From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: Indigent Defense Standards CrR 3.1, CrRLJ 3.1, JuCR9.2
Date: Thursday, October 31, 2024 1:39:49 PM

From: Blumhorst, Victoria L. <VBlumhorst@spokanecounty.org>
Sent: Thursday, October 31, 2024 12:56 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Indigent Defense Standards CrR 3.1, CrRLJ 3.1, JuCR9.2

Honorable Justices of the Washington State Supreme Court,

My name is Victoria Blumhorst and I have been a public defender for 18 years in Spokane County. I am the director of Counsel for Defense, one of the public defense agencies in Spokane County. I currently serve on the board of the Washington Defender Association and I am a committee member on the Council on Public Defense and the Washington Gender and Justice Commission. In my role as director, I oversee line attorneys who carry full caseloads in Superior and Juvenile Courts. I also carry a partial caseload. In addition to these roles, I am a wife and mother.
I am writing you today in my individual capacity. None of the views I express should be attributed to any other person or organization, but only myself. I hope that the comments before mine and the testimony at the first public hearing have opened your eyes to the peril that is public defense in our state and across the U.S..

I work in a jurisdiction that treats Class A felonies, the most serious of crimes, the same as Class B and C felonies. The only case weighting that has ever been in practice in Spokane is case weighting downward. There is no cap other than 150 adult felonies and 250 juvenile offender cases under Criminal Rule 3.1, Standard 3.4. This is despite the addition of body worn cameras by nearly all of our police agencies in Spokane County. With the prevalence of cell phone records, body worn cameras, home security cameras, and the like, the amount of digital discovery in any case easily adds hundreds of hours to discovery and evidence review. Yet, under the current standards of 150 felonies a year, with an estimated 1800 hours of work time (34 hours per week on case work only, plus 2 weeks vacation, government holidays), each public defender gets approximately 12 hours to work on one individual case. Those 12 hours include all time spent in court; for arraignment, continuance hearings, motions, plea hearings and trials. In addition to court time, those 12 hours also encompass time for client meetings, victim and witness interviews, discovery and evidence review, consultations with experts, research and writing, and trial preparation. The math simply

does not add up. 12 hours is not enough time to provide zealous advocacy on any felony case, be it a murder, rape, burglary, or theft.

I am aware that alternative implementation of the proposed standards are being advanced by various organizations. I am aware that my county, like many others, cannot afford the increased cost these proposed standards would entail. But I am also aware that our counties and cities also cannot afford to continue to lose experienced attorneys who are qualified to take the most serious of cases. If there is no relief on the horizon, attorneys will continue to walk away from this noblest of professions. When an attorney leaves public defense, they do not take their caseload with them. Those clients must be reassigned to other qualified attorneys. The work on the case restarts from scratch as the newly appointed, overburdened, public defender must catch up. This results in lengthy delays for everyone involved: alleged victims, judges, attorneys, and the client. Implementation of the new standards can stop the hemorrhage of experienced attorneys leaving public defense.

Therefore, I am writing to ask that you do not delay the implementation of phase one and two of the proposed standards. I ask that you implement phase one on July 1, 2025. I am asking that the implementation of support staff standards be done throughout the phases so that attorneys have the resources they need to do their work. If further discussion and evaluation is needed, it is needed after implementation of phase one and two. Please adopt these proposed standards and please do not delay the implementation of phase one and two.

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