

Lewis County commissioners write to state Supreme Court opposing public defender caseload standards



FILE PHOTO — Lewis County Commissioners Lindsey Pollock, Scott Brummer and Sean Swope prepare to pass resolutions during a meeting in Chehalis.

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The Board of Lewis County Commissioners has written a joint letter to the Washington state Supreme Court expressing “serious concerns” with proposed caseload standards for public defenders.

“We share the goal of improving the quality of indigent defense, and we respectfully urge the court to consider the adverse impacts these new standards will impose on rural counties like ours,” commissioners Lindsey Pollock, Scott Brummer and Sean Swope wrote Tuesday.

In recent weeks, the commissioners have repeatedly expressed concerns that new caseload limits — or “standards” — adopted by the Washington State Bar Association (WSBA) would lead to increased costs to the county.

The new standards adopted by the WSBA would be phased in over three years and would reduce misdemeanor caseloads from 400 cases annually under current

guidelines to 200 cases by July 2027, while felony case limits would be reduced from 150 to 47 cases per year, depending on the case's circumstances.

The new standards would take effect on July 1, 2025.

"Lewis County has made substantial investments for our indigent defense, spending approximately \$1.85 million in 2022, \$2.01 million in 2021, and \$1.86 million in 2020," the commissioners wrote. "The new caseload standards scheduled to phase in over three years starting July 2, 2025, threaten to push these costs beyond our county's capacity."

The commissioners previously stated the county struggles to recruit and retain public defenders due to a high caseload and limited resources. During an Oct. 9 budget meeting, Becky Butler, county budget administrator, estimated that the standards could require 15 additional defense attorneys.

"As we currently are facing a significant budget deficit, these new mandates will force additional reductions to critical programs, force staff cuts and/or limit essential services, which would negatively impact our residents," the commissioners wrote.

In the letter, the commissioners said the need for additional public defenders is "an expense that our current budget cannot accommodate without significant sacrifices to public safety and the justice system."

According to the commissioners' letter, the county strains to cover the increased caseload from Green Hill School, a state-run juvenile detention center in Chehalis.

"Each time a public defender cannot take on these cases, the county must engage conflict attorneys — often at a premium cost — further stressing our limited budget," the commissioners wrote.

During a September public hearing on the proposed caseload standards, several county prosecutors told the justices that reducing public defender caseloads could lead to fewer criminal charges, according to the Washington State Standard.

"We respectfully urge the court to delay implementation until a comprehensive funding plan is developed to assist counties in meeting these new requirements," the commissioners wrote Tuesday. "We also request that rural counties be granted greater flexibility to phase in these changes in a way that aligns with our unique fiscal and staffing realities."

The Washington state Supreme Court will hold a second public hearing on the standards on Nov. 13 in the Temple of Justice. The commissioners have encouraged residents to submit public comments on the proposed changes by Oct. 31.