



Skagit County Board of Commissioners

Ron Wesen, First District

Peter Browning, Second District

Lisa Janicki, Third District

March 6, 2024

Washington State Bar Association
Board of Governors
1325 4th Avenue, Suite 600
Seattle, WA 98101

Re: Comments on the Council on Public Defense Proposed Revised Standards for Indigent Defense and Caseload Limits

Board of Governors,

As the Board of Skagit County Commissioners, we believe that providing indigent criminal defendants with access to effective legal counsel is critical to ensuring due process and we appreciate the work that has been done to assure access to quality representation with the proposed revised standards.

We write to share our concerns regarding the timing of adoption of new caseload standards, the methodology used for determining the standards for investigators, social workers and legal assistants, the data that will be used to assign case credits and implementation.

We ask that you consider the following recommended adjustments to the proposed revised standards and implementation:

- ❖ Allow the Washington State Association of Counties' (WSAC) indigent defense lawsuit to proceed and defer any adoption and implementation of the proposed standards until the case is resolved.
- ❖ Conduct a comprehensive review and analysis for allocation of investigators, social workers and administrative support staff ratios. More robust study is warranted with ratios backed by data and the use of the scientific method.
- ❖ Allow flexibility with the type of behavioral health professionals that can be hired for case management and social work based on case needs. (For example, not all behavioral health professionals need to have an MSW.)
- ❖ Provide a standardized way to gather case data so all counties have uniform data.

Clear standards for public defender workloads are essential to assure maximum public benefit and reflect modern criminal defense practice and professional responsibilities. Similarly, our proposed adjustments are essential to our ability as policymakers to provide needed support to the public defense system at the county level.

Thank you for considering our requests as they pertain to this worthy effort.

Sincerely,

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**


Peter Browning, Chair


Ron Wesen, Commissioner


Lisa Janicki, Commissioner