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Date: Thursday, October 31, 2024 11:13:30 AM

From: Conant, Seth <Seth.Conant@kingcounty.gov>
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I am writing in my individual capacity to support the implementation of new case load standards. I have worked or interned in public defense since 1998 in King County, currently as a supervising attorney. When I first began practicing in felonies in 2001, a large amount of discovery in a case would be measured in the thickness of a file. One inch was a lot. Now discovery can easily be measured in multiple Gigabytes. Caseload levels were too high then. 20-25 years ago, a caseload often consisted of a large amount of low-level felonies, particularly drug possession cases. Now a typical case is more serious. The discovery may contain body-worn cameras, in-car videos, surveillance videos, cellphone data (full data “dumps”, tracking, etc.), DNA analysis, and more. The amount of time required to review the discovery with a critical eye and review the discovery with our clients has skyrocketed. The necessity to be adept in areas of expertise beyond the law (DNA, cellphone technology, mental health, etc.) has grown.

The current caseload standards are unworkable and can easily promote either ineffective assistance of counsel for our most vulnerable citizens or burn-out for attorneys who do the job well. We expect of ourselves and our colleagues to do the job well, so unfortunately, we now expect burn-out and high turnover. No one wants to be a cog in an unjust system. Proficient, dedicated, and expert attorneys struggle to have sustainable career in public defense.

When one experienced attorney leaves public defense, their cases are necessarily redistributed to other attorneys who are already feeling overwhelmed. This snowballs and leads to more attrition. The ripple effects have great negative consequences to our clients, who are already experiencing significant trauma. When attorneys leave public defense, institutional knowledge is diminished. Their cases are transferred to another attorney, often with less experience. The new attorney needs to get up to speed and review all discovery and previous work. They also need to establish a trusting relationship with the client, which is hampered when the client has had multiple attorneys. Cases are delayed while clients sit in jail, exacerbating housing and employment instability and inequality.

The effects on their families have extraordinary impacts their communities. All of these consequences allow institutional racism to endure.

Caseloads have been a problem for decades. I participated in previous caseload studies, which all concluded, to no one's surprise, that caseloads are too high. The newest ABA/RAND caseload study is comprehensive and clear. We cannot wait decades more for others to act.-

Seth D. Conant