

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Public Defenders & Moral Injury - Support for the adoption of new rules regarding caseload standards
Date: Monday, August 26, 2024 11:44:33 AM

From: Willard, Emily <emwillard@kingcounty.gov>
Sent: Monday, August 26, 2024 11:40 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: RE: Public Defenders & Moral Injury - Support for the adoption of new rules regarding caseload standards

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Dear Washington Supreme Court,

I am writing to ask you to please support reduced caseload standards. I am a public defense investigator in King County. I love my job and I love doing my very best work for my clients, however due to current caseloads it is humanly impossible to do my very best work on every case because I currently have 64 cases, I recently had 76 cases. I started this job on 2/26/2020, so I don't really know what it was like pre-COVID, but my coworkers say that we used to have 20-30 cases. In fact, another investigator in my unit found a list of his cases from October 2005. He had 16 cases at that time.

We desperately need more support. I have been working overtime almost every pay period since President's Day. One week last spring, I worked multiple 10-hour days, and a 12-hour day.

To give you a small window, this is what one of my 10-hour days that week

consisted of:

- 1) I reviewed discovery and notes on a very serious case where our client has gone through two other law firms in our department and is currently on his 11th attorney. He had been calling me each day for 5 days, but for some reason what should be a free, unrecorded call, was asking me to input my credit card number. I talked to my supervisor, and it was unclear what the issue was. So, I went to meet with him at the jail to let him know the problem and meet with him to discuss his case.
- 2) I waited in Court, waiting to possibly testify in a case that is in trial, while working on other tasks, like reviewing discovery for other cases
- 3) I found out that I did not have to testify so I drove back home so I could arrive in time for a 5pm interview with a potential witness.
- 4) While driving, I put my phone on speaker and attended a meeting with attorneys on a very serious case.
- 5) I prepared for and carried out that interview.
- 6) Because I had been at jail and at court most of the day, I then had to prepare for two night interviews, one at 7pm and one at 7:30pm.
- 7) I reviewed body-worn video of the officer I was to interview, and the police report, and I conducted that interview
- 8) I also prepared for and conducted the second interview.

I took a 15-minute lunch break, and a 15-minute dinner break, eating microwave meals because I did not have the time or energy to cook. That is technically a violation of WA labor law because I am supposed to take a 30 min lunch break and two 15-minute breaks in an 8-hour day. I have no idea when I was supposed to take them. **Should I have ended the critical jail visit sooner, with someone who is facing a life sentence? Should I have been less prepared for an interview, if so, which one? The felony or the misdemeanor? At what cost? Putting us in this position, to have to make these choices causes moral injury.**

While testifying in court is not a very usual occurrence for me, conducting jail visits with clients, preparing for and conducting night interviews is very typical. In fact, I have another night interview Thursday, and **I am looking at another 10-hour day**. However, I have to double check with my boss to see if I am approved to work more overtime this week because I also worked overtime last week.

And I am still behind.

If she does not approve overtime, how will I decide which tasks to put off for another week?

In July, our investigator unit of 9 people received 126 requests. Prior to that our all-time high in one month was 75. That is about 13 requests per person, working out to more than one every other day. I was assigned 14 felony cases in July. It is the end of August and there are still some that I have been assigned, but I have not looked at. I should be opening and reviewing them the day I get assigned, but with weeks of non-stop interviews, meetings, jail visits, and new cases almost daily, it is very easy to fall behind.

How do I choose which case to work on? Which ones get shifted to the back burner? Which clients do I visit? For which interviews do I fully prep? For which interviews do I review body work video?

These are *some* of the tasks on my current to do list:

- draft subpoenas duces tecum
- email police officers to set up interviews
- try to troubleshoot faulty surveillance footage software we received in discovery
- submit public records requests
- pay for public record request returns
- review public records request returns and take notes, meet with an attorney about them
- talk to an attorney about missing discovery
- close out completed case files
- open up new casefiles
- capture social media information that might be evidence in a case (and could disappear at any moment, this has been on my to do list for weeks)
- schedule a video interview with a potential witness that might have exonerating evidence
- review police body worn video
- review discovery on two homicides and an A1 that I have barely looked at (and have had these cases for months)

I currently have 1,110 emails in my inbox. The other week I spent a few hours reviewing, sorting, and responding, and got it down to 950. It is creeping back up. There are emails from March that I have yet to address. It is August.

I currently have 5 homicides, and just recently I had 8. It is usual to have more than 5.

I have not had a vacation (other than a few long weekends) since June 2023, and prior to that I had not had one since April 2022. I will be taking one next month. I only get 12 days a year and I have to save it up if I want any substantive amount of time off. 2 weeks of vacation is the only way I can fully rest and recover from this work. This year, our unit has been on the brink of collapse.

I tell myself multiple times a day, reassuring myself that it is not humanly possible to get done all of the work I need to do. In conversations with my mental health provider, we have discussed the concept of moral injury. How my coworkers and I are put in an impossible situation where we have to choose how to spend our time when the stakes are so high, and when peoples' liberty and lives are on the line. We are not given the resources to do our jobs effectively, and while our clients suffer the most, we are also harmed in this process. We agonize over tasks not completed, and the physical limits of our bodies and being a human. We have living bodies that needs rest, and sustenance.

Again, I love my job, I have only been here 4.5 years, and I want to make this my career. I have a deep commitment to my clients and my coworkers, but this is not sustainable. Please, we cannot wait for years of discussion and slow movement, we

need help now. Please accept the proposed rules.

Thank you for listening,

Emily Willard
Public Defense Investigator