

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Public Defense Case Load Standards  
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**From:** McCrum, J. Hanna <jmccrum@kingcounty.gov>  
**Sent:** Monday, September 16, 2024 2:58 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Public Defense Case Load Standards

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Justices of the Washington State Supreme Court,

I am a public defender. I have the distinct honor of representing indigent people in King County, WA. I am writing to express my support of the proposed court rule amendments to codify the WSBA's recently passed criminal caseload standards for public defenders. The WSBA Board of Governor's approved these overdue updates to the maximum workload public defenders can reasonably be expected to carry after hearing from a variety of public defenders, including my colleagues and Director. The proposed caseload standards recognize that the status quo has required public defenders like me to compromise our ethical obligations to our clients.

I can speak first hand about how unsustainable workloads drive my experienced colleagues out of public defense: our office has lost, and will continue to lose invaluable experience and expertise because of burn out. The cost of carrying the kind of case loads that have become the norm – especially post pandemic – are detrimental to the defenders themselves, and to our clients. While defenders do everything they can to vindicate our client's constitutional right to a speedy trial, the heavy case loads have resulted in many clients having no choice but to continue their case, often prolonging their pre-trial incarceration, because their attorney does not and cannot have the capacity to go to trial.

The case loads result in a single client having 3-5 attorneys during the pendency of the case. A revolving line of attorneys cannot give the kind of representation that our clients need and deserve. Just because they cannot afford counsel, does not mean they should be forced to waive their constitutional rights or suffer from unprepared, overburdened counsel. And I say this knowing full well how capable, hard-working, and dedicated my colleagues are.

Without these case load standards this job is simply not sustainable in the long term. I love my job. But I am already worried for my wellbeing in the future. I have seen colleagues have to leave or take

medical leave after just 2 years in this job because of the crushing caseloads.

I want to briefly address the concerns that such standards are impractical or would be prohibitively expensive. These concerns are, of course, very real. But they do not justify a continuing status quo that makes a mockery of our client's constitutional rights. Additionally, these case load standards do not necessarily need to mean that the public defense budget increases. There are other options. Study after study supports the long term value of diversion programs to actually prevent crimes before they occur. So many of our clients are punished for crimes of poverty; instead of paying attorneys to prosecute and defend these people, and jails to house them, diversion programs, housing and social support are all feasible options for counties and municipalities that would not result in a ballooning budget. These programs also serve as preventative measures to actually prevent future crimes. The criminal legal system is not the only option for our clients.

The Supreme Court did not condition the right to an attorney on a government's ability to afford one when it decided *Gideon v. Wainright*. They rightly placed the obligation to find funding to pay for a public defender at public expense on the government seeking to take away an indigent person's liberty.

When deciding whether that right means my clients deserve someone with the time and capacity to zealously represent them, that is the example this Court should follow. I urge you to adopt the proposed court rules that would codify the WSBA's caseload standards for public defenders so the right enshrined in *Gideon* entitles my clients to more than just a warm body with a bar card.

Thank you very much for your time and consideration.

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