
Using Records Retention Schedules: What to do with Public Defender Case Files and Indigence Determination Records

Purpose: Provide guidance to counties and cities on the retention and disposition of public defender case files and indigence determination records.

From 2001 to 2012, the *Local Government General Records Retention Schedule (LGRRS)* included records series for assigned counsel case files. In November of 2012, they were transferred to the *Prosecuting Attorney and Assigned Counsel Records Retention Schedule (Version 1.0)*.

In June 2013, it was determined that public defender client case files should not be considered “public records”, since they are not created or received in the transaction of public business as defined by [RCW 40.14.010](#).

For questions about retention requirements for public defender client case files, agencies should consult the [Washington State Bar Association](#) and the [Washington State Court Rules of Professional Conduct](#).

Since public defender client case files **are not** public records for purposes of [RCW 40.14.070](#), all records series relating to them were removed from the *Prosecuting Attorney Records Retention Schedule (Version 2.0)*.

Indigence determination records are also regulated by court rule pursuant to [RCW 10.101.020](#). According to the [Washington State Office of Public Defense](#), the court’s presiding judge should be consulted on all matters relating to the retention and disposition of indigence determination records.

Financial records that document payment by the local government agency to public defenders for legal services rendered **are** public records.

Contracts and agreements between the local government agency and other parties should be retained by the agency in accordance with GS50-01-11, **Contracts and Agreements – General**, which is located in the [Local Government Common Records Retention Schedule \(CORE\)](#).

Records documenting all resources received and expended by the agency should be retained by the agency in accordance with GS2011-184, **Financial Transactions – General**, which can also be found in the [Local Government Common Records Retention Schedule \(CORE\)](#).

**Additional advice regarding the management of public records is available from
Washington State Archives:**

www.sos.wa.gov/archives
recordsmanagement@sos.wa.gov