



King County

Teresa Mosqueda

Councilmember, District 8

Metropolitan King County Council

October 31, 2024

Chief Justice Steven C. González
Washington State Supreme Court
243 Israel Road SE
Town Center Building 3
Tumwater, WA 98501
supreme@courts.wa.gov

RE: Comment on adopting WSBA revised indigent defense standards

Honorable Justices of the Washington Supreme Court:

Thank you for your ongoing work to address inequities that are foundational to our legal system. In the spirit of these efforts, I am writing to urge you to adopt the Washington State Bar Association's revised indigent defense standards. Implementing these standards will urge Washington's policymakers to provide long-overdue funding for both public defense and alternatives to incarceration. Support from the Court may help legislators prioritize the public defense crisis and send the message that Washingtonians' fundamental right to an effective criminal defense must be protected.

Adopting WSBA's revised caseload standards is a critical component to incentivizing policymakers at all levels to reform and improve our state's public defense system. There is currently a false choice between constituents' constitutional rights and fiscal solvency in our jurisdictions. While the Court cannot alone solve systemic funding issues, this Court could send a clear message that current public defense caseloads are untenable and unconstitutional.

Reducing public defenders' caseloads may also urge policymakers to relieve our strained court system by investing in evidence-backed alternatives to criminal punishment. A King County Department of Public Defense analysis found that 60% of the cases filed between 2021 and 2023 were low-level felonies, including sleeping in a stolen vehicle, selling small quantities of controlled substances, and stealing basic essentials. Many of these cases can be resolved more efficiently without prosecution or incarceration. Reducing public defender caseloads will incentivize policymakers to invest in supportive housing, cash assistance, restitution funds, crisis care centers—like those already being constructed in King County—and other evidence-based, more effective responses to low-level offenses.

Washington's current public defense system forces thousands of working Washingtonians to choose between resolving their cases quickly or obtaining an



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effective legal defense. And too many Washingtonians never receive the effective lawyer our constitution requires—no matter how long they wait; and these same Washingtonians notably represent some of the most marginalized and stigmatized communities in our state.

I respectfully request the adoption of the WSBA's revised standards. Thank you for your service to our great state, and thank you in advance for your consideration of these points.

Sincerely,

Councilmember Teresa Mosqueda
District 8, King County Council
Chair, Health & Human Services Committee
Chair, King County Board of Health