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Subject: FW: Comment - Adopt the New Standards for Indigent Defense
Date: Thursday, October 24, 2024 8:02:40 AM

From: Timera Drake <timera@drakelawpllc.com>
Sent: Wednesday, October 23, 2024 6:21 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment - Adopt the New Standards for Indigent Defense

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Honored Justices,

I encourage you to adopt the proposed standards for indigent defense (CrR 3.1, CrRLJ 3.1, and JuCR 9.2).

I left public defense work and transitioned to assigned counsel (or “conflict attorney”) work because I was overwhelmed with the workload and under great stress trying to provide effective legal assistance to all my clients. As assigned counsel, my caseload is much more manageable, the stress is significantly lower, and my mental and physical health is good. But I traded a regular income, health benefits, and an assistant, among other things, to get that. The upside is my client communication has improved and I provide higher-quality representation to my clients because I am not stressed out or overwhelmed with my workload. The very big downside is I earn far less for doing the same work and working the same number of hours.

Lowering the caseload limit and increasing assigned counsel pay is probably the biggest step that can be taken to ensure the health and wellbeing of an entire generation of attorneys. Attorneys rank 5th among a list of occupational suicide rates, and a lawyer is 3.6 times more likely to be depressed than a non-lawyer.

https://www.americanbar.org/groups/senior_lawyers/resources/voice-of-experience/2010-2022/dissenting-death-preventing-lawyer-suicide/

According to Michael Webb, “[Attorneys] are not, for the most part, a mentally healthy group of individuals.” Id. While incoming law students have a similar rate of depression as the general population, by the time they graduate and study and sit for the bar exam, those rates skyrocket to 40%. Id. “[P]sychological distress, dissatisfaction and substance abuse [follow] law students into the legal profession.”

Id. Patrick R. Krill found that lawyers' risk of suicide was increased when the attorneys were faced with overwhelming workloads, high levels of perceived stress, and feeling lonely. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9956925/>. The risk increased even more if the attorney was male. Id.

I could cite statistics all day, but the important takeaway from this comment is that lowering case limits and increasing assigned counsel pay would contribute to alleviating the stress and overwhelming workloads for public defenders and lead to an improvement in this community's mental health and wellbeing as a whole. It would likely lead to increased access to justice for indigent clients and improved representation with better outcomes for clients. The new standards may even encourage more private attorneys to consider accepting cases as assigned counsel.

Please adopt the new standards for indigent defense. The new standards won't just help attorneys—they will also create a positive impact for indigent clients in Washington State.

Cheers,

Timera C. Drake, Attorney
Licensed in Washington and New Mexico