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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Comment: Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES REVISED CrR 3.1 Stds/CrRLJ 3.1 Stds/JuCR 9.2 Stds  
**Date:** Monday, October 28, 2024 8:06:12 AM

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**From:** aleks mccu <[alekmcc@yahoo.com](mailto:alekmcc@yahoo.com)>  
**Sent:** Saturday, October 26, 2024 11:20 AM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Subject:** Comment: Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES REVISED CrR 3.1 Stds/CrRLJ 3.1 Stds/JuCR 9.2 Stds

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To The Washington State Supreme Court:

I write in support of Suggested Amendments to Standards for Indigent Defense Services.

The adoption of the rules will be painful as the impact ripples through the system. The ripples will impact how prosecutors approach their cases, and it may impact the rate of convictions. It could impact the budgets of rural counties across the state. Adoption of the proposals will be a reckoning. For too long, the legal system has put off this reckoning, perhaps because there is a status quo that can be maintained, and it's scary to confront the enormity of the problem. It's tempting to wait for an opportune moment, when advocates have taken the initiative to propose change, and those changes are supported by neutral analysis. Here we are, the RAND Corporation has completed its study and the advocates are in front of you. This is the opportune moment.

As a witness to the introduction of Right to Counsel (RTC) for low-income tenants in eviction cases, I have seen the ripple effects of more representation. I was a volunteer attorney, before RTC, when a tenant could be served with a three-day notice to pay or vacate, at the beginning of the month and be in an unlawful detainer hearing two weeks later losing their housing at a show cause hearing, and that was with representation. Landlord attorneys could offer flat-rate fees for speedy evictions and run a volume business. RTC has upended the old model. It is not without growing pains. The landlord's bar has needed to adapt. Landlords have lost the expectation that they can immediately evict a tenant upon a late rent payment. Stories of nightmare tenants are more prominent than stories about housing stability, and yet tenants now have more time to recover from a financial setback, more ability to negotiate a move-out, more ability to get back on track.

Similarly, a prosecutor facing a defense counsel who has had time to interview witnesses, to gather bodycam footage, to make a site visit, to hire expert witnesses and to file motions, will be facing a more formidable advocate. That means the prosecutor will have a more difficult task. The prosecutor will need greater confidence in the case. The prosecutor will demand better work from police and prosecutors. This will engender responses that dangerous criminals are allowed to roam freely, but when is that argument not made? When are we ever free from alarmist rhetoric that the legal system is failing to punish criminals? The Suggested Amendments will be attacked for slowing down the arrest to prison

process. Nevertheless, we will not find out how much better the criminal justice system can be, if we always turn away from the difficult and inconvenient choices. Turning away from the difficult choice with the knowledge of the inadequacy of defendant representation, leaves us all less confident in the impartiality and morality of the justice system. There will always be another murder, another rape, another robbery, and when that defendant is convicted, why shouldn't we be confident that the convict has faced a fair process?

The State of Washington needs its leaders, on the Supreme Court, to make a bold choice to start the process of guaranteeing appropriate due process in the criminal justice system.

Thank you for considering this comment.

Sincerely,  
Alek McCune  
WSBA No. 35133