

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelyn](#)
Subject: FW: Comment on: Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES
Date: Tuesday, September 24, 2024 3:34:58 PM

From: Mayor Terri Cooper <tcooper@medical-lake.org>
Sent: Tuesday, September 24, 2024 3:32 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Sonny Weathers <SWeathers@medical-lake.org>
Subject: Comment on: Suggested Amendments to STANDARDS FOR INDIGENT DEFENSE SERVICES

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I signed up to testify but am unfortunately unavailable. Following is my written comment:

My 25-year court administration career serving courts of limited jurisdiction in Washington state has given me firsthand knowledge of the shortage of public defense services in Washington State and some of the reasons why there is a shortage. Simply put, attorneys can't make enough money doing public defense work and lowering caseloads will only cause them to make less money because local jurisdictions have funding limitations and pay by contract terms.

I disagree that caseloads are the problem. Caseloads are not the problem. The reason so few attorneys are available for public defense services is because the State of Washington does not provide sufficient funding for their justice system. At one point in the recent past Washington State was last in the nation for justice funding. Until recently the State of Washington placed the sole constitutional burden of indigent defense on local city and county governments. Once the Office of Public Defense was created there has been some small funding for public defenders but not anywhere close to what is needed. Funding for constitutionally required k-12 education comes from property taxes at a fixed rate unlike indigent defense which is decided by local elected officials trying to balance their annual budget. The State of Washington should look to other states to find out what works.

I agree there should be reasonable standards, but to reduce caseloads so drastically in

such a short time frame is unrealistic. Simply changing the caseload number will not produce more attorneys willing and able to serve. Too much too fast will result in failure. We must take a phased approach and introduce system changes. More funding will result in more attorneys coming to the table.

With these proposed rule changes, public defenders will get the same pay, or possibly less, because caseload limits do just that, limit the number of cases an attorney can carry in a year and contracts pay per month or by case, counterproductive. Remember, lawyers do not want to do public defense work because they can't make enough money doing so. Really good attorneys are efficient and well versed in local court rules and systems. They quickly resolve cases and typically provide adequate defense services. Washington should create incentives that encourage efficiency and measured time-to-resolution based on complexity of the case. The current system sees too many delays with no incentive to resolve cases timely causing cases to stack-up and clog the pipeline.

The real incentive needs to come from the State of Washington to standardize and fund a pay scale commensurate with the state employee pay scale including benefits along with reasonable caseload standards. Most of the public defenders are private attorneys working by contract responsible for paying all their own overhead expenses. Funding must be secured from PSEA or other criminal justice funding source and either hire public defenders as state employees or pass full funding to the counties or cities to pay salaries and benefits for indigent defense attorneys for the work they do.

Terri Cooper, Mayor
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