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Subject: FW: Comment in Support of Public Defense Caseload Standards
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From: Mariel, Oliana <oluke@kingcounty.gov>
Sent: Tuesday, September 24, 2024 10:16 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment in Support of Public Defense Caseload Standards

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Hello,

I am writing in support of the proposed court rule amendments to codify the WSBA's recently passed criminal caseload standards for public defenders. I am a new public defense attorney, entering my second year in practice, and a former Law Clerk for Justice Gordon McCloud and employee of this court.

Starting a career in public defense is daunting. It is widely acknowledged and talked about that a job in public defense is unsustainable as a long term career. All the new hire attorneys that I started with already have thoughts and plans as to what a next step could be when the inevitable burnout sets in. Those who stay in the job for more than 5 years seemingly do the impossible. Especially for any young attorney who dreams of starting a family and affording to buy a home, working as a public defender does not set you up to reach those goals. The state of the current office I work in is a prime example. In our office a felony attorney recently quit. She was an attorney with two years of experience in, incredibly smart, and very passionate about public defense. When I asked her why she was leaving she cited the fact that her and her partner are thinking about a family, the stress was eating away at her on evenings and weekends, and she had to make a call for herself and her life despite her love of our clients, coworkers, and the work we do. Because of her sudden departure, my office pulled me up from the misdemeanor unit to the felony unit with less than a year of experience in. I now am working to learn felonies/take over her caseload while maintaining my already full misdemeanor caseload.

This problem is cyclical—when an attorney quits, or even takes vacation, the work gets pushed on to other attorneys in the office. This leads to more burnout, more people quitting, and then more work for other attorneys. The current public defense system also wastes massive fiscal resources—our department is spending inordinate amounts of money to hire on and train new attorneys, but right when these new attorneys begin to be able to truly float by themselves without training resources

being spent on them, they quit. Then the county has to pay more money to train more new attorneys. Lowering caseloads is the only way to ensure that public defense becomes a viable long term career for people and that public defense offices retain experienced attorneys and benefit from their years of practice.

Right now the system churns new attorneys in and out and feeds off of the empathy of people who get into this job because they want to do the right thing. Every one of my coworkers could move to jobs that pay more, you work less, and are less stressful—most people end up doing that. The system is currently operating off the empathy of people who want to do good—the system then sucks young attorneys dry and they burn out in a couple years. If this court does not pass the caseload standards the system is bound to crash and fail.

And in many ways it is already failing, as a public defense attorney you simply do not have enough time to effectively represent your clients. No matter how smart you are or how late into the evening you work. There is no other job that I know of in the legal field that is so grueling, underpaid, and stressful. As a recent employee of the Supreme Court I never heard people at the Court talk about their jobs in such a constant state of chaos and grapple with so much work as I do as a public defender.

This Court has an incredible opportunity to vote for equity, justice, and system that cares for those who take on an incredibly stressful, often thankless, job. Voting to deny the new caseload standards is a vote to deny adequate representation for every poor person accused of a crime in Washington State, it sends a message to public defenders across the State that their lives and well-being are expendable, and it is a vote to continue to let this massive problem fester. I implore you to vote to approve the new caseload standards. Nothing will fix this problem except voting to lower the caseloads of overburdened attorneys across this State.

Thank you,

Oliana Luke, she/her

Public Defense Attorney, King County Department of Public Defense

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