

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



LEESA MANION (she/her)
PROSECUTING ATTORNEY

JUSTICE
COMPASSION
PROFESSIONALISM
INTEGRITY
LEADERSHIP

October 29, 2024

Clerk of the Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to CrR/CrRLJ 3.1. & JuCR 9.2

Dear Justices:

Thank you for seeking comments on the proposed amendments to the above referenced Superior Court Criminal Rules (CrR), Criminal Rules for Courts of Limited Jurisdiction (CrRLJ), and Juvenile Court (JuCR) Rules.

These amendments would set new caseload standards for public defenders, who are integral to a fair and equitable criminal legal system. I respect public defenders and understand and appreciate the difficulty of their work. However, after carefully reviewing these proposals and consulting with leaders within my office and across the State of Washington, I urge you to reject these amendments in their current form and, instead, join me in supporting caseload standards that are based on a collaborative, localized, and weighted caseload study.

As noted by the proponents of these amendments, the proposed caseload standards are largely informed by the RAND Organization's "National Public Defense Workload Study" ("Rand Study"), which does not include or cite to any Washington-specific information or data.

The Rand Study identifies the "*gold standard*" (emphasis added) for public defense resource planning as a "**carefully planned, rigorously conducted, weighted caseload study in which the focus is on defenders at the state or local level.**" (emphasis added)

I support the Rand Study's premise and urge the Supreme Court to conduct exactly this type of study in Washington State. A localized study focused on the specific details of our state would serve to reveal the considerable differences between Washington's many criminal legal systems and avoid the unintended consequences of imposing a "one-size-fits-all" standard that takes absolutely no localized data into consideration.

By way of example, if the new, proposed public defense standards were applied to the last 12 months of cases handled by the King County Prosecuting Attorney's Office (KCPAO) for adult felony and misdemeanor cases, juvenile cases, and Involuntary Treatment Act cases, my office would need 339 additional Deputy Prosecuting Attorneys (DPAs), not to mention an increased number of Legal Service Professionals necessary to support such a dramatic increase in the number of attorneys.

This example alone should demonstrate why the current amendments should be rejected so that we may conduct a more nuanced, tailored, and inclusive study for Washington State. A local study would likely reveal that adding 339 additional DPAs to the KCPAO may not be warranted after examining King County or Washington State data and practices. It stands to reason that adding an additional 339 public defenders in King County may not be the right number either.

Another reason to support a local study would be to ensure that we are taking a holistic and balanced look at Washington's criminal legal systems. A localized study that focuses on both public defenders and prosecutors would reveal the necessary personnel and workload standards needed to create a fair and balanced criminal legal system that better serves all parts of our community without sacrificing due process for charged individuals, or access to justice for victims who have suffered harm and experienced trauma.

If the Supreme Court elects to adopt these new standards in their current form, I must stress the need for additional resources for prosecutors. To impose rule changes that would add resources to public defense while not recognizing the corresponding impact to prosecutors would result in inequities in caseloads and serve to slow the adjudication of cases to the detriment of charged individuals and victims. While ours is an adversarial system, the practical reality is that public defenders and prosecutors must operate in concert within it. It would be intellectually dishonest to believe that a greatly reduced workload for one party (public defenders) would not have an impact on the other (prosecutors) or on the system as a whole.

My concerns relating to the proposed caseload standards in their current form are not a reflection, in any way, on the respect my office and I have both for the role of public defenders in the criminal legal system and for the quality individuals who serve in these important roles. My concerns are meant to communicate the many reasons why I am encouraging the Supreme Court to reject the proposed amendments in their current form and to, instead, order and adopt a local study with the goal of improving the criminal legal systems in Washington State in a holistic and balanced manner.

On a final note, I want to address the misconception that prosecutors "control their own caseloads" and that prosecutor's offices could, therefore, adapt to the proposed public defense caseload standards by simply choosing not to file charges for certain crimes or by electing to file only the number of cases that could be handled by the "available" public defenders.

This is simply not true. While prosecutors have discretion and have been entrusted to exercise it fairly and responsibly, our *work* is not discretionary. Prosecutors cannot simply choose to ignore crime or decline to file charges without reason. Doing so would be to the detriment and disservice of victims and survivors of crime who have been harmed as the result of criminal acts.

In King County so far this year, after careful individualized case reviews, DPAs in my office have declined 2,000 cases (the vast majority of which were declined due to legal insufficiency) and have diverted more than 1,000 adult and juvenile cases away from the criminal legal system. I stand behind each of those decisions, but our office has still filed 3,895 charges, including hundreds of serious assaults, residential burglaries, robberies, sexual assaults, incidents of domestic violence, and gun crimes.

It is neither realistic nor just for prosecutors to inform victims that we are unable to file charges in a sexual assault case (for example) because public defenders have reached their maximum caseload numbers, nor can I simply ignore or refuse to file the types of serious crimes listed above.

I support reasonable caseload standards for all – public defenders and prosecutors. Our criminal legal systems work best when all parties have the capacity to do their jobs effectively. But we cannot address the challenge of ensuring fair and reasonable public defender caseloads without considering the impact on crime victims and defendants, *and* also addressing prosecutor caseloads. We need a locally informed, balanced, and evenhanded approach that considers all the numerous variables in this complex equation.

I believe it is possible to achieve fair workloads and standards for prosecutors and defense without calamitous and unintended impacts. A carefully planned, rigorously conducted, weighted caseload study would provide a needed and prudent path forward. I hope you will set aside the proposed amendments to CrR/CrRLJ 3.1 and JuCR 9.2 so that a more inclusive and locally informed solution can be advanced.

Sincerely,

A handwritten signature in black ink, appearing to be 'LM' followed by a horizontal line.

Leesa Manion
King County Prosecuting Attorney

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Letter Opposing Proposed Caseload Standards from King County Prosecuting Attorney Leesa Manion
Date: Tuesday, October 29, 2024 1:29:59 PM
Attachments: [image001.png](#)
[Letter Opposing Proposed Caseload Standards - October 2024.pdf](#)

From: Colasurdo, Mary <Mary.Colasurdo@kingcounty.gov> **On Behalf Of** Manion, Leesa
Sent: Tuesday, October 29, 2024 1:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Letter Opposing Proposed Caseload Standards from King County Prosecuting Attorney Leesa Manion

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Good afternoon, Justices of the Supreme Court.

Please find the attached letter from King County Prosecuting Attorney Leesa Manion. Thank you!

Best,
Mary Colasurdo



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