

October 31, 2024

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

Re: Proposed Standards for Indigent Defense

Honorable Justices:

We are former public defenders who have left public defense in Washington in the last several years because of high caseloads. We urge you to adopt the proposed changes to CrR 3.1. We are humbled by our former colleagues who continue to provide public defense services while enduring impossible caseloads. We have the utmost respect for our former clients who persevere despite the systemic obstacles they face. But public defenders need relief from Washington's broken indigent defense system so they can provide their clients equal access to the same high-quality defense services as defendants who have money.

Unlike the current caseload standards, the RAND standards reflect the reality of the work public defenders do. Those who contend that the current caseload standards allow public defenders to provide the effective assistance of counsel are not confronting this situation honestly. The amount of time we should be spending to provide high-quality defense services to each client is vastly different than the reality of the time we are able to spend providing services to each client. The technological advances we have seen in the past 25 years have complicated even the cases that initially seem the "simplest" and "straight forward." What were once cases that could be investigated by the attorney and an investigator are now complex investigations that require not only more time and resources, but expert witnesses. Public defenders must have significantly smaller caseloads in order to provide the same caliber of services.

It was a privilege to stand next to our clients and tell their stories. When we represented our clients, we learned the obstacles they faced in everyday life, the trauma they carried, and the barriers they faced to housing, medical care, and employment. We were honored to have the chance to help them. But it is terrible to come to this work to help society's most marginalized persons and end up feeling like you are part of the problem because you have too many cases to represent your clients the way they deserve.

Although each of us loved our careers and wanted to continue in public defense, we felt we had to leave. We reached a point where we were forced to choose between our clients and our physical and mental health; between long work hours and our families; between breaking down and getting out. Our caseloads and the quality of representation they forced us to provide left us no choice but to leave. Further, we left public defense saddled with guilt knowing our cases would be handed off to our already-overburdened colleagues and our clients would suffer more as a result.

You can give the public defense bar and their clients what we did not have: caseloads that allow public defenders to provide the same high-quality representation to indigent clients that clients with money can access. Many of us want to return to public defense if caseloads decrease. If you adopt the proposed changes to CrR 3.1 you will become part of the solution where the ultimate goal is to allow indigent clients equal access to high-quality defense services that are provided to non-indigent clients.

Many of you have personal experience with indigent defendants. Some of you are former public defenders; some former prosecutors. If you reject these proposed changes, we hope you will remember who bears the burden of that choice. Your former clients bear the burden of that choice. The clients you defended and the defendants you prosecuted, who you knew even then were not receiving the representation you would want if they were your loved ones, bear the burden of that choice. Your former colleagues, who continue to work under crushing caseloads, bear the burden. And your former adversaries, who you watched struggle to provide quality defense services, bear the burden.

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Kelsey Leigh Gasseling	59141
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Rolf Gardner Toren	58597
Maddisson Alexander	56575
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Justin Gray	42456

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Former Public Defenders: Comment on CrR3.1/CrRLJ3.1/JuCR9.2
Date: Thursday, October 31, 2024 10:30:25 AM
Attachments: [Letter from Former Public Defenders.pdf](#)

From: Former WA Public Defenders <formerwapublicdefenders@gmail.com>
Sent: Thursday, October 31, 2024 10:29 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Former Public Defenders: Comment on CrR3.1/CrRLJ3.1/JuCR9.2

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Clerk of the Court,

Thank you for accepting the attached comment from WA State Former Public Defenders, who encourage the court to adopt the proposed amendments to CrR3.1/CrRLJ3.1/JuCR9.2 STDS - Standards for Indigent Defense as recommended by the Washington State Bar Association Board of Governors.

Regards,

Former Public Defense Attorneys of WA State