

JUSTICES OF THE WASHINGTON STATE SUPREME COURT,

I AM WRITING IN SUPPORT OF THE PROPOSED COURT RULE AMENDMENTS TO CODIFY THE WSBA RECENTLY PASSED CRIMINAL CASE LOAD STANDARDS FOR PUBLIC DEFENDERS. THE PROPOSED RULE IS A START HOWEVER IT DOES NOT GO FAR ENOUGH TO REDUCE THE CURRENT AND FUTURE CASE LOADS TO ALLOW EFFECTIVE REPRESENTATION FOR PUBLIC DEFENDER CLIENTS. THE WSBA BOARD OF GOVERNORS APPROVED THESE LONG OVERDUE UPDATES TO THE MAXIMUM WORKLOADS PUBLIC DEFENDERS CAN REASONABLY BE EXPECTED TO CARRY FOR A SIMPLE AND OBVIOUS REASON. THEY RECOGNIZED THE STATUS QVO HAS REQUIRED PUBLIC DEFENDERS TO COMPROMIZE THEIR ETHICAL OBLIGATION TO CLIENTS SUCH AS MYSELF.

THIS IS NOT AN ACADEMIC MATTER - AS UNMANAGABLE WORKLOADS DRIVE EXPERIENCED PUBLIC DEFENDERS OUT OF PUBLIC DEFENSE THOSE WHO REMAIN ARE FORCED TO TAKE ON AN EVEN MORE UNSUSTAINABLE CASE LOAD RESULTING IN LIFE - ALTERING CONSEQUENCES FOR CLIENTS LIKE ME. WHILE THE PUBLIC DEFENDER DO WHAT IS POSSIBLE TO VINDICATE THE CLIENTS

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CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL
THE OVERBORDENING OF PUBLIC DEFENDERS
RENDERS THEIR COUNSEL INEFFECTIVE AND
EFFECTIVELY VIOLATES DUE PROCESS AND
SPEEDY TRIAL RIGHTS. THIS PROLONGS
PRETRIAL INCARCERATION UNTIL THE PUBLIC
DEFENDER CLEARS ENOUGH OUTSTANDING
CASES ENABLING THEM TO PREPARE FOR
YET ANOTHER TRIAL.

<SEE MY FULL PAGE WRITE UP>

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I'M WRITING THIS LETTER FROM THE KING COUNTY JAIL SURROUNDED BY MEN THAT ARE IN THE SAME POSITION WAITING FOR TRIAL SOME TWO THREE EVEN FOUR PLUS YEARS HAVING THEIR RIGHTS VIOLATED WHILE INCARCERATED. THIS HAS CAUSED MANY PUBLIC DEFENDER CLIENTS TO TAKE PLEA DEALS OR WORSE ATTEMPT OR COMMIT SUICIDE DUE TO THE JAIL CONDITIONS AND INHUMANE TREATMENT. DURING MY FIRST SIX MONTHS I HAVE BEEN TO EVERY COURT DATE AND OBJECTED TO EVERY TRIAL EXTENSION VIOLATING MY RIGHTS TO A SPEEDY TRIAL WITH NO ACKNOWLEDGMENT FROM THE COURT OF MY RIGHTS. WITH THE CURRENT CASE LOADS OF MY PUBLIC DEFENDERS MY RIGHT TO DUE PROCESS AND SPEEDY TRIAL COULD BE VIOLATED ANOTHER TWO OR THREE YEARS. WHILE THESE NEW CASELOADS WILL HELP FUTURE CLIENTS SOMETHING NEEDS TO BE DONE NOW FOR THE CLIENTS CURRENTLY INCARCERATED TO STOP THE CONTINUED RIGHTS VIOLATIONS BY THE PUBLIC DEFENDERS OFFICE, PROSECUTOR AND THE COURT SYSTEM.


JAMES MCNEAL

3
I KNOW YOU WILL HEAR FROM INSTITUTIONAL ACTORS CLAIMING THAT THESE STANDARDS ARE IMPRACTICAL OR WOULD BE PROHIBITIVELY EXPENSIVE. THESE CONCERNS ARE VALID BUT DO NOT JUSTIFY THE CONSTITUTIONAL RIGHTS VIOLATIONS TO SPEEDY TRIAL AND DUE PROCESS OF DEFENDANTS SUCH AS MYSELF RESULTING FROM THE OVER EXTENSION OF THE REDUCED PUBLIC DEFENDER WORK FORCE.

WITHOUT THE RELIEF THAT THE REDUCED CASELOADS WOULD BRING MORE PUBLIC DEFENDERS WILL SEARCH ELSEWHERE FOR EMPLOYMENT INCREASING THE CASELOAD ON THOSE REMAINING AND FURTHER REDUCING QUALITY OF REPRESENTATION RESULTING IN THE INABILITY OF THE REMAINING PUBLIC DEFENDERS TO MEET ETHICAL OBLIGATIONS OWED TO THEIR CLIENTS.

THE SUPREME COURT DID NOT CONDITION THE RIGHT TO AN ATTORNEY ON THE GOVERNMENT'S ABILITY TO AFFORD WHEN IT DID GIDEON V. WAINRIGHT THEY RIGHTLY PLACED THE OBLIGATION TO APPORTION FUNDING NECESSARY TO RETAIN THE COUNSEL OF A PUBLIC DEFENDER ON THE SAME GOVERNMENT THAT IS ACTIVELY SEEKING TO TAKE AWAY MY RIGHTS.

4
WHEN DECIDING WHETHER THAT RIGHT
MEANS ENSURING I A BLACK, PERSON OF COLOR,
CLIENT OF THE DEPARTMENT OF PUBLIC DEFENSE
DESERVE TO HAVE MY SIXTH AMENDMENT RIGHT
TO EFFECTIVE COUNSEL WITH REQUISITE TIME AND RESOURCES
NECESSARY, THAT IS THE EXAMPLE THIS COURT
SHOULD FOLLOW. AT MINIMUM, I URGE YOU TO
ADOPT THE PROPOSED COURT RULES THAT WOULD
CODIFY THE WSBA'S CASELOAD STANDARDS FOR
PUBLIC DEFENDERS AND CONTINUE TO FURTHER
IMPROVE THE CASELOADS SO ALL CLIENTS
OF THE PUBLIC DEFENDERS DEPARTMENT
DONT HAVE THEIR RIGHTS VIOLATED,



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