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Subject: FW: CrR 3.1/CrRLJ 3.1/ JuCR9.2 Standards
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From: Tiffany Mecca <tmecca@snocopda.org>
Sent: Friday, September 20, 2024 6:54 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Re: CrR 3.1/CrRLJ 3.1/ JuCR9.2 Standards

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Justices of the Washington State Supreme Court,

For almost 15 years, I have been a dedicated public defender in Washington State. My practice has spanned district court, superior court, and juvenile court, and I have recently had the privilege of supervising a felony unit in my office. The RAND standards reflect the current reality of attorneys providing indigent defense. The importance of competent legal representation cannot be overstated. Adopting the proposed changes will ensure that the State of Washington lives up to its obligation to provide some of the most vulnerable people with the competent legal representation they deserve.

The current Standards of Indigent Defense fail the people they were designed to protect. They underestimate the time and resources necessary to competently represent a person charged with criminalized behavior. The types and amount of evidence involved in criminal cases today vastly differ from when the current standards were created. Today, public defenders contend with DNA testing, cell phone location tracking, body-worn cameras, in-car video, and even AI-created videos of crime scenes. The current standards do not and cannot account for the time and level of expertise necessary to provide competent defense in the face of an ever-growing and ever-changing body of digital and forensic evidence. This is a system that is failing the most vulnerable among us.

In addition to new technology, the need for cultural competence in legal representation cannot be overstated. Given the disproportional harmful impact of the criminal legal system on BIPOC communities and the disproportionate number of BIPOC people in jails and prisons, public defenders must be culturally competent to provide competent representation to clients. The proposed caseload standards better reflect the time needed to gain cultural competency. The Washington State Supreme Court rightly recognized that “our institutions remain affected by the vestiges of racism” and called us all to action in its letter June 4, 2020, letter to the Judiciary and Legal Community. The Court called upon itself to do better in the future and to “administer justice and support court rules in a way that brings greater racial justice to our system as a whole.” This Court can turn these words into action by supporting the proposed changes to the caseload standards which will allow attorneys to take the time and care necessary on each case.

The problem of high caseloads is not just a statistic. It has real and devastating consequences for people accused of criminalized behavior. High caseloads prevent attorneys from meeting minimum

standards of representation on every case in a timely manner. People wait in jail, pretrial, for years. This problem is more severe in different parts of the state, meaning the ability to receive timely competent representation depends on geographic location. This is unacceptable and needs to be remedied.

Cost cannot be the bottom line, and we cannot afford to ignore this problem. Moreover, this problem will only worsen as experienced and dedicated public defenders leave the profession under the stress of unmanageable caseloads.

This Court has a duty to act and adopt the proposed standards to ensure that all people accused of criminalized behavior receive competent, timely legal representation.

Thank you,
Tiffany L. Mecca

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