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**Subject:** FW: Comment on Public Defense Caseload Standards  
**Date:** Thursday, October 31, 2024 8:49:08 AM

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**Sent:** Thursday, October 31, 2024 8:47 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment on Public Defense Caseload Standards

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Dear Justices of the Washington State Supreme Court,

I am writing in support of the proposed court rule amendments to codify the WSBA's recently passed criminal caseload standards for public defenders.

While I am relatively new to the practice of public defense, I have had the opportunity to see the justice system and its impact on public defenders, as well as the people we represent, from multiple positions: first as a court clerk and then as an administrative assistant in a county office of public defense. Despite this, when I went to law school, it was for the purposing of returning to Washington as a public defender, and I am now entering my second year in public defense.

Most of this job is triage: prioritizing whose constitutional rights—whose life and liberty—have the highest claim to my time and attention on any given day. But with the unending barrage of new cases, I am forced to spend less and less time with each client. This doesn't mean less time just speaking with people, but less and less time reviewing each case's facts and procedural posture, and less and less time conducting legal research, writing, investigating, reviewing discovery, and preparing for hearings or trial. Each of these cases represents a client who is hurt by current caseloads. A justice system characterized by triaging cases of the accused denies efficient, equal, and accurate justice to everyone involved—not just the accused, but victims, witnesses, and their families and communities.

Every day I watch my coworkers grapple with the burden of this job. These are all people who truly and deeply believe in cause of zealous advocacy for the most vulnerable members of our community, and yet, because of unsustainable caseloads, they are burning out. When I see people leave public defense, it's not because they really want to, it's because they must. I want to stay in public defense, but I cannot do that if I cannot honor my ethical obligations to my clients. My clients

deserve—and are entitled to—more than just a warm body with a bar card to usher them through to a guilty plea.

The Supreme Court did not condition the right to an attorney on the government's ability to afford one when it decided *Gideon v. Wainwright*. It rightly placed the obligation to find funding to pay for a public defender at public expense on the government seeking to take away an indigent person's liberty.

Now this Court has the opportunity to vote for equity, justice, and a system that cares for those who take on an incredibly stressful and often thankless job by enacting the WSBA's proposed amendments. Voting against the new caseload standards is a vote to deny adequate representation for every poor person accused of a crime in Washington State, it is a vote that tells public defenders across the state that their lives and well-being are expendable, and it is a vote to continue to let the massive and growing problem of the public defense crisis in Washington fester.

Please vote to approve the new caseload standards. Nothing will fix this problem except voting to lower the caseloads of overburdened attorneys across the state and allowing them to do the work they actually want to do instead of serving as another cog in the system.

Thank you for your consideration.

**Alicia Ochsner Utt** | Public Defense Attorney  
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