

Faulk, Camilla

From: Masiello, Paul [PMasiello@SpokaneCity.org]
Sent: Wednesday, December 07, 2011 7:57 AM
To: Faulk, Camilla
Subject: FW: Standard 3 - Standards on Indigent Defense

The email below was meant for Standard 3, not standard 14.

Thanks,

Paul E. Masiello
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From: Masiello, Paul
Sent: Wednesday, December 07, 2011 7:52 AM
To: 'Camilla.Faulk@courts.wa.gov'
Subject: Standard 14 - Standards on Indigent Defense

I don't mind the implementation of standards for public defender case loads. The number reached – between 300 and 400 per year – seems like a reasonable, fair number to me. What I am concerned about is the definition of a “case” as it pertains to misdemeanors. There is a very real possibility that a single “case” – arraignment, pretrial, trial, and show cause – may be counted many, many times by the public defense. This would result in the actual number of “cases” they represent a person on to drop from a maximum of 400 per year to an estimated 250-300 cases per year. Regardless of what the maximum caseload is, allowing the public defender to count a single “case” multiple times would result in a drop in actual caseloads of around 100-150 cases. A case needs to be defined as what Division I of the Court of Appeals defined it as in *State v. Clemons*, 56 Wn. App. 57, 782 P.2d 219: As normally used, “case” is broader and more inclusive than “trial”. It involves pre-trial, trial, post-trial and appellate proceedings. I feel that this definition of case, when combined with the maximum caseload amounts, would more accurately reflect an appropriate number of “cases” the public defender could handle in a year.

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