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Subject: FW: Feedback on Proposed Amendments to Indigent Defense Standards
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From: Barbara Demory <barbara.demory@co.kittitas.wa.us>
Sent: Monday, October 28, 2024 11:58 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Feedback on Proposed Amendments to Indigent Defense Standards

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I would like to submit feedback for consideration on the proposed amendment to Indigent Defense Standards.

Our District Court processes about 500 cases per year that include appointment of public defenders to represent indigent defendants. We currently have 3 full-time public defenders that practice in our court, along with the Director of Public Defense who also handles cases. Prior to my time as Court Administrator, I spent over 17 years as a criminal defense paralegal so am well aware of the workload to prepare and represent defendants in court at both the District and Superior court levels. The private practice attorneys I worked with carried caseloads of up to 200 and were successfully able to represent their clients. I believe that the current caseload standards are still appropriate if public defenders are fairly compensated. Almost 60% of the cases handled by our public defenders are DWLS 3rd, Theft 3rd and Criminal Trespass cases. Many of these cases are with frequent flyers in our system, and they often turn into probation violation cases. Representing the same parties on similar charges reduces some of the preparatory time needed as these often result in global resolutions. Additionally, the amount of time required to handle a probation violation is much less than the time needed to prepare for a new case. Our court is generous in screening for indigency on the premise that providing counsel is better than denying counsel when a defendant is on the borderline of eligibility. I fear that decreasing the number of cases that a public defender can handle will not result in better representation; but will instead decrease the number of defendants that are able to obtain court appointed counsel.

Additionally, courts will have to make decisions on whether or not proceeding with Probation Violations is the best use of court resources as the county governments will have to start making choices on where to utilize monetary resources. Probation is not constitutionally required, but attorneys are. If the BOCC has to make budget cuts and eliminate probation department jobs, then holding defendants accountable, and providing resources that keep the community safer, will be an unfortunate consequence. Our court systems are swamped with defendants that are homeless, have mental illness and substance abuse issues, and have become revolving door users of the justice system. While I believe the right to an attorney is imperative, we cannot in good conscience continue to pour unlimited amounts of resources into providing constant services to those that abuse the system, instead of guaranteeing that those who are in dire need of representation get the

representation they should have.

In closing, I do not believe that decreasing case loads is the best way to improve public defense. Recalculating weight for types of cases, and or, not counting as a full new representation when a defendant just incurs the same charges over and over again need to be explored as viable options.

Thank you.

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