

Submitted via email attachment

October 30, 2024

The Honorable Chief Justice Steven González
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Comment on the Proposed Amendments to the Court's Standards for Indigent Defense

Dear Chief Justice González and Members of the Court:

The federal and state constitutional rights to counsel guarantee those facing loss of liberty a public defense lawyer who has the training, the time, and the support necessary to provide effective representation. Washington's public defense system is hemorrhaging experienced lawyers who can provide that representation. In large measure, this is because the workload they are required to shoulder is too heavy. At the same time, the system is failing to attract new lawyers to public defense because the compensation is inadequate and the workload extraordinary. Attorneys who enter law school believing they would become public defenders later realize they can ill-afford to do so.

In 2023, almost five hundred public defense attorneys responded to a Washington State Office of Public Defense (OPD) Job Satisfaction Survey.¹ The first reason for leaving or planning to leave public defense was low pay. A close second reason was high caseload. "This alarming trend [of attorneys leaving public defense] is also underscored by OPD's most recent RCW 10.101 Public Defense Improvement application cycle, during which more than 87 percent of Washington counties [34 counties] reported facing challenges in recruiting and retaining a sufficient pool of defense attorneys."² Discouragingly, responses to a survey of more than 180 Seattle University School of Law students, from all three years of school, identified the same barriers to a career in public defense.

This Court cannot resolve all the issues facing public defense. This Court does, however, have the authority and responsibility to adopt new standards that recognize the current caseload standards (Standard 3) are out-of-date and to improve the methods (Standard 14) by which attorneys qualify for public defense representation. The Court's adoption of these two proposed standards will improve this State's and each local jurisdiction's ability to recruit and retain attorneys in the public defense profession.

¹ Public Defense Job Satisfaction Survey Results, Washington State Office of Public Defense, April 2024. This two-page document summarizes responses to a statewide survey in 2023. It notes: "... geographic area does not seem to have much effect on job satisfaction." <https://opd.wa.gov/sites/default/files/2024-05/000092-SurveyResults.pdf>

² November 27, 2023 Memorandum to the Court re: Urgent Request for Moratorium and Reform in the Public Defense System from Office of Public Defense (OPD) Director Larry Jefferson. <https://opd.wa.gov/sites/default/files/2023-12/000045-Memo%20to%20WSSC%20on%20Workload.pdf>

Scope of this Comment and Background

We serve on the Washington State Bar Association's (WSBA) Council on Public Defense (CPD) which developed the revised standards adopted by the WSBA and proposed for this Court's adoption. In addition to participating in the development of the Standards now proposed for adoption by this Court, we attended listening sessions and meetings with public defense providers, government representatives, and other stakeholders both prior to and after the WSBA adopting its revised Standards and proposing amendments to this Court's Standards.

This comment is limited to proposed Standards 3 and 14. It is informed by our experience³ and outreach to a sample of public defense directors and contract attorneys in eleven counties outside of King County. We communicated one-on-one with 10 of the 11 sample county attorneys to discuss their local jurisdictions, including barriers to attracting and retaining qualified attorneys and staff, additional barriers to providing effective representation, and positive or at least hopeful aspects of their local environments.

We also reached out to the WSBA, Washington State Administrative Office of the Courts (AOC), Washington State Association of Counties (WSAC), Washington State Office of Public Defense (OPD), and public defense office directors and contract attorneys in sample counties to learn about their local jurisdictions and in the hope of helping us compile data to estimate the state's "current capacity" of attorneys available for public defense representation.

Finally, we have reviewed many of the comments submitted to the Court to date. We note that quite a few who oppose adoption of the revised caseload standards suggest hiring more public defense attorneys, increasing their compensation, or hiring non-attorney support such as paralegals. They seem to recognize, that current caseload limits are too high, and that staffing, training supervision and compensation are inadequate.

Information from our one-on-one discussions with public defense office directors and attorneys is provided after our recommendations to the Court, immediately below.

This comment and our recommendations are submitted solely on our own behalf, not on behalf of the Council or any other entity.

³ Ms. Farley: Director, Northwest Defenders Association (2002-2014), Court Designated Public Defense Supervisor, *Wilbur v. Mount Vernon and Burlington*, C11-1100RSL United States District Court, (W. Dist. Wash.)
Ms. Christian: Manager of Clark County, Washington's public defense administrative office (2008-2019), director of Oregon's statewide public defense system (1988-2003), public defender and assistant director at a Multnomah County, Oregon nonprofit public defense office (1982-1988)

Recommendations for the Court’s Adoption of Proposed Standards 3 and 14

We are aware of no one who suggests current public defense caseloads are too low, attorneys currently are fully staffed, trained and supervised, or public defense attorney and staff compensation is too high. Many who submitted comments in opposition to the Court adopting the proposed caseload standard suggest additional public defense attorneys should simply be hired, their compensation be increased, or attorney support staff, such as paralegals, should be hired.

Having reviewed the comments submitted to the Court and based on our knowledge of the current situation, there is no doubt the following barriers are increasingly and adversely impacting local jurisdictions’ ability to recruit and retain public defense attorneys. In Washington and other states, the increasing inability to attract attorneys and the escalating loss of experienced attorneys (some with decades’ experience) is primarily the result of:

1. Inadequate compensation/benefits and coverage of office overhead costs for contract and panel attorneys, made worse than in the past by the impact of costs such as student loan debt and the availability of affordable housing.⁴ We heard from those we surveyed and others that housing affordability is a major barrier to recruiting attorneys in this state, both east and west of the Cascades.
2. Excessive workloads, including new case assignments, open cases (file drawer cases), and inadequate support services that exacerbate the historically bad work/life balance for those who represent public defense clients.

Recommendation #1: The Court Should Adopt Proposed Standard 14. “Qualifications of Attorneys” to Improve the Avenues for Attorneys to Qualify for More Serious Case Representation and Expand the Pool of Available Attorneys

The Court should immediately adopt proposed Standard 14 for CrR 3.1, CrRLJ 3.1, and JuCr .2⁵, with one *erratum* change to 14.C.3.f.: Juvenile Trial Court Cases – Felony High-Murder Cases: Add “or jury” after “judge” in subsection iii. The improvements to the Qualifications standard expand the pool of attorneys available for representation in increasingly serious cases. Its adoption will result in improved

⁴ Affordable housing increasingly impacts public defense capacity in rural and smaller counties, in addition to urban counties. For instance, albeit in a neighboring state, “Deschutes County [Oregon] lost about a half dozen public defenders recently, leaving many defendants without anyone to represent them and creating a crisis where there was just a problem before that,” Lemman said. The head of one public defense firm told local media it’s because Bend housing prices are so high, young new public defenders can’t afford to live there.” Number of Oregon criminal defendants without lawyers increases;”, Oregonian, September 23, 2024
<https://www.oregonlive.com/crime/2024/09/number-of-oregon-criminal-defendants-without-lawyers-increases-senator-calls-for-less-talk-more-action.html>

⁵ Supreme Court Order No. 25700-A-1569 (June 7, 2024) suspended for one year the Court’s Standard 14 for Adult Criminal cases only, replacing it with the new WSBA Qualification Standard.
https://www.courts.wa.gov/court_rule_related_orders/orders/25700-A-1569.pdf

attorney training and support. We are aware of no opposition to this recommendation.

Recommendation #2: The Court Should Adopt Proposed Standard 3. “Caseload Limits and Types of Cases” with One Exception (Section 3.N.), and Consider the Proposed and Alternative Implementation Timelines

1. Adopt Standard 3.J. “Maximum Case Credit Limit for Adult Criminal and Juvenile Court Offender Cases Each Year”

This proposed standard establishes new felony and misdemeanor case categories, new case credits by category of case, and new maximum annual caseloads for felony and misdemeanor cases.

Adoption of this standard will require more public defense attorneys. This fact and its budgetary implications do not negate the urgent need for the Court to adopt this standard. Budgetary impacts are acknowledged and addressed, when possible, with the WSBA’s proposed three-year implementation standard found in 3.O.

Adoption of Standard 3.J. will directly improve jurisdictions’ ability to recruit and retain public defense attorneys. Should a public defense attorney’s employment or contractual engagement assume a 52-week year with no sick or family leave, no vacation, no holidays? Even assuming a 50-week work year, the current caseload standard results in one lawyer being assigned to three new felony cases or eight new misdemeanor cases - every week and every year. The new cases stack up on top of other pending cases (think of the attorney’s file cabinet) that frequently take months to investigate, negotiate, and litigate.

Adoption of Standard 3.J. acknowledges the 50-year plus approach⁶ to attorney workloads is untenable. Standard 3.J is needed to attract new lawyers (law school graduates and experienced criminal defense attorneys) to public defense and to stem or stop the hemorrhaging of attorneys leaving the profession. The 2023 National Public Defense Workload Study (NPDWS)⁷ and the earlier 17 state specific studies on which the NPDWS relies in part, support the WSBA’s proposed approach and language. It is important to note that the NPDWS is not the work of one person or entity. Rather, it is the published work of experienced researchers with the American Bar Association, National Center for State Courts, Rand, and Attorney Stephen F. Hanlon.

Adoption of consistent felony and misdemeanor case categories and case credits statewide is critical to understanding the present state of public defense in Washington and in local jurisdictions, as well as the future impact of Standards amendments, legislative changes, internal local jurisdiction assessments and comparisons to other jurisdictions, and the impact of support and administrative resources.

⁶ National Advisory Commission on Criminal Justice Standards and Goals, The Defense, Standard 13.12 (1973) <https://www.nlada.org/defender-standards/national-advisory-commission/black-letter>

⁷ National Public Defense Workload Study (2023) https://www.rand.org/pubs/research_reports/RRA2559-1.html

2. Standard 3.O Implementation

Public defense workloads under the Courts current Standard 3 are a significant and increasing barrier to retention and recruitment of attorneys. With the changes in practice so many attorneys have recounted in their Comments to the Court, reduction in the 150 felony, and 400 misdemeanor caseloads are long overdue for reductions. We do not believe it will be possible to implement all the reductions on the timeline recommended by the WSBA. However, unless there are some reductions soon, and reliably promised future reductions the crisis public defense is already facing will only continue and will grow.

Over the months we worked to compile data, reach out to public defense directors and contractors, and draft this Comment, we kept in mind the WSBA proposed three-year schedule in Standard 3.O for implementation of the reduction in maximum annual caseloads. We are concerned that the WSBA implementation schedule is too rushed and, if impossible to meet, the new caseload Standards will be ignored. We propose the Court adopt one of the two following alternatives:

1-The Court delay the implementation start date from July 2, 2025 to January 2026. Doing so, aligns the date with the Calendar Year based county and city budgets. It allows additional time for legislature, counties and cities to assess and address the fiscal impact of Year 1 reductions. It also allows an additional six months to review data and determine the extent to which changes in filing practices might mitigate the fiscal impact; for example, institute or expand DWLS 3 pre-filing diversion/relicensing programs, create or expand community therapeutic courts for certain alleged offenses such as Criminal Trespass 2, Unlawful Camping, or decrease the number of cases on which probation violations are filed. Finally, delaying the WSBA proposed July 2, 2025 implementation start date to allow additional time to recruit attorneys and review methods to retain attorneys.

2-The Court adopt an implementation timeline that allows cities and counties a full year to assess the misdemeanor cases being filed and determine changes that would mitigate the fiscal impact of implementing the misdemeanor maximum caseload limits by July 2, 2025, including considering changes in filing practices. This recommendation would keep the Year 1 implementation for felony case reductions July 2, 2025 and delay the Year 1 implementation for misdemeanor case reductions to July 2, 2026. This approach has an adverse impact on recruiting and retaining attorneys with primarily misdemeanor caseloads, though is consistent with the delay this Court ordered when it adopted the current Standards.

Neither is an adequate solution to the desperately needed workload reduction. They offer, however, a commitment from the Court that there will be real relief from the too high caseloads public defenders now labor under and which negatively impacts their clients. It gives the state, the counties and the Cities an opportunity to work together to plan for, and finance, the desperately needed changes.

3. **Adopt the Remainder of Proposed Standard 3, except Section 3.N.**

All the remaining proposed changes to current Standard 3 are technical and minor improvements. We recommend all these sections be adopted, except Standard 3.N.

Standard 3.N. “Attorneys in Jurisdictions that Do Not Follow Case Credit System in Standard 3.J.” defeats the critical need to standardize and collect public defense data for future planning and assessments. See discussion below in Recommendation #4. Based on our involvement with the WSBA Council on Public Defense’s years-long work on the WSBA Standards, we believe this section was included in error. It was a section a small CPD workgroup proposed over a year before the proposed standards were submitted to the WSBA Board of Governors. We recommend the Court **not** adopt Standard 3.N.

Recommendation #3: The Court Should Convene a Work Group to Improve the Collection and Availability of Consistent Public Defense Data

Access to public defense data is critical to: assessing compliance with standards; forecasting the impact of changes in standards; and comparing local jurisdictions’ public defense attorneys, support staff, and caseloads now and in the future. This data also will be critical for any external study of Washington’s public defense system.

A centralized public defense data depository with as consistent data as is possible is urgently needed. More and more states administer their public defense systems with real-time dashboards displaying caseloads, including individual attorney caseload data. Centralized public defense data collection should be an immediate priority for this Court, trial-level county and municipal courts, AOC, OPD, county and city governments, and the legislature.

Our original draft comment to this Court included pages of narrative on our six-month effort to compile data on the “current capacity” of attorneys available for public defense representation in only ten counties. We determined it is best to save the reader the time reading the details of this unsuccessful effort.

Currently, there is no one source of current public defense attorney and support staff data. Data on the current number of public defense attorneys and support staff are not available without specifically surveying each local jurisdiction. Data on the current “full-time equivalent” (FTE) of public defense attorneys and support staff are not only unavailable, they are difficult to compute even by a local jurisdiction. For example, “Attorney A” may have a private practice and multiple public defense contracts with cities and counties. RCW 10.101.050 provides: “Each individual or organization that contracts to perform public defense services for a county or city shall report to the county or city hours billed for

nonpublic defense legal services in the previous calendar year, including number and types of private cases.” We believe, but do not know without surveying each county and city, that this reporting occurs in few jurisdictions.

Data on the number of private criminal defense attorneys who theoretically may be available for public defense representation is even more difficult to compile.

Public defense caseload data for Superior and District Courts are available from OPD due to annual application provisions for counties by RCW 10.101.050. That caseload data can be inconsistent with AOC caseload data due to the differing ways local jurisdictions’ report probation violations, bench warrants and substituted counsel.

Information We Learned from Our Outreach to Public Defense Directors and Contract Attorneys Outside King County

To better understand the current situation in local jurisdictions, we reached out to public defense directors and contractors in 11 Washington counties, not including King County. We spoke with ten about their current situations, their barriers to recruiting and retaining attorneys and staff, and enlisted their help identifying criminal defense attorneys in their counties, both public defense and private, in our effort to determine current capacity. We felt it important to receive direct input from public defense directors and contractors who are experiencing challenges, crises, and positives in their local jurisdictions. We thank the directors and attorneys for their time and willingness to speak with us.

Before addressing the barriers identified by office directors and attorneys, below is a sample of the positive reports we received from those we interviewed:

- From a smaller, rural region of the state experiencing past difficulties attracting lawyers:
“We have experienced recent stability in the number and experience of attorneys (only one attorney is close to retirement).” Ironically, the attorney interviewed back in June has since left the practice of public defense.
- Not as much turnover as other counties
- Support staff are available to hire
- Remote hearings and remote work opportunities have helped
- The City is very supportive, it helped with a grant to fund more support staff
- We are fortunate to have compensation and benefits parity with Prosecuting Attorney’s office
- The number of attorneys leaving has stabilized for the moment
- Rule 9 attorneys are available every summer

The list of “wishes” we heard from the directors and attorneys in the sample counties includes:

- Staffing standards should be implemented first, then attorney workload standards
- A regional or state pool of conflict attorneys should be established and available to smaller counties
- An experienced attorney should be available to serve as the county’s public defense administrator
- Improve compensation and benefits
- A central resource and office staff should be available to help track data and help us implement the new standards

Current Barriers to Providing Effective Representation Identified by Those We Interviewed

1. Caseloads Are Too High

All of those with whom we talked agree the current maximum annual felony and misdemeanor caseload standards are **too high**. All agree it is increasingly difficult to recruit new public defense attorneys and, in more and more jurisdictions, retain experienced attorneys. In addition to caseloads being too high, those interviewed indicated it is more and more difficult to hire and retain lawyers and support staff because compensation is comparatively low for new and experienced public defense attorneys in their jurisdiction, student loan debt burdens both new and experienced attorneys, and there is an inadequate supply of lawyers due to shortages or lack of housing in more rural counties and affordable housing in other counties.

In some counties, the offices were at the current caseload standards though, in the words of one director, “barely.” In another county, the primary contractor for City and County misdemeanor cases correctly predicted their large office would complete its City and its County 12-month contracts in October of this year. The District Court which handles both county and the city cases is asking volunteer attorneys to accept appointments and for a pause in filing probation violations.⁸ In other counties, offices have been able to reduce caseloads to about two-thirds of the current caseload standards, but they need more staff support. We recognize the shortage of attorneys and difficulty recruiting attorneys to rural areas and smaller jurisdictions is a problem for prosecutors’ offices and civil firms, as well as public defenders.

2. Experienced Attorneys are Leaving Public Defense, at least in part due to workload

A large-size (not King County) public defense county office had 10 of 60 attorney positions vacant in August. That office lost four attorneys representing clients charged with serious felonies in two

⁸ “Clark County District Court cuts back on probation violation filings to deal with ‘unprecedented’ cases”, The Columbian, September 25, 2024. <https://www.columbian.com/news/2024/sep/25/clark-county-district-court-grapples-with-defense-attorney-shortage-unprecedented-case-filings/>

months. In addition to shrinking the number of attorneys available to receive new case assignments, all the attorneys' clients with all their pending cases had to be reassigned to remaining lawyers.

Early this year, King County Department of Public Defense lost 18 attorneys between the end of September 2023 and mid-January 2024. Ten of the 18 attorneys were Class A felony qualified. As a result, at least seven hundred pending Class A felony cases had to be transferred to remaining attorneys. Based on other written comments and oral presentations to the Court on September 25th, the loss of attorneys, particularly those with felony caseloads, continues.

As of August 2024, the Yakima County public defense office is so short-staffed that only defendants held in custody are being appointed attorneys. As of August 13, there were 250 out of custody defendants waiting to have counsel appointed. In response to the delay in appointment of lawyers, a prosecutor in Yakima County filed various motions in an effort to avoid dismissal of the cases. The trial court denied the motions and found:

The lack of defense counsel and inability of Yakima County to attract attorneys to fill these positions is unprecedented. Forty years ago, several attorneys applied for a single job opportunity. Today, few apply for several positions available. The county's inability to fill these positions reflect a problem much larger than Yakima County can resolve alone. This problem is not unique to Yakima. Benton and Franklin Counties suffer from the same issues along with other rural counties in the state.⁹

The successive departures of attorneys only exacerbated the workload carried by the remaining attorneys.

3. **Recruitment of New Law School Graduates and Other Lawyers to Public Defense is Also Difficult, at least in part, due to a shrinking labor Pool, lack of housing in more rural counties, and compensation**

All of those with whom we spoke agreed it is increasingly difficult to hire attorneys, particularly those new to the practice of law. Paul Holland, Associate Dean at Seattle University School of Law, recently surveyed the students at the law school about their interest in careers in public defense. More than 180 students, among all three classes, responded. Their responses were discouragingly consistent with barriers to recruiting and retaining public defenders identified by the directors and contractors with whom we spoke. Thirty-two second- and third-year students said they had a HIGH interest in public defense. Twenty of them, like the public defenders who have sent comments to this Court and the directors and contractors we spoke with, identified workload stress and compensation as barriers to

⁹ "Courts Letter Decision Relating to Time for Trial Issues for Out of Custody Defendants Awaiting Appointment of Counsel," State v Jackson, 23-1-01934-39, State v Henley, Cause No. 24-1-00659-39, and other cases, page 3.

working as public defenders. Below are a few of their responses to the question “Please list anything that you think might make it difficult for you to become or remain a public defender.”

Concern about how the hours and demands will impact my responsibilities to my family; concern about maintaining my mental health in a way that allows me to handle the challenges of the job in a healthy way

I won't be able to afford to pay off my loans. I don't mind living cheaply but living under debt forever is dissuading me from seeking a job in Public Defense.

Work-life balance, burnout, emotional toll

Student loans

More than sixty first year students responded to a separate survey. Thirteen of them expressed an interest in public defense but, like the students in their second- and third-year, also saw significant barriers to practicing as a public defender.

Cost of living and earning a sustainable living as a public defender, work life balance if constantly in trials, emotional challenges with particularly tough cases

Wages, workload, burnout

One student did strike an optimistic note:

I think caseloads are high right now which might be a struggle, but I believe the State supreme court will approve the adjustment

Students who expressed a moderate or low interest in public defense were even less positive.

Shrinking Labor Pool

In 2024, the three Washington law schools reported on their websites that they graduated 633 students. WSBA reported that 621 people took the July bar exam and 503 (81%) passed. As WSBA Director Terra Nevitt advised the Court the percentage of lawyers under forty is shrinking.

A 2024 Bloomberg Law Analysis¹⁰ report found that two percent of law *graduates* become criminal defense attorneys and prosecutors, despite more than 20 percent of law *students* saying they expected to work as public interest lawyers. If the two percent figure holds true for Washington in 2024, there will be ten new public defenders and prosecutors for the entire state. If 58% of the new bar admittees practice in King County, consistent with the percentage of active Washington attorneys now admitted who practice in King County, there will be four new lawyers for the remaining thirty-eight counties. Given this pattern and the limited number of new attorneys each year, some counties may be

¹⁰ “ANALYSIS: More Law Students Into Public Interest but Firms Win”, Bloomberg Law Analysis, March 8, 2024 <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-more-law-students-into-public-interest-but-firms-win>

able to meet a reduced caseload standard, but those “barely” hanging on now will fail absent the ability to dramatically increase hiring of attorneys from within or outside the state.

This problem is exacerbated for more rural counties. As of August 2024, there were 26,434 active attorneys in Washington State. Only 3,177 lived in Eastern Washington. In Western Washington 7,752 lived outside of King County. The remaining almost 15,000 active attorneys in Washington live, and presumably practice in King County.

Lack of Temporary Housing for Summer Interns

Traditionally, law firms hire second year law students (“Rule 9s”) to work the summer before their third year of law school. When the students graduate, they, and the offices where they worked, have a relationship that leads to employment, if all went well during the summer. Those we spoke with in smaller and more rural counties said they have difficulty recruiting Rule 9s because it is difficult to find any summer housing, let alone affordable housing, for the students. One director, pre-Covid, had Rule 9s live at his family home.

Compensation Impacts Recruitment and Retention of Public Defense Attorneys

Consistently, the directors and contract attorneys with whom we spoke identified the pay they can offer recent graduates and other lawyers as inadequate to compete with law firm salaries. This was noted as being especially true for lawyers with large student loan debt. According to their websites, the annual tuition at Washington law schools ranges from \$44,844 for in-state tuition at the University of Washington, to over \$55,000 for Seattle University School of Law and Gonzaga Law School. With the additional cost of food and housing, recent law school graduates will have easily spent, or borrowed, a quarter of a million dollars upon graduating.

The Bloomberg Analysis, referenced above, notes: “**Return on investment.** Debt from law school (averaging \$160,000) makes lucrative law firm jobs more appealing.” Emphasis in original. And “**Starting** salaries for some first-year [law firm] associates is (sic) around \$225,000—more than twice as much as the **average tenured** public interest lawyer.” Emphasis added.

During our discussions with public defense directors and contractors, some also identified competition with other public defense agencies or other jurisdictions who offer more compensation or benefits as another barrier to hiring. At least two directors had lost experienced attorneys to agencies in adjoining counties, other than King County, that were able to offer better pay and benefits.

CONCLUSION

Despite having worked for several years with the Council on Public Defense on the proposed Standards before this Court, we were startled in our discussions with the 10 sample directors and contractors outside of King County to learn how strained local jurisdictions’ public defense systems are.

It is clear from many of the comments submitted to the Court, information we heard from those we interviewed, and input during the almost two years the CPD worked on revisions to all the proposed Standards that failing to amend the Court's Standard 3. Caseload Limits and Types of Cases will result in more public defense attorneys leaving the practice and fewer new attorneys joining it.

While it may seem counterintuitive to suggest reducing caseloads when there is already a shortage of public defense attorneys in some locations, we frankly, know of no alternative. Even increases in compensation, benefits, support services and administrative services alone appear to be insufficient to attract attorneys to public defense.¹¹ We believe incrementally adopting the proposed Standard 3. case categories and credits, and adjusting the maximum caseloads down over time are necessary to recruit new public defenders and staunch the steadily increasing flow of experienced attorneys leaving the practice. Financial assistance, flexible enough to allow it to be used for summer housing or to pay law school debt, will also greatly assist with recruitment, particularly in more rural counties.

Finally, we wish to address the suggestion included in a few comments to the Court that adoption of Standard 3 be delayed until a Washington state-specific workload study is completed. The WSBA Standards proposed for adoption by this Court are the product of several years' methodical work by the Council on Public Defense. They were approved by the WSBA Board of Governors with one lone "no" vote. The need for relief in public defense workloads is clear. If the Court and/or Legislature want a more Washington focused study we urge the Court to implement phase one of the Standards and contemporaneously convene a group to conduct such a study.

Sincerely,

Eileen Farley
Eileen Farley

Ann Christian
Ann Christian

¹¹ The court's Letter Decision referenced above notes efforts by Yakima County to attract lawyers to its public defense office and contracts. This included increasing wages 15% in November, 2023 and authorizing a \$12,000 signing bonus for new hires. In March 2024, the court notes the county increased wages another 22.4% effective July, 2024 and increased the signing bonus to \$15,000.