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To: [Martinez, Jacquelynn](#)
Subject: FW: Comment regarding proposed Changes to Washington Supreme Court Public Defense Standards
Date: Wednesday, October 30, 2024 4:28:46 PM
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From: Samantha Fellers <SFellers@co.whatcom.wa.us>
Sent: Wednesday, October 30, 2024 4:13 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment regarding proposed Changes to Washington Supreme Court Public Defense Standards

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Good afternoon,

I am writing to provide comment regarding the proposed changes to public defense attorney caseload standards. If there are limits to caseloads for public defenders, there should also be limits to caseloads for prosecutors. Most prosecutors in our office carry a caseload of anywhere from 150-200 felony cases. That is significantly more than the proposed limit of 47 cases per year that this new proposal outlines. Due to large caseloads and lack of available courtroom space, cases are often pending for multiple years in our jurisdiction. Our court does not even force movement on a felony criminal case until it is over 2 years old.

The length of time that cases remain pending has detrimental effects on victims of these crimes. Victims and survivors have very few rights and rarely have a truly meaningful voice in the process. The longer cases remain open without resolving, the more negative impacts there are on victims and survivors: Memories fade which makes prosecution less successful; victims/survivors lose the will/want to participate due to the long time gap between criminal incident and trial or resolution; in domestic violence cases, victims have often reconciled with the offender prior to the close of prosecution, which also make prosecution unsuccessful. Victims and survivors are constantly told that the case they are the listed victim in is continued due to caseloads. Limiting the number of cases that public defenders can take will only exacerbate this problem.

It is already difficult for defendants to find an attorney to represent them - whether private or through the public defender's office. Oftentimes initial hearings are continued because of a delay in appointing an attorney or difficulty finding an attorney without a conflict. This can create significant safety concerns for survivors, because important conditions of release, such as no contact orders,

typically cannot be imposed until a defendant has an attorney to represent them. If the caseload limit for public defenders is further limited, this problem will also be exacerbated, as more initial hearings will be set into the future while defendants remain in "limbo" without an attorney. Not only does this leave defendants in limbo, but it leaves victims and survivors left with the unknown, which can and often does, create further trauma during an already stressful and traumatic process.

Other advocates and attorneys in our office strongly oppose the new recommended standards. For anyone who has had to endure the pain/anxiety/trauma from being a victim in a criminal case, the process is already excruciatingly long, and does not need to be any longer.

Thank you,

Sam Fellers
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