FILED
SUPREME COURT
STATE OF WASHINGTON
JANUARY 8, 2021
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE BY WASHINGTON STATE COURTS TO THE COVID-19 PUBLIC HEALTH EMERGENCY	)	ORDER TEMPORARILY SUSPENDING STANDARDS FOR INDIGENT DEFENSE—STANDARD 14.2(E)(iii)
	)	NO. 25700-B-656

WHEREAS, the Supreme Court's Standards for Indigent Defense include minimum qualification requirements corresponding to various case types and severity levels, and

WHEREAS, the COVID-19 pandemic has significantly impacted court operations and trial frequency which has created a significant barrier for attorneys to qualify for service on low-level felony cases, and

WHEREAS, the Court recognizes that a temporary modification of this standard is appropriate considering the unique circumstances of trial court operations during the pandemic and the continued demand for attorneys,

The Court hereby enters the following order establishing temporary modifications to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 Standards for Indigent Defense—Standard 14.2(E)(iii) that are attached effective immediately.

The temporary modifications will remain in effect until the termination of the state of emergency due to the COVID-19 pandemic.

DATED at Olympia, Washington this 8th day of January, 2021.

Stephens, C. J.
CHIEF JUSTICE

CrR 3.1, CrRLJ 3.1, and JuCR 9.2
STANDARDS FOR INDIGENT DEFENSE

Standard 14.2. Attorneys' qualifications according to severity or type of case[1]:

E. Adult Felony Cases—All Other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a defendant accused of a Class B felony not defined in Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:

i. The minimum requirements set forth in Section 1, and

ii. Either:

a. has served one year as a prosecutor; or

b. has served one year as a public defender; or one year in a private criminal practice; and

iii. (a) Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; ~~and~~or

(b) Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in one criminal case that has been submitted to a jury; and

1. Has briefed and argued two separate evidentiary motions that included witness testimony;
2. Has been trial counsel alone for a bench trial; or
3. Has attended a multi-day trial skills training program, including but not limited to the Washington State Office of Public Defense's Criminal Defense Training Academy.

iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.

[1] Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases.