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October 25, 2024

VIA FIRST CLASS MAIL AND EMAIL

Washington State Supreme Court Rules Committee

PO Box 40929

Olympia, WA

98504-0929

Supreme@courts.wa.gov

Re: Proposed Changes to Washington Supreme Court Public Defense Standards

Kottkamp, Yedinak & Esworthy, PLLC, is a private law firm that has contracted with the City of Wenatchee, the City of Chelan, and the City of East Wenatchee to provide indigent defense for individuals charged with gross misdemeanors and misdemeanors within each jurisdiction. We are not a public defense agency.

We should first note that while we have been providing this service to, for example, the City of Wenatchee since January 1, 2017, we have never received reports or complaints that the workflow for the attorneys we hire as subcontractors to be excessive. Our contract provides that no attorney shall receive more than 300 weighted cases per year. Our subcontractors, as well as our law firm, are compensated based upon that maximum number of weighted cases. We currently have two subcontractors that have solo practices, and one subcontractor that has 3 attorneys.

The bottom line of the proposed rule changes is that the costs of providing indigent defense in a smaller town, such as Wenatchee, will rise exponentially. These proposed rule changes will require additional staff, hiring investigators, mitigation specialists and social workers, as well as legal assistants and paralegals. This is simply not needed and not economically feasible for towns such as Wenatchee, East Wenatchee, and Chelan.

These proposed rule changes will also necessitate the hiring of at least 3 times the current attorneys that are performing indigent defense work in the City of Wenatchee. While the cost for the City of Wenatchee, as well as this law firm as a private contractor will increase substantially, of equal importance is that there are simply not enough lawyers in Wenatchee, or quite frankly, Chelan or Douglas Counties, that want to do indigent defense work in District Court. First off, by lowering the number of cases that an indigent defense attorney will be allowed to take, will make becoming a subcontractor for one of the indigent defense contracts simply infeasible economically. To look at it in "boots on the ground" terms, attorneys now go to arraignment and readiness calendars with, possibly 6 to 7 cases on the calendar. These calendars can last all morning or afternoon, and the attorney may be required to be in court that entire time. If the attorney is only going to court with 1 or 2 cases, obviously this makes sitting around in court waiting for your case to be called a complete waste of

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time and is not economically feasible. You can make it as easy as you want for a person to become a licensed lawyer in the State of Washington, but those lawyers still need to want to live in Chelan and Douglas Counties. By adopting these new standards, you will be creating an attorney shortage where there currently is no shortage.

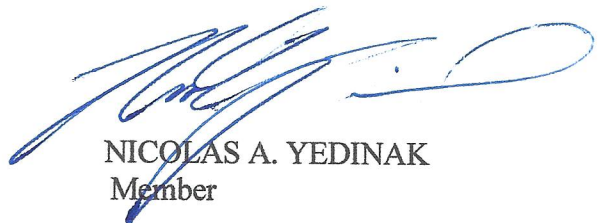
The situation in large counties such as King County, Pierce County, or even possibly Spokane County, are totally different than the situation as it currently exists regarding indigent defense in smaller jurisdictions, such as Cities of Wenatchee, East Wenatchee and Chelan.

There is currently not problem in providing indigent defense services in the City of Wenatchee, City of Chelan, and City of East Wenatchee. If you adopt these standards, with out recognizing that small jurisdictions do not have the same problems, and quite frankly do not have the same budgets as large jurisdictions, you will be creating a true crisis in providing indigent defense in these smaller jurisdictions.

Sincerely,



ANDREW L. KOTTKAMP
Member



NICOLAS A. YEDINAK
Member



SEAN R. ESORTHY
Memeber

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Proposed Changes to Washington Supreme Court Public Defense Standards.
Date: Friday, October 25, 2024 1:55:43 PM
Attachments: [correspondence-ltr to WSSC-10.25.24.pdf](#)

From: Katherine Eyestone <Katherine@wenatcheelaw.com>
Sent: Friday, October 25, 2024 1:52 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Andy Kottkamp <andy@wenatcheelaw.com>
Subject: Proposed Changes to Washington Supreme Court Public Defense Standards.

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Good afternoon,

Attached please find the copy of a letter from the partners at the law office of Kottkamp, Yedinak & Esworthy, PLLC in Wenatchee, Washington.
A hard copy will follow by mail.

Thank you,

Katherine Eyestone

Paralegal to Andrew L. Kottkamp

Kottkamp, Yedinak & Esworthy P.L.L.C.

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