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Subject: FW: CrR 3.1 Indigent Defense Standards
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From: Rachel Forde <rforde@snocopda.org>
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To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: CrR 3.1 Indigent Defense Standards

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Dear Justices:

Tomorrow I represent an unhoused, mentally ill man in trial against charges stemming from a nonviolent offense he committed when he was as child. This client deserves a fair trial and thorough mitigation as his culpability is reduced by his age, family trauma, and institutionalization. However, my crushing case load makes that impossible without spending evenings and weekends reading thousands of pages of reports and reviewing dozens of hours of video, and neglecting the needs of my other clients, my family, and my health.

It's not just the attorneys who suffer. Our constitution and our clients suffer when public defense attorneys have caseloads that are too high to meaningfully assure the right to a fair and speedy trial. The National Public Defense Workload Study described the problem:

Public defense attorneys with excessive caseloads cannot give appropriate time and attention to each client. Excessive caseloads violate ethics rules and inevitably cause harm. Overburdened attorneys are forced to choose cases or activities to focus on, such that many cases are resolved without appropriate diligence. A justice system burdened by triage risks unreliability, denying all people who rely on it — victims, witnesses, defendants, and their families and communities — efficient, equal, and accurate justice.

The proposed new caseload standards right the wrong of the inequality in resources and capacity between the power of the State and the individual defendants whose freedom is at stake. They also recognize that overwhelming caseloads for public defenders undermine the prospect of a fair and speedy trial for victims and community members who want to see cases resolved efficiently and justly.

The Court should center the constitutional rights of our vulnerable community members and honor the capacity limits for those appointed to guarantee those constitutional rights. Please adopt the WSBA proposed caseload standards.

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