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From: Coatsworth, James <jcoatsworth@kingcounty.gov>
Sent: Wednesday, October 23, 2024 3:48 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Standards for Indigent Defense

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Justices of the Court,

I write in support of adopting revised caseload standards for public defenders in Washington.

I've been a public defender in King County for over three years, and have worked or volunteered in court systems and defender offices in California, Michigan, Louisiana, Washington, D.C., and Maryland. These experiences convince me that it is critical for Washington to revise its outdated public defense caseload standards, and to revise them with a sense of urgency commensurate with the crisis facing the public defense bar.

Public defenders frequently accomplish incredible things for the most vulnerable people in our communities. We protect clients from being deported to countries they do not remember. We introduce clients to treatment programs, housing, counseling, and multi-faceted solutions to problems foisted upon them by societal neglect. We accomplish these things because we have dedicated staff who care for our clients at every level of our office. The lawyers are dedicated and work long hours, but so do investigators, mitigation specialists, paralegals, and legal assistants. With the onslaught of new filings after a COVID lull and regressive prosecution tactics emerging after recent elections, it is harder to achieve transformative outcomes for clients. Since entering felony practice, I have to make difficult decisions about which clients get to work with a mitigation specialist, an intervention that is often the difference between release and continued incarceration, between accessing treatment or being released back to the sidewalk without a meaningful therapeutic intervention. Lately, as I prepare for two trials simultaneously (that could each result in the client's first felony conviction), I am missing far more phone calls from clients than I can accept. I simply do not have enough time to meet all of my client's needs because of my caseload, and my clients suffer the consequences because the system is set up to deprive them of a meaningful right to counsel.

Other actors in the system overlook the traits in our community's most vulnerable members that public defenders seek to address. A recent client of mine required significant mental health treatment. I asked the assigned prosecutor for a referral to mental health services. The prosecutor declined because—despite never meeting my client—the prosecutor was convinced drug use, not mental health, was the main driver of my client's actions. My client elected to take a plea to a misdemeanor with unsupervised probation so that they would be released to the street. This individual exited the criminal legal system without a modicum of support; I lacked both the time and the leverage to push back on the State's baseless position in the case, and had no alternative but to plead out the case to protect my client's liberty interest.

When I interned at the Public Defender Service (PDS) in Washington, D.C., the mid-level felony attorneys carried between 20 and 30 cases. As a low- and mid-level felony attorney in King County, I am carrying more than triple what they carried. PDS is in many ways the country's model public defender office: they keep caseloads low, constantly train attorneys, and effectively advocate for their clients in court. I saw the PDS difference as a law clerk in D.C. Superior Court, where zealous advocacy led to acquittals on several cases. I read briefing from PDS attorneys who managed to write, research, and prepare arguments that far exceed anything I can do in Seattle. And as a law clerk in D.C. Superior Court, I spoke to judges and jurors about how remarkably effective the PDS attorneys were in court. That's because they have time to do their cases and their clients justice. In King County, we do not come close to achieving those same standards because we have too many cases requiring our attention.

The work of public defenders—attorneys, investigators, mitigation specialists, paralegals, and legal assistants—is critical because of the interventions we provide for clients. We protect the innocent from wrongful convictions. We advocate for people when the police, prosecutors, and judges conspire to warehouse our clients and inflict irreparable harm. Society is better off when we excel at our jobs, and we can only achieve our maximum potential if caseload standards catch up to modern times and leave behind the antiquated ideas of what indigent defense once was.

Thank you,

James Coatsworth (he/him)
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