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September 24, 2024

RE: Letter in Support of Adoption WSBA Indigent Caseload Standards

Dear Justices of the Washington Supreme Court:

I am a public defender who has worked under the weight of the current caseload standards for the past 15 (fifteen) years. I urge you to adopt the new WSBA Standards for Indigent Defense Services. I became a public defender because I strongly believe in an indigent defendant's right to counsel. Many believe public defenders are representing people who are guilty of a crime. The reality is much more complicated.

The individuals ensnared in the criminal justice system are disproportionately people of color. Many experienced significant childhood abuse and trauma. They are exposed to illicit substances in childhood, develop addictions. Many suffer from severe mental health disorders.

The state and local communities have rallied to aid those experiencing substance addiction, mental illness, and homelessness with funding for increased behavioral health, namely in the form of crisis response services and facilities. Delays in competency restoration and mounting fines resulting from litigation due to delays in competency restoration, has resulted in increased funding for evaluators, more beds and programs/services to address the needs of those determined incompetent to stand trial. King County and the City of Seattle have entered interlocal agreements to "rent" bed space in area jails to house the increased numbers of arrestees. Law enforcement is offering enormous bonuses to recruit more officers.

Each of these actions responds to a present and growing need in our cities and state. All of these actions significantly impact public defenders' workload, yet many decry changes to the public defense system. Cases have become more complex and time-consuming. The pervasiveness of surveillance cameras, smart phones, and body worn cameras has dramatically increased the amount of evidence gathered in cases. Defendants present with increasingly complex needs. Many are victims of childhood abuse/trauma and suffer from severe behavioral health issues.

The call to further study the need for caseload reduction has long passed. "The Washington State Bar Association (WSBA) Standards for Indigent Defense Services reflect 50 years of work by national and state experts, practicing attorneys and public defense administrators. They establish the standards necessary to ensure legal representation for clients represented by a public defense

attorney meets constitutional, statutory, and ethical requirements.” WSBA, *Standards for Indigent Defense Services*, at 2 (March 8, 2024).

Some commentators suggest that increasing salaries will address the current crisis in public defense. Increasing salaries to incentivize more individuals to pursue a career in public defense is never a bad idea. However, increasing salaries without a commensurate decreasing in caseloads does little to aid in the retention of qualified public defenders. Indeed, the WSBA recognized, “The maximum caseload or workload of public defense attorneys shall allow each attorney to give each client the time and effort necessary to ensure effective representation.” *Id.* at 6.

Others oppose the new caseload standards because of the costs of implementation. Public defenders are subject to an ethical duty to diligently and competently represent their clients. The complex nature of cases and needs of clients strain the ability of defenders to comply with these ethical mandates.

“The true measure of any society can be found in how it treats its most vulnerable members.” Mahatma Gandhi. The WSBA caseload standards ensure that some of the most vulnerable members of our community will have an attorney who can diligently and competently protect their rights.

I urge the members of the Court to adopt the WSBA Caseload Standards for Indigent Defense as a necessary step to ensure that we meet our statutory and constitutional obligations to safeguard the rights of some of the most vulnerable residents in our state.

Sincerely,

/s/

Hong Tran  
Attorney

P.S. The opinions in this letter represent my personal views and do not reflect the views of those at the King County Department of Public Defense.

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
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Please find my letter for consideration by members of the court.