



BOARD OF YAKIMA COUNTY COMMISSIONERS

Amanda McKinney
District 1

Kyle Curtis
District 2

LaDon Linde
District 3

September 12, 2024

Washington State Supreme Court
Olympia, Washington

RE: Revised WSBA Caseload Standards

Honorable Members of the State Supreme Court:

Thank you for the opportunity to comment on the proposed revisions to public defense caseload standards, as this is an issue that affects Yakima County very deeply. Our residents tell us that due to the local prevalence of crime and criminal elements, public safety is their highest priority and most serious concern.

Currently, Yakima County spends roughly 82% of its General Fund budget on law and justice, including our Sheriff's Office, the Court system, and our County Jail. Although our county is one of the larger in the state by population, our budget is at the point where it is difficult to fund the basic functions of county government because we must spend so much in the area of public safety.

As the WSBA ascertains, we understand that our public defenders, as well as our prosecutors, carry a heavy workload. They are not alone in this situation among some other sectors of public employees, but it is nonetheless true. We believe it is fair to say that our Office of Assigned Counsel, like many other similar county departments throughout Washington State, needs help. There is a current shortage of public service attorneys throughout Washington State, for both the defense and the prosecution of cases. Currently, there are periods of time when no new cases can be assigned due to the lack of public defenders available to represent defendants under current indigent defense standards. This is why any solution to this problem must be approached much more thoughtfully and carefully than the current standards proposed by the WSBA.

Funding Shortfall: Although Washington state is required to provide for the public defense of the accused and indigent, it assigns this responsibility to the counties without adequate funding to perform the task. Currently, the state covers only 3% of the costs to provide assigned counsel to defendants in Yakima County. Yakima County covers the other 97%. The story is the same for other counties throughout the state. Under the proposed revised standards, we will have to more than triple the amount of public defense attorneys in the next three years. Quite frankly, this is impossible. Our Director of the Office of Assigned Counsel estimates that under WSBA's proposal, Yakima County will need an additional \$18.3 million by 2028 to fund the additional attorneys and support staff. None of this even takes into account the extra costs on the prosecution side of the equation. Where will this money come from? Counties would need a lot of state financial assistance to accomplish this.

Support staff: Yes, it makes sense to increase support staff for our attorneys, but if we are allowing three years to bring in support staff (and it may take more than three years), we need much more time to bring in an adequate amount of attorneys.



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Shortage of attorneys, especially in rural Washington State: The Supreme Court demanding that counties provide more defense attorneys within this short time period will do nothing but blow up our already strained system, leaving most accused defendants to be released into their communities without having guilt or innocence determined. And, although some of them may indeed be innocent, there will certainly be many guilty among them that will also be released. If there are murders, rapes, and thefts occurring, then there are murderers, rapists, and thieves in our communities that must be held accountable and removed from society for the very protection of society. Therefore, there must be time sufficient to encourage more students to enter law school and graduate, then be encouraged and enticed to work as public service attorneys, through adequate funding, better pay, and other benefits such as student loan repayment. Ten years or more to accomplish this seems much more realistic than three years. Even then, there is no certainty that we will have an adequate number of attorneys to staff our counties under these proposals.

We sincerely hope you will take our comments and concerns seriously. Implementing standards like those proposed by the WSBA with such an extreme cut in caseloads over a short period of time, without adequate funding or time to train and develop a higher volume of law school graduates and support staff is taking a serious problem and making it much, much worse. It is a prescription for disaster for our criminal justice system and strikes at the very foundation of community safety. Again, you cannot even guarantee that we will have an adequate supply of attorneys for public service in 10 or more years.

Have you considered the very real potential outcome of having many criminals arrested, then released back into the community without consequence because defendants can't receive timely representation? This proposal invites a very real situation where at least a portion of the citizenry, having lost hope in our criminal justice system, either leaves this state (if they can) or tries next to take justice into their own hands through vigilante activity.

We hope community safety matters to our Supreme Court. It should be one of your highest priorities. It matters a great deal to the people of Yakima County, who are already wearied with the reports of violent crime, domestic violence, gang violence and drug overdoses on an all-too-frequent basis. We, as the Board of Yakima County Commissioners, do not support the indigent defense standards and case load limitations as proposed by the Washington State Bar Association.

Sincerely,

Amanda McKinney
Chair of the Board
Commissioner, District 1

Kyle Curtis
Commissioner, District 2

LaDon Linde
Commissioner, District 3

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: 9.12.24 Yakima County BOCC comments to WA State Supreme Court regarding revised WSBA Caseload Standards
Date: Thursday, September 12, 2024 3:57:53 PM
Attachments: [image001.png](#)
[9.12.24 Yakima County BOCC comments to WA State Supreme Court regarding revised WSBA Caseload Standards.pdf](#)

From: Julie Lawrence <julie.lawrence@co.yakima.wa.us>
Sent: Thursday, September 12, 2024 3:54 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Rep Chris Corry <chris.corry@leg.wa.gov>; Senator Curtis King <curtis.king@leg.wa.gov>; Amanda McKinney <amanda.mckinney@co.yakima.wa.us>; LaDon Linde <ladon.linde@co.yakima.wa.us>; Kyle Curtis <Kyle.Curtis@co.yakima.wa.us>; nikki.torres@leg.wa.gov; bryan.sandlin@leg.wa.gov; tom.dent@leg.wa.gov; gina.mosbrucker@leg.wa.gov; judy.warnick@leg.wa.gov; alex.ybarra@leg.wa.gov
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Good afternoon,

Please see the attached letter from the Board of Yakima County Commissioners.

Best wishes,



Julie Lawrence
CLERK OF THE BOARD
Board of Yakima County Commissioners
Yakima County Board of Equalization

509-574-1502
128 N. 2nd Street - Room 232
Yakima, WA 98901
www.yakimacounty.us