

ALFORD & ASSOCIATES, PLLC
ATTORNEYS AT LAW

April 30, 25,

Washington Supreme Court
415 12th Ave. SW
Olympia, WA 98504

**Re: Proposed Standards for Indigent Defense CrR 3.1, CrRLJ 3.1, and JuCR 9.2
(Family Defense)**

Dear Honorable Justices of the Washington State Supreme Court:

I am pleading with you to implement the proposed caseload standards for family defense. Parents have a fundamental liberty interest in the care, custody, companionship, and control of their child.¹ This interest is protected by the Fourteenth Amendment to the United States Constitution, Article 1, Section 3 of the Washington State Constitution, RCW 13.34.090, and RCW 10.101.005. However, merely appointing counsel is insufficient to satisfy the constitutional and statutorily protected rights of families. Parents are entitled to the effective assistance of counsel.² The State must “ensure that judicial proceedings are fundamentally fair.”³

Under the current caseload standards, effective assistance of counsel on all cases is nearly impossible. Striving to meet that bare minimum goal of being effective is exhausting and demoralizing. As a public defense attorney and a managing attorney for a public defense contract firm, I find it repugnant that we settle for the bottom of the barrel. I am proud of myself, my exceptional attorneys and staff, and our work in the past 8 years. But that has not come without a significant cost. We are exhausted and demoralized; did I already say that? Each time I begin the long trudge through thousands upon thousands of pages of discovery in preparation for the termination of parental rights trial, I am reminded of all the times I could have done more. I should have filed more motions and filed more notices of issues. Maybe that would have changed the trajectory for this family? I should have brought the failures to provide a parent with appropriate services to the court and even DCYF’s attention sooner. Maybe that would have changed the trajectory for this mom? I should have deposed this person or that. I should have reviewed the discovery on a more consistent basis. I should have had the paralegals request discovery more often. I should have brought in an expert earlier in the case to testify at a review hearing about the damage being done. This is amazingly scary and hard to admit, but I could have always done more. But how, with what time? Thankfully, we do not have a full 80 client case load in Snohomish County. If I had that high of a case load, well, there would be times when I fell below the bare minimum line of effective assistance of counsel. The new

¹ See *Santosky v. Kramer*, 455 U.S. 745, 753, 71 L. Ed. 2d 599, 102 S. Ct. 1388 (1982).

² *In re Welfare of J.M.*, 130 Wn. App. 912, 922 (2005)

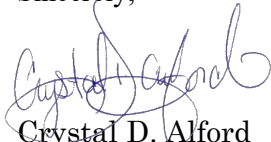
³ *Lassiter v. Dep’t of Soc. Servs.*, 452 U.S. 18, 33–34, 101 S.Ct. 2153, 68 L.Ed.2d 640 (1981).

standards will, most importantly, ensure parents routinely receive effective assistance of counsel throughout the State. This is not simply because there will be a much more manageable case load, but because it provides for training in firms and through the Office of Public Defense.

Currently, there is no mechanism to ensure the proper training of associates in firms or solo practitioners. One needs to be in place, and room must be made to account for the time managing attorneys spend training associates, paralegals, legal assistants, and managing the business end of the law firm. The new standards will do this. I hope these standards will get the defense bar closer to parity with the Assistant Attorney General's Office, which is most often our opposing counsel. Assistant Attorney Generals have so much more support. They have paralegals, legal assistants, office staff, and supervising attorneys.⁴ If the State is to ensure that judicial proceedings are fundamentally fair, we need pay parity and workload parity with the AGO. Updating the standards is a step towards that parity.

Finally, there will be implementation problems, and while I may not like the reality, I would acquiesce to a more extended roll-out period for the phases in the proposed rule. But something must change. We cannot sustain a healthy defense bar under the current rules. Simply put, you have the power to help; please help the defense bar, please help the parents, please help the children, please help the families of Washington State.

Sincerely,



Crystal D. Alford

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⁴ https://agportal-s3bucket.s3.us-west-2.amazonaws.com/2025-27%20AGO%20Biennial%20Budget%20Proposal.pdf?VersionId=zjDI26WoJyE_MGQFIEn5CM8aoSzlQwlm at page 136.

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Good Evening,

Please find attached comments regarding the proposed Standards for Indigent Defense (family defense cases) submitted on behalf of Alford & Associates, PLLC.

Sincerely,
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She/Her
Alford & Associates, PLLC

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