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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Public Comment re: Standards for Indigent Defense  
**Date:** Thursday, September 12, 2024 4:48:04 PM

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**From:** Lerner, Noah <nlerner@kingcounty.gov>  
**Sent:** Thursday, September 12, 2024 4:42 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Public Comment re: Standards for Indigent Defense

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To the Supreme Court of Washington,

Please support and adopt the proposed amendments regarding caseload Standards of Indigent Defense.

The current caseload standards are outdated and do not reflect the changing nature of criminal defense because of the increasing volume and complexity of discovery associated with each case, nor do they reflect the time and attention needed to work a case beyond providing the bare minimum in representation. Every public defender I know can explain the need to triage cases and can also explain why the concept of triaging cases means we have failed to live into our values of due process, effective representation, and justice. It is deeply dispiriting that the clients we serve (and who bear the consequences of our current caseload standards) are already the most marginalized members of our community. We should be ashamed of our collective willingness to prioritize financial impact over protecting the rights and liberties of those in our community.

Public Defense is a calling, and it is a tremendous privilege and honor to work for my clients. However, the current caseload standards make it nearly impossible to maintain a career as a public defender because the impact on physical and mental health from working a high stress and high stakes job becomes unsustainable when we task public defenders with representing more people than is feasible, reasonable or ethical. These challenges exist when one starts practicing in misdemeanors, and only magnify as one moves to ultimately carrying Class A offenses.

This Court committed to addressing the harms of racist practices in our criminal justice system back in 2020 following the murder of George Floyd. You wrote, "Too often in the legal profession, we feel bound by tradition and the way things have "always" been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful. " The reality of Public Defense is that we represent most (and on many days, all) clients charged in criminal courts, and

because of the racism built into our system many of our clients are People of Color whom this Court committed to providing a more equitable and fair system of justice. There is so much more work to be done to accomplish that, but adopting these standards is a good place to start. Please walk the talk.

Noah Lerner

Staff Attorney, Felony Unit, The Defender Association Division of the King County Department of Public Defense