

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comment re: CrR3.1/CrRLJ3.1/JuCR9.2 STDS - Standards for Indigent Defense
Date: Monday, September 16, 2024 8:18:09 AM

From: David Seaver <dmseaver@hotmail.com>
Sent: Saturday, September 14, 2024 7:53 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re: CrR3.1/CrRLJ3.1/JuCR9.2 STDS - Standards for Indigent Defense

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To the Honorable Justices of the Supreme Court of Washington,

As a deputy prosecutor who practiced in Washington for over 20 years before moving to another state to continue in the same position, I have always believed, and have been told by my leaders, that my job is to seek justice, rather than to meet a metric like a specific conviction rate or a predetermined goal in terms of the number of cases closed. Justice does not always mean a conviction, or a guilty verdict for a specific crime or to a felony rather than a misdemeanor. To accomplish the closest we can hope to achieve in terms of justice, the work of the defense attorney is central and indispensable. This requires that the defense attorney have adequate time to consult with her client, to evaluate the discovery provided to her, to conduct her own investigation, to assess any possible defenses, and to negotiate a reasonable outcome or prepare for trial if her client so wishes, as is her client's constitutional right.

In addition, as has become abundantly clear to all participants in the criminal legal system -- from police and prosecutors to judges and the general public -- the criminal courts all too often serve as a last resort for addressing our most marginalized citizens who find themselves behind bars due to mental illness, substance abuse issues, and other circumstances that may not be entirely within their control. It is the defense attorney -- the only participant who has access to the defendant -- who can gather this life history and share it with the prosecutor and the court if warranted.

Crucial to the defense attorney's ability to performing her role to the standard that any of us would want if we, or a friend or loved one, were in jeopardy of loss of liberty, life, or property is limiting the number of cases to which she is assigned. Justice is not served, and a person's

constitutional right to an adequate defense is in no way honored, when a defense attorney cannot sufficiently carry out her already enormous responsibilities because she lacks anything close to adequate time to conduct her job. The scope of the revision of the standards for indigent defense is undoubtedly great, but this ought not be characterized as overreach. Rather, it is the product of thoughtful reflection. It is a recognition of just how intolerably overwhelming a public defender's caseload currently is, and an awareness of the jeopardy into which such circumstances place a public defender's clients.

To seek to provide those charged with a crime truly sufficient representation requires a proposal at this scale. To ensure that the rights of those charged with a crime are truly honored and protected, the reforms put forward in this proposal should be adopted.

Sincerely,

Dave Seaver, WSBA 30390 (inactive)