



October 30, 2024

Washington Supreme Court
415 12th Ave. SW
Olympia, WA 98504

Re: Proposed Standards for Indigent Defense

Dear Clerk of the Supreme Court,

Everett Law Association (ELA) provides public defense services in Everett Municipal Court, and we have proudly served the people of Everett since July of 2009. In this capacity we are well aware of the challenges faced by attorneys in this field, by our clients as they navigate their way through the court process, and by local governments dealing with limited financial resources. We appreciate and acknowledge the work that went into the development of the proposed standards, and wish to express our own support for some of the recommendations, as well as concern with other aspects as they apply to misdemeanor representation.

First, we agree with Standard One regarding comparable compensation. We believe this is long-overdue and should have been a standard that was changed back in 2011 when *Dolan v. King County* was decided. The court in that case weighed the fact that King County attempted to equalize compensation between prosecutors and public defenders with the *Kenny Scale* years before *Dolan* was ever filed. And the result of *Dolan* allowed public defenders in King County to join the Washington State PERS program which further equalized the compensation.

Our concern lies with the understanding that our office only deals with misdemeanors and gross misdemeanors. While the new proposed standards appear to be necessary and accurate for felony representation, we feel that the offices dealing solely with municipal misdemeanors have been swept up in this evaluation without individualized consideration.

Regarding Standard Three, while lowering case load limits is appropriate for numerous reasons, we hope the court adopts a plan that is not quite so drastic. If the cases were decreased to 280 a year starting in January 2026, it would give the offices, as well as the law schools in the state,

time to adjust to training and hiring the plethora of new attorneys that will be needed for this herculean task. If then the caseloads were to be adjusted again, perhaps wait a couple years and bring them down to 225 holding steady at that level. Even with this, the majority of public defense offices in the state that deal only with misdemeanors will have to relocate to larger offices and completely revamp their budgets to include all the office furniture, electronics, and logistics that go along with that.

We also believe that Standard 4.B regarding social workers is misguided as applied to non-felony caseloads. While there is no doubt that these standards may be appropriate for felonies they are in no way indicative of what is needed in municipal misdemeanor offices. We employ a full-time Social Worker at ELA and have for many years. Our Social Worker is not assigned “cases”, but is instead assigned clients. One client may have 10 different cases but that does not change the workload since the SW would help the client navigate SUD evaluations, housing, mental health evaluations, etc. regardless of how many cases that individual has. Many of our clients do not want a Social Worker involved, and how many clients the Social Worker is assigned has zero to do with how many attorneys are running around the office. Instead, a Social Worker should only be assigned so many different clients in a year regardless of the number of cases or attorneys.

We believe Standard Six is similarly misguided. While we have always had a full-time investigator in our office, his workload is in no way affected by the number of attorneys in the office. He is asked by attorneys to assist with finding witnesses, interviewing police officers, going to crime scenes and taking pictures, and other investigative tasks as requested by attorneys. As long as the number or complexity of the cases that come into our office doesn't change, I can't imagine we would ever need to go from one investigator to five, which is what the new Standards would currently require within three years.

Thank you for your time and hard work.

Christine Lewis

Attorney at Law, Board President of ELA

Aaron Everett

Attorney at Law, Executive Director of ELA