



Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

Re: Comments to proposed changes to the Washington State Supreme Court's adopted standards for Indigent Defense

Dear Honorable Justices:

The City of Vancouver, WA respectfully requests the Washington State Supreme Court to make substantial revisions to the content of the requested amendments to the Standards for Indigent Defense in CrR 3.1, CrRLJ 3.1, and JuCR 9.2, recognizing the full fiscal and practical implications of enacting changes as currently proposed and the unique nature of misdemeanor cases.

The City's concerns stem from three main concerns:

Severe shortage of public defenders

Due to a critical shortage of public defenders statewide, the City of Vancouver is already experiencing significant challenges in meeting its constitutional obligation to provide complete indigent representation under the current caseload maximums.

In part due to rising indigency rates following the pandemic, the City is currently facing an unprecedented volume of misdemeanor cases requiring a public defender and is projected to exceed the capacity of its longstanding contracted primary public defense firm by more than 500 cases. Despite proactive measures to recruit new firms and individual attorneys, as well as implementing policies aimed at reducing the number of cases charged, the City remains at risk of case dismissals before year-end due to a lack of available defense resources. The proposed two-thirds reduction in the caseload capacity of our existing public defense team would have a severe impact on our program, potentially resulting in the dismissal of hundreds to thousands of cases, given the scarcity of public defenders available for hire to represent defendants.

Significant, unfunded increase in costs

Even if the City of Vancouver could hire a sufficient number of public defenders, the proposed misdemeanor caseload reductions would more than triple our public defense budget, which is funded entirely by the City's general fund. This general fund relies primarily on tax revenue, yet both the state constitution and legislative policies in Washington severely restrict Vancouver's ability to generate additional revenue to meet increasing demands for essential services.

With these restrictions, Vancouver faces significant challenges in raising funds to support critical needs, including public safety, indigent defense, and social and human services. Without alternative funding sources or flexibility to secure necessary resources, the financial impact of the proposed caseload reductions would place substantial strain on our already limited budget, threatening the City's ability to fully meet its constitutional obligations for indigent defense.

Disadvantage to experienced public defenders

Many misdemeanor cases, such as parole violations or DWS-III/NVOLs, can often be resolved quickly, and an experienced attorney with extensive practice can effectively handle well over 120 cases per year with greater efficiency and success for clients. Any updates to the current standards should allow public defenders to adjust caseload limits based on the complexity of cases, the defender's expertise, and professional experience. Without this flexibility, seasoned attorneys in Vancouver may reach the annual cap early in the year, leaving them unable to assist additional defendants who would benefit from their skill and experience. Several of Vancouver's local, contracted defense attorneys have indicated to City staff that a strict 120-case limit would make public defense financially unsustainable, forcing them to consider other work.

In conclusion, the City of Vancouver respectfully requests that the Supreme Court consider the following before implementing the proposed amendments:

1. **No Caseload reductions before an adequate workforce can be demonstrated:** We urge that no reductions in caseload limits be enacted until the State can ensure an adequate workforce at the local level to meet the significantly increased demand for public defense.
2. **Funding requirements:** If the State intends to proceed with this change, which would substantially raise our public defense costs, it must either provide corresponding funding or amend the state constitution to enable municipalities like Vancouver to generate additional revenue to cover these expenses.
3. **Exemptions for misdemeanors and/or flexibility in standards:** To maintain an effective public defense program in Vancouver, any new standards should either exempt misdemeanor cases or allow greater flexibility based on the experience of defenders and the specific demands of their cases.

Thank you for the opportunity to share the City of Vancouver's comments on the proposed recommendations.

Sincerely,

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From: [OFFICE RECEPTIONIST, CLERK](#)
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Attachments: [Vancouver Comments Caseload Limits.pdf](#)

From: Small, Rebecca <Rebecca.Small@cityofvancouver.us>
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Good afternoon,

Attached are the City of Vancouver, WA's comments in response to the WSBA's proposed new indigent defense standards. We appreciate your consideration of our feedback and concerns, and we look forward to collaborating constructively with the Court to continuously enhance our state's public defense programs.

Thank you for your attention to this important matter.

Best Regards,

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