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Subject: FW: Caseload Standards Public Comment
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From: Elena Perez <elwperez@gmail.com>
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Caseload Standards Public Comment

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Good afternoon,

I am writing to urge this Court to adopt the proposed amendments regarding the Standards for Indigent Defense Caseloads.

I was a public defender with King County for two years. Unfortunately, I was one of the numerous public defenders who, though passionate about the work, left the field.

First and foremost, reduced caseloads are necessary to ensure that all people get what they are constitutionally guaranteed--effective assistance of counsel. Public defenders cannot adequately represent their clients under current caseloads standards. This is what I experienced during my two years at King County, this is what nearly every public defender will tell you, and this is what the RAND study confirmed. There is simply not enough time in the day for public defenders to do their job as required by the constitution.

As a misdemeanor attorney, my colleagues and I had upwards of 150 cases, nearly all of them DUIs. For each case we had to review discovery, research and investigate all potential issues, negotiate with prosecutors, attend frequent hearings, and consult with our client at every stage of the case. For many of those cases we also had to write motions, litigate substantive issues in court, and prepare for trial. With 150 cases, we were often doing the bare minimum to stay afloat. We were in court nearly every day, often for the entire day. It was not uncommon for our morning hearings to run through lunch and into our afternoon hearings, and for afternoon hearings to run past when the courtroom was supposed to close. We were stuck calling clients in-between and sometimes during hearings, doing much of our discovery review in small segments, at the back of the courthouse while we waited for our cases to be called. Often, we were expected to be in multiple courtroom at once. On those days, we ran from room to room while our missed calls and emails piled up. We were

constantly triaging, focusing only on the most urgent emergency. It was impossible to be proactive, or do any substantive work. Even on days without court, if we weren't dealing with a new emergency, we were catching up on only the most overdue tasks. We simply did not have time for the amount or depth of client conversation, research, investigation or litigation that each client deserved. In felonies, the caseloads were lower but the workload for each case increased dramatically. The discovery was much more voluminous--often hundreds of pages and 10-20 hours of body-worn camera--and the cases were much more complicated, which meant more research and more investigation was necessary for even a basic grasp on the case. And our clients were often in-custody, which meant time spent visiting them with every update or paper to sign, visits which took at least an hour, often two or more depending on how long you had to wait at the jail. Again, with so many demands on our time we were forced to focus only on the most urgent tasks, with much too little time left over for substantive work. Caseloads must be reduced before the people of Washington can be guaranteed effective representation.

I have seen comments urging you to wait. To wait until the money is allocated, to wait until the State lowers its filings, to wait until there are more public defenders to take on the cases. But public defenders have been waiting, and nothing has changed.

I also believe lowering caseload standards will significantly help with attrition, which will help improve the lives of those accused of crimes and those representing them. Some comments evince a skepticism that reduced caseloads will fix the problem with attrition. Some seem to believe that public defense is just hard work, that it is something intrinsic about the work itself that leads people like me to leave. In my experience, that is simply not the case. Albeit stressful, I think public defenders by and large love public defense. And I will speak for myself--I loved public defense. I loved working with clients, I loved arguing in court, and although sometimes stressful, I loved advocating for clients during trial. What I did not love, and what no public defender loves, though some are better at stomachaching, is the constant feeling that I was failing the people I was desperately trying to help. I don't think people outside the profession can really fathom the volume of time-sensitive, often overdue, and possibly life-changing tasks public defenders have floating in their minds at any given time. Lowering caseloads will help alleviate that, and speaking from personal experience, it will help attorneys stay.

Elena