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September 23, 2024

Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

***Via Email: supreme@courts.wa.us
and U.S. Mail***

Subject: Proposed Changes to CrRLJ 3.1, Standards for Indigent Defense

Honorable Members of the Washington Supreme Court:

This letter concerns proposed changes to CrRLJ 3.1, Standards for Indigent Defense Services, which are currently open for official comment. The proposed changes fail to account for the circumstances of small cities operating in more rural areas of Washington State.

The City of Grandview currently contracts with a private law firm for indigent defense services in connection with the approximately 300 misdemeanor prosecutions in the City each year. For at least a decade, the City has faced difficulty finding counsel to provide these services in cases where the City's contracted defense counsel are unavailable due to conflict. This is because very few attorneys in Yakima County do this work, and those that do are limited by the existing standards governing the number of cases they can handle.

The proposed standards will require the City to contract with approximately 1.5 additional attorneys in order to prosecute misdemeanor offenses at the existing level of approximately 300 per year. This represents a significant budgetary challenge for the City, and is in fact nearly impossible. In addition, there are simply not enough attorneys in Yakima County to perform this work.

The practical impact of the proposed rule change will be that significant categories of misdemeanor offenses cannot be prosecuted. These are largely domestic violence and driving offenses with direct and immediate consequences for public safety.

The City appreciates that the Supreme Court may disapprove of the legislature's choice to categorize certain conduct as chargeable offenses. However, the solution is not to legislate fewer prosecutions by way of court rule, but rather to engage with the legislature, which is the appropriate body to address these issues. The proposed rule

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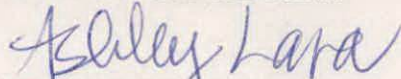
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ignores that there are not enough attorneys who provide indigent defense services in much of the state, a circumstances that is unlikely to change within three (or even five) years.

The City of Grandview is committed to providing those persons it has charged with a misdemeanor with quality defense services. However, the proposed standards ignore the realities of the practice of law in much of the state, and are unworkable.

Sincerely,

CITY OF GRANDVIEW


Mayor Ashley Lara



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