

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Martinez, Jacquelynn](#)  
**Subject:** FW: Indigent Defense Standards  
**Date:** Friday, September 27, 2024 4:14:08 PM

---

---

**From:** William S. Bailey <bailew2@uw.edu>  
**Sent:** Friday, September 27, 2024 4:13 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Indigent Defense Standards

You don't often get email from [bailew2@uw.edu](mailto:bailew2@uw.edu). [Learn why this is important](#)  
**External Email Warning!** This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Justices, It is distressing for me to report that in the 50 years since I graduated from law school, the crises facing public defense have gotten steadily worse. I spent four years as a King County Public Defender (The Defender Association, 1976-1980). During that time, the number of cases we handled went up every year, while the compensation received per case declined. The associated stresses of the increasingly heavy caseload took a progressively greater toll.

Even though the level of skill and commitment among my defender colleagues was quite high, few were able to withstand the constant stress and demands made on them. Burnout was common. When I left to go to the Washington State AG's office in 1980 for this reason, multiple colleagues took me aside, wanting to know how to do the same thing, confiding that they were at the breaking point, unable to have any kind of quality in their personal lives.

In our world of constant change, criminal defense is much more complicated now than back in my day. Forensic evidence has added a major source of additional work. Sadly, many wrongful convictions have occurred because public defenders don't have the time or resources to properly examine the evidence in the prosecution's case.

Teaching part-time at Seattle University School of Law for five years and full-time at the University of Washington School of Law since 2011 has given me keen insight into the young people coming into our profession. They are the best of us. Working with them has been a constant source of hope and inspiration. SO many are committed to spending their careers in public service.

But many of today's students are facing a hideous level of debt that my generation did not (my total tuition at Northwestern University School of Law was \$7,200!). In addition, the cost of living in the larger urban areas of western Washington adds to the financial burdens on our graduates. And to their credit, this new generation of lawyers want to have personal time, recharging in our beautiful

part of the world. Given the stresses of public defense, this is absolute necessity for the maintenance of their mental health.

There is no question that we are at a breaking point as far as public defense in Washington. I am informed that many defender offices cannot fill their open positions, with that much more work falling on those who are already dangerously overworked.

The new defender caseload standards being considered by the Court are SO badly needed, a critical element in levelling the playing field of our justice system. As we all know, our advocacy system only works if both sides have equal resources and skills. If adopted, these standards will play a major role in turning the tide in this direction. As it is now, the prosecutors have a significant resource and personnel advantage..

Thank you for caring so deeply about this. This Court consistently has stepped up to meet the challenges before us, making me prouder than ever to be a member of the bar in Washington. There is no question that this is the right thing to do. It is certain to add impetus to similar movements in other states across the nation facing the same issues.

With great respect,

William S. Bailey

**WILLIAM S. BAILEY**

Professor From Practice, Law

University of Washington School of Law

William H. Gates Hall Room 337 Box 353020  
4293 Memorial Way NE, Seattle, WA 98195 – 3020  
206.543.4917 / [bailew2@uw.edu](mailto:bailew2@uw.edu) / [law.uw.edu](http://law.uw.edu)

