



CLARK COUNTY WASHINGTON

clark.wa.gov

CLARK COUNTY COUNCIL

Gary Medvigy, Chair
Glen Yung, Michelle Belkot, Karen Dill Bowerman, Sue Marshall

1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
564.397.2232

October 24, 2024
Washington State Supreme Court
415 12th Ave SW W
Olympia, WA 98504

Justices of the Washington State Supreme Court,

The Clark County Council is sharing this letter with you to express deep concern about impacts related to the proposal to change indigent defense case load standards and limits in Washington State. The county recognizes the need to improve Washington's current indigent defense system, but the proposed changes would place unmanageable financial and capacity burdens on Clark County given the lack of state funding for the state's legal system. The Clark County Council requests that adoption of new caseload standards be delayed until the legislature acts to address the financial and capacity challenges that these new standards will create.

In 2023, Clark County spent over \$7 million for indigent defense services. The Washington State Association of Counties projects that proposed standards, if adopted, would quadruple the county's indigent defense costs—in Clark County that would mean costs increasing \$20 million or more for indigent defense alone, even before accounting for other investments in the law and justice system that would be needed to adjust to the changes to indigent defense. Above and beyond the direct attorney and support staff costs that Clark County would need to absorb, local courts, law enforcement, and the prosecuting attorney's office will see additional financial and workload impacts. Because the bulk of local law and justice is funded via county general funds, if unfunded these changes will strain the county's ability to provide other necessary community services. Any mandates from the state should provide the tools and resources to enable local governments to provide these services effectively.

Funding is only one piece of the challenge, as Clark County will struggle to find the over 300 qualified personnel (to increase their staff by 5x in less than three years) that will be required if the standards as proposed are moved forward. The currently projected phase in timeline for these standards is unrealistic. From an administrative standpoint, almost no organization can successfully grow at the pace contemplated under the proposed standards.

As you contemplate the proposed indigent defense caseload standards and limits, we urge you to:

- Acknowledge the Washington public defense system's critical state;
- Recognize that the current state of the Washington's public defense system is due in large part to the State's failure to meet its constitutional obligation for indigent defense, with the state contributing less than 3% of the total cost of local trial court public defense expenses;
- Hold the State accountable for its financial responsibility, and commit to not further burdening underfunded counties;
- Commit to advocating that the State provide necessary funding to implement any changes to the indigent defense case load standards;
- Remain mindful that there is a shortage of both public defenders and prosecutors in Washington and across the United States that funding alone will not improve. Addressing this shortage will require efforts to initiate new programs, incentives, and other tools to ensure proper staffing of the entire civil and criminal justice system. Proposed standards on paper are one thing, but building the capacity and technical expertise across county and municipal courts will require planning, investment, and creativity over a longer period of time than three years;
- Consider other systemic changes to support indigent defense and the broader law and justice system in Washington, including practices that have proven effective in other states such as requirements for mandatory pro bono assistance, adding capacity for the Office of Public Defense in providing meaningful

support to local jurisdictions in supplying indigent defense services to local courts, or other creative approaches that fully consider the limited capacity of the current and/or proposed systems to handle the number of cases requiring a public defender.

Thank you for considering our request to delay these standards until the funding and support is in place to implement them. Please let us know if we can offer further information or answer any questions.

Sincerely,



Gary Medvigy
County Chair, District 4



Glen Yung
Councilor, District 1



Michelle Belkot
Councilor, District 2



Karen Dill Bowerman
Councilor, District 3



Sue Marshall
Councilor, District 5

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Cc: [Ward, David](#)
Subject: FW: Clark County Council Letter - Comments on Proposed Indigent Defense Standards
Date: Thursday, October 24, 2024 3:24:04 PM
Attachments: [Letter - Clark County Response - Indigent Defense Caseload Standards.pdf](#)

From: Jordan Boege <Jordan.Boege@clark.wa.gov>
Sent: Thursday, October 24, 2024 3:17 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Clark County Council Letter - Comments on Proposed Indigent Defense Standards

You don't often get email from jordan.boege@clark.wa.gov. [Learn why this is important](#)
External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Good afternoon,
Please find attached a letter from the Clark County Council providing comment on the proposed changes to the Court's standards for indigent (public) defense.

Thank you,
Jordan



Jordan Boege, MPP (he/him)
Senior Policy Analyst
Clark County Council
jordan.boege@clark.wa.gov
cell phone: 360-605-6366