

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelyn](#)  
**Subject:** FW: Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES REVISED CrR 3.1 Stds/CrRLJ 3.1 Stds/JuCR 9.2 Stds  
**Date:** Monday, September 16, 2024 4:49:53 PM

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**From:** ted@debraylaw.com <ted@debraylaw.com>  
**Sent:** Monday, September 16, 2024 4:47 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES REVISED CrR 3.1 Stds/CrRLJ 3.1 Stds/JuCR 9.2 Stds

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Justices:

My advice to the Court: proceed with the proposal to reduce caseload limits, but go slowly.

I am a contract public defender in Cowlitz County, and with the exception of a stint as a deputy prosecutor in a different county for a couple of years, I have been in the trenches doing indigent representation since 1997. Notably, if the proposal made by the bar committee were adopted in full, it would be a substantial financial windfall for me personally. Nonetheless, I oppose it as presented.

The reason for the fall-off in attorneys willing and able to enter a career as a public defender is only partly due to the “stress-to-income” ratio that the proposed changes are meant to address. A bigger reason is that most new lawyers in this state want to live in just a few areas besides Seattle, Spokane and Tacoma: Olympia, Bellingham, Port Townsend. There are a number of reasons for that, mostly having to do in my opinion with what single people (as most recent law grads are) want in a dating scene, and also the undeniable red-blue political and cultural divide that maps onto the rural-urban divide in the state.

The first proposed step down in caseload limits make sense. I believe that the improved work-life balance will draw some talented new attorneys to the practice of indigent defense. Word will get out about the improvement in pay-work ratio, and I think things will improve. The cost to smaller counties will be substantial, but there **\*may\*** be an upside especially if the state does contribute to funding at the county level.

The further proposed reductions to caseload limits are another matter entirely. I have seen that the Court is hearing from many county and municipal officials about the very real fiscal downsides that an unfunded mandate such as this presents. The concerns are very well-founded, but I have an additional concern: the likelihood is great that further reductions will undermine the quality of public defense attorneys. Even if the money can be found to meet the

caseload limits, the further reductions will draw in the lazy, who will then be very difficult to fire if they do not do their jobs diligently. From my observations, this is a real problem. We don't need warm bodies with bar cards, we need fighters.

Thanks for considering my words.

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++Dura Lex, Sed Lex++