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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Public Defender Caseload Standards  
**Date:** Thursday, October 31, 2024 9:01:31 AM

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**From:** Erik Marks <erik@egmrealestate.com>  
**Sent:** Thursday, October 31, 2024 9:00 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Public Defender Caseload Standards

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I am writing to comment on the proposed cap on public defender caseloads. I just read a newspaper article about it.

While I am a lawyer, I write as a regular and repeated crime victim. I own several businesses in a small-town downtown area. Crimes against us in the past 5 years have included: broken windows; assaults on our staff, including the use of deadly weapons; vehicle vandalism; graffiti; several burglaries (pried doors); and finally, the entire destruction of an armored ATM machine and theft of the cash within it.

If the public defender caseloads are capped, and there are inadequate public defenders available to fill the necessary slots, then crimes like these will not be prosecuted. Failure to prosecute crimes like these is a gut-wrenching injustice to small businesses like me, my hard working employees, and the people of Port Angeles. When the small crimes are not prosecuted, there is more crime – this is well established – and common economic sense, in that if you reduce the likelihood of being prosecuted, then you have reduced the cost of crime and you will have entry to the “criminal marketplace”. **If you want to provide for better defense for accused indigents, please be sure that the burden of your rules does not fall on the crime victims themselves! Go ahead and cap PD workloads, but only AFTER ensuring that the caps will not reduce the number of crimes that are prosecuted.**

**And consider that if there are hard caps, and inadequate PDs to achieve the caps, then there is a risk of a self-fueling downward spiral as more crimes go un-prosecuted, leading to more criminal activity (because the risk of prosecution has gone down), leading to more unprosecuted crimes, etc.**

What are the alternatives?

There are many alternatives to hard caps. For example, your rules could be guidelines or aspirational – targets for max workload rather than hard caps. Or they could invite financial incentives by indicating that the Supreme Court recommends not exceeding the limits,

and that the Supreme Court encourages the State to provide funding, and the Counties to hire, to achieve the limits.

Thank you,  
Erik Marks  
WSBA #23458