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From: Jones, Sandy (DPD) <sanjones@kingcounty.gov>
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Subject: Comment on Standards of Indigent Defense

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I was a public defender in Spokane, Washington, until August 16, 2024. From January of 2024 through July of 2024, I was assigned 82 cases. Had I stayed, I would have been on target to be assigned 140 cases for 2024. My caseload consisted of homicides, sex offenses, human trafficking, and many other felony cases including property crimes and domestic violence. I worked at the Spokane County Public Defender's office for almost 5 years. It was the best job I had. I felt secure and enjoyed the office environment and the mission. I was a homeowner in Spokane. I had no plans to leave.

My mental health declined, and I was concerned about the representation I was able to provide without completely committing all waking hours to public defense. I made the difficult decision to leave Spokane because King County was instituting a case cap of 90 felony cases, while Spokane's remained at 150. I have watched multiple experienced attorneys leave the Spokane County Public Defender's office because of the workload. Since I left, I know at least two more felony attorneys who have given their notice due to the workload. There is some culture of being "tough" in public defense. I regret telling a young attorney this is not a 40-hour job as they vented. This should be a manageable job. Perhaps not 40 hours, but to timely handle the matters we have, it is certainly not close to a 40-hour job.

My clients often complained that I was not being diligent and that I was not talking to them as often as I should. I had to spend valuable time de-escalating clients and apologizing that I had to stop work on their case to work on a case that I received that had a more urgent need. Clients are spending too much time in jail because their attorneys must work on something else.

This Court has promulgated rules of professional conduct that we must break to be public defenders. Rule 1.3 states that we should control our workload to handle matters competently. If we do that, we will likely be fired without this Court mandating a new limit as we are county employees. Rule 1.4

commands prompt communication, and we cannot be prompt in all reasonable requests for information. The criminal prosecutors who have commented do not face these rules in the same way, and they have options to reduce their caseloads. I was a prosecutor for about 4 years and am familiar with how discretion can reduce a caseload including using more mindful negotiations and charging decisions. I have had several cases dismissed because they were bad cases as a public defender. It took lot of time and effort in investigation to convince prosecutors to dismiss. As a prosecutor, I dismissed cases that were not provable. Bad cases are being charged in Washington. Public defenders do not have any discretion for resolving a case. We do have the discretion to stop putting our licenses at risk... that would mean quitting our jobs in public defense. During parts of my career there have been too many lawyers, and it was difficult for peers to find jobs. That is not the case anymore. While doing this mission is the best work I have done, if things don't change, I know I can find safer options for my license.

All county and state legislators are reactive. They will not act on this constitutional mandate unless they are forced to do so. If Gideon had not been decided, states would not have provided counsel. If Trueblood had not been decided, we would still have clients with mental illness waiting over a year in jail instead of getting into beds at the state hospitals. Trial court sanctions based on Trueblood are what finally worked to make the state allocate resources appropriately. I am unconcerned with the funding issues as they are irrelevant to the inquiry about professional standards and the licenses of public defenders, and they are irrelevant to the lives of people sitting in jails and their families around this state and country for too long because their attorneys can't get to their cases. They are also irrelevant to the victims of crime who are waiting unconscionable amounts of time for these cases to resolve.

I agree that phase 3 may be unnecessary. Phase 1 should be implemented immediately along with case-weighting.

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