From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: WSBA Caseload Standards
Date: Monday, September 16, 2024 3:42:35 PM

From: Dontje, Taylor <tdontje@kingcounty.gov>
Sent: Monday, September 16, 2024 3:39 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: WSBA Caseload Standards

Justices of the Washington State Supreme Court,

My name is Taylor Dontje, and I am a public defender with the King County Department of Public Defense. I have been a public defender for the past four years and while it is a title I wear as a badge of honor the extremely high caseloads have severely impacted not only my quality of representation but my physical and mental health as well. I am writing in support of the proposed court rule amendments to codify the WSBA's recently passed criminal caseload standards for public defenders. The WSBA Board of Governors approved these long-overdue updates to the maximum workload public defenders can reasonably be expected to carry for a simple and obvious reason: They recognized the status quo has required public defenders like me to compromise our ethical obligations to our clients and sacrifice our own well-being in the process.

This is not an academic matter – as unsustainable workloads drive my experienced colleagues out of public defense, those of us who remain are forced to take on more and more cases which often carry life-altering consequences for our clients. We do everything we can to vindicate our clients' constitutional right to a speedy trial, but with high turnover and near-constant trials many clients have no choice but to continue their case – and prolong their pre-trial incarceration – until their latest attorney has capacity to prepare for yet another trial. Our clients are deserving of quality and effective representation from attorneys who do not need to triage cases to stay afloat.

We are forced in this job to triage our cases. That means by default, we need to put more time and attention into some cases than others. While we do the best we can to serve all our clients, this means that some of our clients' cases go to the back burner. This has resulted in more continuances, more resources spent, more cases on court calendars, and prolonged resolutions that could have benefited both our clients and the community. No client should have their case on the back burner because their attorney has too many cases than what they can manage. That is not zealous representation and that is not what the constitution guarantees.

Impossible caseloads have resulted in many of my colleagues, me included, seeking professional mental health help to continue doing a job we love. Personally, I started taking medication as a way to manage the anxiety and overwhelming despair I feel knowing that I could do more for my clients but simply do not have the bandwidth to help them all in the way that they deserve. So many of our clients are in the American legal system because they are homeless, suffer from addiction, and/or are mentally unstable. Public defenders are tasked with not only helping our clients through the court process, but also setting our clients up for success in the future. I have had too many clients sit in jail for months waiting on an available bed at a treatment facility. If my caseload was manageable, I could spend more time connecting clients to services, but that is just something outside of what I can do presently.

I know you will hear from institutional actors claiming that these standards are impractical or would be prohibitively expensive. While some of those concerns are real, they *cannot* justify continuing a status quo that makes a mockery out of most clients' constitutional right to a speedy trial. My colleagues and I are already stretched to our breaking point. Indigent clients are arguably the most vulnerable population in our society and the actors who are advocating against implementing reasonable caseload standards are the same groups who take advantage of our clients. They simply do not wish to see our clients exercise the rights they are guaranteed under the constitution.

Without the relief that these caseloads would bring, the quality of the representation I can provide to people who do not have the ability to choose their own lawyer will continue to get worse. At some point, I will be forced to reach the same conclusion as many of my former colleagues: I can no longer practice in public defense while claiming to honor my ethical obligations to my clients. I love this job and I am passionate about this work, as are my colleagues. We want to have long careers as public defenders and the only way for that to happen is to adopt the WSBA's caseload standards. When we have the time and ability to help our clients, we are able to reduce recidivism and make the community safer.

The Supreme Court did not condition the right to an attorney on a government's ability to afford one when it decided *Gideon v. Wainright*. They rightly placed the obligation to find funding to pay for a public defender at public expense on the government seeking to take away an indigent person's liberty. When deciding whether that right means my clients deserve someone with the time and capacity to zealously represent them, that is the example this Court should follow. I urge you to adopt the proposed court rules that would codify the WSBA's caseload standards for public defenders so the right enshrined in *Gideon* entitles my clients to more than just a warm body with a bar card.

Thank you for your time and consideration,

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