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**Subject:** FW: Comment in regard to the proposed "STANDARDS FOR INDIGENT DEFENSE"  
**Date:** Wednesday, October 23, 2024 2:41:23 PM

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**From:** Jason Moore <jason@paradigmlawseattle.com>  
**Sent:** Wednesday, October 23, 2024 2:40 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment in regard to the proposed "STANDARDS FOR INDIGENT DEFENSE"

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Good afternoon,

As conflict counsel in Washington for over 14-years, I write to express serious concerns regarding the proposed rules. Specifically, the case point structure and the proposed time frame are impractical and will likely result in a net negative impact on public defense.

Over the past few months, I've discussed the proposed standards with numerous public defense directors and fellow conflict attorneys in various counties and, aside from the large counties (King, Snohomish, Thurston, etc.) none have expressed support for the proposed standards. In fact, all of the aforementioned parties noted that the standards are entirely unreasonable and the timeline is impossible. Perhaps that's the point--stress the system until it breaks. This would be reckless and reliant on the incoherent premise that the system will collapse and coalesce into something better (it can get worse, obviously).

Moreover, these rigid standards rob conflict defense counsel of agency and set unreasonably low caps on caseloads. The majority of my practice involves Class-A felonies and, frankly, I find the third-year phase levels to be absurdly low. An efficient and skilled private attorney working a public defense case can handle more than the listed number of cases, particularly with support staff. I strongly suspect these standards will push some highly skilled private attorneys out of indigent defense because they will not receive sufficient cases to make it economically feasible. There is passion for indigent defense among conflict attorneys, but there are financial realities as well. Moreover, there's an insufficient number of qualified attorneys to meet the standards.

Regards,

Jason B. Moore

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