

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comments on proposed rule change to lower public defender caseloads
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-----Original Message-----

From: clhighland@ifiber.tv <clhighland@ifiber.tv>
Sent: Wednesday, October 30, 2024 10:24 PM
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Subject: Comments on proposed rule change to lower public defender caseloads

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To the members of the Washington State Supreme Court,

I respectfully request that you take no action regarding the reduction of public defender caseloads without additional study and consideration.

While well intentioned, such action as currently proposed would be misguided. Caseload limits previously imposed by this Court in 2012 have served all citizens of our state ably and efficiently. Should the restrictions as requested be imposed, only the most serious and horrific crimes will be prosecuted. It is highly probable that felony property crimes to include burglary, theft, malicious mischief, and motor vehicle theft, some of which may be entry level gang crimes, will simply go unaddressed.

Every defendant has the right to competent, effective, and zealous representation, but the throwing of more resources and more money into the public defender system doesn't ensure those outcomes but rather ensures wasteful and profligate practices and uses of those additional resources and money.

As an example, an individual is trespassed from WalMart, and two months later, is observed shoplifting. (Burglary in the Second Degree). That individual is stopped by the same associate who previously trespassed him or her and at that time obtained the individual's signature on a trespass notice. The individual acknowledges having been previously trespassed and having stolen on the present occasion. When law enforcement arrives, that individual spontaneously makes inculpatory statements which are not in response to questioning. Drugs are frequently involved as a motivation or catalyst. All of the transactions involving this individual are on videotape. While it seems that I have loaded the dice somewhat in this example, it is not an uncommon situation in part or in whole. An individual who hired a private attorney in this situation would be mindful of the cost and thus goals of his or her representation, while an individual with a public defender has no such constraints. I don't believe that competent, effective, and zealous representation means that there are no limitations to the amount of investigation and attorney preparation necessary to achieve fairness, equity, and justice for the defendant.

By lessening public defender caseloads, and thereby necessarily lessening cases prosecuted, all citizens of the State of Washington, including defendants themselves, will be victimized. Being allowed to engage in criminal behavior which cannot be addressed does nothing to alleviate the destructive impact of that behavior for either the victim or the perpetrator.

Perhaps caseloads should be lessened at some point in time, but with this Court's previous consideration and determination of what appropriate public defender caseloads should be, any additional action, if taken, should be subject to further study and consideration prior to its enactment.

Thank you for your time and attention to these comments.

Respectfully,
Carole L. Highland
WSBA #20504