



BOARD OF COUNTY COMMISSIONERS

Carolina Mejia
District 1

Gary Edwards
District 2

Tye Menser
District 3

Wayne Fournier
District 4

Emily Clouse
District 5

October 21, 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: Comments on the Public Defense Proposed Revised Standards for Indigent Defense and Caseload Limits

Chief Justice González,

The Thurston County Board of County Commissioners understands the right to counsel is vital to ensure meaningful access to justice. Thurston County Public Defense has seen the departure of numerous defenders due to excessive caseloads and low pay. Some of these individuals have reached out to the Director of Public Defense and stated that if the new standards were adopted, they would return to public defense.

We have a phenomenal team of Public Defenders and understand the importance of reducing their caseloads. Thurston County has experienced the same difficulty as other counties, trying to manage an increasing population, while simultaneously losing staff and facing a hiring shortage. Over time this situation leads to trial delays, impacts to the amount of time defenders can spend on cases, and ultimately, staff burnout.

Thurston County agrees with the proposed standards; however, we are deeply concerned about the impact of the financial burden these policies will place on us.

The State's current system of delegating trial court indigent defense functions to counties without providing adequate funding from dependable state sources is a systemic failure. This approach fails to provide Washington counties with the means necessary to furnish constitutionally adequate indigent defense services and denies these defendants equal access to justice. This reality makes implementing the Council on Public Defense's (CPD) proposed standards and limits impossible for Washington counties, including Thurston County.

Between 2011 and 2021, Thurston County's trial court public defense expenditures increased by over 90%. The proposed standards will likely triple the county costs, which is simply untenable with the decrease in revenues we are experiencing. It is critical the State of Washington uphold their constitutionally required obligation to fully fund these essential services.



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Without significant court or legislative assistance, it is unclear how our county will be able to implement the proposed CPD caseload standards and limits. Simply stated, shouldering this financial burden, even with the proposed three-year phase-in, is impossible without a substantial increase in state funding.

We ask the Supreme Court to consider the following approach.

We recommend Phase One of the implementation begin starting January 1, 2026, contingent on legislative appropriations.

The Washington State Office of Public Defense (OPD) has requested increases to RCW 10.101 funding and if successful those funds would be available to County budgets beginning January 2026. In Thurston County, our expected allocation would allow us to comply with year one implementation based on County estimates of cost to implement. Beginning Phase One on January 1, 2026, would allow OPD's increased funding to be distributed to County budgets, and allow for recruitment and implementation on a more reasonable timeline.

We recommend Phase Two begin January 1, 2027.

Following the implementation of Phase One, implementing Phase Two one year later allows counties crucial time to recruit and implement.

We recommend counties be given five years to come into compliance with Phase Three following an implementation date of January 1, 2028.

This slower timeline for Phase Three would allow the CPD to re-evaluate the CURRENT Phase Three caseload recommendations to see if modifications are warranted following the implementation of Phases One and Two. The first two phases will likely add value to public defense in ways beyond the caseload limits themselves and are likely to have a positive effect on the practice of public defense (for example, more access to investigators and social service workers, and an easier path to become felony-qualified).

Again, Thurston County supports the proposed standards contingent on legislative appropriations, and with the timeline modifications mentioned above.

Thank you for taking the time to review our concerns. Should you need any clarification or additional information, please do not hesitate to reach out.

Sincerely,

Tye Menser, Chair

Carolina Mejia, Commissioner

Emily Clouse, Commissioner

Wayne Fournier, Vice-Chair

Gary Edwards, Commissioner

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Thurston County Indigent Public Defense Letter
Date: Monday, October 21, 2024 4:56:16 PM
Attachments: [10212024 BoCC Indigent Public Defense Standards.pdf](#)

From: Amy Davis <amy.davis@co.thurston.wa.us>
Sent: Monday, October 21, 2024 4:55 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Leah Landon <leah.landon@co.thurston.wa.us>; Patrick O'Connor <patrick.oconnor@co.thurston.wa.us>; Robert Gelder <robert.gelder@co.thurston.wa.us>
Subject: RE: Thurston County Indigent Public Defense Letter

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Hello,

On behalf of the Board of County Commissioners, please find attached an updated letter. This version includes the signatures of the full Board.

Please let me know if you have any questions.

Sincerely,

Amy Davis
Clerk of the Board
Thurston County Commissioners Office
3000 Pacific Ave SE, Olympia, WA 98501
Cell: 360-628-1679 | Office: 360-786-5447

From: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Sent: Monday, October 21, 2024 2:45 PM
To: Amy Davis <amy.davis@co.thurston.wa.us>
Cc: Leah Landon <leah.landon@co.thurston.wa.us>; Patrick O'Connor <patrick.oconnor@co.thurston.wa.us>; Robert Gelder <robert.gelder@co.thurston.wa.us>
Subject: RE: Thurston County Indigent Public Defense Letter

Your comments have been forwarded to the rules committee.

Thank you,

*Receptionist
Supreme Court Clerk's Office
360-357-2077*

From: Amy Davis <amy.davis@co.thurston.wa.us>
Sent: Monday, October 21, 2024 2:41 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Leah Landon <leah.landon@co.thurston.wa.us>; Patrick O'Connor <patrick.oconnor@co.thurston.wa.us>; Robert Gelder <robert.gelder@co.thurston.wa.us>
Subject: Thurston County Indigent Public Defense Letter

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Hello,

Attached is a letter signed by a majority of the Thurston County Board of County Commissioners regarding the Public Defense Proposed Revised Standards for Indigent Defense and Caseload Limits. Please confirm receipt and let us know should you have any questions.

Sincerely,

Amy Davis
Clerk of the Board
Thurston County Commissioners Office
3000 Pacific Ave SE, Olympia, WA 98501
Cell: 360-628-1679 | Office: 360-786-5447