



October 29, 2024

**BY EMAIL**

Re: Opposition to the State Supreme Court's Potential Ruling on Indigent Defense Workload Standards

Clerk of the Supreme Court  
Temple of Justice  
Olympia, WA

Dear Clerk Pendleton:

The Port Angeles Business Association made up of over 60 member businesses and individuals, desires to comment for the record on the Supreme Court's impending decision as styled above.

Briefly, we assert that Port Angeles' and greater Clallam County's business community rely on, and strongly support the continued efficiency of our County's law and justice system. Rural counties such as ours have limited resources, and all the pieces and parts of our law enforcement and court system depend on sufficient and properly allocated financial resources to operate as it should. Law and Justice is the highest priority function of our local government system, and claims the great majority of our locally generated tax revenue. Our county's post-Covid economy strains to generate sufficient revenues for our system of governments' operations as it is – and in this we are no different than rural counties of our size and economic makeup.

Several years ago, when the Supreme Court lowered caseloads for public defenders, that action abruptly caused significant additional cost and strain on our County's budget. Another action, this time by the legislature, to severely restrict courts from imposing fees on defendants found guilty of crimes removed a significant revenue source that had to be made up from county general revenues.

We are well aware of and appreciate that the Sixth Amendment of our federal Constitution provides the right of any accused person to be represented by counsel, and that court decisions have required that counsel to be properly qualified and to effectively and zealously represent an accused person. This applies equally to people with the means to secure their own counsel, and to those without the means to do so. (Continued ... )



We believe that, under the principle of separation of powers that underpins our system of government, the legislature is best equipped to assess the proper program of providing assistance of counsel to those indigent persons charged with crimes, to set proper standards for same, and to provide assistance to counties and cities for same. The legislature has done so in RCW Chapter 10.101. The state courts can and certainly should evaluate, on a case-by-case basis, whether this has been properly accomplished.

But, unlike in the case where our state's constitution by express language lays out clearly the paramount duty of the state to make ample provision for the education of our children, it contains no such language enabling a judicial ruling on budgetary priorities for indigent defense funding as the "first among equals" in relation to all the other components of our system of law and justice.

Others have undoubtedly made the point that skewing county finances by a ruling in this case, similar to the financial perturbations caused by a similar decision in the recent past may cause cases worthy of prosecution to go unaddressed due to lack of defense attorneys, with the predictable loss of public trust in our system of justice.

We urge you to consider carefully the probable and predictable results of the actions you are contemplating, and work carefully with the legislature to have them consider how to address the concerns you have regarding the adequacy of our system of providing defense counsel to those who can't afford it.

Very best regards,

Anthony Sanders  
President

C: Board of Clallam County Commissioners, Clallam County Prosecuting Attorney, Clallam Public Defender, 24<sup>th</sup> Legislative District Delegation

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelyn](#)  
**Subject:** FW: Port Angeles Business Association Comment Letter on Indigent Defense Workload Standards  
**Date:** Tuesday, October 29, 2024 3:46:06 PM  
**Attachments:** [PABA Letter - Disagree With New Indigent Defense Workload Standards.pdf](#)

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**From:** Jim McEntire <jmcentire1@outlook.com>  
**Sent:** Tuesday, October 29, 2024 3:43 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Ozias, Mark <mark.ozias@clallamcountywa.gov>; Randy.Johnson@ClallamCountyWA.gov; Mike French <mike.french@clallamcountywa.gov>; Mielke, Todd <todd.mielke@clallamcountywa.gov>; Nichols, Mark <mark.nichols@clallamcountywa.gov>; gasnickcpd@olypen.com; mike.chapman@leg.wa.gov; info@electmarciakelbon.com; adam@electadambornbaum.com; Matthew Roberson <matthew@robersonforwa.com>; steve.tharinger@leg.wa.gov; info@neighborsforterry.com; Anthony Sanders <anthony.sanders@edwardjones.com>; Kelly Johnson <kellyjohnson@olypen.com>  
**Subject:** Port Angeles Business Association Comment Letter on Indigent Defense Workload Standards

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Attached, please find a letter from our organization providing comments on the Court's efforts to further restrict caseloads for attorneys providing counsel to indigent persons.

All the best,

Jim McEntire  
Chair, Port Angeles Business Association, Government Affairs Committee