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Subject: FW: Comment on Caseload Standards
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From: Walsh, Jacob <jacwalsh@kingcounty.gov>
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Subject: Comment on Caseload Standards

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Dear Justices of the Washington State Supreme Court,

I am writing to strongly urge you to adopt the proposed court rule to codify WSBA's Criminal Caseload Standards for Public Defenders. These caseload standards are essential to protecting and improving the rights of not just the most marginalized and vulnerable but everyone in Washington.

I have been working as an attorney in public defense for the past four years. I came to this profession because it was my dream to help people through the toughest times of their lives. The work was especially personal for me as a person of color, as I all too often see people from my community, and sometimes family, bear the brunt of what can be a very unfair system. Over my time in public defense, I've realized that the load that I carry as an attorney with a felony caseload is becoming unsustainable.

At the very same time – I hear lip service paid countless times to the unsustainable, unconscionable, and impossible caseloads thrust on public defenders. It echoes in trial courts throats as my overwhelmed colleagues are quitting in records of numbers due to the crushing caseloads. While demoralizing for fellow public defenders who remain, it additionally pushes these aging cases onto those same public defenders who often must start anew.

Each of those cases are a client that is hurt by the current caseloads. Excessive caseloads are proscribed by ethics rules because they inevitably cause harm. Overloaded attorneys cannot give the attention needed to each client, cannot investigate in a timely manner, and cannot file the motions they should.

The RAND study's empirical results provide evidence to support actions against public defenders' licenses if we don't adhere to an ethical caseload. Failure to pass these new standards puts public defenders in the impossible position of continuing to take cases in excess of what we can handle in spite of empirical evidence showing that taking such cases is

unethical. The ABA has recommended attorneys decline cases to maintain a workload they can handle.

I know that certain counties, politicians, prosecutors, and judges are concerned about the financial impact of these new standards. However, a fair and just criminal justice system requires that everyone accused of a crime receive due process. These expenses cannot justify continuing a status quo that makes a mockery out of my client's rights. Just because we have undervalued public defense for decades and thrust the cost of the behavioral health crisis onto the criminal justice system does not mean we should or need to continue undervaluing it.

In addition, I believe that with the proposed caseload standards in place cases will proceed quicker to trial or disposition of cases. Currently, even lower-level felony cases wane for months or at times years while attorneys are forced to prioritize the potentially more serious case or the client who remains in custody. These cases continue to strain the system in a myriad of ways.

I am currently in the felony practice area of my office with an open caseload of 66 cases. Notably, this is a *reduced* caseload, as I prepare to go onto parental leave.

In sum, I ask the Court to adopt the proposed caseload standards. After decades of unheard complaints about unsustainable caseload standards, the time is now. We don't need more task forces to tell us what we already know about these unbearable caseloads. We need change to uphold the rights we say we care about, and we need it now.

Thank you for your time and consideration,

Jacob Walsh (he/him)
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King County Department of Public Defense

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