

BENTON COUNTY OFFICE OF PUBLIC DEFENSE

7122 W. Okanogan Pl. Bldg. A

Kennewick, WA 99336

509-222-3700 ext. 3262

OPD @co.benton.wa.us or larry.zeigler@co.benton.wa.us

To: Jerrod

From: L. W. Zeigler

Re: State meeting follow up

Date: September 26, 2024

We attended yesterday's meeting with the State Supreme Court with the greatest possible interest. What follows are the points which we heard, which in our opinion should be the salient factors for consideration and instituting such in important change in normal operations.

1. It became very obvious that those proposing the change place the greatest possible emphasis on the Rand study, which as noted contained its own disclaimer as to any particular entity which chose to use it as a predicate for significant changes in their methods of operation. Benton County was accordingly impressed by the arguments for additional studies.
2. As regards additional studies we are still particularly concerned that at no time was anyone from Benton County's judicial and executive branches consulted, let alone made aware of, what was being contemplated by outside parties. Benton County wishes to state emphatically that its support for additional studies is not advanced for the purpose of delay, but rather to provide it with an opportunity to provide local input as to its ability to effectuate change. We would emphasize that we are not opposed to change and are in fact engaged in serious planning to do just that. It is the imposition of the three-year timetable in relation to our fiscal and labor resources which compels us to oppose immediate implementation of the three year proposal.

It became very obvious throughout the hearing that the parties in support of the rule change were in essence arguing that one size fits all because all of our counties are similarly situated. That is nothing less than an intentional falsehood. There are 39 counties in the State of Washington. Some of them are roughly similar in terms of population, tax base etc. By the same token there is a vast disparity amongst the majority of those counties as regards those same factors. It is the county commissioners and the municipal executive branches which are charged with administering public resources in as responsible a fashion as possible. To use an old canard they are indeed “stewards of the public purse” and are constrained by law to administer public funds for the overall benefit of the body politic.

CONCLUSION

Benton County very much desires to participate in meaningful discussions regarding implementation of the proposed rule change. While we appreciate the opportunity afforded to us yesterday by the Supreme Court we regard it, at best, as a good beginning. It would be our hope that counties and cities would make every effort to establish task forces specifically designed to deal with the issues of funding and manpower, as well as changes in court rules which so significantly impact our ability to carry out our legal responsibilities.

Thank You

Larry W. Zeigler

Cc: file

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Public Comment - Public Defense Caseload Standards - Proposed Reduction
Date: Monday, October 7, 2024 10:29:56 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[20241007104723.pdf](#)

From: Jerrod MacPherson <Jerrod.MacPherson@co.benton.wa.us>
Sent: Monday, October 7, 2024 10:23 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Public Comment - Public Defense Caseload Standards - Proposed Reduction

You don't often get email from jerrod.macpherson@co.benton.wa.us. [Learn why this is important](#)
External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Washington State Supreme Court,

Please find the attached comments from the Interim Manager of the Office of Public Defense for Benton County.

Thanks you!



Jerrod MacPherson
County Administrator
Benton County
509-786-5600 Ext: 5658





To: Jerrod MacPherson

From: L. W. Zeigler

Date: October 3, 2024

Re: Recent Article

Jerrod:

Thank you for the opportunity to review the recent article concerning the public defender issue. The two things that immediately caught my attention were the alleged quote from Jason Schwartz that "this will be expensive. Justice is not cheap" and the Supreme Court's statement that cost is of absolutely no concern to them. It seems to me that much of the discussion to date ignores the starting point for this whole crisis. That is to say it was what in hindsight appears to have been the irrational and over emotional reaction to the COVID virus by all three branches of government that laid the groundwork for the situation we're now dealing with. The very notion that all three branches of government could effectively shut down all commercial, social and public interaction within the State without causing severe budgetary dislocation is incredibly troubling.

At the risk of causing offense it is the almost limitless hubris of the State Supreme Court and the WSBA Board of Governors that is driving the almost panic based proposals we're now having to deal with. The idea that cost is irrelevant could only have come from a body that regards its budget as sacrosanct and completely immune from public scrutiny. Justice may indeed not be cheap, but that is no excuse for elevating it to the level of extravagant self indulgence.


No one can argue with the proposition that the State of Washington has been singularly remiss in not contributing its fair share to the operation of its public defense systems. Burdening the counties with the almost sole responsibility to pay for necessary defense services constitutes nothing less than an inherent failure to fulfill legislative responsibility. However attempting to now impose a completely unworkable system on Washington's cities and counties only intensifies an already existing problem.

The primary objection at this point in time is the obviously intentional refusal on the part of the Supreme Court and the WSBA to seek out input from the entities that are tasked with providing the services at issue. Our position at this point in time should be an emphasis on our recognition of the need for change which is to say the need for injection of additional support from the State. In the meeting last week before the Supreme Court it was clear to me that the vast majority of the cities and counties appearing were not rejecting the need for change, but we're simply asking for a responsible examination of the different situations existing at the city and county level.

It struck me at last week's meeting that the cities and counties we're simply asking for a reasonable amount of time to acquaint the Supreme Court and the State Bar if necessary with the actual public defense situation in their respective jurisdictions. It was also very clear that they were asking for an opportunity to present actual data as regards what they are currently spending and the adjustments that they can foresee will have to be made to accommodate necessary changes. Local input would in my opinion be an absolutely necessary component in effectuating meaningful change in the system. It is not too late to correct the initial mistake which was to effectively and completely sidestep any such input.

What I heard last week were not excuses for delay but a simple request from cities and counties to try and arrive at a more reasonable solution in terms of time and the expenditure of public resources to accomplish an objective which all agree is necessary.

Thank You



Larry W. Zeigler

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Additional Public Comment - Public Defense Caseload Standards - Proposed Reduction
Date: Tuesday, October 8, 2024 4:06:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[20241008161645.pdf](#)

From: Jerrod MacPherson <Jerrod.MacPherson@co.benton.wa.us>
Sent: Tuesday, October 8, 2024 4:03 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Additional Public Comment - Public Defense Caseload Standards - Proposed Reduction

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Washington State Supreme Court,

Please find the attached comments from the Interim Manager of the Office of Public Defense for Benton County. These comments are in addition to ones sent previously.

Thanks you!



Jerrod MacPherson
County Administrator
Benton County
509-786-5600 Ext: 5658

