

Good Morning, and thank you for your consideration.

My name is Emily and I'm an assistant in the felony department at Thurston County Public Defense. I provide support to five Felony attorneys. On Tuesday one of my Felony Attorneys told me, with a smile on his face, that he'd only slept one hour the night previous. On Wednesday, A different attorney I assist told me that he had a debilitating stomach ache. When I asked if he'd seen a doctor about it, he told me, again with a smile, that he'd had the same stomach ache for about 5 years and that his doctors attribute it to stress.

You'll hear from a lot of attorneys during this comment period about how their comically large caseloads adversely affect their clients, as rightfully you should. In my experience, you can tell a really good Public Defender by how much care they take of their clients, which is after all their job. I have a lot of job duties, and taking care of our clients is one of them, but I'm the only person in the building whose job it is to take care of my 5 attorneys. I think this puts me in a unique position to tell you about how being consummately overworked and underpaid adversely affects the lives, families, and health of Public Defenders.

I'd been working at Thurston County Public Defense for around a year when one of our attorneys had a stroke on my sofa. My desk was positioned in a hallway beside the entrance and was adjacent to a hand-me-down sofa that served as something like a lounge for our office. The attorney in question had been covering a hectic court calendar that morning and was about to rush off to a hearing when she took a seat on the sofa, face ashen, looking depleted. I stopped what I was doing to bring her some water and by the time I came back she'd taken off somewhere, frantically attending to her responsibilities. About ten minutes later she was back, pulse racing, struggling to breathe. Later, as the Paramedics took her vitals on my sofa, She had her phone out, frantically trying to arrange coverage for her week. Despite having been chastised not to by her doctor, and given leave to stay home and recover, the attorney was sporadically attending court hearings via zoom within the week.

Much has been said about a public defender shortage already badly affecting our state, with the implication that if we already have too few attorneys to meet current standards, new standards might be untenable. In the last six months, my office has lost 5 attorneys. They didn't have strokes, rather they've moved on to illustrious careers in other places. I can say definitively that for at least three of these, their jobs were left almost involuntarily. The central factor forcing these attorneys out of jobs they loved, defending clients they cared about deeply, was a competing love of their families; Because of their caseloads, the simply did not have the time to be effective attorneys and to be fathers. All five have new jobs with smaller workloads and higher pay. I've since kept in touch with several, who often solicit updates on clients they no longer represent.

Even more has been said about parity between prosecutors and defenders; parity in staffing and parity in pay. I am not writing to you today to malign prosecutors or the work they do, I don't know what it's like to work in a prosecutors office. I do know what it's like to work in a public defender's office, and I know that I myself spend about 70% of my time assisting clients. I'm not referring to time spent filing motions for our client's cases, but to time spent helping clients; gathering clothes for them to wear to trial, listening to their mother's cry on the phone, redacting their discovery so they can review it in jail, struggling to find a treatment facility who will agree to help them with the underlying problem that put them in the positions they find themselves in. I speak to defendants in jail who beg me to answer legal questions I'm not qualified to address, and I tell them they need to talk to their attorney instead of me. They ask when they can talk to their attorney and I tell them... Maybe after they are finished with this

jury trial? Maybe, hopefully next week? Maybe they'll read the email I sent them during a break and I'll have something to tell them. They call every day, sometimes twice a day, for updates their attorneys don't have time to give. I listen to them and hear, in real time, how they slowly lose faith in their attorneys and in the legal system generally. These are, truly, excellent attorneys, men and women whose representation I would be grateful for should I ever find myself behind bars.

I answer calls from individuals whose cases have been closed for months, whose cases no longer count as part of our office's caseloads but who need our help navigating their court obligated treatment, or understanding the relevant orders in their cases. I help individuals who have had bench warrants older than I am who have just discovered that they won't be allowed to travel to Canada, who have gotten my number from the clerks office and been told that my office, unappointed by any judge, will help them. I spend hours in any given week talking about LFO's and NCO's and EHM and ROI's with individuals who my office receives no credit for representing. I don't want to give the impression that because I do all this, my attorneys do not have to. I assist 5 attorneys, each of whom may have 60 or 80 active cases at any given time, and do not have the time or resources to help all of them. Yes, both prosecutors and defense attorneys must file motions and review discovery. But only defenders are driving across town on their lunch break to do a wellness check on a client they haven't seen for awhile, turning up at the office at 5:00 am on trial weeks to respond to the 17- page handwritten their other client just sent them, or to photocopy coloring pages for their in-custody defendant to color in while they sit in jail waiting for a trial date that keeps getting continued because their attorney has two trials scheduled to start on the same day. I don't know what prosecutors do, but I do know that they don't represent clients, and that (in my county at least) they have a dedicated victim's advocate's office to assist the victims they do putatively represent.

I'm sure you've been reviewing a lot of complaints from public defenders about their caseloads, and I can see how perhaps you could get the impression that public defenders relish complaining. I want you to know that my experience of public defenders has been very different. The public defenders I work with are hard-pressed to admit that they can't attend to all the responsibilities they have; they take a certain pride in the sheer volume of work they can attend to; some kind of masochistic red badge of courage for attorneys managing their dozens of in-custody clients while trying back-to-back cases. I know many have been quick to tell you about detriments to the people they defend, to blame themselves for deficits in the representation they provide. Begging for relief on behalf of their clients is their habit. Begging for relief on their own behalf, asking for help, explaining the toll that their jobs take on them, telling the world about the ways they find to cope with the stress; comes less naturally to them. Their job is to humanize the struggles and realities of their clients to a world hardened to hearing it. They are somewhat less adept at humanizing themselves, far more adept at turning inward and coping with stress using unhealthy and unsustainable means.

As you deliberate about the best way to provide relief to the indigent accused in our state for whom the right to a speedy trial feels more like a fiction every day, I hope you'll consider my experience and remember that, whether or not they are too proud to say so, Public Defenders in Washington are experiencing death by a thousand cuts at the hands of their caseloads. I know that change presents you with serious fiscal and logistical challenges and I don't mean to minimize those challenges. I come to this work having been raised by a public defender, one who was born before *Gideon v. Wainwright*. At the time he was born, the career he would go on to have barely existed. By the time he matriculated, graduated, and began practicing law, our nation had recognized the importance of access to council and of expanding it, and he was able to spend decades protecting the rights of the indigent. I say that to emphasize that massive change is in fact possible. But I would be remiss if I didn't also mention that by

the end of his career he had to be medicated at all times to avoid spells of uncontrollable sobbing during court proceedings, spells which began to hit him in waves at inconvenient times. I say this to emphasize that, while our nation has come a long way on this issue, there is much change left that must be made.

I thank you for your careful attention to this issue, and I beg you to consider me, my five attorneys, and our hundreds of indigent clients as you continue to do so.

Thank you,

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*Our Mission: "To defend and protect our clients' constitutional rights, one person at a time."*