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Subject: FW: Proposed Standards for Indigent Defense
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From: Dubow, Jesse <Jesse.Dubow@kingcounty.gov>
Sent: Friday, September 20, 2024 2:09 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Standards for Indigent Defense

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Dear Clerk of the Supreme Court:

I write in strong support of the proposed caseload standards as proposed in CrR 3.1/CrRLJ 3.1/JuCR 9.2, Standards for Indigent Defense.

I have been practicing as a public defender since 2006. I have predominately been assigned in the felony unit for the Northwest Defenders Division of King County Department of Public Defense since 2009. In my time practicing, the amount of work required for each case has grown tremendously. The increase in quantity of electronic discovery including cell phone data, social media, and video has exploded in recent years. The amount of time required to review and analyze discovery and independently investigate those sources of information has changed the practice and demonstrates that the prior standards are antiquated. I have had cases where essential exculpatory evidence was found only after hours of discovery review and investigation into electronic records. I am confident that there are innocent Washington citizens serving lengthy prison sentences because their counsel did not have the time or resources to thoroughly review discovery or conduct an adequate investigation. These proposed caseload standards are an essential tool to ensure adequate affective assistance of counsel.

In addition, these proposed standards will ameliorate the retention challenges facing public defense. Public defense has always been a challenging and difficult job. In recent years, however, the increase in discovery and complexity of cases (without an attendant adjustment in caseloads) has fueled a retention crisis. In recent years, I have seen many talented and qualified colleagues who are dedicated to this job leave because they found it not sustainable. Their leaving is both a loss for the quality of indigent defense but also has reverberations on their remaining colleagues and the accused. Older cases are transferred to new attorneys, which exacerbates the caseload crisis. The court system has slowed down because of the discovery increases and transfer cases. Cases that

used to take twelve months to try or resolve now regularly take 24-36 months. The quality of the work is not increased with the slower time to trial. This delay and sluggishness in the system is not good for defendants, victims, witnesses, or the community.

These proposed case load standards are an important step to ensuring adequate counsel and an important step towards improving the justice system for all.

Thank you,

Jesse Dubow

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