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Subject: FW: Support for the 2023 National Public Defender Workload Standards
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From: Hailey Berry <hberry@snocopda.org>
Sent: Tuesday, October 22, 2024 8:36 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for the 2023 National Public Defender Workload Standards

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Dear Honorable Justices,

I am writing to express my strong support for the adoption of the 2023 National Public Defender Workload Standards. I have worked at the Snohomish County Public Defender Association since 2024. My colleagues in public defense have been dedicated, hardworking, and empathetic advocates that I am honored to work alongside. However, more and more of my colleagues turn away from this practice every year because the current state of the public defense system creates an unsustainable situation. Workload standards must be revised in order to support advocates and retain experienced attorneys.

The revised Standards are necessary for the criminal court system to function. Administrative staff, investigators, social workers, technical support and infrastructure, training, and supervision all must be adequately provided for in order for a public defense office to fulfill all the varied and vital tasks needed for client representation. To fail to provide for sufficient resources to one side in adversarial court proceedings is a recipe for injustice, and indigent defendants have fewer resources than any other player in a criminal case.

In some places, accused persons are on waiting lists for lawyers because the existing public defense attorneys cannot take any more cases. Implementing the new standards will make clear that public defense budgets must be addressed, by the State and local jurisdictions, to provide for more lawyers.

In evaluating the revised Standards for adoption, I ask the Court to consider that what is required for truly competent representation today is vastly different than decades ago, even for the same charges. Persons accused of crimes have a right to competent counsel who can, among other things, fully explore forensic and other scientific issues at work in their case, provide adequate and accurate advice about immigration consequences, request and review extensive electronic evidence in many cases, and understand as well as address burgeoning mental health and addiction needs of many clients.

The State of Washington relies on its court systems to do justice to everyone who comes before them, victims and defendants alike. Failure to adequately provide for public defense hurts everyone involved in the court system. Current standards allow a public defender to be assigned 400 misdemeanors a year (less than five hours per client for an entire case), or 150 felony cases a year (less than eleven hours per client for an entire case). That is unsustainable.

It is my fervent hope that this Court will adopt the proposed changes to the indigent defense standards as approved by the WSBA Board of Governors.

Sincerely,

Hailey Berry, Attorney

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