

October 1, 2024

Dear Justices of the Washington State Supreme Court:

I am writing to strongly urge the Court to adopt the proposed court rule to codify WSBA's Criminal Caseload Standards for Public Defenders. These caseload standards are essential to protecting and improving the rights of the most marginalized and vulnerable.

I have been representing financially indigent clients in criminal and civil cases for the past three years. I became an attorney after working in emergency homeless shelters and seeing how important access to excellent, free, empathetic legal advocacy is for our country if we want to uphold our promise of providing liberty and justice to all.

I know firsthand that excessive caseloads can prevent attorneys from fulfilling this commitment to our citizenry. It is a disservice to those we work for—individuals who have already faced innumerable barriers that led them to involvement in the legal system—to force attorneys to take on more cases than they can effectively provide representation for.

Overextended attorneys cannot give the attention needed to each client, cannot investigate in a timely manner, and cannot prepare and file the motions they need to. Instead, attorneys are forced to unfairly triage cases, sometimes on a day-by-basis. A system organized by triage is not running effectively. Our legal system should not operate in a constant state of emergency.

The RAND study's empirical results provide evidence to support actions against public defenders' licenses if they don't adhere to an ethical caseload. Failure to pass these new standards puts public defenders in the impossible position of continuing to take cases in excess of what can be successfully handled in spite of empirical evidence showing that taking such cases is unethical. The ABA has recommended attorneys decline cases to maintain a workload they can handle.

The financial impact of these new standards is not more important than our promise to protect the rights of those accused. We can make a difference here.

Respectfully, I request that the Court adopt the proposed caseload standards.

Truly Yours,

A handwritten signature in black ink, appearing to read 'AJHertzberg', written over a horizontal line.

Audrey J. Hertzberg, Esq.