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Date: Thursday, October 31, 2024 1:36:27 PM

From: Garrett, Lucas <garrett@sgb-law.com>
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Subject: Comments on proposed changes to the Court's standards for indigent defense

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To the Clerk of the Supreme Court:

I am a shareholder with Schroeter Goldmark & Bender, and I previously worked for 5 years as a public defender in King County. My comments are my own.

I am writing in support of the proposed standards. I spoke at the hearing on September 25, 2024, but I also want to register my comments in writing.

Much of the opposition to the proposed standards appears to be related to the cost of reducing caseloads and increasing staffing. I think it is important to appreciate what those costs represent and what the alternative is:

- We can have a public defense system that meaningfully investigates, meaningfully negotiates, meaningfully mitigates, meaningfully researches the law, and that meaningfully tests the evidence against the accused.
- Or we can have a public defense system that operates as a constitutional fig leaf, checking the box we need to check to jail the people we've decided ex ante should be jailed.

Given the demographics of indigent defendants, a check-the-box-type system of public defense invites ugly questions about what the criminal justice system truly achieves and, in turn, what its goals are. As a taxpayer, a citizen, and human, I want to see meaningful representation. Regardless of what the constitution requires, I'd be ashamed to do anything else.

Right now, public defense provides that sort of meaningful representation on an incomplete, scattershot basis, when individual public defenders give of themselves in a way that burns them out, that is unsustainable. I know this because I'm part of the crisis of attrition in public defense. I loved public defense. I still do. But a career in public defense was unsustainable. Others have addressed the burdens in their comments, so I will summarize with this: to do the job adequately with current case loads requires sacrifice of time far beyond normal work hours, sacrifice of mental and physical health, and sacrifice of personal relationships.

A meaningful system of public defense should not be negotiable. It should be the price of prosecuting crimes. We can charge fewer crimes. We can increase funding. But the burden of refusing to do those things should not be borne by public defenders, their staff, and ultimately their clients.

Thank you for considering my comments and, more generally, considering these changes to provision of indigent defense.

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