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Subject: FW: Indigent defense standards CrR 3.1
Date: Friday, November 1, 2024 8:16:06 AM

From: Wheat, Lindsey <LWHEAT@spokanecounty.org>
Sent: Thursday, October 31, 2024 11:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Indigent defense standards CrR 3.1

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“WELL, IF ONE WISHES TO KNOW HOW JUSTICE IS ADMINISTERED IN A COUNTRY, ONE DOES NOT QUESTION THE POLICEMEN, THE LAWYERS, THE JUDGES, OR THE PROTECTED MEMBERS OF THE MIDDLE CLASS. ONE GOES TO THE UNPROTECTED—THOSE, PRECISELY, WHO NEED THE LAW’S PROTECTION MOST! —AND LISTENS TO THEIR TESTIMONY. ASK ANY MEXICAN, ANY PUERTO RICAN, ANY BLACK MAN, ANY POOR PERSON—ASK THE WRETCHED HOW THEY FARE IN THE HALLS OF JUSTICE, AND THEN YOU WILL KNOW, NOT WHETHER OR NOT THE COUNTRY IS JUST, BUT WHETHER OR NOT IT HAS ANY LOVE FOR JUSTICE, OR ANY CONCEPT OF IT.”

• James Baldwin

Justices of the Court:

I am writing to convey my full and enthusiastic support for the proposed changes to the Standards of Indigent Defense. I am asking, on behalf of myself, as well as all of my past, present and future clients, that you implement the proposed standards without delay, because it is the right decision—it is the just decision.

It is difficult to put into one email, the many reasons that demonstrate the dire need for these new standards. However, if you take the time to read through the comments posted by public defenders throughout Washington, such necessity is made clear. Especially if those comments are read with an understanding of the vulnerability and bravery it took for each of those defenders to put their daily struggles and feelings of inadequacy into words. They write not only for themselves, but for their clients. Clients whose voices should not be ignored in making this decision. Clients that are too often the victims of an unjust birth

lottery that forced them into lives of poverty, addiction, abuse, and the like. Lives that make it difficult, if not impossible for them to post their own requests in these comments, because they do not have the access, the resources, the means, or the education to do so. Each defender that writes in to this Court, speaks for them; because that is what we do, that is who we are.

I hope the voices of the defenders and clients struggling under the unbearable weight of the current standards ring loudly in the ears of the Court whilst they read through the comments submitted in opposition. I find many of the oppositional comments to be deeply troubling. Many of those against implementation, are more concerned with price tags than they are with the priceless human lives that are at stake in this system. I am concerned that in a country where we long ago decided there is no price we will not pay to defend our constitutional rights and freedoms, various individuals and bureaucracies are now more concerned with budgets than they are with those priceless rights and freedoms. In reading *Gideon* and its progeny, it is striking by just how little, if at all, budgets were ever referenced or discussed, and yet somehow, it has become a sentiment in the current conversation. In reading such cases, a few things become undeniable. The constitution guarantees each and every individual the right to effective assistance of counsel. Effective counsel is not just a person who happens to be a lawyer assigned to a case; but counsel that is capable of providing competent legal assistance and who has the ability and opportunity to meet the case of the prosecution. The current standards do not promote and rarely allow for such level of representation. The current standards are unconstitutional and have created ineffective assistance of counsel on a mass scale.

The past has shown us that progress is rarely easy. It is often met with opposition and fearmongering. There are times in our past, that this country has chosen to ignore due process and other constitutional protections in order to disenfranchise those it deemed unworthy. It is up to this Court whether this will be a moment of ignorance or a moment of progress. Where some choose to see nothing but roadblocks, this Court can choose to see opportunities. The opportunity to ensure that each person within this State is treated with fairness and equality; the opportunity to honor the legacy of our constitution; the opportunity to provide a beacon of hope, not only to the defendants and public defenders in this State, but to those throughout the country who are similarly struggling.

The heart of the issue before the Court is this question: Will Washington choose to have a justice system, or just a system? I hope you choose justice.

Sincerely,
Lindsey Wheat