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Subject: FW: Comment in Support of Caseload Standards in Washington State
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From: McGann, Gillian <Gillian.McGann@coloradodefenders.us>
Sent: Friday, September 27, 2024 9:08 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment in Support of Caseload Standards in Washington State

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Dear Justices of the Washington State Supreme Court,

I am writing to strongly urge you to adopt the proposed court rule to codify WSBA's Criminal Caseload Standards for Public Defenders. These caseload standards are essential to protecting and improving the rights of the most marginalized and vulnerable.

I have been working as a public defender for the past 3 years. I came to this profession because it was my dream to help people. Often, my colleagues and I instead feel like cogs in a machine, only a necessary part of an incarceration system cutting against the very reason we entered into this profession. Excessive caseloads reduce attorneys down to a symbolic check mark so that the Court can say someone was provided assistance of counsel.

Each of those cases are a client that is hurt by the current caseloads. Excessive caseloads are proscribed by ethics rules because they inevitably cause harm. Overloaded attorneys cannot give the attention needed to each client, cannot investigate in a timely manner, and cannot file the motions they should. Instead, they must triage cases making a choice on which to focus on. A justice system burdened by triage risks unreliability, deny all people who rely on it – victims, witnesses, defendants, and their families and communities – efficient, equal and accurate justice.

The RAND study's empirical results provide evidence to support actions against public defenders' licenses if we don't adhere to an ethical caseload. Failure to pass these new standards puts public defenders in the impossible position of continuing to take cases in excess of what we can handle in spite of empirical evidence showing that taking such cases is unethical. The ABA has recommended attorneys decline cases to maintain a workload they can handle.

I know that certain counties, politicians, prosecutors, and judges are concerned about the financial impact of these new standards. However, a fair and just criminal justice system requires that everyone accused of a crime receive due process. Just because we have undervalued public defense for decades and thrust the cost of the behavioral health crisis onto the criminal justice system does not mean we should or need to continue undervaluing it.

In sum, I ask the Court to adopt the proposed caseload standards.
Thank you for considering,

- *Gillian McGann*

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