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## MEMO

TO: JUSTICE SYSTEM STAKEHOLDERS  
FROM: LARRY JEFFERSON, DIRECTOR  
DATE: JULY 15, 2022  
RE: **NEW GENERAL RULE 42 REGARDING INDEPENDENCE OF PUBLIC DEFENSE SERVICES TO GO INTO EFFECT JAN. 1, 2023**

The Washington Supreme Court has signed and filed Order 25700-A-1451, which includes new [General Rule 42 pertaining to the independence of public defense services](#).

The rule directs that “[j]udges and judicial staff in superior courts and courts of limited jurisdiction shall neither manage nor oversee public defense services, including public defense contracts and assigned counsel lists. Judges should encourage local governments to have attorneys with public defense experience manage and oversee public defense services.”

General Rule 42 will prohibit judges and judicial staff in both superior courts and courts of limited jurisdiction from selecting the attorneys who provide public defense services and the public defense administrators. The rule takes effect on January 1, 2023.

To provide guidance for counties and cities, the rule defines the terms “manage” and “oversee,” and further clarifies the role of judges and their staff in the assignment of public defense attorneys in individual cases. The rule also provides guidance on what to do if the jurisdiction currently lacks a public defense agency or administrator at [GR 42\(e\)\(2\) and \(3\)](#). Additional guidance is also available in *Standard Nineteen: Independence and Oversight of Public Defense Services* in the [WSBA’s Standard for Indigent Defense Services](#).

The Office of Public Defense encourages jurisdictions to reach out to our office for questions about how to implement this change and collaborate on possible solutions. Public Defense Improvement Program Managing Attorney Leanne Stogsdill is available at the phone number above, or via email at [Leanne.Stogsdill@opd.wa.gov](mailto:Leanne.Stogsdill@opd.wa.gov).

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