

Honorable Justices of the Washington State Supreme Court
Temple of Justice

Subject: Support for the 2023 National Public Defender Workload Standards

Dear Justices of the Washington State Supreme Court,

I believe it is imperative to adopt the proposed 2023 National Public Defender Workload Standards. I have been employed as a Social Worker at the Snohomish County Public Defender Association (SCPDA) since October 2021. Prior to working at SCPDA, I worked with youth, adults, and families throughout Snohomish County in a variety of social services settings, many of which had involvement with the criminal legal system. On a personal note, my mother worked for SCPDA from 2006 to 2018 as a Legal Assistant, so I have been familiar with the operation of local public defender organizations since my adolescence.

The proposed standards have the potential to rectify many infirmities and inadequacies in the system as it currently exists. However—new standards for indigent defense are not enough, as long as Washington continues to criminalize the impossible choices of those who are experiencing homelessness, mental illness, trauma, and addiction. I understand that the criminalization of suffering is not the issue before the Supreme Court at this time, but it is inextricably tied to the shortage in both attorney and non-attorney public defenders to represent indigent clients, and I feel I would be remiss to not call attention to the interconnected and systemic nature of this issue.

We need improved standards for non-attorney staff at public defender offices and agencies, as well as a commitment to adequately fund public defender offices to meet these standards; administrative staff, investigators, social workers, technical support, and HR are all vital components in a public defense system. These non-attorney positions are indispensable parts of the process, not luxuries, and they must be treated (and funded) as such. Realistic and sensitive caseload standards for attorneys are also vital for a myriad of reasons: quality of representation, capacity to address injustices and mistreatment of our clients by the system, and effective self-care (which is crucial for sustainability in careers in public defense). Most importantly, the quality of the service we give to our clients (and thereby to the community in general) hinges on the amount of time, attention, and energy we can give to a case; and it is simple math to show that higher caseloads mean lower quality work for any given case or client. Our office has close to 100 attorneys, but only 6 social workers; many clients we represent would benefit from non-legal support, but we have to strategically choose which clients receive that support, while others do not.

Higher caseloads put a strain on all defender roles, not only attorneys; when a public defender office does not have the staffing to provide effective and robust representation to every single client, the entire community suffers. Due to delays, people sitting in jail because they cannot afford to post bail plead guilty to crimes every single day—whether or not they truly ARE guilty—rather than waiting for a better resolution. People *die* in those jails because their needs are

not met. Their families spend exorbitant amounts of money to simply communicate with them or buy them enough food to not go to bed hungry every night. These are our clients and their families; the same people who cannot afford bail are most likely to also be unable to afford an attorney. Public defenders in all roles bear witness to immense amounts of violence, grief, and suffering; improved workload standards are vital to increase each defender's ability to care for themselves as they do this difficult work.

It has been my experience that the majority of clients we represent need help—housing, financial stability, mental health and substance use treatment—far more than they need punishment. In Washington, both statewide and in counties and municipalities, there has been a disturbing trend of increased criminalization of human suffering. Individuals experiencing homelessness have fewer and fewer resources available to them, and their right to simply exist in public has been systematically stripped away. We saw a shift towards justice when Washington's simple possession law was overturned, freeing hundreds if not thousands of individuals whose only crime was having the disease of addiction. However, the Washington legislature has re-criminalized addiction, which will only exacerbate the ongoing public defense crisis. Simply put, we need a different response to systemic failures—more public defenders is a good thing, but it's not enough.

As long as Washington and its municipalities continue to criminalize and prosecute poverty, homelessness, mental illness, and addiction, the need for more defenders will continue to grow. This is unsustainable in the long run. This crisis can be addressed reactively by adopting the proposed workload standards (which is important and valuable) but it can also be addressed more strategically by examining how and why we prosecute members of our community for things that are often beyond their control. Adopting the proposed workload standards will also decrease mass incarceration, which will hopefully lessen the need for more funding for jails and prisons throughout Washington. Studies have repeatedly shown that the more effective an indigent individual's representation, the less likely they are to be sentenced to prison; for those who are sentenced to prison, effective representation means shorter sentences, increased access to diversion and therapeutic alternatives, and all around, lower recidivism rates (which saves money in the long run—if money is one's primary concern).

Please consider this input, and adopt the new proposed standards. Thank you for your consideration.

Sincerely,
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