

Washington State Supreme Court
PO Box 40929
Olympia, WA 98504

Re: Comments to proposed changes to the Washington State Supreme Court's adopted standards for Indigent Defense

Dear Honorable Justices:

The City of Auburn respectfully requests the Washington State Supreme Court reject the requested amendments to the Standards for Indigent Defense in CrR 3.1, CrRLJ 3.1, and JuCR 9.2.

Auburn's Chief Prosecutor and the Supervising Attorney for Public Defense share the apprehensions of the majority of local jurisdictions that the suggested modifications to the caseload standards would have a catastrophic impact on both the City and our Public Defender. This would necessitate nearly a tripling of our current public defense attorney staff over the next few years, resulting in a requirement of nearly 20 attorneys which would be impossible to fund.

For our current indigent defense caseloads, the City of Auburn paid over \$900,000 based on the ability to assign 400 cases per attorney. We estimate this cost would almost triple to meet the 150 cases per attorney threshold. We also believe in restorative justice and have a community court that is very successful.

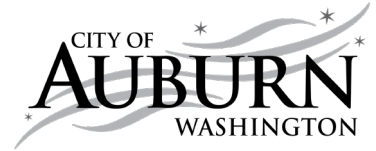
Even with funding, the scarcity of qualified candidates for both prosecution and defense roles has been a critical issue over the past three years. The stark reality is that the legal field lacks sufficient attorneys to implement such significant changes within a limited timeframe. Both the City of Auburn's Prosecutor's Office and the Public Defense firm struggle to maintain current staffing levels.

Regarding the time required to defend against a misdemeanor offense, it is widely acknowledged that the complexity of the case dictates the duration. There is an assertion that defending a misdemeanor that does not proceed to trial averages 13.8 hours. This is inaccurate.

Our data suggests that a serious misdemeanor. A DUI or Domestic Violence case that is resolved before trial, typically requires 7 to 8 hours. Conversely, a straightforward misdemeanor can be resolved in approximately 3 to 4 hours.

We agree that attorneys representing indigent clients must have adequate resources and time to provide effective representation, however the proposed caseload standards, without careful planning and state-level funding, would severely hinder our offices and the court's operational capacity.

In 2023, with a team of five full-time prosecuting attorneys the City of Auburn prosecuted approximately 2,100 cases. Concurrently, Cayce & Grove, Auburn's contracted public defense firm, employed eight full-time defense attorneys to manage appointed cases, including courtesy representation at arraignments and jail hearings.



Such a drastic shift would impede the City's prosecutorial effectiveness, compromise community safety, and limit the provision of essential resources to address the root causes of criminal behavior.

Therefore, we urge a reconsideration of these standards to ensure the sustainability of our legal system and the welfare and safety of our community. The possibility of less prosecution of the most serious misdemeanors due to cost is real if the proposed standards go into effect.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Nancy Backus". The signature is written in a cursive, flowing style.

Nancy Backus
Mayor

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: City of Auburn's Comments Regarding Proposed Changes to Washington Supreme Court Public Defense Standards
Date: Wednesday, October 2, 2024 4:37:50 PM
Attachments: [Indigent Defense Comments - City of Auburn.pdf](#)
[image001.png](#)
[image002.png](#)
[image007.png](#)
[image008.png](#)

From: Dana Hinman <dhinman@auburnwa.gov>
Sent: Wednesday, October 2, 2024 4:35 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: City of Auburn's Comments Regarding Proposed Changes to Washington Supreme Court Public Defense Standards

You don't often get email from dhinman@auburnwa.gov. [Learn why this is important](#)
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Please see comments from the City of Auburn attached regarding the requested amendments to the Standards for Indigent Defense in CrR 3.1, CrRLJ 3.1, and JuCR 9.2.



Dana Hinman
Director of Administration
City of Auburn
Phone: 253-931-4009
Mobile: 253-266-2787
Email: dhinman@auburnwa.gov
25 West Main St.
Auburn WA 98001
www.auburnwa.gov
  

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