



Washington State Legislature

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

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
2011 NOV -1 AM 8:24
TIMOTHY R. CARPENTER
CLERK

October 28, 2011

RE: Comments and concerns with proposed standards for Indigent Defense Services

Dear Supreme Court Justices:

We are writing as four state legislators who sit on Committees with direct jurisdiction over local government. Three of us also spent considerable time as local elected officials. We have concerns with the proposed Court rule regarding indigent defense standards.

We recognize the Court's role in regulating attorney conduct and in safeguarding the right to legal counsel in criminal proceedings. However, the proposed rule does not address identified misconduct or a specific constitutional deficiency but, in effect, requires local jurisdictions to appropriate additional funds for indigent defense services on a system-wide basis. Allocation of public resources is a legislative, not judicial, function. In the case of indigent defense services, the Legislature delegated authority to cities and counties to determine how they will fund indigent defense services consistent with the requirements identified in RCW 10.101.030. We believe it would be inappropriate to supersede that legislative determination by court rule.

Additionally, our fear is that the proposed Court Rule on indigent defense stands in direct contrast with our efforts to provide breathing room for local government. This Rule appears to impose new operational and systems requirements on cities. The Rule also appears to dictate the systems, processes, and budget outlays which cities will devote to indigent defense – a series of policy issues that, as we indicated above, are the purview of the Legislature and not the Courts.

We were the prime- and lead sponsors on **Engrossed Substitute House Bill 1478/Second Substitute Senate Bill 5360**, providing regulatory and fiscal relief for local governments. The 2011 Legislature ultimately enacted **ESHB 1478**. It does not provide direct funding for local governments, but it does provide them some additional

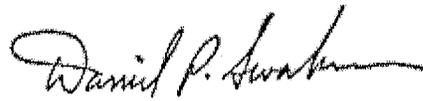
breathing room and time to deal with a series of Growth Management Act and environmental mandates. This "time is money" action will better enable our local governments to cope with the existing challenges that are stretching them to the limits.

In closing, as you give consideration to the proposed Rule on indigent defense standards, we would ask that you use extreme caution to avoid taking actions that go beyond the Court's purview, and refrain from imposing new requirements on our local governments at this time.

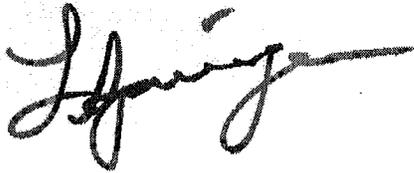
Sincerely,



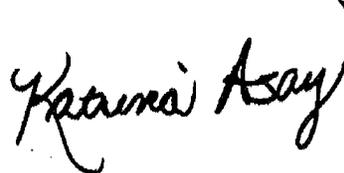
The Honorable Craig Pridemore
State Senator, 49th Legislative District



The Honorable Dan Swecker
State Senator, 20th Legislative District



The Honorable Larry Springer
State Rep., 45th Legislative District



The Honorable Katrina Asay
State Rep., 30th Legislative District