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From: Matthew Palmer <mpalmergr@gmail.com>
Sent: Wednesday, October 23, 2024 3:50 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment: CrR3.1/CrRLJ3.1/JuCR9.2 STDS

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I write in support of meaningful reform to public defender caseloads and standards of representation.

Simply put: the constitution is not subject to the cost/benefit analysis that has clouded this issue. Local politicians, law enforcement officials, and prosecutors, have almost unilaterally focused on how much caseload standards would fiscally impact communities. But that is the unfortunate cost of modern prosecution, especially if we, collectively, are unwilling to reduce the volume and means of how we prosecute people and what crimes we emphasize.

Take, for example, the robbery charge that many courts are familiar with. Oftentimes people are charged with the serious offense of robbery for stealing food or low-dollar items from local stores. They may have bumped into or shoved an employee on their way out of the store, and, as a result, are charged with a class 'A' felony. This charging decision sets in motion a chain of events that exponentially increases the cost of defense. Because of the charge, the person usually remains in custody, thereby increasing the strain on local jails and pushing the case to the front of the public defender's caseload. Because it is so overcharged, the initial plea is often wildly out of touch with the conduct that actually occurred, which places more onus on the public defender to add mitigation/social work on top of their duties to defend against the charges. What is the cost/benefit analysis of jailing, prosecuting, and defending someone that may have only stolen \$30 worth of goods from a store, but now faces years in prison? How many hours of work does that cost when spread out between law enforcement, prosecutors, the courts, and public defenders? It would be disingenuous to lay that solely at the feet of public defenders--but that is what we are doing.

Public defenders are not unwilling to take on cases. But we still need a basic minimum amount of time to provide constitutionally sufficient representation to each client. Yet nobody talks about how to reduce the number and types of cases being charged. Would meaningful preliminary hearings or

grand juries help screen out overcharged cases? You bet. Would it help if prosecutors substantively read police reports prior to filing cases? Absolutely. Would it help if reasonable offers were sent over with discovery to quickly resolve cases? Of course. Or people settling disputes through civil actions and not the criminal legal system? Yes! But those are rarities. And unless or until the legal community wants to focus on reducing the volume, the increased charge of public defense is simply the non-negotiable cost of doing business.

Either turn off the hose or pony up and pay the water bill.

Thank you,

Matthew Palmer