From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: Public Defense Case Load Standard
Date: Tuesday, September 24, 2024 10:32:41 AM

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From: Behar, Brianna (DPD) <brbehar@kingcounty.gov>
Sent: Tuesday, September 24, 2024 9:41 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Public Defense Case Load Standard

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. The WSBA Board of Governors approved these long-overdue updates to the maximum workload public defenders can reasonably be expected to carry for a simple and obvious reason: They recognized the status quo has required public defenders like me to compromise our ethical obligations to our clients.

This is not an academic matter - as unsustainable workloads drive my experienced colleagues out of public defense, those of us who remain are forced to take on more and more cases carrying potential life-altering consequences for our clients. We do everything we can to vindicate our clients' constitutional right to a speedy trial, but with near-constant trials many clients have no choice but to continue their case - and prolong their pre-trial incarceration - until their latest attorney has capacity to prepare for yet another trial.

I know you will hear from institutional actors claiming that these standards are impractical or would be prohibitively expensive. These concerns are real, but they cannot justify continuing a status quo that makes a mockery out of most clients' constitutional right to a speedy trial. My colleagues and I are already stretched to our breaking point.

Without the relief that these caseloads would bring, the quality of the representation I can provide to people who do not have the ability to choose their own lawyer will continue to get worse. At some point, I will reach the same conclusion as many of my former colleagues: I can no longer practice in public defense while claiming to honor my ethical obligations to my clients.

The Supreme Court did not condition the right to an attorney on a government's ability to afford one when it decided Gideon v. Wainright. They 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.

When deciding whether that right means my clients deserve someone with the time and capacity to zealously represent them, that is the example this Court should follow. I urge you to adopt the proposed court rules that would codify the WSBA's caseload standards for public defenders so the right enshrined in Gideon entitles my clients to more than just a warm body with a bar card.

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