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**Subject:** FW: City of Snohomish comments on indigent defense standards  
**Date:** Thursday, October 31, 2024 4:29:58 PM  
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[Public Defenders Letter to Legislature Final 2024MAY13.pdf](#)

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**From:** Heather Thomas <[thomas@snohomishwa.gov](mailto:thomas@snohomishwa.gov)>  
**Sent:** Thursday, October 31, 2024 4:24 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Cc:** Linda Redmon (Mayor) <[redmon@snohomishwa.gov](mailto:redmon@snohomishwa.gov)>; Emily Guildner <[emilyg@trustedguidancelaw.com](mailto:emilyg@trustedguidancelaw.com)>  
**Subject:** City of Snohomish comments on indigent defense standards

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Dear Clerk,

Please find attached a copy of the letter to the legislature that Snohomish Mayor Linda Redmon authored and Snohomish County Executive and other mayors in Snohomish County signed onto earlier this year. The concerns raised are still relevant in light of the public hearing being held on November 13. The City also concurs with other sentiments shared in the Association of Washington Cities' letters, as well as excellent points raised by the City of Kent, the City of Marysville, and so many others.

For a small city like Snohomish, standards such as the ones proposed are financially infeasible with the potential to exacerbate the problem rather than solve it. We stand committed to a defendant's constitutional right to effective assistance of counsel, but more work and analysis is needed to find better solutions to achieve this.

Sincerely,



**Heather Thomas**  
City Administrator  
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May 13, 2024

Honorable Legislators of the State of Washington,

We, the undersigned elected representatives of Snohomish County and the cities and towns thereof, respectfully request that the Legislature address a recent change recommended to the State Supreme Court by the Washington State Bar Association Board of Governors to standards for indigent defense and caseload limits. The recommendation made was that defense standards for misdemeanors and gross misdemeanors be reduced from 400 cases per year per attorney to 120 cases per year by 2027.

We are concerned that, aside from more than tripling the budget impact for our local governments, there will not be enough attorneys and related staff to fill the needed positions. Even if the standard were dropped to 200 cases per year, we would still experience a near-doubling of costs if attorneys were available or, as we fear, a near halving of prosecutions, with a concomitant impact upon public trust in the justice system and potential legal liability for our jurisdictions. We agree with the effort to ensure high quality indigent defense and it is imperative that we protect the Constitutional rights of accused persons but without adequate numbers of attorneys and staff to do the work we do not believe this change would achieve the desired outcomes.

While the evidence supporting the WSBA's recommendation is robust as it relates to *felony* defendants, it is anemic as it relates to whether gross misdemeanor and misdemeanor defendants receive constitutionally adequate representation under the current caseload limits. In other words, the recommendations, if enacted, would shatter municipal public defense budgets, undermine local authority, and compromise public safety in an effort to fix a problem that has not been shown to exist.

There are two pathways we respectfully request that the Legislature consider.

#### **Establish indigent defense standards independent of the WSBA recommendations**

We respect the expertise of the attorneys who have suggested this change. We agree that their knowledge and advice should be given proper consideration. However, case law has dictated that their recommendations, if accepted by the State Supreme Court, must be followed by local jurisdictions, regardless of the language of RCW 10.101.30 that provides for their endorsed standards to be treated as guidelines rather than requirements.

We respectfully request that the Legislature, giving due consideration to the WSBA recommendations as well as the concerns of local governments, law enforcement, and municipal attorneys, independently establish indigent defense standards that address the goal of ensuring adequate representation while balancing budget and staffing realities, which leads to our next suggestion. These recommendations should be evidence-based and specifically tailored to account for the needs of municipalities providing public defense services.

## **Provide means and funding to ensure adequate public defenders and staff**

As quoted in the WSBA Media Release, Council on Public Defense Chair Jason Schwarz stated, "Implementing these standards will take time and cost, and we hope that all critical stakeholders will convene to resolve these larger concerns in the criminal legal system." The larger concerns include the factors that contribute to individuals entering the criminal legal system, the desire and ability to pursue prosecution, the impact of these policies on and from policing, and the ability to provide Constitutional protections for persons who have entered the criminal legal system.

To address these factors, all stakeholders will need to work together to address this issue from multiple angles. The immediate needs for funding for additional public defenders and staff and creating and filling a workforce pipeline for these positions are beyond the current capacity of our local governments. Indeed, as this body has recently acknowledged in passing Senate Bill 5780, "[t]he lack of availability of public defense attorneys and deputy prosecutors is an increasing problem in Washington and neighboring states which threatens the ability of court systems to process criminal filings..."

We are seeking support from the Legislature to work through these needs quickly but with a more realistic timeline. We also seek support to address needs for prosecutors, victim advocates, defense investigators, social workers, and other support services that address the underlying causes for entry into the criminal justice system. Critically, this body should evaluate Washington State's public defense funding structure, which rests almost entirely on counties and local governments, disproportionately burdening municipal defense budgets.

We, the undersigned elected representatives, are committed to meaningful progress on this matter and thank you for your commitment to serving our communities and the people of the State of Washington.

Respectfully,

The Undersigned Elected Representatives of Snohomish County



*Arlington*  
WASHINGTON

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Mayor Don Vanney, Arlington



CITY OF  
**BRIER**  
ESTD 1965

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Mayor Dale Kaemingk, Brier



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Mayor Dan Rankin, Darrington



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Mayor Mike Rosen, Edmonds



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Mayor Cassie Franklin, Everett



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Mayor Matt Hartman, Granite Falls



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Mayor Norm Johnson, Index



A stylized signature in black ink.

Mayor Brett Gailey



*Christine Frizzell*

Mayor Christine Frizzell, Lynnwood



Mayor Jon Nehring, Marysville



Mayor Geoffrey Thomas, Monroe



Mayor Joe Marine, Mukilteo



Mayor Linda Redmon, Snohomish



Mayor Sid Roberts, Stanwood



Mayor Russell Wiita, Sultan



Mayor Mike Quinn, Woodway



County Executive, Dave Somers