

October 21, 2024

Dear Justices of the Supreme Court,

I write to add my name to the long list of other public defenders in support of the revised Standards for Indigent Defense. I urge this Court to adopt these standards, and in doing so, keep our public defense system afloat. Without action, experienced attorneys will continue exiting the profession at increasing rates, new lawyers will understandably choose jobs with pay more commensurate to the workload, and the defenders who remain will inevitably fail to provide effective representation to everyone. The people who are hurt most are not the lawyers, but the marginalized individuals we are honored to represent, who are only our clients because they aren't wealthy enough to have a choice.

As a privileged person who has always had a financial safety net, it is hard for me to imagine the situation that many of our clients find themselves in: their liberty at risk, allowed no say in who argues their case, often languishing in jail because they cannot afford even a negligible bail amount, and now left to accept the crumbs of what their overworked and overwhelmed public defender has left to give them. This is a reality for many people in our state, and it is one we cannot allow to continue.

When I entered public defense, I worked in misdemeanors alongside an incredible group of dedicated and energized advocates. Now, more than 7 years later, almost everyone in my cohort has left public defense because of the crushing workload. For most, they decided they could not dedicate the time needed to adequately represent their clients without sacrificing their own health and wellbeing. That is not a sacrifice we should ask public defenders to make.

Public defenders have always been under-resourced, but expansions in technology and police investigative methods have exponentially increased the amount of time it takes to work a case – even just to review discovery. When I started, it was rare to have much video evidence in discovery. In vehicle-related cases like DUIs, we may have received dashcam video from the investigating officer. Now, we receive numerous hours of bodycam footage from multiple officers on almost every case – even on simple misdemeanors. This bodycam footage is not superfluous – it is often critical to my investigation. This is just one discreet example of how our workloads have ballooned, yet our resources have not.

One comment I hear in opposition to the revised standards is that there are not enough public defenders to fill the current vacancies, so the standards will just create more roles that cannot be filled. This ignores the true cause for the scarcity of defenders: No one wants to board a sinking ship. If, however, public defenders are guaranteed reasonable caseloads and provided sufficient resources and support, we will keep our current talent and attract new defenders as well.

Another comment I hear in opposition is that adopting the revised standards will result in innumerable cases being dismissed. As someone who frequently sees poor people held in jail on de minimis law violations, I frankly wish that was true. The real result of adopting these standards is that state and local jurisdictions will have to increase their public defense budgets. Many in opposition to these standards suggest that we just hire more public defenders. This is the only way that will happen.

I have no doubt the revised standards will be expensive to implement. Unfortunately, our society has decided to try to prosecute its way around addiction, mental illness, and poverty. There are many costs to that strategy, and this is simply one of them.

Thank you for your consideration,

Rachel Ryon

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