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Subject: FW: Caseload standards
Date: Tuesday, September 17, 2024 10:32:52 AM

From: Wolf, Samuel <Samuel.Wolf@kingcounty.gov>
Sent: Tuesday, September 17, 2024 10:19 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Caseload standards

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Dear Justices:

I am a felony supervisor at the King County Department of Public Defense. I began my practice in the Everett Municipal Court as a contract public defender prior to the implementation of caseload standards. I saw the very things that Judge Laznik commented on in his opinion in *Wilbur v. Mount Vernon*. Having seen the worst of public defense, I do not consider myself naïve to the fact that public defense is substantially better resourced across the board in Washington now than it was in Everett and Mount Vernon circa 2010. Unfortunately, I believe the branches of our various state and local governments still fail to grasp just how low that sets the bar of justice, or how substantially current funding levels warp outcomes on criminal cases.

First, a wide disparity exists in the talent and skill level among public defenders. Far too often, the outcomes of serious cases depend on the lawyer appointed rather than the facts and the law of a particular case. While talent disparities will always exist, this dynamic is massively aggravated by stretching the capacity of public defense to the point that it is little more than a fig leaf provide the imprimatur of “justice.” Our current level of funding and staffing act as a feedback loop reinforcing turnover and poor training. Even in King County – a supposedly well-resourced local government – caseloads exact a heavy toll and training and supervision is uneven, ad hoc, and sometimes non-existent.

I have had the opportunity to recently supervise talented lateral hires from Phoenix, Arizona and New York City. The attorney from Phoenix was a veteran of capital defense in Arizona and she was appalled by the size of the caseload handed her coupled with a lack of training and oversight at the King County Department of Public Defense. Phoenix, Arizona. A political entity that elected Sheriff Joe Arpaio.

Heavy caseloads and lack of training predictably yield quickly disillusioned attorneys. Our office has

recently suffered a massive wave of attrition among our most talented, hardest working attorneys who have left for private practice and other public service positions. The other side of this toxic coin is that new talent is then thrown into the fire to replace outgoing talent without adequate training or experience, rinse and repeat. And this of course, barely touches on what happens to a talent pool when the cream is continually skimmed for years on end.

This problem is far more nuanced than I have summarized above, of course. However, my experience defending the indigent has led me to believe that the only way forward is for the Supreme Court to prevent counties from stretching public defense resources into a thin fig-leaf. The result of the proposed caseload standards as written will almost certainly be a new, different crisis, similar to the one in Oregon last year that drew significant media attention to defendant's languishing without counsel. I beg you: it is your obligation to force this crisis to a head. Until municipalities and counties are forced to grapple with the true cost of providing counsel – as opposed to stretching existing lawyers to the point of farce - politically opportunistic judges and prosecutors will continue to collectively pat public defenders on the head saying, heckuva job. However, I can tell you that even in King County, a high percentage of public defenders are already overwhelmed, undertrained, and less commonly, but still too frequently, incompetent to the point that their performance substantially undermines any reasonable person's confidence in the outcomes of cases.

Thank you,

Sam Wolf

he/him

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