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From: Hastings, Theodore <thastings@kingcounty.gov>
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Subject: proposed indigent defense standards

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The WSBA concluded, largely in reliance on thorough and persuasive research conducted by the ABA and the RAND Corporation, that, in order for criminal defendants to receive the effective assistance of an attorney to which they are Constitutionally entitled, public defense caseloads must be dramatically reduced. As far as I can determine, those opposed to the proposed new standards do not take issue with that conclusion but rather simply complain that implementation will cost too much. I am certain that governments faced similar challenges after *Gideon v. Wainwright* was decided, and many of those opposed to the new standards would no doubt like even better to be relieved of the obligation to provide indigent defendants an attorney at all. But governments found a way to provide for indigent defense post-Gideon and they will again find a way should this Court approve the proposed new standards. More critically, this Court cannot permit our Constitution, or for that matter fundamental values of justice and fairness, to be made subservient to fiscal concerns. Due process is all that distinguishes our system of justice from those of authoritarian nations or the many failed systems lining the pages of history books. Any job worth doing is worth doing right, and that credo applies with full force to the important work of our state courts. I urge this Court to not shy away from a difficult, contentious decision but rather to courageously uphold the Constitution by adopting the proposed new standards.

Thank you,

Theodore Hastings

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