

To: Washington State Supreme Court

From: Grays Harbor County Department of Public Defense

Date: 08/22/24

Re: Comments regarding adoption of the proposed amendments to the Washington State Indigent Defense Standards - NO. 25700-A-1568

GHC DPD is requesting that an exception be made for rural or remote communities public defense delivery systems. That the exception authorizes rural communities to develop caseload limits that support both the community standards and the Sixth Amendment guarantee to adequate and effective representation. In no event should any County set numbers below that set by the July 2025 Phase I of the standards. To permit community public defense directors to carry reasonable caseloads based on their professional ability and ability to set personal limitations. That rural or remote be defined as a distance greater than 40 miles from the I-5 or I-90 corridors or a population comprised of less than 300,000 people.

Although this county has not engaged in open discussions with other rural or remote communities' defense departments, there was much conversation at the Washington Defenders Association Conference. I have attached a letter from the Yakima Superior Court regarding the diminishing public defense attorney predicament. I am fairly certain other communities share similar challenges and simply lack the time to address the concerns in writing.

Some historical background:

In 2008, Grays Harbor County adopted the, then proposed, Washington State Indigent Defense Standards to include subsequent amendments. Grays Harbor County initially established the Department of Public Defense DPD in September 2019. DPD adheres to the Washington State Indigent Defense Standards and follows the ABA Ten Principles of a Public Defense Delivery System. The WSBA defense attorney performance guidelines and the principles set forth in *State v. A.N.J.*, 168 Wn.2d 91 (2010) and *Wilbur, et al., v. City of Mount Vernon, et al.* 989 F.Supp.2d 1122 (W.D.Wash.2013).

GHC DPD is a hybrid public defense system. There are two FTE in house attorneys and the balance of the cases are assigned to private practitioners who contract with the county for public defense work. The county has expanded the DPD to include four (4) attorney positions and two of the positions remain unfilled.

Grays Harbor County's 2024 population is 77,539. In 2020, Grays Harbor County's poverty rate of 15.1 percent was higher than Washington state's rate of 9.5 percent while the national rate was 11.4 percent.

Grays Harbor County is remotely isolated from the larger communities, nearly 50 miles from the I-5 corridor in Olympia. This alone makes it a rural community; however, the small population spread over 1,901.5 square miles.

In 2019 the number of indigent defense cases assigned was 72%. In 2024 the number of indigent defense cases assigned is 95%.

This year, GHC has increased public defense attorney contract rates by 50%, and still there is a public defense attorney shortage. GHC provides free access to Odyssey for all contract attorneys. GHC DPD offers annually 6-12 credits of relevant CLEs at no charge to all contract attorneys.

## **History of criminal case filing**

Grays Harbor County Juvenile Court filed an average of 104 criminal cases annually since 2017

Grays Harbor County Superior Court filed an average of 425 criminal cases annually since 2017

Grays Harbor County District Court filed an average of 1500 criminal cases annually since 2017

Grays Harbor County Superior Court filed an average of 200 ITA (RCW 71.05) cases annually since 2019 (the court began in October 2019).

The Indigent Defense Standards will adversely impact the financial and human resources by more than 50% in 2025 doubling in 2026 and doubling again in 2027. That is if there is no increase in cases filed.

Currently 150 Felony cases /attorney / year.

250 Juvenile Offender cases /attorney / year.

400 District Court Criminal cases / attorney / year; or

Phase 1: Beginning July 2, 2025, within the twelve months following, each full-time felony attorney shall be assigned cases constituting no more than 110 felony case credits and each full-time misdemeanor attorney shall be assigned cases constituting no more than 280 misdemeanor case credits. Phase 2:

Beginning July 2, 2026, within the twelve months following, each full-time felony attorney shall be assigned cases constituting no more than 90 felony case credits and each full-time misdemeanor attorney shall be assigned cases constituting no more than 225 misdemeanor case credits. Phase 3:

Beginning July 2, 2027, and for any twelve-month period following, each full-time felony attorney shall be assigned cases constituting no more than 47 felony case credits and each fulltime misdemeanor attorney shall be assigned cases constituting no more than 120 misdemeanor cases.

Once again, GHC DPD is requesting that an exception be made for rural or remote communities public defense delivery systems. That the exception authorizes rural communities to develop caseload limits that support both the community standards and the Sixth Amendment guarantee to adequate and effective representation. In no event should any County set numbers below that set by the July 2025 Phase I of the standards. To permit community public defense directors to carry reasonable caseloads based on their professional ability and ability to set personal limitations. That rural or remote be defined as a distance greater than 40 miles from the I-5 or I-90 corridors or a population comprised of less than 300,000 people.

## **COURTS LETTER DECISION RELATING TO TIME FOR TRIAL ISSUES FOR OUT OF CUSTODY DEFENDANTS AWAITING APPOINTMENT OF COUNSEL**

The Yakima County Superior Court has a criminal defense counsel shortage that has reached a crisis level. Presently, more than 250 defendants are awaiting the appointment of counsel. The court has directed the Yakima Department of Assigned Counsel (hereinafter “DAC”) to appoint counsel for these defendants. The DAC has been unable to appoint counsel because of the lack of qualified attorneys to provide indigent defense. This inability arises out of a variety of factors, discuss later in this opinion.

Defendants without counsel are out of custody. They fall into two principal categories. Several had counsel that later withdrew and are awaiting appointment of counsel. The remaining defendants are out of custody awaiting the appointment of counsel since their preliminary appearance before the court. Many are approaching ninety days from the “effective date” of their arraignment. See CrR 4.1(a)(2). For the most part, defendants in custody have been appointed counsel, although appointments in some cases are delayed. Presently, defendants in custody and appointed counsel on or after August 1, 2024, will not have attorneys appointed until September 3, 2024.

The state has filed a variety of motions in several criminal cases seeking to avoid dismissal of criminal cases because of the inability to locate and appoint counsel for these criminal defendants. These motions advance four different theories to avoid dismissal. For instance, in *State v. Dario Navarro*, Cause numbers 19-1-2139-39, 20-1-00712-39, and 20-1-00716-39, the State seeks an order to compel the appointment of counsel prior to the expiration of speedy trial. They also seek a continuance pursuant to CrR3.3 (f) (2), arguing a continuance is in the best interest of justice. In *State v Patricia Jackson*, 23-1-01934-39, the State seeks an order requiring the court to appoint counsel other than the public defender, and compelling funding for that expense pursuant to RCW 36.26.090 In *State v Henley*, Cause No. 24-1-00659-39, the State seeks to exclude from the time for trial timeline, the period from the effective date of arraignment to the date counsel is appointed pursuant to CrR3.3 (e)(8). In the past week, the State has filed a number of these motions in dozens of cases to avoid dismissal pursuant to CrR 3.3 (h). This court intends to address the various motions filed by the State in this decision with the intent that its ruling will have application in the other cases where similar motions have been filed

but have not been noted for argument together with cases with similar issues where motions have not been filed but the court must rule upon.

## FACTS

The shortage of qualified defense counsel in rural Washington counties is not unforeseen. In Yakima County, the Director of DAC has monthly notified the court, prosecutor and others of the attorney shortage and their limited ability to appoint counsel between a defendant's preliminary appearance and arraignment. The office was able to appoint counsel generally within 30 days of the effective date of arraignment, even though they were down 4-5 attorneys. They were also able to appoint counsel in pending cases where attorneys were allowed to withdraw.

In an effort to attract more attorneys, Yakima County increased wages by 15% in November 2022 for attorneys in the prosecuting attorney's office and DAC and authorized signing bonuses of \$12,000.00 to attract attorney applicants. The county also awarded \$10,000.00 retention bonuses for existing deputy prosecutors and defense counsel. Despite this, few applied or were hired for open positions in either office. The retention bonus did not have the desired effect.

DAC has attorneys that work in its office and are employees for the County of Yakima. The office provides attorneys for District Court, ITA hearings, Juvenile offenders, Therapeutic Courts and for civil contempt hearings where imprisonment is sought. The Director of Assigned Counsel, Mr. Paul Kelley, also carries a felony caseload in addition to his administrative duties.

DAC also hires contract attorneys to handle cases where conflicts of interest arise, or the number of cases exceed the cases that may be assigned to its employees. An attorney with a 100% contract can accept the same number of cases equivalent to a full-time DAC defense attorney. Some of the contract attorneys have less than a full-time contract to allow them to accept cases from private paying clients or to accept appointments from other jurisdictions. For example, Mr. Christopher Swaby had a 50% contract with Yakima County and accepted many of the Class A complicated criminal cases. Mr. Wes Gano has a 95% contract which allows him to accept cases from other jurisdictions. DAC also has contracts with private defense counsel to provide indigent defense when the number of appointments exceed indigent defense standards. See SID 3.4 and 3.5. The private defense counsel also is required to meet caseload standards and certify they can comply with standards required by CrR 3.1.

In March 2024, DAC lost one of its contract attorneys to the Prosecutor's office. This created an immediate conflict of interest with her clients and necessitated her withdrawal. DAC was responsible to appoint defense counsel to her existing cases. These appointments were drawn from remaining counsel available to DAC, depleting the number of attorneys available for assignment in new cases. Presently, there remains two cases that a defense counsel has not been assigned caused by her withdrawal.

Also in March, two full-time attorneys in DAC announced their intentions to quit in 60 days. DAC avoided assignment of new defendants to these attorneys insisting they focus on resolving their existing cases. This resulted in further blows to DAC and their ability to assign counsel to indigent defendants. Despite their best efforts, the two full-time attorneys with DAC were not able to resolve all their existing cases. Their departure in late June 2024 left DAC with the responsibility to appoint replacement counsel, thus depleting the number of attorneys available for assignment in new cases. DAC was able to reappoint counsel for their clients in custody, however, as of August 7, 2024, there remains 48 cases requiring counsel appointment for Mr. David McAleer's cases and 64 cases for Mr. John Chambers. These cases waiting appointment of counsel represent 44.8% of the 250 cases awaiting appointment of counsel.

Effective July 1, 2024, Mr. Christopher Swaby started as the Director of Assigned Counsel for Clark County. He stopped accepting appointments in June 2024 and has withdrawn as counsel in several existing cases. He has also agreed to remain as counsel in a few complex criminal cases. The loss of his contract services has depleted the number of attorneys available for DAC appointment in new cases as well.

Faced with the continuing loss of attorneys and inability to hire counsel to fill existing positions and contracts, Yakima County responded by increasing salaries for deputy prosecutors and defense counsel an additional 22.4%. They also increased signing bonuses to \$15,000.00. The increase was effective July 1, 2024. This also applies to contract attorneys. Full-time contract compensation was raised to ranges between \$177,979 to \$189,950 per year for felony qualified attorneys. Despite this increase, the number of applicants for defense counsel has not materially increased. It is hoped the substantial increases in earnings approved in the past 9 months will help increase the number of defense counsel in Yakima County.

The referral of criminal cases by law enforcement for felony charges in Yakima County since the Fall of 2022 has not materially changed. Because of the attorney shortage, the number of defendants charged with felony offenses has decreased. Prosecutors are more selective in the felony cases charged and refer more cases to courts of limited jurisdiction for resolution. Other cases are refereed back to law enforcement for additional investigation. While this reduces the number of cases and defendants requiring the appointment of counsel, it has an adverse effect on community safety and the prosecuting attorney's relationship with law enforcement. Nobody wins with the lack of qualified defense counsel.

The lack of defense counsel and inability of Yakima County to attract attorneys to fill these positions is unprecedented. Forty years ago, several attorneys applied for a single job opportunity. Today, few apply for several positions available. The county's inability to fill these positions reflect a problem much larger than Yakima County can resolve alone. This problem is not unique to Yakima. Benton and Franklin Counties suffer from the same issues along with other rural counties in the state. The State of Washington shifts the cost of criminal justice to the 39 counties that make up the state, with limited exceptions. By contrast, the State provides funding for attorneys to represent tenants involved in Landlord/tenant cases.

## STATE'S MOTIONS

### I. MOTION TO COMPEL DAC DIRECTOR PAUL KELLEY TO APPOINT COUNSEL

This motion implies that the court has not directed DAC to appoint counsel for indigent defendants. If fact, the court directed DAC to appoint counsel in the Order on Preliminary Appearance when the defendant first appeared before the court following arrest or appearance by Summons. In reality, the State seeks a personal order directing a specific individual to appoint counsel with the expectation of later proceedings to hold the individual in contempt of court. The folly of this approach is the lack of any evidence that DAC had the ability to appoint counsel and refused to do so. Further, finding an individual failed to follow a court order does nothing to rectify the attorney shortage and may result in one more attorney unable to provide indigent attorney services. The State's motion is DENIED

### II. MOTION FOR COURT TO APPOINT COUNSEL OTHER THAN PUBLIC DEFENDER

The Court has the obligation to appoint counsel for indigent defendants. CrR 3.1 (b)(2)(A).

Because the DAC has been unable to fulfill this obligation, the State asks the court to assume

this responsibility. RCW 36.26.090, revised (1984) provides:

For good cause shown, or in any case involving a crime of widespread notoriety, the court may, upon its own motion or upon application of either the public defender or of the indigent accused, appoint an attorney other than the public defender to represent the accused at any stage of the proceedings or on appeal: PROVIDED, That the public defender may represent an accused, not an indigent, in any case of public notoriety where the court may find that adequate retained counsel is not available. The court shall award, and the county in which the offense is alleged to have been committed shall pay, such attorney reasonable compensation and reimbursement for any expenses reasonably and necessarily incurred in the presentation of the accused's defense or appeal, in accordance with [RCW 4.88.330](#).

By contrast, the Washington Supreme Court adopted GR 42, effective January 1, 2023. GR 42 (a) states:

“The purpose of this rule is to safeguard the independence of public defense services from judicial influence or control. Consistent with the right to counsel as provided in [article I, sections 3 and 22 of the Washington State Constitution](#) and in Washington statutes, it is the policy of the judiciary to develop rules that further the fair and efficient administration of justice. **In promulgating this rule, the Washington Supreme Court seeks to prevent conflicts of interest that may arise if judges control the selection of public defense administrators or the attorneys who provide public defense services, the management and oversight of public defense services, and the assignment of attorneys in individual cases.**” (Emphasis added)

The State argues the court retains the ability to appoint defense counsel pursuant to RCW 36.26.090 if the public defense administrator is unable to make an appointment relying upon language in GR 42 (e)(2) which states, “if no qualified attorney on the list is available, a judicial officer shall appoint an attorney who meets the qualifications in the Supreme Court Standards for Indigent Defense.” The

State's reliance on this provision is misplaced. Reading the paragraph (e)(1) with paragraph (e)(2), the court's obligation to appoint counsel only arises when there is no public defense agency or administrator available to make the appointment. Yakima County has a Department of Assigned Counsel, and its director is Mr. Paul Kelley. He is charged with making appointments for indigent defendants. Further, the administrator's inability to appoint counsel because of the lack of attorneys does not grant the court authority to select attorneys from the community. The very purpose of the Rule is to "prevent conflicts that may arise if judges' control... the assignment of attorneys in individual cases." The State's request to have judges appoint counsel from the community directly violates the provisions of GR 42. Even assuming the Court has the authority, the State has not offered a single attorney they believe would meet the Standards for Indigent Defense or any evidence that Director Kelley has not reached out to those individuals. Assuming further there existed qualified attorneys in Yakima County, the attorneys would still be vetted by the Director and subject to his approval. For these reasons, the State's motion is DENIED.

### **III. MOTION TO CONTINUE PURSUANT TO CrR 3.3 (e)(8)**

The right to a speedy trial begins on the date of arraignment. CrR3.3 (c)(1). For defendants out of custody, the arraignment must occur no "later than 14 days after that appearance which next follows the filing of the information..." CrR4.1 (a)(2). Defendant's right to trial commences on the date of arraignment and shall occur within 90 days of arraignment. CrR 3.3 (c) and 3.3 (b) (2)(i). Should the State fail to arraign the defendant in 14 days, "[a]ny delay in bringing the defendant before the court shall not affect the allowable time for arraignment, regardless of the reason for that delay." CrR 4.1 (a)(2).

The effective date of the defendant's arraignment is the date upon which the arraignment should have taken place under CrR 4.1. The effective date of arraignment is the commencement of the 90-day period within which to bring the defendant to trial. CrR 3.3 (b)(2)(i).

Certain periods in calculating the time for trial are excluded. CrR 3.3 (e) provides:

**(e) Excluded Periods.** The following periods shall be excluded in computing the time for trial:



(8) *Unavoidable or Unforeseen Circumstances*. Unavoidable or unforeseen circumstances affecting the time for trial beyond the control of the court or of the parties. This exclusion also applies to the cure period of section (g).

For reasons set forth above, the court is facing a multitude of criminal felony cases where unrepresented defendants are approaching the end of the 90-day period to bring them to trial. The delay in arraignment is not caused by the State. Rather, it is caused by a variety of factors outside the control of the parties and court, some of which were foreseeable and others unavoidable and unforeseen. A shortage of qualified indigent defense counsel has been problematic in this county since November 2022. This resulted in a delay appointing counsel for all defendants, whether in custody or out of custody. However, arraignments occurred, and trial dates were set.

The system collapse started in March 2024 when one of DAC's full time contract attorneys announced her intent to terminate her contract and join the Yakima County Prosecutor's office. Not only did this stop monthly assignment of felony cases to her, but it also required the DAC to reassign her existing cases to the remaining DAC attorneys or contract attorneys. In essence, it added dozens of existing cases to the remaining attorneys, directly impacting defendants awaiting appointment of counsel.

Also, in late March, two felony qualified attorneys employed by DAC gave notice of their intent to leave employment in sixty days. DAC substantially reduced the appointment of counsel for these two persons, requesting they resolve the dozens of open cases each were assigned. This also had a direct impact upon the number of defense counsel available for future assignments. Unfortunately, the two attorneys leaving employment did not resolve all their existing cases. DAC was able to reappoint counsel for defendants in custody but has been unable to reappoint counsel for those out of custody, totaling 112 cases as of August 7, 2024. Many are approaching the expiration of time for trial requirements of CrR 3.3.

The loss of qualified felony defense counsel suffered another blow with the loss of Mr. Christopher Swaby who took the position as the Director of the new public defender office on Clark County Washington. Mr. Swaby attempted to minimize the impact of his withdrawal by retaining some of his cases. However, this effort still reduces the number of attorneys available for assignment and it required

reappointment of counsel for some in custody. His former clients out of custody still await appointment of new counsel.

The loss of four attorneys between March and June 2024 directly caused the critical shortage of attorneys for assignment to all current felony criminal defendants. The loss of these attorneys was unforeseeable, and the consequences are unavoidable. However, this is not the end of the analysis.

On May 31, 2024, the Ninth Circuit of the Court of Appeals filed its decision in *Betschart v Oregon*, 103 F.4<sup>th</sup> 607 (2024), upholding a preliminary injunction issued by the federal district court requiring the release of certain defendants held in jail awaiting appointment of counsel. The District Court injunction required release of criminal defendants held more than 7 days awaiting counsel, except “those charged with murder and aggravated murder.” 103 F 4<sup>th</sup> 627,

While the public defender system in Oregon is substantially different in Oregon, the impact of the decision does apply in the State of Washington. DAC changed its appointment of counsel procedure from first-in/first-out to a system where those in custody are appointed counsel first. If there are any remaining assignments, then it is first-in/first-out for those out of custody. The *Betschart* decision was on the courts radar, but the timing of the decision added to the DAC’s inability to appoint counsel for those out of custody.

As noted above, Yakima County addressed the attorney shortage by increasing wages 15% in November of 2023 in hopes attorneys would apply for open positions. Signing bonuses of \$12,000.00 were also included. The applicants did not materialize. The county has recently increase wages another 22.4% and increased the signing bonus to \$15,000.00, effective July 1, 2024. The increase also includes contract attorneys. It applies to all contracts from 100% contracts to lesser percentages. Whether the increase will attract more applicants is yet to be determined. Was it foreseeable that substantial increases in earnings and signing bonuses would fail to attract qualified applicants? The court concludes it was unforeseeable.

This court also concludes that it was unforeseeable that the Washington Supreme Court has offered no guidance to address these pressing issues faced by trial courts in rural Washington counties. Further, the Supreme Court has not exercised its

emergency rulemaking authority to address or modify or suspend the present court rules. This court also concludes that it was unforeseeable that the Executive and Legislative branches of Washington government have failed to adequately address these issues that arise in multiple rural Washington counties. For example, a bill submitted this last legislative session designed to attract attorneys to apply for public service employment with the promise of student loan forgiveness died in committee. Trial courts must rely upon laws, court decisions and court rules to properly administer justice. When relief is not offered through executive or legislative action and the Supreme Court fails to address these issues in its rulemaking authority, it produces problems for trial courts that are unprecedented and unavoidable.

For the above stated reasons, the court finds the time period between the effective date of arraignment and time for trial is excluded for the time for trial provisions of CrR 3.3 pursuant to subsection (e)(8). For those defendants awaiting reappointment of counsel, CrR 3.3 (e)(8) excludes from the time for trial the time period between the order of withdrawal to the time counsel is reappointed. It remains the Court's responsibility to ensure best efforts are made to appoint counsel for all defendants awaiting appointment. For this reason, the court orders a status hearing in sixty days to review the efforts made to appoint counsel for all defendants, out of custody and awaiting appointment.

#### **IV. MOTION TO CONTINUE PURSUANT TO CrR 3.3 (f)(2)**

The State moves to continue pending cases awaiting the appointment of counsel pursuant to CrR 3.3 (f)(2) which provides:

(2) *Motion by Court or a Party.* On motion of the court or a party, the court may continue the trial date to a specified date when such continuance is required in the administration of justice and the defendant will not be prejudiced in the presentation of his or her defense. The motion must be made before the time has expired. The court must state on the record or in writing the reasons for the continuance. The bringing of such motion by or on behalf of any party waives that party's objection to the requested delay.

Although this court has determined the time between the effective date of arraignment and appointment of counsel should be excluded from the time for trial

provisions in CrR 3.3, the court addresses the State's motion as an alternative basis for relief.

Trial courts are routinely asked to continue cases for a variety of reasons. The court analyses the stated need for the continuance, the length requested, if a continuance is required in the interests of justice and determines if the continuance will have a substantial impact upon the presentation of the defendant's defense.

Addressing the States motion, the first inquiry is whether this rule applies to the present scenario where a trial date has not been set. Trial dates have not been set because an arraignment has not occurred because of the inability to appoint counsel. However, the time within which to set trial continues to run from the effective date of arraignment in CrR 4.1. See analysis above. The practical effect is allowing the time for trial to expire before a trial date can be set for defendants awaiting appointment of counsel following their preliminary appearance. This court finds the lack of a present trial date should not impact the State's ability to seek continuance of the time for trial period pursuant to CrR3.3 (f)(2) The time for trial runs despite the lack of a trial date. The reasons for a continuance apply equally to the present scenario. The court finds no material difference between a request for continuance of an existing trial date from the situation when a trial date should be set. The rule should have equal application. This analysis does not apply to those defendants that await reappointment of counsel because trial dates have been set.

The court finds the reason for the continuance is required by the interests of justice. Defendants are charged with felony offenses and need appointed counsel. The State has not engaged in activities of misconduct that results in the present inability to appoint counsel. Community safety is at issue. The inability to hire, retain or contract with qualified counsel has intensified because of unavoidable and unforeseeable circumstances. See above.

The court must presume the inability to appoint defense counsel may have a prejudicial effect upon the presentation of the defendant's defense. The degree of the prejudice is not presently measurable. Does the prejudice rise to the level of substantial prejudice? This issue should be addressed by the court after counsel is appointed. Accordingly, the prejudicial effect of continuing the time for trial is reserved for future determination. At the present time. The Court GRANTS the States request for continuance of the trial date to be set beyond the appointment of

counsel and formal arraignment. A status date should be set in sixty days to review the efforts to appoint counsel.

## **CONCLUSION**

For the reasons set forth above, the court denies the State's motion to compel the director to appoint counsel for out of custody indigent defendants. The court denies the State's motion to ignore the provisions of GR 42 and reach out to licensed attorneys in Yakima County to represent defendants charged with felony offenses and circumvent the duties of the director of the Department of Assigned Counsel. The court finds the loss of four defense counsel between March 2024 and July 1, 2024, was unforeseeable and unavoidable. Further the court finds substantial increase in wages and signing bonuses failed to attract qualified applicants for public defender position. This was unforeseeable. Lastly, the lack of any guidance from the Supreme Court or positive acts by the Executive and Legislative branches of government to address the situation in the past nineteen months was unforeseeable. Based on these conclusions, the court finds the time period between the effective date of arraignment and appointment of counsel should be excluded from the time for trial requirements of CrR 3.3. Further, the time period between the Order of Withdrawal and reappointment of counsel is excluded from the time for trial calculation. Finally, in the alternative, the Court finds a continuance is in the best interest of justice and the prejudicial effect of a continuance is reserved for future determination following appointment of counsel and upon proper notice and opportunity to be heard.

Dated this 13<sup>th</sup> day of August 2024

Richard H. Bartheld

Yakima County Presiding Judge

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelyn](#)  
**Subject:** FW: GHC DPD Comments for IDS 2024 - NO. 25700-A-1568  
**Date:** Wednesday, August 21, 2024 9:46:38 AM  
**Attachments:** [GHC DPD Comments for IDS 2024 - NO. 25700-A-1568 .pdf](#)  
[YAKIMA Letter re unrepresented defendants.docx](#)

---

**From:** FM Jardine <FJardine@Graysharbor.us>  
**Sent:** Wednesday, August 21, 2024 9:41 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** GHC DPD Comments for IDS 2024 - NO. 25700-A-1568

**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Greetings

Please see attachments  
Comments and letter

Kind Regards,

~Mac~

*F. McNamara Jardine*

*Pronouns: she/her*

Grays Harbor County, Director  
Department of Public Defense  
100 W. Broadway # 1  
Montesano, WA 98563

**Important Change: Effective immediately, my email address has changed. Please update your records [fjardine@graysharbor.us](mailto:fjardine@graysharbor.us)**

*NOTICE : This email message and any attachments are intended for the sole use of the addressee and may contain attorney work product or otherwise legally privileged and confidential information. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to this message and delete it from your computer.*

*All e-mails sent to this address will be received by the Grays Harbor County e-mail system and may be subject to Public Disclosure under RCW 42.56 and are subject to archiving and review by someone other than the recipient.*

*Attorney privilege is not necessarily protected in email communications.*