

Denis Law
Mayor

City of Renton



Office of the City Attorney - Lawrence J. Warren

October 20, 2011

Supreme Court of Washington
P.O. Box 40929
Olympia, WA 98504-0929

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RE: Comments Regarding Proposed Standards for Indigent Defense Services

Dear Supreme Court Justices:

I am writing to get on the record the City of Renton's strong concerns with the proposed standards for Indigent Defense Services that have been forwarded to you by a Washington State Bar Association Council on Public Defense (CPD). Specifically, the City wants to register strong objections to the proposed amendments to Standard 3.4 regarding numerical caseload limits for misdemeanor indigent defense work.

The City of Renton would like to echo the concerns expressed to the Rules Committee of this Court by the joint October 14, 2011 letter from the Washington State Association of Municipal Attorneys and the Association of Washington Cities.

Although misdemeanor standards are not currently before the Court, they soon will be. The comments below provide a local context for the City's objections against strict numerical standards.

The City of Renton has had a long standing association with a local law firm for providing public defense services. Consequently, the principal attorneys are very experienced in providing public defense services to defendants in our local municipal court. The City of Renton has been proactive and has adopted public defense standards that indicate that the City will negotiate contract caseloads with the public defender that realistically reflect municipal caseloads. Renton is aware of its constitutional obligation to provide effective assistance of counsel to those that are indigent.

I would particularly like to stress that caseload limits are arbitrary because they do not recognize the complexity of cases that come before the municipal court. A large percentage of the cases that come before the Renton Municipal Court are DWLS 3 cases that are not complex at all. The prosecutor's office has adopted a standard whereby certain of these cases may be reduced to a non-criminal traffic infraction which greatly speeds the handling of DWLS 3 cases. On the other hand cases such as assault and domestic violence require substantially more time and are not so easily resolvable. One assault case or domestic violence case can consume the time of many DWLS 3 cases.

This standard does not look at what technology public defenders and indigent defense firms have at their disposal. This technology often allows such firms to deal with cases, and the processing of cases, much more efficiently and effectively than in prior eras before the advent of time-saving devices such as laptop computers, iPads, and tablets.

This standard could have the effect of changing charging decisions, and thus may have a detrimental impact on public safety. In order to live within a rigid numerical standard, some jurisdictions may be forced not to charge certain cases that they almost certainly would and should under normal conditions.

Arbitrary caseload limits are nothing but a default to a one size fits all approach that does little or nothing to ensure effective public defense. It also unnecessarily interferes with the innovative, proactive approach taken by many local governments in satisfying the governments' constitutional requirement for providing effective assistance of counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence J. Warren". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lawrence J. Warren
City Attorney

cc: Suzanne Dale Estey
Doug Levy
Pat Fitzpatrick