From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: Comment on Proposed Changes to indigent Defense Standards
Date: Tuesday, September 24, 2024 8:13:58 AM

From: Rebecca Hannan <rhannan@seattleu.edu>
Sent: Monday, September 23, 2024 9:07 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Changes to indigent Defense Standards

Hello,

I am writing to submit a comment regarding proposed changes to Washington's indigent defense standards.

In order to realize the constitutional guarantees of a right to effective legal counsel and the right to speedy trial, this Court should adopt the proposed changes to indigent defense standards. I was recently a rule 9 intern at a public defense office, and I intend to pursue a career in public defense. If you've never been tasked with explaining the legal system and legal rights to a highly traumatized 12 year old, I can tell you that it takes a lot of time and patience to ensure a client is able to adequately direct their own representation. Defense attorneys are supposed to serve as a bulwark against many constitutional violations, but we can only do an adequate job when caseloads are manageable and realistic.

When public defense attorneys have too many cases and/or insufficient support staff to conduct critical case work, cases languish and clog up court dockets and omnibus calendars. Defense and prosecuting attorneys alike have to provide status when there are no meaningful updates to a case. Judges question why the defense investigation is still pending, and often feel the need to implore attorneys to make meaningful progress in a particular case. Most troublingly, indigent defendants waive their right to a speedy trial over and over and over again, because effectively, they have to choose between waiving their right to an attorney or waiving their speedy trial right. Who in their right mind would ever insist on invoking their right to a speedy trial when their attorney has said they're unprepared to go to trial? From a defendant's perspective, their attorney doesn't have time for them or doesn't care about their case. Meanwhile, behind the scenes, that defense attorney and their support staff are working incredibly hard but necessarily triaging their caseload to focus on their most pressing matters. This is deeply frustrating for all parties involved. It also seriously undermines public trust in a swift, functional criminal legal system.

No one person is to blame for this common scenario. But this represents a serious systemic failure that we are all responsible for remedying. In the interest of fairness and justice, the proposed changes would promote justice, fairness, and equity, and would represent a meaningful step forward toward addressing some of our legal system's failures.

Some counties and municipalities have voiced concerns over the expenses associated with implementing the proposed revisions. But localities are in no way being forced to incur additional expenses in order to comply with the proposed changes, because criminal prosecutions are always discretionary. Insofar as state, county, and local leaders are concerned about local budgets, those leaders can and should evaluate their criminal codes as well as their policing and prosecution priorities in order to most effectively marshal community resources. Local officials concerned with rising costs of criminal prosecutions might also consider pursing proven crime prevention strategies such as community-based programming and violence interruption programs in order to most efficiently and economically promote community safety.

Thank you,
Rebecca Hannan