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**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Public Comment Re: Proposed Amendments to Indigent Defense Caseload Standards  
**Date:** Wednesday, October 30, 2024 11:47:39 AM

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**From:** Scott Ferron <wsferron@gmail.com>  
**Sent:** Wednesday, October 30, 2024 11:45 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Public Comment Re: Proposed Amendments to Indigent Defense Caseload Standards

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Dear Honorable Justices,

I am a practicing attorney in Washington State, and I am writing to support the proposed changes to the caseload standards for public defenders in Washington. The CPD's analysis supporting these new standards is thorough, well-researched, and convincingly explains how the practice of law has changed since the development of the prior case standards. As the WSBA has recognized, the current standards put an unreasonable burden on attorneys, which has led to a crisis of attrition and inability to recruit attorneys to fill vacancies.

My partner is a felony public defender. She is a great lawyer. Intelligent. Hard-working. Creative. And fiercely dedicated to defending her clients. Perhaps most importantly, she cares about her clients and gets to know them: their stories, their hopes, their fears. Her clients are, to a one, lucky to have her. But with her current felony case load, it is impossible for her to be a good lawyer for all of her clients. There are simply too many. The easy thing to do would be for her to care less. Take shortcuts. Not visit her incarcerated clients as often. Provide worse representation. To her, that is not an option. Because she believes in our Constitutions' guarantees that every criminal defendant is entitled to representation. So she makes the impossible possible, as she has done for years. But that takes a toll: endless stress, sleepless nights, chronic health problems. With so many clients facing serious consequences, there is always more to do—more than any lawyer can do. My partner loves being a public defender. But I don't know how long she can keep doing it with the current caseload standards. Her colleagues are also dedicated, hard-working public servants. But every time one of them burns out, their caseload is transferred to other overburdened felony public defenders, and those transfer cases put even more pressure on this system that is already on the verge of collapse.

Our current indigent defense system—especially at the felony level—exists only because of amazing attorneys like my partner. Attorneys who care enough about their clients that they can make the

impossible possible, regardless of the costs. But they can't do it forever. While the budget problems may be real, the current situation is untenable. Our constitutions do not provide for a right to indigent defense only when it is convenient for county budgets. Such an anemic right would soon become meaningless. The correct path forward is to adopt the proposed caseload standards, which provide a runway for the State and Counties to resolve these budgetary issues.

Inaction is a choice. It is a choice that will lead to more attrition and the collapse of our indigent defense system. Washington has been a bold leader on many issues of criminal justice reform. This should be another one.

Scott Ferron  
WSBA #61154