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**Subject:** FW: Public Defender Caseloads  
**Date:** Thursday, October 31, 2024 10:40:36 AM

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**From:** Erik Thacker <erik.thacker@gmail.com>  
**Sent:** Thursday, October 31, 2024 10:40 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Public Defender Caseloads

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Dear Honorable Supreme Court;

Please adopt the WSBA's recommendations to retain public defenders by reducing caseloads and increasing support staff. Our state and federal constitutions both guarantee the rights to counsel and a speedy trial when facing a criminal conviction, but in practice we are failing to honor these guarantees.

### **Denial of Right to Counsel**

Under the current caseloads, public defenders (PDs) have very little time to devote to each client's representation. This results in an effective denial of the right to an attorney for many clients because their attorney does not have the time or resources to mount a meaningful defense for every client. This forces PDs to "triage" or decide which clients' cases are worthy of their time and attention. Clients who seem more likely to escape the reoffender spiral created by incarceration and loss of employment are prioritized, and repeat offenders and those with weaker cases are herded towards pleading out. This is an effective denial of the right to counsel. Further, this compounds the PD shortage by causing "compassion burnout" as PDs leave the system because of the emotional toll of being unable to help while seeing repeated denials of justice. Lower caseloads and greater resources will result in fewer clients being denied an effective attorney and help retain PDs for longer.

### **Denial of Right to Speedy Trial**

In Washington state, the right to a speedy trial requires in-custody defendants stand trial within two months of being arraigned (three months if released on personal recognizance). Defendants in Yakima, Washington have been waiting two months just to be *assigned* counsel this very year. If these defendants want to mount any meaningful defense, they must sacrifice their right to a speedy

trial because of the actions of the State. Lowering the caseloads will both increase attorney retention and make the field more attractive to recent law graduates. This will help alleviate the public PD shortage and help us protect the public's constitutional rights.

For the forgoing reasons, I strongly recommend this Honorable Court adopts the WSBA's recommendations for public defense caseloads and resources.

Sincerely,  
Erik Thacker