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Washington State Supreme Court
PO Box 409929
Olympia, WA 98504

Re: Comments on Proposed Changes to the Standard for Indigent Defense

Dear Honorable Justices,

The City of Bonney Lake respectfully requests that the Washington State Supreme Court reject the proposed amendments to the Standards for Indigent Defense in CrR 3.1, CrRLJ 3.1, and JuCR 9.2. While we support the constitutional right of a defendant to effective assistance of counsel, the proposed changes will not solve current issues and will result in new and greater challenges.

Bonney Lake supports consideration of a Washington-state specific study conducted by a neutral researcher, as recommended by the RAND report itself. The proposed amendments are based on a national study by the RAND organization, which calls for a closer local analysis before the adoption of any statewide changes. The report itself states that the most accurate caseload model is developed specifically for an individual state or jurisdiction.

Like many other cities in Washington, Bonney Lake is concerned about the financial and operational burden these amendments would impose. In 2023, 57% of the City's cases fell under indigent status. Bonney Lake contracts its indigent defense services with private attorneys, allowing us to respond to fluctuating case volumes. In 2023, the City spent \$260,000 on public defense, and these new standards could triple these costs to almost \$800,000. These amendments would require a substantial increase in contracted attorneys and additional resources for support staff. The resulting strain on our budget would force us to divert resources from other essential service, unless the state provides additional funding for these mandated costs.

Additionally, there is a significant shortage of public defense attorneys to meet the proposed caseload standard. We support a concerted stakeholder effort to focus on developing a pipeline of qualified attorneys to meet the increasing demand for indigent defense. However, even if significant steps are taken in 2025 towards this goal, the recommended caseload standards as proposed are not feasible.

We recommend the Court to consider only those portions of the proposed revisions that are feasible and achievable within current revenue and workforce limits, such as the training and qualification requirements for misdemeanor public defenders. Additionally, we propose exempting adult misdemeanors from the revisions or delaying their implementation for several years to allow time to build the necessary workforce and secure sufficient funding.

The City of Bonney Lake respectfully requests the Supreme Court to reject the proposed amendments. We appreciate the opportunity to provide our comments on the proposed amendments and welcome any further discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Carter", with a long horizontal flourish extending to the right.

Terry Carter, Mayor
City of Bonney Lake