



**Office of Mayor Kim Lund**  
**City of Bellingham**

**RECEIVED**

**OCT 15 2024**  
**WASHINGTON STATE**  
**SUPREME COURT**

October 3, 2024

Washington State Supreme Court  
415 12<sup>th</sup> Avenue SW  
Olympia, WA 98501

RE: Indigent Defense Standards and Caseload Limits

Dear Honorable Justices:

We recognize the important role that public defenders play in our criminal justice system and believe that all attorneys should have the resources required to provide effective legal representation to their clients. It is with this in mind that I write today, on behalf of the City of Bellingham, in response to the Court's request for comments on the suggested amendments to CrR 3.1/CrRLJ 3.1/JuCR 9.2 ("Standards for Indigent Defense").

In our city's experience, the existing caseload limits for misdemeanors are working well. Thus, to substantially reduce the existing caseload limits would be an unnecessary and unfunded mandate that would have devastating consequences for the City's budget and our community. We strongly recommend that the Court reject the suggested amendments to the caseload limits for misdemeanors. The present caseload limit of 400 cases per attorney per year allows our contracted public defenders to give each of their clients the time and effort necessary to ensure effective representation. Moreover, we are unaware of a finding by a court of competent jurisdiction that our contracted public defenders in Bellingham Municipal Court are providing ineffective assistance from counsel. No contracted public defender has communicated their inability to provide effective representation in our court because they are overworked or underfunded. In short, we are aware of no factual support for the suggested change to the caseload standards for misdemeanors.

Second, the adoption of the suggested caseload limits for misdemeanors would have a devastating impact on the budgets for the City of Bellingham and other local jurisdictions. The City currently contracts with North County Public Defense (NCPD) to provide indigent defense services in Bellingham Municipal Court. There were 2140 criminal cases filed in Bellingham Municipal Court in 2023, 1673 of which were found eligible for a public defender. Accordingly, to meet our caseload limit of 400 cases per year, the NCPD employs up to six attorneys. Following notice of the proposed rule change, we asked NCPD to calculate the impact the change would have on its staffing and budget needs. The attached spreadsheet provided by NCPD demonstrates how the proposed caseload limit of 120 misdemeanor case credits per year would substantially increase the need for attorneys, support staff, and additional resources.

The estimated financial impact on the City of Bellingham from the Court's adoption of the proposed rule would ultimately exceed \$6,500,000.00 per year. By comparison, the City of Bellingham paid NCPD approximately \$892,000 and additional \$25,000 to conflict attorneys in fiscal year 2023 to provide indigent defense services. It is notable that our city is already spending more to provide indigent defense services (\$917,000) than we are on criminal prosecution (\$830,000). We contract for up to six public defenders while employing just three full-time prosecutors who handle all the criminal cases filed in

municipal court, not just those cases where the defendant is eligible for a public defender. That ratio would increase from 2:1 to 7:1 if the suggested amendments are adopted by the Court.

The City of Bellingham has neither the resources nor a potential revenue source to make up the projected shortfall. Even if we did have the financial resources required to implement the new caseload limits, there is a well-documented shortage of attorneys willing to work in public defense.<sup>1</sup> The suggested changes to the caseload limits, which would effectively triple the number of public defenders required State-wide, will only exacerbate that problem for the City of Bellingham and other jurisdictions.

We accept our responsibility to provide effective legal representation to indigent defendants in Bellingham Municipal Court and, to meet that responsibility, we provide the resources needed to do so. Our court functions very well under the current caseload standards for misdemeanors. Indigent clients receive effective representation. There is no evidence to the contrary. Substantially reducing the caseload limits for misdemeanors, as suggested, will not improve the provision of indigent defense services in our court. Instead, it would have devastating impacts on our budget, create an immediate (and widespread) shortage of public defenders, and impair the City's ability to provide effective legal representation to indigent defendants. Therefore, we strongly recommend that you reject the suggested changes to misdemeanor caseload limits.

Thank you.

A handwritten signature in blue ink, appearing to read "Kim Lund", is written above the printed name.

Kim Lund  
Mayor

# Annual Cost of Phase 1

## PROPOSED STANDARDS

280 CASES PER ATTORNEY

### PAYROLL

POSITION	SALARY	SALARY W/ TAX
MANAGING ATTORNEY	\$300,000.00	\$348,000.00
SUPERVISING ATTORNEY	\$120,000.00	\$139,200.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ADMINISTRATIVE MANAGER 1	\$90,000.00	\$104,400.00
ADMINISTRATIVE MANAGER 2	\$90,000.00	\$104,400.00
SENIOR PARALEGAL	\$85,000.00	\$98,600.00
JUNIOR PARALEGAL	\$80,000.00	\$92,800.00
JUNIOR PARALEGAL	\$80,000.00	\$92,800.00
LEGAL ASSISTANT	\$60,000.00	\$69,600.00
LEGAL ASSISTANT	\$60,000.00	\$69,600.00
<b>TOTAL PAYROLL</b>	<b>\$1,665,000.00</b>	<b>\$1,931,400.00</b>

### EXPENSES

EXPENSE	MONTHLY	ANNUALLY
BAR DUES		\$5,400.00
LAWCUS	\$616.00	\$7,392.00
GMAIL	\$460.00	\$5,520.00
MICROSOFT	\$700.00	\$8,400.00
ODYSSEY		\$1,000.00
MEDICAL, DENTAL, VISION, IRA	\$28,000.00	\$336,000.00
EMPLOYEE BONUS FUND	\$6,766.67	\$81,200.00
NEW EMPLOYEE EQUIPMENT		\$27,300.00
IT	\$500.00	\$6,000.00
COMCAST	\$3,500.00	\$42,000.00
PRINTERS	\$1,800.00	\$21,600.00
ACCOUNTING	\$2,500.00	\$30,000.00
SHRED IT	\$500.00	\$6,000.00
SUPPLIES	\$2,000.00	\$24,000.00
MISC EXPENSES	\$2,500.00	\$30,000.00
RENT & UTILITIES	\$15,000.00	\$180,000.00
20% PAYROLL RESERVE	\$32,093.33	\$385,120.00
<b>TOTAL EXPENSES</b>	<b>\$96,936.00</b>	<b>\$1,196,932.00</b>

<b>TOTAL PAY + TOTAL EXPENSES</b>	<b>\$3,122,532.00</b>
-----------------------------------	-----------------------

# Annual Cost of Phase 2

## PROPOSED STANDARDS

225 CASES PER ATTORNEY

### PAYROLL

POSITION	SALARY	SALARY W/ TAX
MANAGING ATTORNEY	\$300,000.00	\$348,000.00
SUPERVISING ATTORNEY	\$150,000.00	\$174,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ASSOCIATE ATTORNEY	\$100,000.00	\$116,000.00
ADMINISTRATIVE MANAGER 1	\$95,000.00	\$110,200.00
ADMINISTRATIVE MANAGER 2	\$95,000.00	\$110,200.00
SENIOR PARALEGAL	\$90,000.00	\$104,400.00
JUNIOR PARALEGAL	\$80,000.00	\$92,800.00
JUNIOR PARALEGAL	\$80,000.00	\$92,800.00
JUNIOR PARALEGAL	\$80,000.00	\$92,800.00
LEGAL ASSISTANT	\$60,000.00	\$69,600.00
LEGAL ASSISTANT	\$60,000.00	\$69,600.00
<b>TOTAL PAYROLL</b>	<b>\$2,090,000.00</b>	<b>\$2,424,400.00</b>

### EXPENSES

EXPENSE	MONTHLY	ANNUALLY
BAR DUES		\$7,200.00
LAWCUS	\$880.00	\$10,560.00
GMAIL	\$480.00	\$5,760.00
MICROSOFT	\$1,000.00	\$12,000.00
ODYSSEY		\$1,000.00
MEDICAL, DENTAL, VISION, IRA	\$40,000.00	\$480,000.00
EMPLOYEE BONUS FUND	\$9,666.67	\$116,000.00
NEW EMPLOYEE EQUIPMENT		\$43,680.00
IT	\$500.00	\$6,000.00
COMCAST	\$3,000.00	\$36,000.00
PRINTERS	\$1,800.00	\$21,600.00
ACCOUNTING	\$3,500.00	\$42,000.00
SHRED IT	\$500.00	\$6,000.00
SUPPLIES	\$2,000.00	\$2,400.00
MISC EXPENSES	\$3,000.00	\$3,600.00
RENT & UTILITIES	\$15,000.00	\$180,000.00
20% PAYROLL RESERVE	\$39,826.67	\$477,920.00
<b>TOTAL EXPENSES</b>	<b>\$121,153.34</b>	<b>\$1,451,720.00</b>

<b>TOTAL PAY + TOTAL EXPENSES</b>	<b>\$3,876,120.00</b>
-----------------------------------	-----------------------

## Annual Cost of Phase 3

### PROPOSED STANDARDS

120 CASES PER ATTORNEY

### PAYROLL

POSITION	SALARY	SALARY W/ TAX
MANAGING ATTORNEY	\$350,000.00	\$406,000.00
SUPERVISING ATTORNEY	\$175,000.00	\$203,000.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ASSOCIATE ATTORNEY	\$110,000.00	\$127,600.00
ADMINISTRATIVE MANAGER 1	\$100,000.00	\$116,000.00
ADMINISTRATIVE MANAGER 2	\$100,000.00	\$116,000.00
SENIOR PARALEGAL	\$95,000.00	\$110,200.00
JUNIOR PARALEGAL	\$85,000.00	\$98,600.00
JUNIOR PARALEGAL	\$85,000.00	\$98,600.00
JUNIOR PARALEGAL	\$85,000.00	\$98,600.00
JUNIOR PARALEGAL	\$85,000.00	\$98,600.00
LEGAL ASSISTANT	\$70,000.00	\$81,200.00
LEGAL ASSISTANT	\$70,000.00	\$81,200.00
<b>TOTAL PAYROLL</b>	<b>\$3,390,000.00</b>	<b>\$3,932,400.00</b>

### EXPENSES

EXPENSE	MONTHLY	ANNUALLY
BAR DUES		\$12,600.00
LAWCUS	\$1,320.00	\$15,840.00
GMAIL	\$680.00	\$8,160.00
MICROSOFT	\$1,500.00	\$18,000.00
ODYSSEY		\$2,000.00
MEDICAL, DENTAL, VISION, IRA	\$75,000.00	\$900,000.00
EMPLOYEE BONUS FUND	\$14,500.00	\$174,000.00
NEW EMPLOYEE EQUIPMENT		\$87,360.00
IT	\$1,000.00	\$12,000.00
COMCAST	\$6,000.00	\$72,000.00
PRINTERS	\$2,500.00	\$30,000.00
ACCOUNTING	\$5,000.00	\$60,000.00
SHRED IT	\$750.00	\$9,000.00
SUPPLIES	\$3,500.00	\$42,000.00
MISC EXPENSES	\$5,000.00	\$60,000.00
RENT & UTILITIES	\$25,000.00	\$300,000.00
20% PAYROLL RESERVE	\$64,476.67	\$773,720.00
<b>TOTAL EXPENSES</b>	<b>\$206,226.67</b>	<b>\$2,576,680.00</b>

<b>TOTAL PAY + TOTAL EXPENSES</b>	<b>\$6,509,080.00</b>
-----------------------------------	-----------------------



**Office of the Mayor**  
210 Lottie Street  
Bellingham, WA 98225

**Washington State Supreme Court**  
415 12th Avenue SW  
Olympia, WA 98501

neopost<sup>®</sup> FIRST-CLASS MAIL  
10/08/2024  
**US POSTAGE \$000.97<sup>0</sup>**



ZIP 98229  
041L12204182

**RECEIVED**  
OCT 15 2024

**Washington State  
Supreme Court**

9850132314 0004

