

April 30, 2012

Washington State Supreme Court

c/o Justice Charles W. Johnson

Chair, Rules Committee

P.O. Box 40929

Olympia, WA 98504

RE: Indigent Defense Standards

Members of the Supreme Court Rules Committee:

I am opposed to the proposed Standards for Indigent Defense Services currently under consideration by this committee. I support and urge the committee to adopt the position and Alternative Standards proposed by the Association of Washington Cities and the Washington State Association of Municipal Attorneys in letters dated April 23, 2012 and October 14, 2011.

I have been in private practice for 25+ years and for the last six (6) years a major portion of my work has been contract Public Defense in misdemeanor courts. Prior to six years ago, the major portion of my practice was Family Law with a variety of other practice areas including criminal law, bankruptcy and municipal law, Six years ago I had an opportunity to revamp my practice and chose to devote a majority of my practice time to criminal defense. I do this because I choose to, not because it was the only work that I could find.

While practicing Family Law I was not subject to any court rules or standards indicating how many or few clients I could serve at any one point in time. My ability to serve clients well (timely, effective and cost efficient service) was the primary determinant in my business success. Now I am to be fitted with a "one size fits all" concept that will limit my ability to practice law as I see fit. Whether I am able to "effectively represent" 4 clients, or 400 clients or 4,000 clients at one time is no longer the inquiry; the key question has simply changed to whether I have reached an arbitrary number of cases determined by some unstated analysis as the maximum that I can effectively handle at one time.

In my humble opinion as a long time practitioner in the field, the quality of public defense will be reduced if municipal courts are required to adopt caseloads limits; due to financial constraints, those courts will by necessity reduce the compensation paid to existing experienced defenders due to the

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limitation, likely resulting in those experienced defenders leaving the field to be replaced by many inexperienced unskilled defenders. This will adversely impact the desired goal of "effective representation" for indigent clients.

In closing, I again urge you to consider and ultimately adopt the Alternative Standards proposed in the AWC and WSAMA letters referred to above as being the most likely standards to result in "effective representation" of indigent clients. One size does not fit all in these circumstances.

Respectfully yours,

Lawrence E. Hoffman

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