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To: [Martinez, Jacquelynn](#)
Subject: FW: Comment in support of proposed standard for criminal defense
Date: Thursday, July 25, 2024 9:59:44 AM

-----Original Message-----

From: Christopher Dumm <chris@cjduddlmlaw.com>
Sent: Thursday, July 25, 2024 9:59 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment in support of proposed standard for criminal defense

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Dear Justices,

I urge you to ratify the new standards for indigent defense, as recently adopted by the Washington State Bar Association. Due Process and fundamental justice require a level playing field between prosecutors and police on the one hand, and defense attorneys on the other.

Public defenders in many counties, including here in Clark County, are vastly underpaid in comparison to prosecutors. We are paid flat fees for representing defendants, which average around \$1,500 for an entire case. In order to maintain even a working-class standard of living we must accept high individual caseloads, and for many of us it is prohibitively costly to hire support staff. We are not paid extra compensation for complex, lengthy cases involving mental illness, or for cases in which our clients do not speak English and we have to arrange for interpreters for every client interaction.

The current Supreme Court standards have allowed this injustice to develop. Individual caseload limits for defense counsel are absurdly high. They operate on the implicit assumption that a single defense lawyer can adequately investigate, litigate and resolve *more than two felony cases per week*, year-round. This is unjust to defendants, who may quite reasonably expect that their lawyer will have more than 20 hours to put into their case *including times spent sitting in dockets.*

It also exploits defense attorneys. Out of the minimal compensation per case, we must maintain our own offices and insurance, pay our own self-employment taxes, pay for our own licensing and CLEs, pay for our own health care, and just maybe set aside a few dollars for our own self-funded retirement. Doing all of this for staff in addition becomes prohibitively expensive.

The recently adopted WSBA standards would remedy this imbalance by setting reasonable caseload limits and by requiring compensation parity with prosecutors. If this leads to a re-balancing of county budgets to properly protect the rights of the accused, then this is what justice demands. It is the role of our courts to deliver justice and equality under the law.

I urge you to ratify the new WSBA indigent defense standards, as they have been adopted.

Thank you for your time,

Christopher Dumm
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Vancouver, Washington