



**MARYSVILLE**  
MAYOR JON NEHRING

October 31, 2024

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

RE: Comments to Proposed Changes to Indigent Defense Caseload Standards

Dear Honorable Justices,

We are writing to request that you maintain the existing caseload standards for misdemeanors and gross misdemeanors. The City of Marysville believes that providing effective defense to indigent defendants in our municipal court is an important part of our criminal justice system. To that end, the city has a longstanding relationship with our public defense firm and several conflict counsel to take cases when our primary firm has a conflict with a particular defendant. The city has also been consistently increasing our expenditures on public defense and increasing the compensation for the city's public defense attorneys.

The proposed standards operate from a mistaken premise that our public defenders are currently not meeting their ethical obligations, resulting in violation of the constitutional rights of defendants in the municipal court. The proposed standards assume that our public defenders can handle fewer than a third of the cases they currently do and still provide effective assistance. It also assumes that our municipal court judges and city prosecutors have ignored what could only be termed a crisis in our municipal court. We do not believe such a crisis exists in our municipal court, rather that the methodology used to develop the standards is flawed.

The methodology used to arrive at these radically altered standards – the Delphi Method – is purely anecdotal and does not appear reliable. Having a group of defense attorneys spend a single day coming up with a certain number of hours for each case type does not give us any confidence in the result. When that result is completely at odds with what we experience in our municipal court it raises a concern that it is not just effective assistance for indigent defendants that is being sought, but that it is being used to subvert the legislative process and achieve decriminalization through court rule by drastically increasing the cost of prosecuting misdemeanors. These so-called "low level" crimes are what most affect our residents and if the city realistically cannot hold offenders accountable, it will compromise public safety and the quality of life in our city and across the state. The proposed standards are a radical departure from the status quo and if such drastic measures were warranted, then that could be demonstrated by a methodology that is more rigorous than the Delphi Method.

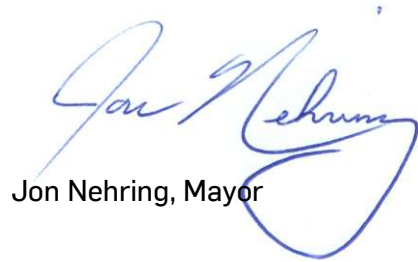
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We also ask you to decline to approve the proposed rule to mandate the rate at which the city compensates public defenders. Through RCW 10.101.030 the legislature made it the city's responsibility to determine how to compensate public defenders. We take that responsibility very seriously and as mentioned above, the city has consistently increased its expenditures on public defense. We ask the Court to respect the legislature's decision as to how public defense compensation is determined.

We are committed to ensuring that indigent defendants in Marysville's municipal court are receiving effective assistance of counsel from our public defenders, but the proposed standards are based on an unreliable methodology and propose extreme measures that are not warranted. We urge the Court to decline to adopt the proposed standards.

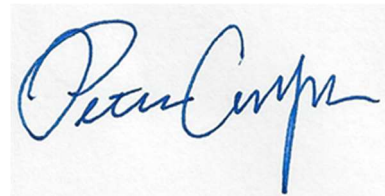
Respectfully submitted,

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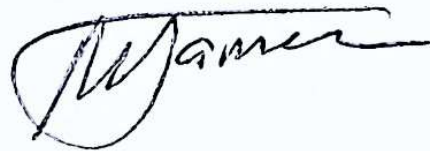
Jon Nehring, Mayor

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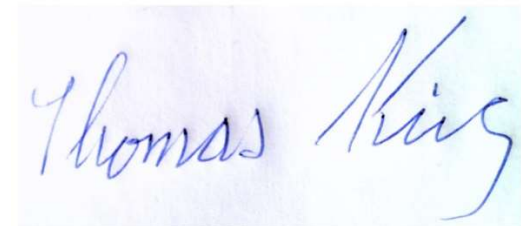
Michael Stevens, Council President

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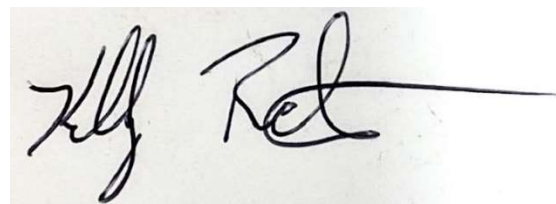
Peter Condyles, Councilmember Position 1

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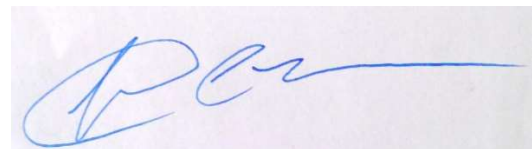
Mark James, Councilmember Position 2

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Tom King, Councilmember Position 3

A handwritten signature in black ink, appearing to read "Kelly Richards".

Kelly Richards, Councilmember Position 5

A handwritten signature in blue ink, appearing to read "Steve Muller".

Steve Muller, Councilmember Position 6

A handwritten signature in black ink, appearing to read "Kamille Norton".

Kamille Norton, Councilmember Position 7