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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Support for the 2023 National Public Defender Workload Standards  
**Date:** Monday, October 28, 2024 3:54:15 PM

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**From:** Kathleen Kyle <kkyle@snocopda.org>  
**Sent:** Monday, October 28, 2024 3:51 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Support for the 2023 National Public Defender Workload Standards

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Honorable Justices of the Washington State Supreme Court  
Temple of Justice  
Email: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov).

Subject: Support for the 2023 National Public Defender Workload Standards

Dear Honorable Justices,

I am writing to express my strong support for the adoption of the 2023 National Public Defender Workload Standards under the Washington State Bar Association (WSBA) three-year plan. As the Executive Director of the Snohomish County Public Defender Association (SCPDA), I recognize the importance of the 2023 National Public Defender Workload Study, which was both anticipated and in alignment with other studies on public defender workloads. This study concludes that “excessive workloads are proscribed by ethics rules because they inevitably cause harm.” See Conclusion, page vx. As noted, “A justice system burdened by triage risks unreliability, denying all people who rely on it – victims, witnesses, defendants, and their families and communities – efficient, equal, and accurate justice.”

### **The Washington State Supreme Court Must Act**

I am concerned that Snohomish County will not fund the implementation of the 2023 National Public Defender Workload Study unless the Court mandates it. While the 2025-2026 budget process remains open, my understanding is that the current Snohomish County Executive’s budget does not include funding to meet the July 2025 milestone of the three-year implementation plan, which sets a reduced maximum attorney workload.

This target assumes a full-time attorney works 3850 hours per year. Without your action, Snohomish County public defender workloads will exceed this standard.

The current WSBA Indigent Defense Standards (IDS) are based on 1973 recommendations. I urge you to vote to update the IDS in line with the 2023 recommendations. Although the three-year implementation plan is a substantial compromise, it is imperative. I have advocated to increase investigator, social worker, and administrative staffing annually for the past nine years. While SCPDA has achieved pay parity with the Snohomish County Prosecutor's office, other crucial funding requests have been deferred.

Since Snohomish County adopted the WSBA IDS by county ordinance in 2000, progress has been incremental, and the county has yet to fund the 1973 standards. SCPDA is committed to the three-year implementation plan and prepared to manage it. It is in alignment with long-standing funding and staffing requests.

### **Mission and Vision Should Guide the Implementation of the 2023 National Public Defender Workload Implementation**

I began my career as a public defender in 1995, driven by a youthful commitment to this work. I started at SCPDA in 1998. Sustaining a career in public defense requires vision and resilience. I lead an organization that has more than doubled in size since 2015, and I am prepared to facilitate further growth to achieve the 2023 workload standards. This will require significant strategy and effort, but the only way forward is to start.

I was inspired to pursue public defense by experiences during my formative years growing up in Richland, Washington. I pursued my education out of state. While I dreamed of becoming a public defender, I did not envision living that dream in Everett, Washington. I came here because a strong and well-established public defender organization, led by a mission-based leader, Bill Jaquette, offered me a job. I might have returned home to Benton or Franklin County, but at the time, I was not aware of any public defender offices for which I could apply to work.

I started as a trial attorney in Snohomish County District Court, Cascade Division in 1998. I practiced as a full-time public defender before the Snohomish County ordinance adopting the IDS and before the Washington Legislature amended RCW 10.101.030 from "may" to "shall." I practiced in courts of limited jurisdiction and Superior Court representing adults and youth charged with crimes. I became the Assistant Director in 2008 just in time to lead the organization through the Great Recession. I was involved in the discussions and debates when the Washington State Supreme Court amended CrR 3.1, CrRLJ 3.1, and JuCR 9.2. I became the Executive Director in 2015. I have experience serving on the Washington State Sentencing Guidelines Commission and the WSBA Council for Public Defense.

Many people who are offering dissenting opinions are not dedicated to public defense and/or lack the vision of how to implement the recommendations in the study. I heard many of the same dissenting opinions in 2012 when the Court first adopted some IDS into the court rules. People's personal truths should be fleshed out and everyone should seek to understand the pros and cons of every opinion. At the end of the comment period, this is the decision of the Washington State Supreme Court. It is not a consensus or majority vote decision-making process.

The decision should be based on objective truths. The 2023 National Public Defender Study offers data-informed, specific recommendations to public defense systems, including updated caseload limits and staffing ratios. These recommendations are in alignment with other caseload studies and national publications.<sup>[1]</sup> This study, and others, were rigorously researched and peer-reviewed.

In an era defined by volatility and rapid changes, SCPDA remains a resilient, continuously improving organization. We have made strides in recruitment and retention by being responsive to public defenders' needs, yet we still suffer significant attrition directly linked to high workloads. Defenders leave SCPDA for positions with more manageable demands, whether in private practice, policy, or outside the legal profession altogether. The upcoming July 2025 milestone is crucial to sustaining SCPDA's mission.

### **End of the Systemic Underfunding of Public Defense**

As a proud Snohomish County public defender, I envision a community that takes pride in SCPDA. However, it is challenging to foster trust and appreciation when defenders are overextended due to underfunding. SCPDA has actively pursued supplemental funding to support our mission, including grant funding for Trueblood diversion programs, to facilitate court orders to vacate criminal convictions, driver's re-licensing, relief from fines and fees, and collaborating with Partners For Justice, which offers a model of holistic defense. Despite these efforts, SCPDA continues to operate without meeting the current WSBA IDS related to non-attorney staffing or the new 2023 recommendations. If public defense lacks trust, the historic and current underfunding plays a significant role.

For years, public defenders have advocated to reduce the workload. Snohomish County and some local municipalities have strategically reduced the number of cases filed, but there are no adult misdemeanor diversion programs for first-time Driving Under the Influence charges (DUI) or domestic violence-related charges. There is no diversion program for people who fail to register. One local municipality still targets Driving While License Suspended Third Degree (DWLS 3) enforcement. Public defenders do not determine how many cases are assigned to them. And yet, another objective truth, the vast majority of people charged with crimes in Washington are represented by a public

defender.

If we looked at an analysis of zip codes that Washington citizens charged with crimes live in, we would be looking at a map of socioeconomically disadvantaged neighborhoods. The injustices in these neighborhoods are real – the racial injustices and the disparities in outcomes reinforced in policing, in courts, in housing, in medical and mental health care, in education, and in every aspect of our lives. While some do not see it or experience it, as leaders, we need to understand it is real. Improving public defense standards is a concrete step to addressing and correcting these injustices.

Thank you for your consideration.

Sincerely,

**Kathleen Kyle** | she/her/hers  
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[1] Other states who conducted public defender studies include Indiana, New Mexico, Missouri, Utah, Rhode Island, Oregon, and North Carolina. Links to studies: [FINAL-FINAL-FINAL-WORKLOAD-STUDY.pdf](#); [The New Mexico Project: An Analysis of the New Mexico Public Defense System and Attorney Workload Standards \(americanbar.org\)](#); [2009 assessment of the missouri state public defender system tsg.pdf \(aclu-mo.org\)](#); [Indigent Defense Study \(utah.gov\)](#); [the-rhode-island-project-a-study-of-the-rhode-island-public-defender-system-and-attorney-workload-standards.pdf \(nacdl.org\)](#); [The Oregon Project Report \(oregonlegislature.gov\)](#)