint appellate counsel.

3. Assigned Counsel must obtain written approval from the AC Coordinator for DPD to pay for work performed on drafting and filing a motion for discretionary review under RAP 2.3. If this work is approved, any work or representation subsequent to filing the motion for discretionary review will not be compensated by DPD.

4. Assigned Counsel must obtain prior written approval from the AC Coordinator for DPD to pay for work performed on an interlocutory appeal. Failure to obtain prior approval can result in non-payment. Such a request for DPD payment authorization should address the following:

    - the issue on appeal, both factually and legally;
    - how the issue impacts the case;

- why the issue is appropriate for interlocutory appeal as opposed to post-disposition review;
- the anticipated outcome of the interlocutory appeal; and
- the approximate number of hours for the interlocutory appeal.

5. Assigned Counsel and their staff shall not solicit or accept any compensation, gifts, gratuities, or services for work performed on cases assigned by DPD in accordance with the Washington State Rules of Professional Conduct.

6. Assigned Counsel shall not convert a case assigned by DPD into a private pay case.

C. Coverage Counsel and Restrictions on Delegation of Work

1. Cases are assigned to an individual member of the AC Panel. Assigned Counsel may not subcontract representation of assigned clients.

2. All work shall be performed by the Assigned Counsel and may not be delegated to another, including associates and interns. The only exceptions to delegation of work include:

    - work authorized pursuant to expert services approval;
    - limited coverage as noted below and Section XII. G. 10 of this policy; and
    - delegation preauthorized by the AC Coordinator.

3. Use of another attorney on an appointed case is limited solely to unanticipated coverage and must be infrequent. Assigned Counsel should use only another AC Panel member to provide such coverage. Coverage is only allowed for routine, noncontroversial matters. DPD cannot provide or coordinate case coverage.

4. Assigned Counsel may, in limited circumstances, bill for work done by coverage counsel pursuant to this Policy under Section XII. G. 10. Reimbursable Costs.

D. Appointment of Co-Counsel

1. A request for the appointment of co-counsel must be submitted in writing to the AC Coordinator. If denied, Assigned Counsel may move for the appointment of co-counsel with the court hearing the case.

2. A request for co-counsel must specify the circumstances justifying such appointment and should address the following:

- a copy of the Information and Certification of Probable Cause;
- number and seriousness of counts and sentencing range(s);
- the volume, formats, and nature of discovery;
- the number, novelty, and complexity of legal issues;
- the number of witnesses, including any special needs such as language or travel issues;
- the number and nature of any expert witnesses;
- the complexity of the evidence (e.g., DNA evidence, crime lab work, or computer forensics); and
- a case plan for the distribution of work between counsel, including plans for minimizing the duplication of work.

3. Assigned Counsel must also provide the name of proposed co-counsel and confirm that the proposed attorney is willing to join as co-counsel. Proposed co-counsel must be a member of the AC Panel. The AC Coordinator will inform Assigned Counsel in writing of the decision whether to appoint co-counsel. DPD may also select co-counsel on behalf of the Assigned Counsel.

X. CHANGES IN COUNSEL OR CLIENT STATUS

A. Conflict of Interest

1. In the event a conflict of interest is discovered during the course of representation, Assigned Counsel shall discuss the conflict with the AC Coordinator prior to filing a Motion to Withdraw. Assigned Counsel shall remain assigned and responsible as provided for in the Rules of Professional Conduct ("RPC") of the Washington State Supreme Court until the withdrawal and substitution of counsel is granted by the court.

B. Therapeutic Courts

1. Assigned Counsel may represent clients referred to therapeutic courts (such as Drug Diversion Court, Mental Health Court, or Veterans' Court) during any initial probationary or observation period.

2. Assigned Counsel shall withdraw and coordinate substitution of counsel with the DPD therapeutic court calendar counsel once the client is formally accepted into the therapeutic court program.

3. In those instances where withdrawal of Assigned Counsel from representation in the therapeutic court will harm the client, Assigned Counsel may seek approval for ongoing representation in therapeutic courts by submitting a written request to the AC Coordinator.

C. New Cases, Charges, or Hearings

1. Assigned Counsel must notify the AC Coordinator if additional charges are filed under a new cause number for an assigned client. The AC Coordinator will determine whether current Assigned Counsel will also be appointed to the new case.

2. Assigned Counsel must notify the AC Coordinator if appointed by the court to additional cases or charges.

3. Assigned Counsel must notify the AC Coordinator if, at a sentencing or disposition hearing, the court orders post-sentencing or post-disposition hearings for matters other than restitution. Assigned Counsel should not assume continued representation or reappointment for work performed post-disposition and must seek prior approval from the AC Coordinator.

4. Assigned Counsel must notify the AC Coordinator when notified by the court of a filing resulting in a new hearing for a former client. Assigned Counsel should seek assignment but not assume continued representation or reappointment.

D. Bench Appointments

1. Whenever Assigned Counsel is appointed from the bench, a copy of the Order Appointing Counsel must be sent immediately to the AC Coordinator. No billing will be accepted or paid without prior notice and confirmation from the AC Coordinator that the case is eligible for the appointment of Assigned Counsel.

E. Withdrawal of Counsel

1. Assigned Counsel may move to withdraw only in accordance with the Washington Rules of Professional Conduct and must give advance notice to the AC Coordinator in writing, along with a copy of the motion to be filed.

2. Assigned Counsel must obtain a written court order allowing withdraw from the Chief Criminal Judge or Chief MRJC Judge after a motion pursuant to King County

Court Criminal Department Manual rule 6.2 to withdraw from any criminal case assigned that has a trial date set in King County Superior Court. A copy of the order must be provided to the AC Coordinator for new counsel to be appointed.

F. Change in Client Status

1. Assigned Counsel are responsible for notifying the AC Coordinator of changes in case representation or court hearings where the client is seeking modification of representation, including:

    - the client seeking or obtaining *pro se* status;
    - the client seeking or obtaining discharge of counsel; and
    - the client retaining private counsel.

2. If a client successfully moves to proceed *pro se* and Assigned Counsel is ordered to act as standby counsel, Assigned Counsel must immediately notify the AC Coordinator.

G. Failures to Appear

1. If an assigned client fails to appear for a hearing and has not reappeared within 180 days, Assigned Counsel must notify the AC Coordinator in writing, file a Motion to Withdraw, and indicate such on the Payment Affidavit closing the case once discharged by the court.

    a. Assigned Counsel must notify the AC Coordinator when a notice of withdraw is filed regardless if there is any final billing to submit.

    b. An assigned client who reappears more than 180 days following a failure to appear in court must rescreen for eligibility and reassignment.

2. Family Defense Cases: If Assigned Counsel has lost communication with the client, AC shall make every effort to locate the client using readily available contact information, an investigator, social media, family, and community contacts or by all other reliable means.

XI. ASSIGNED COUNSEL RESPONSIBILITIES AND CASE MANAGEMENT

A. Attorney/Client Relationship

1. Assigned Counsel will establish an attorney/client relationship with the client, and the Assigned Counsel shall determine what services to provide to the client in order to ensure high-quality representation, subject to these Assigned Counsel Panel Policies and Procedures.

2. Assigned Counsel shall visit an in-custody client within one (1) business day of the case assignment and shall make initial contact with an out-of-custody client within five (5) business days of the case assignment. Assigned Counsel shall make reasonable efforts to meet clients in person to discuss case plans in advance of hearings. Waiting until the scheduled court hearing to discuss case plans and options should be avoided.

3. Assigned Counsel shall use care in the management of cases and the calendaring and scheduling of appearances. Assigned Counsel are responsible for the organization and management of case files and assigned cases, including discovery and other case file materials.

4. Assigned Counsel must file a Notice of Appearance within two (2) business days of receiving the case assignment and must file a Notice of Withdrawal within thirty (30) days of disposition.

B. Complaints

1. Any Assigned Counsel who is the subject of a WSBA complaint concerning any case assigned by DPD shall immediately provide the AC Coordinator a copy of the complaint. If the complaint concerns any issue other than a case assigned by DPD, the Assigned Counsel shall immediately notify the AC Coordinator of the basic nature of the complaint.

    a. Any complaint concerning a case assigned by DPD will result in a conference between the Assigned Counsel and the AC Coordinator.

    b. Assigned Counsel must respond in a timely fashion to all WSBA requests and cooperate in the investigation of a complaint.

2. DPD may receive complaints or concerns from clients or others with an interest in the case. The AC Coordinator will provide Assigned Counsel a written summary of any complaint and may follow up with the Assigned Counsel via telephone. Assigned Counsel must provide a preliminary written response to the AC

Coordinator within two (2) business days of being informed of a written complaint, within the confines of RPC 1.6.

3. The AC Coordinator will screen complaints. Depending on the nature of the complaint, the AC Coordinator will work with the Assigned Counsel, client, court, or other interested party to address the issues. The AC Coordinator may reassign the case without client approval based on extraordinary circumstances of the case or attorney-client relationship.

XII. BILLING PROCESS AND PROCEDURES

A. General Payment Process

1. Upon assignment of a case, the DPD case assignment coordinators will provide Assigned Counsel with a Confirmation of Assignment and Request for Payment ("Payment Affidavit") form via email.

2. The Payment Affidavit shall be completed and submitted for payment consistent with the instructions accompanying the Payment Affidavit and outlined here. Data entry must be done electronically into the Payment Affidavit, resulting in automatic calculation and completion of entries. Do not print out the Payment Affidavit and handwrite entries.

3. Assigned Counsel will be paid upon receipt and approval of the Payment Affidavit.

    a. The Payment Affidavit and supporting documentation must be emailed to DPD-ACBilling@kingcounty.gov. Payment Affidavits delivered to DPD by other means will not be processed.

    b. Payment Affidavits must be submitted in a single email whenever possible, with all attachments labeled for each client and case. The body of the email must include a list of cases/client names being billed.

    c. Billing for Seattle Municipal Court case assignments must be submitted to DPD-ACBilling@kingcounty.gov but they must be submitted separate from any other Assigned Counsel bills for King County cases, in one clearly-labeled email for all SMC submissions.

d. Billing submitted without a properly completed Payment Affidavit will be returned to Assigned Counsel and will not be paid. Handwritten corrections to returned Payment Affidavits will not be accepted.

e. Assigned Counsel shall allow DPD thirty (30) days from the date of receipt for payment of all policy-compliant billing.

4. Noncompliance with any billing procedures or timelines may result in non-payment of services or expenses and/or removal from the Assigned Counsel Panel.

B. Billing Requirements

1. Timesheets of all case activity must accompany the Payment Affidavit. Timesheets should be word processed, not handwritten.

2. Timesheets should include a one- or two-word description of each case activity by date, along with the amount of time for each case activity. Payment Affidavits can be considered matters of public record. Short case activity descriptions are necessary to protect client confidences. Timesheets from the Assigned Counsel's own billing system may be used provided they do not disclose client confidences.

3. Time must be reported on each case activity and not reported as a single time for multiple case activities.

4. Time must be reported in tenth-of-an-hour increments only and should not be billed in lesser increments. See time conversion table below:

01 – 06 minutes	0.1 hour
07 – 12 minutes	0.2 hour
13 – 18 minutes	0.3 hour
19 – 24 minutes	0.4 hour
25 – 30 minutes	0.5 hour
31 – 36 minutes	0.6 hour
37 – 42 minutes	0.7 hour
43 – 48 minutes	0.8 hour
49 – 54 minutes	0.9 hour
55 – 60 minutes	1.0 hour

5. Time spent on multiple cases that require overlapping services (e.g. research, attendance in court, travel to visit clients) should not be billed in full to each case,

but be appropriately prorated among the cases with reference to each case where the time is apportioned.

6. Assigned Counsel must submit monthly interim billings unless the total balance due is less than $500. Billings must be submitted once the total amount due for multiple months exceeds $500. Billing should not be submitted if the total amount due is less than $50, unless the Payment Affidavit is for a final billing, case activity is over 90 days old, or it is the final bill for the calendar year.

7. Only one Payment Affidavit may be submitted for a case per month. Multiple calendar months may be included in a single Payment Affidavit, but billings should always be in full-month increments, with the only exception being the first and last bill on a case. See Billing Period guidelines below:

Bill Type	Billing Period Start Date	Billing Period End Date
First	Date of assignment	MM/(Last Day of Month)/YYYY
Interim	MM/01/YYYY	MM/(Last Day of Month)/YYYY
Last	MM/01/YYYY	Last date of work on case

8. Prior to the end of each calendar year, DPD will notify Assigned Counsel of a deadline for submitting billings for all case activity performed in that calendar year. This deadline is normally the second week of January. Services and expenses not submitted by this deadline may result in non-payment. This deadline is imposed as a critical requirement for DPD to meet King County Office of Finance deadlines for year-end accounting and budgeting purposes. Assigned Counsel should plan ahead in submitting year-end billing to avoid a processing rush and the possibility of non-payment on post-deadline submissions.

C. Billing Standards

1. The AC Coordinator will review all Assigned Counsel billings for sufficiency of documentation and reasonableness of claims and reported time. DPD reserves the right to reduce bills or deny payment if the time claimed is unreasonable or Assigned Counsel fails to provide an adequate explanation for the use of time or expense.

2. Assigned Counsel will carefully review all Payment Affidavits for accuracy and completeness prior to submission. Additional information may be requested if billing materials are incomplete or if the time claimed seems outside customary and usual limits. In the event that the AC Coordinator or DPD staff must request

additional information, the 30-day payment period may be extended in order to resolve the claim.

D. Cases with More Than 300 Hours

1. Assigned Counsel are required to submit a Case Planning Report for criminal and juvenile offender cases with either:

    - more than 300 hours billed already; or
    - expected billing of more than 300 hours.

    If a case with more than 300 hours billed already is scheduled for plea and/or sentencing, no Case Planning Report is necessary, and the current billing will be reviewed for reasonableness.

2. For newly assigned criminal and juvenile offender cases where Assigned Counsel anticipates billing more than 300 hours, Assigned Counsel must provide a Case Planning Report to the AC Coordinator via email within one (1) month of assignment. Up to 1.5 hours can be billed for filling out the Case Planning Report. The Case Planning Report should contain the following information:

    - estimated number of pages of discovery/documents, number/hours of audio tapes, and number/hours of videotapes
    - estimated number of hours for preliminary hearings (including detention/bail, arraignment, case settings), discovery hearings, evidence/charge-related hearings, and sentencing-related hearings including hours in court, travel time, and preparation outside of court
    - estimated number of hours for interviews (including witnesses and family members but excluding experts) and other investigation
    - estimated number of hours for client consultation, including face-to-face meetings and phone calls, emails, and letters
    - estimated number of experts
    - estimated hours for other meetings and consultations, including meetings with prosecutors, investigators, paralegals, counsel for co-defendants, or others (specify)
    - estimated length of trial in days and estimated number of in-court hours and out-of-court preparation hours
    - estimated total hours

E. Final Billings

1. Assigned Counsel must submit a final bill within thirty (30) days of case disposition, except in cases where restitution is pending. These cases must be submitted for final billing within thirty (30) days of resolution of restitution issues.

2. When submitting a Final bill, Assigned Counsel must designate on the Payment Affidavit that the bill is Final. Assigned Counsel must provide all relevant disposition information in the field provided, including the final case disposition, plea information, and sentencing information.

F. Hourly Rates

1. Assigned Counsel hourly rates are set by the County Executive and approved by the King County Council. The rates can be found in Appendix A of this Policy. Individual Capacity Contract rates may vary from these rates and subject to the terms of the contract.

2. Whenever rates change, Assigned Counsel are paid the rate that is in effect on the date that the work is performed.

3. If an amended complaint is filed after appointment and the amended complaint includes counts that are billable at a higher rate, the higher rate will apply from the date of the amended complaint's filing forward. Assigned Counsel must provide a copy of the amended complaint with the Payment Affidavit.

G. Reimbursable Costs

1. Payment Affidavits are subject to the limitations below and may be returned if the costs are not itemized or do not have the required supporting documentation. Receipts are required for all expenses over $10.00 and should be attached to the correlating Payment Affidavit. Batched receipts submitted separately from Payment Affidavits will not be accepted.

2. Mileage, parking, or other expenses totaling $500.00 or more are not reimbursable on monthly Payment Affidavits without prior written approval of the Assigned Counsel Coordinator. Any expense, either as a single expense of $500.00 or more, or as a culmination of multiple expenses totaling $500.00 or more on a single Payment Affidavit, must be submitted as an Expert Services Request. Seattle Municipal Court cases are subject to internal SMC expert policies separate from

DPD. The number of individual occurrences of mileage, parking, or other expenses cannot exceed the number of available spots on a single affidavit.

3. Telephone charges from the King County Jail will not be reimbursed due to the availability of no-cost jail phones provided through DPD. Please contact the AC Coordinator for information on obtaining no-cost jail phone.

4. Printing and photocopies are reimbursed at $0.15 per page for a maximum of 1000 pages per month. The number of copies made must be reported on the Payment Affidavit.

    a. Assigned Counsel must seek written approval from the AC Coordinator prior to making more than 1000 copies. Failure to obtain prior approval can result in non-payment of the copying expense.

    b. Time spent making copies shall not be billed. If copies are made at a place of business other than Assigned Counsel's office, a receipt must be attached to the Payment Affidavit if reimbursement is requested for all expenses over $10.00.

5. Assigned Counsel may bill for mileage at the federal rate from a primary business/office location to and from courts, interviews, and jails. The Payment Affidavit must reflect the date, locations, and reason for travel. Mileage must be prorated between all clients served by travel.

6. Assigned Counsel may request reimbursement for parking expenses at a maximum of $10.00 per day without a receipt when traveling to courts, interviews, and jails. A claim for reimbursement of parking expenses above $10.00 must be accompanied with a receipt.

7. Assigned Counsel are responsible for coordinating with the client and/or the client's family for appropriate trial clothing. DPD maintains a clothing closet and may be able to provide clients with clothes for trial. Contact DPD-Paralegal@kingcounty.gov to coordinate access and check availability.

    a. In the event that clothing is unavailable, Assigned Counsel may request reimbursement not to exceed $100.00 with receipts from Goodwill, the Salvation Army, or a similar thrift store. If clothing costs will exceed $100.00, Assigned Counsel must seek prior written approval from the AC Coordinator.

8. See the Expert Services Policy on the DPD Expert Services website for DPD's policies and procedures on expert witness requests and payment.

    a. Assigned Counsel who have approval for experts are responsible for ensuring the expert submits billings for all completed work at the end of the fiscal year (December 31).

9. DPD allows payment equal to 0.7 of an hour for administrative tasks in opening a case file, such as creating a case file, preparing and filing a Notice of Appearance, and initial letter or other contact communication with the out-of-custody client. DPD allows payment equal to 0.2 of an hour for time spent reviewing, preparing, and sending each Payment Affidavit to DPD.

10. Assigned Counsel may not bill for work completed by support staff.

    a. In those instances, in which voluminous discovery or documents are part of the case, Assigned Counsel may submit an expert services request for the assistance of a paralegal or clerk per DPD's Expert Services Policy and as outlined in the Expert Fee Guidelines posted on the DPD website. Seattle Municipal Court cases are subject to internal SMC expert policies separate from DPD.

11. Assigned Counsel may bill for the work performed by coverage counsel under the following limited circumstances:

    a. Coverage of attorney work can only be performed by another current active member of the Assigned Counsel Panel. Coverage by an attorney not currently on a DPD Assigned Counsel Panel is only permitted upon approval of the Assigned Counsel Coordinator in advance of the hearing.

    b. Coverage must be for in-court hearings only. This includes drafting basic procedural court orders and client conferences related to in-court representation.

    c. Billing for coverage work must include the specific task that was covered and the name of the Assigned Counsel attorney providing the coverage work.

    d. Coverage may not be for substantive hearings such as guilty pleas, sentencing hearings, or any motions under CrR 3.5 or CrR 3.6.

e. Coverage may not include drafting or preparation of any substantive legal documents such as motions to suppress, trial memorandum, sentencing memorandum, or any other materials outside of basic procedural orders involved in the scheduling or administrative aspects of case work.

f. Assigned Counsel may not bill DPD for coverage work done for another Assigned Counsel attorney.

g. The AC Coordinator will carefully review billing for coverage work. Additional information may be requested to determine whether the coverage work is necessary and complies with the Assigned Counsel Policy. DPD reserves the right to reduce bills or deny payment for coverage work if the time claimed is unreasonable or does not comply with this Policy.

Assigned Counsel Payment Rates
(as of January 1, 2023)

TYPE OF CASE	HOURLY RATE
Aggravated Murder	$97.00
Class A Felony	$81.00
Class B Life	$81.00
Class B Felony	$70.00
Class C Felony	$65.00
Fugitive/Extradition	$81.00
Adult Misdemeanor (KC and SMC)	$59.00
Juvenile Class A Felony	$81.00
Juvenile Class B Felony	$70.00
Juvenile Class C Felony	$70.00
Juvenile Misdemeanor	$59.00
Material Witness	$54.00
Expedited Calendar	$48.00
Family Defense - Dependency	$54.00
Family Defense - Guardianship	$59.00
Family Defense - Termination	$59.00
Extended Foster Care	$54.00
BECCA - ARY, CHINS, Truancy	$70.00
Contempt of Court	$54.00
ITA	$70.00
RALJ Appeal	$48.00

King County

Department of Public Defense

ASSIGNED COUNSEL
CERTIFICATION OF COMPLIANCE

Attorney Name:	Enter Full Name Here. Click or tap to enter text.
Business Address:	Address Line 1. Click or tap to enter text. Address Line 2. Click or tap to enter text. City, State + ZIP. Click or tap to enter text.
Email:	Enter Email Address Here. Click or tap to enter text.
Phone:	Enter Phone Number Here. Click or tap to enter text.

Initials I certify that I am in compliance with the Department of Public Defense's requirements for **Assigned Counsel caseloads**.

Initials I certify that I am in compliance with the Department of Public Defense's requirements for **Assigned Counsel insurance coverage**.

Initials I certify that I am in compliance with the Department of Public Defense's requirements for **Assigned Counsel yearly Continuing Legal Education**.

I, Enter Full Name Here, am an attorney with the King County Department of Public Defense Assigned Counsel Panel and certify that the above information is correct, and that I am in compliance with the Department's Assigned Counsel Panel requirements.

s/E-Signature Here	City, ST	MM/DD/YY
Signature	Place	Date