



Skagit County Board of Commissioners

Ron Wesen, First District
Peter Browning, Second District
Lisa Janicki, Third District

October 28, 2024

Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

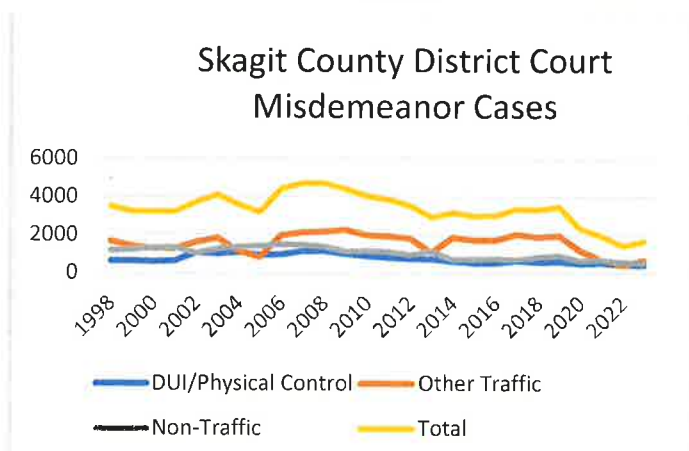
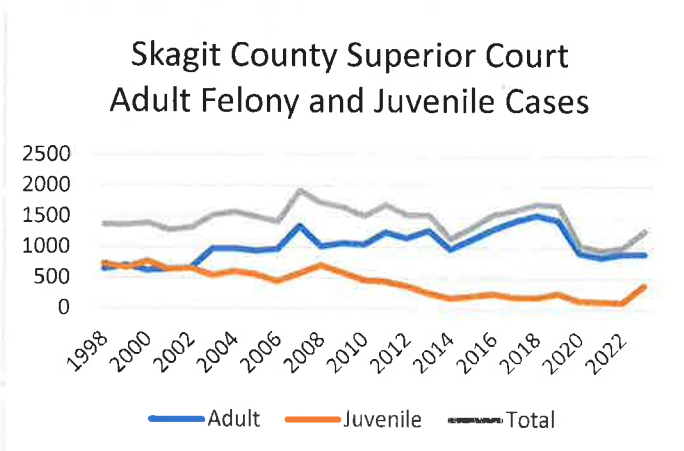
Re: Comments on the Council on Public Defense Proposed Revised Standards for Indigent Defense and Caseload Limits

Dear Supreme Court Justices,

As the Board of Skagit County Commissioners, we understand providing indigent criminal defendants with access to effective legal counsel is critical to due process. In 1991, we created an Office of Assigned Counsel and Office of Public Defender with the expressed intent "to make publicly financed legal services available to the indigent and the near indigent person" and "make such services available in an efficient manner which provides adequate representation at reasonable costs to the county." We believe Skagit County has achieved such goals to date. We write over concerns that the proposed standards could threaten that level of service.

We recognize the proposal being considered comes to you after being vetted by the Washington State Bar Association after review of the National Public Defense Workload Study. Our concerns lie over the one-size fits all approach to the study. We believe experienced public defenders have a capacity to handle most of the matters within the current caseload recommendations. Therefore, the sufficiency of the services already provided in many jurisdictions across this state should be considered. We share our local information about caseloads and public defender staffing that may be helpful.

Below are graphs of the Skagit County Superior and District Court caseloads as far back as data is available from the Supreme Court's caseload reports located here: <https://www.courts.wa.gov/caseload/?fa=caseload.showArchived>

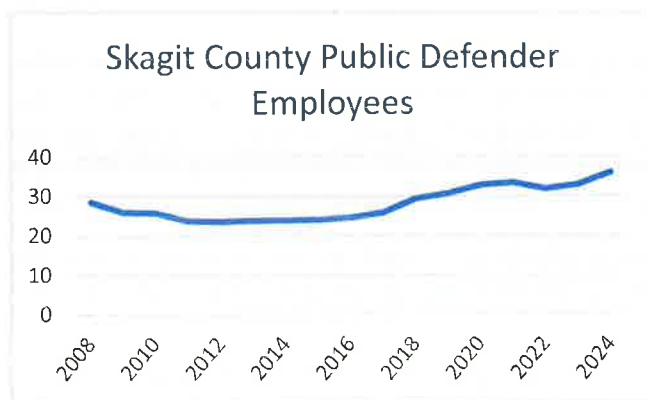
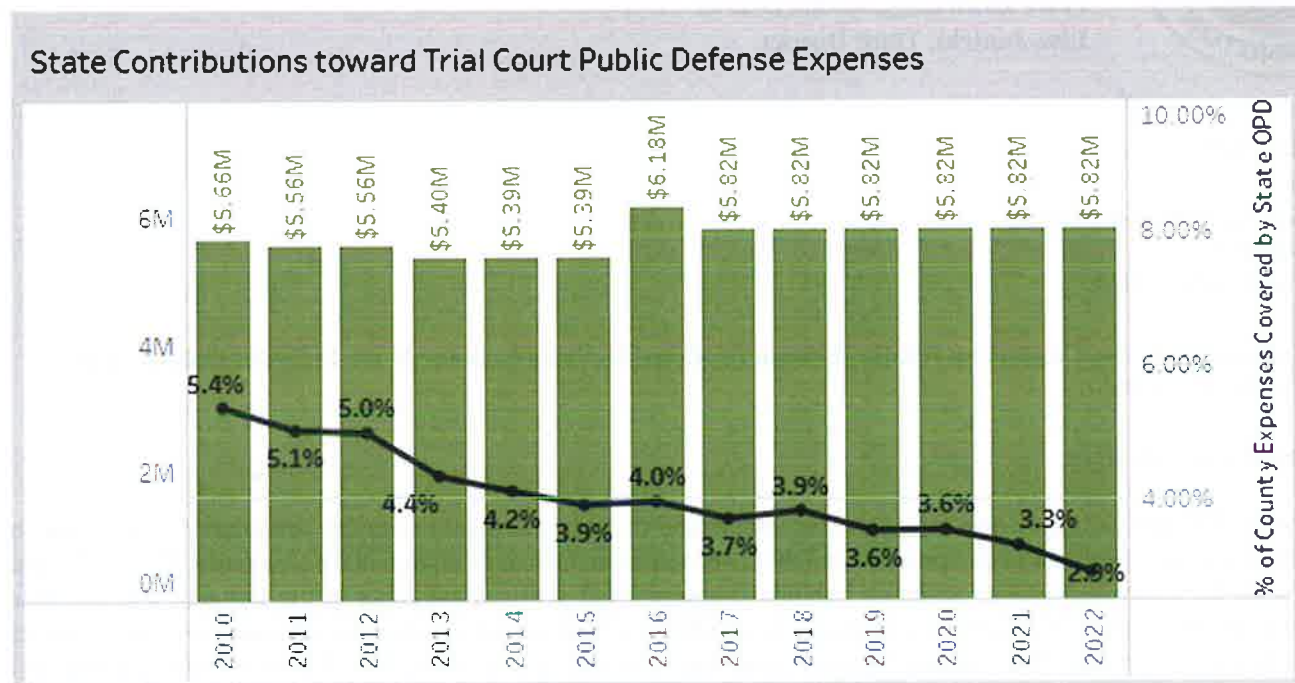


Data on adult felony and juvenile cases filed was stable or declining before the impacts of COVID and the Blake decision with subsequent legislative changes. Misdemeanor cases have been steadily declining for some time.

The Skagit County Prosecutor's Office's charging decisions significantly affect the criminal caseload. Since January of

2007, we have had the benefit of a former local defense attorney, Richard Weyrich, as our elected prosecutor. He made immediate filings a priority and cleared a backlog of cases, which impacts recidivism on the front end. He has also made hard decisions on which cases to pursue as evidenced by the numbers in the graphs above.

Skagit County alone is projected to spend more next year on public defense than Washington State spends on all counties combined as the percentage of state funding of public defense dwindles.



Graph located at: <https://wsac.org/trial-court-public-defense-dashboard/>

The Skagit County Public Defender’s Office has benefited from quality leadership over the last 30 years. Past directors were Robert Jones, Keith Tyne, and C. Wesley Richards. Most recently Jeri Chavez, a public defender with two decades of experience, was elevated to the position from within the office. We trust that these directors would have brought matters to our attention had the attorneys in their office been unable to provide competent representation under current caseload standards. At left is a graph of staffing levels of the Skagit

County Public Defender’s Office since 2008 showing an increase. As the graphs on the prior page indicate, during this same period of time, there was an overall decline in cases. Attached at the end of this letter is a graph of the funding provided to the office since 2000.

The Skagit County Office of Assigned Counsel also contracts with the Snohomish County Public Defender’s Office, and private attorneys, for conflict counsel which is not taken into consideration in this graph. In addition, private counsel also appear on numerous felony cases, and regularly appear on a high number of misdemeanor DUI cases.

Retaining quality, experienced public defenders is important. Skagit County benefits from being close to urban centers of Western Washington and has been able to retain many attorneys due to the lower cost of living in the county.

The Skagit County Superior Court benefits from two judges who were public defenders immediately before joining our bench and one who was a public defender, before becoming an elected prosecutor and a court commissioner in a neighboring county before joining our bench. We feel comfortable asserting that our bench would be responsive to any concerns raised by the Skagit County Public Defender’s Office over inability to manage the caseload.

Given the information above, we believe the proposed significant increase in the number of attorneys and staff required by the proposed standards would not improve the quality of public defense in Skagit County. Further, it may have a negative effect based upon the inability of quality counsel to take further cases once a caseload limit is reached.

One area where we recognize the current caseload limits is lacking is in serious felony charges. Adding case-weighting is a reasonable addition given the level of detail required in such cases. We recognize clear standards for public defender workloads based upon the type of cases are essential to assure maximum public benefit and reflect modern criminal defense practice and professional responsibilities.

Given the situation in our points raised above and concerns, we ask that you consider the following:

- ❖ Provide a survey to all Superior, District and Municipal Courts for judges to identify whether they have been required to take action based upon insufficient number of counsel or ineffective assistance due to caseloads.
- ❖ Provide a standardized case data form for all courts and counties in order to determine the appropriate service level including information on public defender attorney staffing, allocation of investigators, social workers and administrative support staff ratios.
- ❖ Conduct a comprehensive review based upon the information gathered.
- ❖ Consider implementation of the first of the proposed phases and evaluate the impact before further implementation.

Thank you for considering our requests so that we can continue to provide appropriate service.

Yours very truly,

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



Peter Browning, Chair



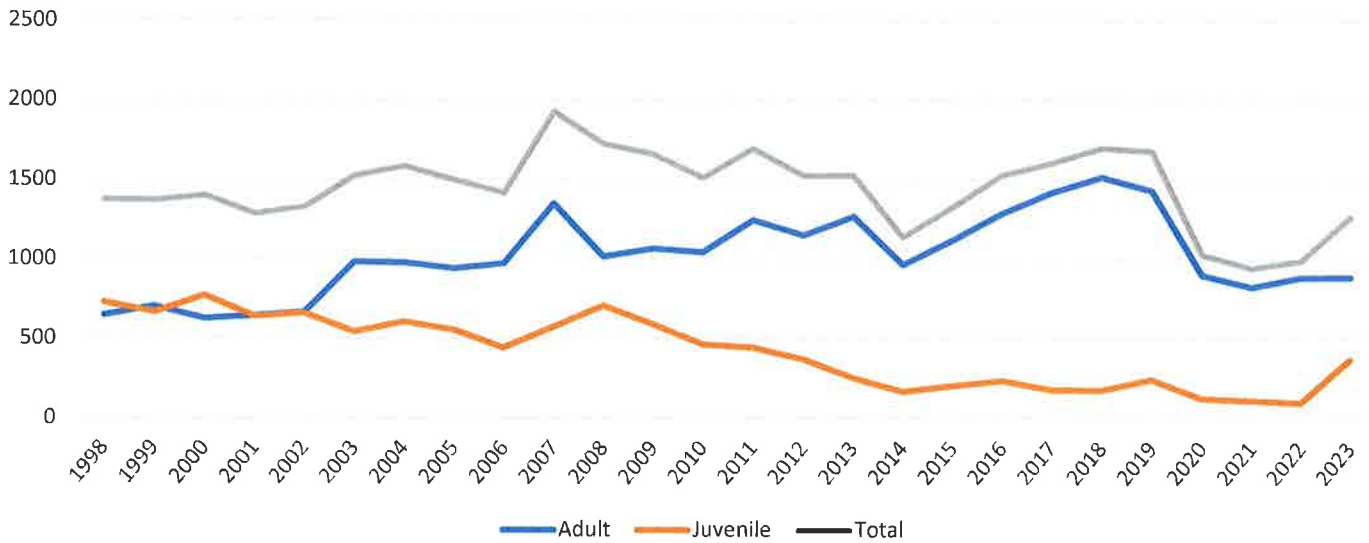
Lisa Janicki, Commissioner



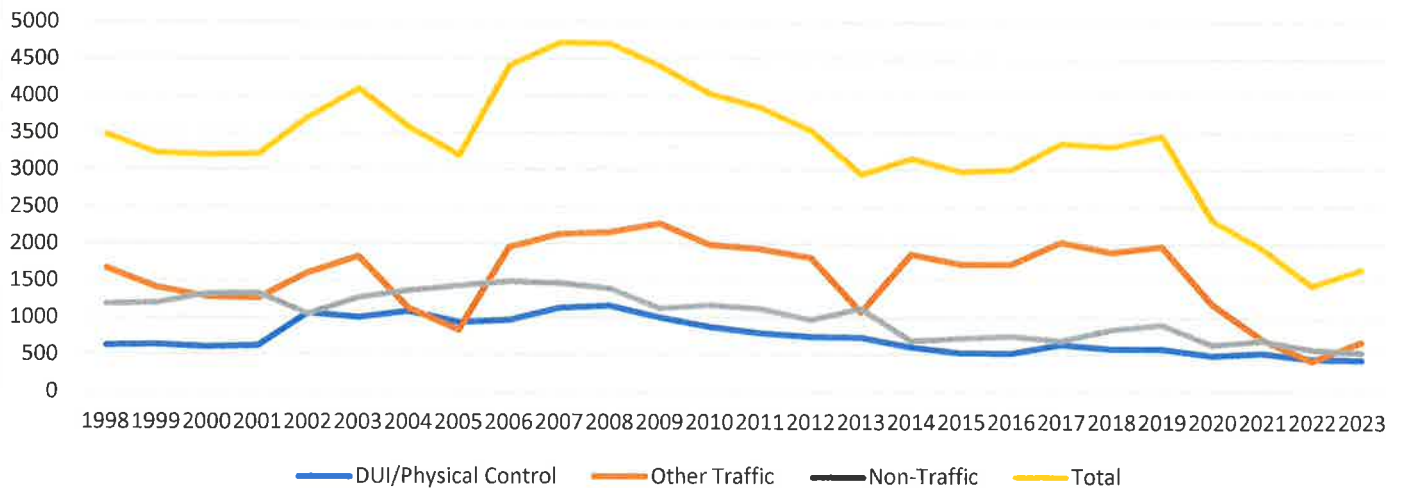
Ron Wesen, Commissioner

LARGE VERSIONS OF GRAPHS

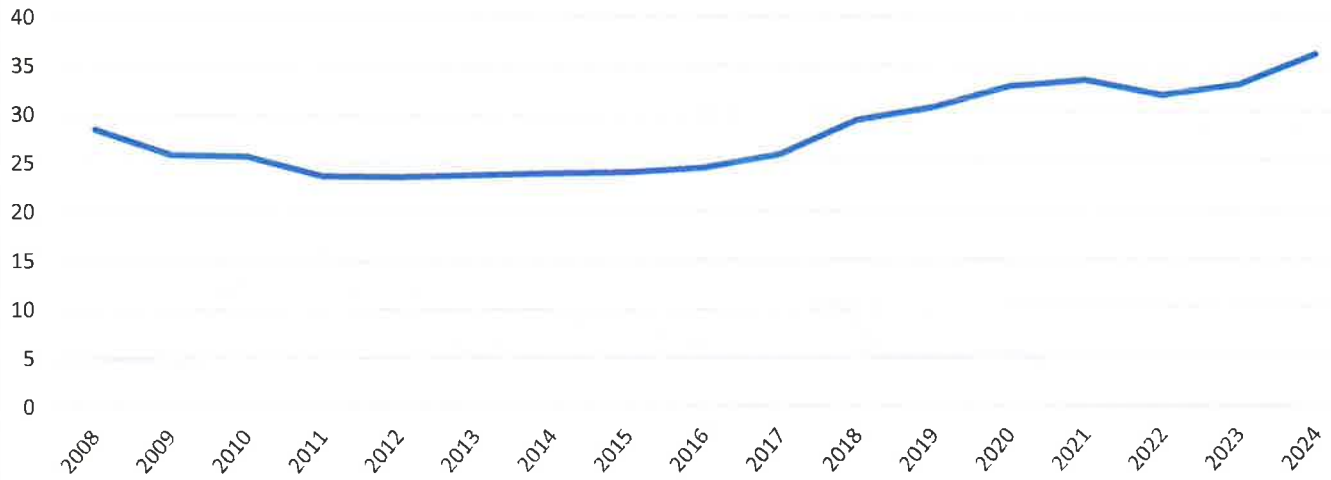
Skagit County Superior Court
Adult Felony and Juvenile Cases



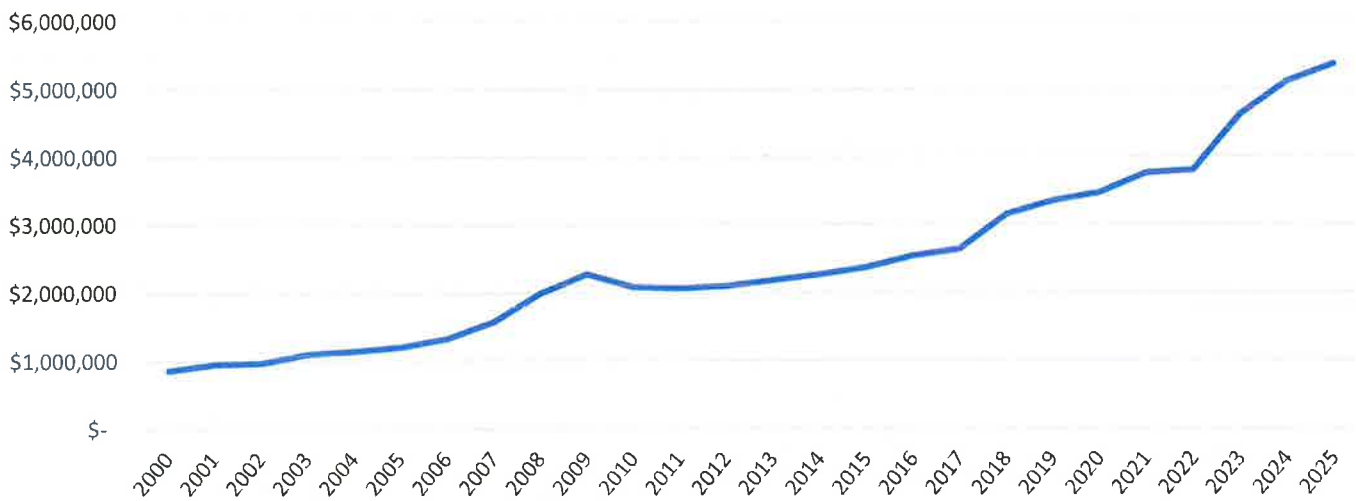
Skagit County District Court
Misdemeanor Cases



Skagit County Public Defender Employees



Public Defender Salaries Plus Benefits



From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Public Defense Standards Supreme Court Comment
Date: Tuesday, October 29, 2024 2:16:37 PM
Attachments: [10-28-2024 - Public Defense Standards Supreme Court Comment.pdf](#)

From: Commissioners <commissioners@co.skagit.wa.us>
Sent: Tuesday, October 29, 2024 1:59 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Good afternoon,

Attached please find our comments regarding proposed amendments to three Washington Court Rules establishing state standards for indigent defense.

Thank you,

Skagit County Board of Commissioners
Chair Peter Browning
Commissioner Lisa Janicki
Commissioner Ron Wesen

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