



WSBA COUNCIL ON PUBLIC DEFENSE MEETING AGENDA

April 18, 2025
9:30am – 11:00am

Join by Video Conference:

For video and audio: <https://wsba.zoom.us/j/86831734727?pwd=JdPRPtrj3zUwG7Vm54liXXDo85uKa5.1>

For audio only: **LOCAL OPTION:** (253) 215-8782 || **TOLL-FREE OPTION:** (888) 788-0099

Meeting ID: 868 3173 4727 || **Passcode:** 892144

The purpose of the meeting is for the Council to discuss, deliberate, and take potential final action regarding the following agenda items:

5 min	Welcome and Introductions	Maialisa Vanyo	Discussion	
3 min	March Meeting Minutes	Maialisa Vanyo	Action	pp 2-4
60 min	Standards Implementation	Jason Schwarz / CPD Standards Committee	Discussion/Action	pp 5-17
10 min	OPD/Legislative Updates	Sophia Byrd-McSherry	Discussion	
5 min	Announcements	Everyone	Announcement	

The next regular CPD meeting will be May 23, 2025, via Zoom

Find Council on Public Defense guiding documents and initiatives online at <https://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/council-public-defense>.

Reasonable accommodations for people with disabilities will be provided upon request. Please email bonnies@wsba.org.



Washington State Bar Association

COUNCIL ON PUBLIC DEFENSE
FEBRUARY 21, 2025 - 9:30AM – 10:30AM
MINUTES

CPD Voting Members: Jason Schwarz (Immediate Past Chair), Maialisa Vanyo (Chair), Paul Holland, Justice Sheryl Gordon McCloud, David Montes, Jonathan Quittner, Judge Dee Sonntag, Molly Gilbert, Christopher Swaby, Abraham Ritter, Jonathan Nomamuiker, Victoria Blumhorst, Louis Frantz

Karen Denise Wilson,

CPD Emeritus members (non-voting members): Ann Christian, Bob Boruchowitz, Kathy Kyle, Travis Stearns, Eileen Farley, Kathy Kyle

WSBA Staff: Bonnie Sterken, Cate Schur

Guests: Aimee Martin, Ashley Cummins, Brandy Gevers, Emily Arneson, Geoff Hulse, Jonathan Patnode, Katrin Johnson, Kelsey Demeter, Kevin Flannery, Liz Mustin, Michael Schueler, Molly Fraser, Rachel Cortez, S Follis, Sophia Byrd McSherry, Susan Fisch, Chris Graves, George Yeannakis, Cale Musick Slater, Ali Hohman

Absent:

Larry Jefferson, Judge Marla Polin, Christie Hedman, Maya Titova, Arian Noma

Vacancies: Two current or former prosecutors, one local government/public defense agency representative, One At-Large

Blake Advisory Committee: Jason Schwarz presented draft comments to the Blake advisory opinion written by the WSBA Committee on Professional Ethics, which was circulated for review. The opinion discusses whether a lawyer on a Blake case can represent a person they have not had contact with. The CPD had previously voted on and submitted the comment to the CPE, who requested a resubmission in a redlined form. Jason's updated version was shared with the CPD, OPD, and WDA. The CPD was asked to vote on the updated version. Paul Holland asked about the procedural steps following the vote, to which Jason clarified that the opinion

would be written by the WSBA. Paul Holland moved to submit the comments to the opinion, Molly seconded, the motion passed with two abstentions.

Standards Updates: Jason Schwarz and Bob Boruchowitz discussed the status of the Standards with the Court. The Standards Subcommittee has been having diligent conversations about the implementation timeline and potential adjustments. The Standards Committee is not currently in agreement about if or how to adjust the implementation recommendation. If the CPD were to take a vote, it would need to happen by the April meeting in time to present to the Board of Governors. Cate Schur provided the WSBA perspective on potential ethics questions. The Council had a robust conversation about the pros and cons of adjusting the timeline and what information would be needed to settle the discussion. The Council will return to this discussion in April and may take a vote on a proposed implementation recommendation.

Minutes: Jason Schwarz moved to approved January minutes and all approved. Jason Schwarz moved to approve February minutes and all approved.

Mitigation Presentation: Alex Willard and Aimee Martin presented about the recruitment and retention of mitigation specialists in public defense. They explained what mitigation specialists can do for a public defense team. They emphasize the importance of client-centered, holistic defense and highlight the valuable role of mitigation specialists in all types of cases. Aimee explained that social workers with forensic training are ideal for this role due to their clinical skills and ability to address clients' complex needs. They suggest recruiting from existing social work fields such as child protective services, community health centers, and hospitals. To expand the pool of candidates, they recommended partnering with universities and organizations to offer classes, panel discussions, and work-study positions in forensic social work. The speakers also stressed the importance of advancing diversity and inclusion in recruitment and retention efforts. Suggestions for improvement include fostering a holistic approach to public defense, investing in career growth opportunities, and providing better supervision and support for mitigation specialists.

RPC 6.1: Kevin Flannery reported on a proposed amendment to RPC 6.1, which is open for public comment until April 30. This relates to an accommodation option for pro bono service. Kevin believes similar benefits should be given to compensated court appointments serving indigent service. Council members discussed the proposal and provided their input to Kevin. Public comment is open until April 30 and people can submit individual comments as appropriate.

Office of Public Defense Update: Maialisa Vanyo shared the distribution to funds to cities and counties. OPD continues to advocate for appropriate funding. Others shared information about budget progress, including risks to the recruitment and retention efforts managed by OPD.

Recruitment: Maialisa Vanyo shared about the recruitment efforts on the CPD. A number of potential nominees were in attendance to learn about the Council. There are currently open slots and others opening in the fall.

General Announcements: Maialisa Vanyo shared about the Access to Justice Conference and encouraged people to consider attending. The Council has funding to send some people to the conference. If anyone is interested in attending they can email Maialisa and Bonnie.

Ann Christian suggested that the CPD take up a Bar sponsored student loan repayment plan after the Standards are complete.

Paul Holland also noted that the mandatory reporting bill is still live.

The meeting adjourned at 11:13am

Discussion questions provided by CPD Standards Subcommittee

- Q1: Should the CPD delay the implementation of the WSBA Criminal Defense Standards to a later date?
- A1: Yes. We should seek to avoid an unnecessary period of discrepancy between the WSBA's Standards and the Court's caseload Standards in CrR/LJ 3.1. If there were to be a period where the two Standards differ, there would be unnecessary conflict and confusion for lawyers, public defense administrators, and their funders. Should such period of discrepancy exist, lawyers may refuse to take new assignments that would force them to exceed the WSBA limits, but not the Court's limits. This conflict between lawyers and supervisors/contractors could result in contract breaches, loss of employment, and unexpected delays in appointment of counsel for defendants. Such unnecessary conflict can be easily avoided by delaying the implementation of the WSBA Standards to give the Supreme Court additional time to consider adoption. It took the WSBA over two years to update our Standards; it is reasonable for the Court to need additional time. In its comments to the Court, the State Office of Public Defense and other organization recommended a later implementation date. The CPD should consider the resources and needs of public defenders across the State and avoid unnecessary confusion without retreating from our commitment to the Standards. The CPD, WSBA, and public defenders all understand the necessity of the revised Standards, but also seek to avoid disruption to representation for our clients. Where jurisdictions are funded or staffed to meet Phase 1, they should do so.
- A2: No. WSBA should retain the current implementation date of July 1, 2025. There is no benefit in WSBA recommending a change or changing the WSBA Standards that were adopted more than a year ago. Postponing would be seen by line attorneys and the press to the extent it reviews it as backsliding. The WDA Standards and WSBA Standards have existed for more than 35 years and have been cited favorably by courts. [See below.] Lawyers have to certify compliance with the court rule and that will not change. For most defenders, it would be months before application of the WSBA Standards would support their requesting a cap to case assignments. Reasonable requests should be granted regardless of the court rule. See ABA Ethics Opinion 06-441.
<https://www.americanbar.org/products/ecd/chapter/220003/>. CPD could issue an advisory opinion about the need to work together, and that IAC is not determined solely by limits in standards. We should proceed immediately to organize as much community and bar association support as we can for increased state funding and expansion of diversion programs. WSBA Standards make clear that "The *WSBA Standards* are consistent with, but more comprehensive than, the Washington Supreme Court's *Standards for Indigent Defense* that are included in the Washington State Court Rules and referred, hereafter, as the *Court Rule Standards*." Let's work together to obtain more funding and more diversion and leave the implementation date as is.

Within seven days of the date of this Order, the officials charged with administering the public defense contracts in Mount Vernon and Burlington and all full—and part-time public defenders in those municipalities shall read the

Washington Defender Association's 2007 Final Standards for Public Defense Services with Commentary (<http://www.defensenet.org/about-wda/standards>). Wilbur v. City of Mount Vernon, 989 F. Supp. 2d 1122, 1134 (W.D. Wash. 2013)

We note that state law now requires each county or city providing public defense to adopt such standards, guided by standards endorsed by the Washington State Bar Association. RCW 10.101.030; *see also* WASH. STATE BAR ASS'N, STANDARDS FOR INDIGENT DEFENSE SERVICES (Sept. 20, 2007). While we do not adopt the WDA *Standards for Public Defense Services*, we hold they, and certainly the bar association's standards, may be considered with other evidence concerning the effective assistance of counsel. State v. A.N.J., 168 Wn.2d 91, 110, 225 P.3d 956, 966 (2010).

The evidence was undisputed, however, that the public defenders here were operating with caseload levels in excess of those endorsed by the ABA, by the Washington State Bar Association, and by the Skagit County Code. *See* RCW 10.01.030 (standards endorsed by Washington State Bar Association may serve as guidelines for counties and cities contracting for public defense services.). There was no contention below that these caseload guidelines were inappropriate or inapplicable. City of Mount Vernon v. Weston, 68 Wn. App. 411, 415–16, 844 P.2d 438, 440 (1992)

Q2: If so, when should the WSBA implementation begin and proceed?

A1: January 1, 2026, Implementation Date for Phase 1. Phase 2 on January 1 of every subsequent year.

A2: Leave the dates alone.

Q1: Should the CPD delay the implementation of the WSBA Criminal Defense Standards to a later date?

A1: Yes. We should seek to avoid an unnecessary period of discrepancy between the WSBA's Standards and the Court's caseload Standards in CrR/LJ 3.1. If there were to be a period where the two Standards differ, there would be unnecessary conflict and confusion for lawyers, public defense administrators, and their funders. Should such period of discrepancy exist, lawyers may refuse to take new assignments that would force them to exceed the WSBA limits, but not the Court's limits. This conflict between lawyers and supervisors/contractors could result in contract breaches, loss of employment, and unexpected delays in appointment of counsel for defendants. Such unnecessary conflict can be easily avoided by delaying the implementation of the WSBA Standards to give the Supreme Court additional time to consider adoption. We should be cognizant that neither the WSBA in its ethics opinions, nor the courts have interpreted the WSBA Standards as "standards" by which compliance is mandatory; a discrepancy between the WSBA Standards and Court Standards could force to a head an opinion about the WSBA Standards which is not in the best interest of public defenders or the Standards themselves. In an unpublished opinion from April 24, CoA, Division 3, wrote of the qualification standards:

Mooneyham was not denied counsel altogether and did not receive ineffective assistance of counsel simply because his attorney did not meet the qualifications outlined in the court rule for attorneys appointed at public expense. Nothing in the record suggests that Mooneyham's attorney did not graduate law school or was not licensed to practice law in Washington. Nevertheless, Mooneyham contends that the "knowing appointment of an unqualified attorney is arbitrary and capricious and fundamentally unfair." Br. of Appellant at 12. We disagree. See *State v. Mack*, 89 Wn.2d 788, 793, 576 P.2d 44 (1978) (noting that violation of a court rule is not necessarily a violation of a constitutional right). The rule creates minimum qualifications for public defenders; it does not create minimum qualifications for all attorneys. Had Mooneyham hired a private attorney with no experience it would not have been a constitutional violation. Having concluded that the error in this case resulted from a violation of a court rule, rather than a constitutional infirmity, we apply a harmless error analysis. [State v. Mooneyham](#).

It took the WSBA over two years to update our Standards; it is reasonable for our most deliberate Court to need additional time for deliberation. In its comments to the Court, the State Office of Public Defense and other organization recommended a later implementation date. The CPD should consider the resources and needs of public defenders across the State and avoid unnecessary confusion without retreating from our commitment to the Standards. The CPD understands that we are working with the Supreme Court and WSBA and proposing revised Standards at their request; we should

continue to work as allies and not attempt to work at cross-purposes. The CPD, WSBA, and public defenders all understand the necessity of the revised Standards, but there is no related need for a July 1 start date. Where jurisdictions are funded or staffed to meet Phase 1, they should do so.

- A2: No. WSBA should retain the current implementation date of July 1, 2024. There is no benefit in WSBA recommending a change or changing the WSBA Standards that were adopted more than a year ago. Postponing would be seen by line attorneys and the press to the extent it reviews it as backsliding. The WDA Standards and WSBA Standards have existed for more than 35 years and have been cited favorably by courts. [See below.] Lawyers have to certify compliance with the court rule and that will not change. For most defenders, it would be months before application of the WSBA Standards would support their requesting a cap to case assignments. Reasonable requests should be granted regardless of the court rule. See ABA Ethics Opinion 06-441. <https://www.americanbar.org/products/ecd/chapter/220003/>. CPD could issue an advisory opinion about the need to work together, and that IAC is not determined solely by limits in standards. We should proceed immediately to organize as much community and bar association support as we can for increased state funding and expansion of diversion programs. WSBA Standards make clear that “The *WSBA Standards* are consistent with, but more comprehensive than, the Washington Supreme Court’s *Standards for Indigent Defense* that are included in the Washington State Court Rules and referred, hereafter, as the *Court Rule Standards*.” Let’s work together to obtain more funding and more diversion and leave the implementation date as is.

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King County

Department of Public Defense

The Defender Association Division

Dexter Horton Building, Suite 700
710 Second Avenue
Seattle, WA 98104

206-477-8700 Fax 206-477-2349

Toll Free: 877-241-1695

TTY Relay: 800-833-6384

April 9, 2025

Members of the Council on Public Defense,

I write to strongly and emphatically urge the Council to adopt the Standards on the timeline contemplated by the Standards themselves. The Standards are not an aspirational goal for a “Cadillac” public defense. Rather, the Standards represent what is necessary to provide effective assistance of counsel. The Standards represent the constitutional floor below which we must not fall. The Standards represent a substantial step in fulfilling the promise of *Gideon*.

It has been my privilege to serve as a public defender for 34 years in King County and Seattle, Washington. I have served in many different practice areas: misdemeanors and misdemeanor appeals, adult felonies, and civil commitments (under both RCW 71.05 and 71.09). I spent the bulk of my career as a misdemeanor attorney and supervisor --training and supporting new public defenders. I was honored to serve as the misdemeanor practice expert in the successful civil rights lawsuit, *Wilbur v. Cities of Mt. Vernon and Burlington*, which lifted public defense in those jurisdictions up to the constitutional standard.

Many have expressed concern over the cost and practicality of implementing the Standards. These are legitimate concerns. But the State and its political subdivisions cannot continue to balance their criminal system budgets on the backs of public defenders and the clients we serve. Public defenders are no longer willing to sacrifice themselves and their clients to this unjust system.

If jurisdictions cannot afford or recruit enough defenders to meet the constitutional standard with their current system **—then they need a new system.** I have seen many changes in the criminal system over my tenure. Just to name a few: we no longer prosecute those who are sex trafficked or lost their drivers licenses due to unpaid tickets, we have cut back on the criminalization of juveniles and established drug courts and veteran courts to heal our citizens who struggle with addiction and other health issues and return them to society as productive healthy people. We can build a just, humane, and constitutional criminal legal system. We can and must do more to meet this moment. Our humanity and budgets require that we do so.

The criminal legal system is primarily shaped by prosecutors, judges, and legislators. Public defenders and the communities we serve have been advocating for

changes to this system for years –asking prosecutors and judges to change their filing and sentencing practices and legislators to expand drug courts. ***These stakeholders will not change their behavior unless we adopt a constitutional standard for public defense, and they are forced to reckon with the true cost of the system of incarceration and prosecution.*** Our community can no longer turn a blind eye to the injustice perpetrated daily by an inadequately staffed system.

I commend to you the book *Reforming Criminal Justice: A Christian Proposal* by Matt Martens, a former federal prosecutor. He writes that love of neighbor must be the animating force for true reformation of the criminal justice system, obligating us to seek the best for both the criminally victimized and the criminally accused. We must treat others in the manner we would accept if we found ourselves, family members or friends caught up in this system.

Justice delayed is justice denied. Do not delay the implementation of the standards.

Yours,

Christine Jackson WSBA #17192
She/her
Attorney Supervisor, Sex Offender Commitments
The Defender Association Division
King County Dept. of Public Defense
710 Second Ave., Suite 700
Seattle, WA 98104
206-477-8700, ext. 8819
Christine.jackson@kingcounty.gov

Date: April 4, 2025

To: Members of the Council on Public Defense

From: Matt Sanders, Interim Director of DPD

Re: Urging CPD to Remain Committed to the Current Implementation Timeline

CPD must remain committed to the current implementation timeline desperately needed and constitutionally required. The timeline set on March 8, 2024, was thoughtfully crafted to represent the maximum duration our clients and public defenders could reasonably wait for relief. Today, over a year later, the circumstances that necessitated those standards remain unchanged—if anything, the urgency has only intensified. This is precisely the wrong moment to retreat from the very standards and timeline you rightly identified as critical.

Below, I outline the reasons for my urgent request, grounded in the current realities of Washington’s criminal legal system and the principles we all share.

Ultimately, you judge the character of a society, not by how they treat their rich and the powerful and the privileged, but how you treat the poor, the condemned, the incarcerated.

~Bryan Stevenson

When public defenders carry workloads so high that they cannot give each case the time and attention it needs, it is those clients who pay the price. Every day of delay in fixing workloads means another day that a client sits in jail unrepresented, or a defender must triage cases and potentially let something fall through the cracks. High workloads also make it nearly impossible for defenders to build trust and communication with each client. Preparation suffers when an attorney is in survival mode. Inconsistent representation becomes inevitable across the state.

This is a moral and constitutional crisis. We should feel outrage that, as one King County public defender told the WSBA Board of Governors, “in 2024, in our democracy, in this state, people wait before they get their constitutional rights... [m]y clients sit in jail and rot.” That horrifying reality is what these caseload standards seek to address. If we truly believe in our clients’ right to counsel, we must act with urgency to ensure that right is meaningful – which means stopping the practice of overwhelming their attorneys with workloads that no one could handle effectively. Delaying the standards would signal toleration of the intolerable: months-long waits

for counsel, hurried guilty pleas, and public defenders stretched so thin that errors are inevitable. This system disproportionately harms poor white people and communities of color.

WSBA Standards Represent Anti-Racism Work

*The Council on Public Defense stands with the Supreme Court and acknowledges the unique role public defenders play in eradicating injustice. We agree with the Supreme Court that it is our moral imperative to join in the efforts to eliminate systemic racism from our courts.*¹

~CPD, Call to Action after the Death of George Floyd

The Council on Public Defense issued a statement renouncing racism in the wake of the death of George Floyd, but statements like that have no meaning and serve no purpose other than to obscure our fight against racism in the criminal legal system if it does not come with changes like caseload limitations. **The cost of a delay has been and will continue to be shouldered by vulnerable people who are necessarily poor and disproportionately represent communities of color.**

CPD Must Put Clients Over Costs

The Council of Public Defense must remember the purpose of public defense is serving people who cannot afford a lawyer. The constitutional guarantee of public defense was never intended to make the criminal legal system more efficient or less costly. I would hope that those considerations are not the primary ones before those that sit in positions of power on CPD.

While lawmakers must acknowledge operational difficulties raised by these standards, we, as members of the public defense community, must place our duties to our clients and to our staff ahead of those concerns. Public defense in Washington is facing significant challenges. As stated in the introduction of the WSBA Revised Caseload Standards, "Compliance with these WSBA Standards ensures the consistent delivery of effective representation of individuals who face the loss of liberty or other protected rights. Ineffective representation can result in a wrongful criminal conviction or juvenile court adjudication, inappropriate civil commitment, or unlawful termination of parental rights."

The revised standards were developed specifically to address these critical issues in a measured way, phasing in relief over three distinct phases. The RAND-aligned limits are not scheduled to take effect until Phase 3 in 2027. The crucial process of bending the curve is set to begin with Phase 1 on July 2, 2025. Any further delay would prolong unsustainable conditions

¹ [statement-of-the-council-on-public-defense-responding-to-supreme-court-as-approved-by-the-cpd.pdf](#) (last accessed on April 4, 2025).

and undermine the very principles these standards aim to uphold – and risk increasing attrition that will only accelerate the current crisis.

The CPD Must Maintain its Position as the Supreme Court Considers the Standards

The CPD should not delay implementation of Phase 1 while the Washington Supreme Court considers the formal court rule amendments. That rationale is speculative, fear-based, and offers no certainty—meanwhile, our crisis continues unabated. The Supreme Court has had the WSBA's recommended standards before it for roughly a year, conducted multiple public hearings (most recently in November 2024), and received extensive public input.

CPD must not delay implementation due to the Washington Supreme Court's timeline. If CPD takes this course of action, we may find ourselves six months or a year from now facing the same uncertainty—or worse, contemplating yet another postponement. This is unacceptable. By then, momentum will likely be lost, skepticism heightened, and the entire reform initiative put at risk. Simply put, 'waiting on the Supreme Court' is not a viable strategy—it gambles with the integrity and effectiveness of these essential reforms.

Increased Pay Alone Will Not Solve the Recruitment and Retention Crisis

A recent article in the *Yale Law Journal Forum* (March 2025) by Professor Lisa Pruitt and colleagues highlights the challenges faced by rural counties in our state. The study reveals that many rural public defenders are "harried and overworked," with workloads so burdensome that, as the authors note, "financial incentives would be insufficient to draw enough lawyers to some of these areas."

As we all recognize, creating sustainable caseloads is central to both the recruitment and retention crises. Lawyers are understandably hesitant to accept positions that entail overwhelming workloads, regardless of the salary offered. If we delay addressing these workloads, we will continue to witness public defenders burning out and potential applicants seeking opportunities elsewhere.

Indeed, the King County Department of Public Defense (DPD) has made significant strides in its recruitment efforts, due in no small part to our commitment to implementing the WSBA caseload standards. We need to reinforce and amplify this positive message by implementing these standards on schedule, thereby increasing the likelihood of recruiting and retaining public defenders statewide.

DPD Has Embraced the Standards – Do Not Leave Rural Defenders Behind

As highlighted in recent reporting on the Yale study, “The King County Department of Public Defense has committed to adopting the lower caseload caps that WSBA has proposed, regardless of whether the Washington Supreme Court adopts them.” We are already actively preparing internally to meet Phase 1 limits by July 2025. If other jurisdictions do not similarly move forward, or worse, signal retreat by delaying implementation, then overburdened defenders in those areas will understandably seek relief in places like King County. The result will be a further depletion of rural defense systems, exacerbating the “legal deserts” highlighted by Professors Pruitt, *et al.*

We already see uneven conditions emerging, with rural jurisdictions struggling significantly to retain legal counsel. A statewide study recently underscored that counties are “scrambling to hire or contract with the same shrinking pool of lawyers who have criminal law expertise, and even these financial incentives might not be sufficient to draw enough lawyers to the regions where they are most needed.” To accomplish this, the CPD must maintain momentum and uphold the current implementation timeline with Phase 1 beginning on July 2, 2025.

CPD Must Maintain the Current Implementation Timeline

I recognize and deeply appreciate the significant effort you have invested in securing the WSBA's adoption of these standards. I respectfully urge you to demonstrate the same resolve by maintaining the current implementation timeline beginning July 2, 2025.

We recognize the substantial work ahead, transitioning through Phases 1 and 2 to reach Phase 3, which aligns with the National Public Defense Workload Study. Public defenders, professional staff, and DPD stand ready to undertake this unprecedented challenge. We do not want to embark upon this groundbreaking work alone—we seek partnership with colleagues in public defense offices statewide so they and their clients can benefit from sustainable workloads and effective advocates. Let us demonstrate principled leadership by prioritizing constitutional rights and human dignity over short-term convenience. Our clients deserve nothing less.

Respectfully,



Matt Sanders

Interim Director

King County Department of Public Defense



King County

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The Defender Association Division
Dexter Horton Building
710 Second Ave, Suite 700
Seattle, WA 98104

206-477-8700 Fax 206-447-2349
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April 9, 2025

Members of the Council on Public Defense,

I am the Managing Attorney at The Defender Association Division (TDAD) of the King County Department of Public Defense (DPD). I have served in that role since December of 2019. Before that, I was a Felony Supervisor at TDAD for over a decade, and a staff attorney in the Felony Unit beginning in early 2007. All told, I have worked in public defense since 1999 when I began as a Staff Investigator for the Public Defender Service for the District of Columbia (PDS).

I understand that the CPD is considering delaying the implementation of the Standards for Indigent Defense Services. This would be a grave mistake and would hurt our staff and our clients. These standards provide our staff with a much-needed lifeline to make the work more sustainable, and our clients with the promise of the continued zealous advocacy which they deserve.

Throughout the eighteen and a half years that I have worked as a public defender in King County, I have personally experienced, supervised, and managed felony caseloads under various case credit systems going back to when I began as a staff attorney in the felony unit in early 2007. When I first began, all felony cases were worth one credit, and we could receive as many as 150 cases a year. But, the volume of discovery was far smaller than it is today, there was no electronic discovery or body worn video, and almost every drug case we received came with a credit for time served misdemeanor plea offer. At later times in my career, attorneys received case credits up front for certain types of cases (5 case credits for a felony sex offense, 10 case credits for homicides) and could petition for additional credits if certain hourly thresholds were met.

More recently, in King County, we used a supplemental credit system, where attorneys could earn additional case credits based on the number of hours billed on existing cases, to offset their caseloads. While the supplemental credit system was a partial salve to the problem of high caseloads, attorneys still typically received at least eight new cases a month, four to five of which were often Class A, Sex, or Violent offenses.

Last year, the Council on Public Defense adopted case weighting standards in recognition of the crushing workload shouldered by public defenders throughout the State, including King County. Those standards, while lacking many operational details, were a brave and important step, and I commend the Council for adopting them.

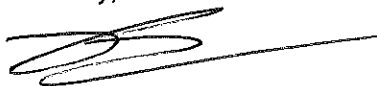
At DPD, we have worked to implement Phase I of the standards, a year early, starting in July of 2024. While implementation has not been perfect, we have learned valuable lessons, and the

caseloads of our felony attorneys have been less than even under the supplemental credit model. This benefits our staff, our clients, and our community as it allows us to offer the high-quality representation our clients and their families deserve in a manner which is more sustainable for all of us.

I understand that there may be challenges to the implementation of the standards, and that the challenges are borne differently by the different public defense offices throughout the State. These challenges are not a reason for delay. One of my first felony supervisors at TDAD told me, that in trial, our job as public defenders is not to solve problems for the court, but to create problems and to raise problems. There will no doubt be challenges to implementing the standards state-wide, but that is a problem we should create, that is an issue we should raise on behalf of our clients and our staff. To delay implementation would solve the meaningful challenge these standards pose to the courts, legislature, and funders, and ultimately be an act that harms our staff and our clients.

I strongly urge you to vote in favor of implementing the Standards on the current July 1, 2025, timeline, which includes not only the phased in caseload limits, but also meaningful progress towards achieving the ratios of non-attorney staff described in the Standards.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ben Goldsmith', with a long horizontal line extending to the right.

Ben Goldsmith