



CITY OF PROSSER

Washington

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September 25, 2024

Washington State Supreme Court – Rules Committee
Post Office Box 40929
Olympia, Washington 98504

Dear Washington State Supreme Court:

On behalf of the City of Prosser, in Benton County, I write you today to share our serious concerns about the Washington State Bar Association's (WSBA) recently adopted *Standards for Indigent Defense Services* ("Rule Changes") which have been forwarded to the Court for consideration. I also write to express our concern on the wider and deepening crisis facing public defense in our state more generally. We ask that the Court reject these Rule Changes, and work with WSBA and the Legislature to address the wider public defense issue in Washington realistically and responsibly as our collective highest priority.

In Benton County alone, at the current and expected rates of prosecutions in our community, the County will have to hire almost 100 additional defense attorneys over just a few short years to comply with the new caseload standards. In addition to attorneys, clerical staff, equipment, and office space will also need to be provided. These expenses are beyond current budgeting capacity.

The immediate response and corresponding impacts for counties like ours is clear – in order to comply with the new caseload standards brought on by these Rule Changes, public defense costs will double, triple, with no offsetting accompaniment of new revenue as counties across the state hire literally thousands more attorneys and support staff.

As proposed, the Rule Changes have a compounding effect with a requirement to have the program fully implemented by 2027. This is simply not realistic.

If the Rule Changes are implemented as currently proposed, one of or a combination of at least three unfortunate things will happen:

- Prosecutions will be reduced to only the most serious offenses – victims will be left to deal with the fallout.
- The accused will spend more time in custody without counsel – this burden costs everyone more.
- Courts will begin dismissing cases on due process grounds – this is actually already happening in Benton County.

WSBA's reflexive response to attempt to fix one part of a larger system that is in crisis is indeed a plan for failure that will ripple and reverberate throughout that larger system. As such, we support Benton County's position as follows:

- The Supreme Court should not adopt the Bar Association's Rule Changes proposal at this time; and should not consider the Rule Changes again until there is a comprehensive plan in place that addresses the criminal justice system in Washington state as a whole.



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- The Supreme Court should take the lead in developing that comprehensive plan by working with the Legislature to convene and fund a task force of practitioners from all corners of the legal profession, victims, local governments, the law schools, and others to thoroughly examine Washington's criminal justice system and make sober, system-level recommendations to the Court, Legislature, and Bar Association for further action.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Gary Vegar', written over a horizontal line.

Gary Vegar, Mayor

Cc: Howard Saxton, City of Prosser Prosecutor



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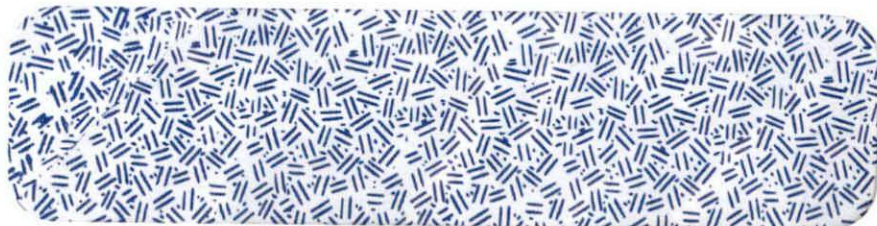
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