

# WASHINGTON STATE OFFICE OF PUBLIC DEFENSE ADVISORY COMMITTEE MEETING

March 14, 2024  
10:00 AM to 12:00 PM

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Zoom Meeting (Details Below)

## AGENDA

CONTENT	Pg#	PRESENTER	START TIME	Dur.
1. Welcome and Call to Order and New Member Intro	n/a	Chair Lee	10:00 AM	15 min
2. Director Evaluation	2-3	Committee Members	10:15 AM	10 min.
3. Adoption of December Meeting Minutes	4-6	Chair Lee	10:25 AM	5 min.
4. Public Comments	n/a	Public and Committee Members	10:30 AM	5 min.
5. Director's Report on Agency	n/a	Dir. Jefferson	10:35 AM	5 min.
6. Legislative Update	7-24	Dep. Dirs. Johnson & McSherry	10:40 AM	10 min.
7. 25-27 Biennium Budget Planning	25-28	Dir. Jefferson	10:50 AM	10 min.
11. Adjourn	n/a	Committee Members	11:00 AM	1 min

### Zoom Information

<https://us06web.zoom.us/j/4251218302?pwd=RA1wagY4lNeZpwBqVW7gOPmeXbz7rk.1>

Meeting ID: 425 121 8302  
Passcode: opdAC24

### Dial-In Information

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+12532050468,,89004590683# US

March – 2024

Chief Justice Steve Gonzalez  
PO Box 40929  
Olympia, WA 98504-0929

Re: Washington State Office of Public Defense Director Evaluation

Dear Chief Justice Gonzalez:

As Chair of the Office of Public Defense Advisory Committee, and pursuant to RCW 2.70.030(4)(b), the following serves as the Committee's review of the performance of OPD's Director, Mr. Larry Jefferson.

This is Mr. Jefferson's first evaluation since he was sworn into the Director position on July 1, 2021. Committee members completed an online evaluation in the month of November 2023 (Survey & Results- Attachments A & B). In December 2023, Mr. Jefferson also provided the Advisory Committee a self-assessment of his accomplishments and goals for the coming biennium (Attachment C).

The Advisory Committee members rated Mr. Jefferson as "outstanding" or "exceeds expectations" in all components of the evaluation categories listed below:

- Budget and Fiscal Management
- Organization and Prioritization
- Follow through on Commitments
- Compliance with Statutes, Regulations, Court Rules
- Problem Solving and Decision Making
- Management of Staff

Several performance highlights were noted by Committee members:

*"...he has been a strong and effective advocate for OPD with the legislature and the broader community..."*

*"Transparency and unification of OPD stakeholders"*

*"Early attention to and emphasis on strategic planning and involving OPD staff in that process. Visiting local jurisdictions, reaching out to and collaborating with system partners and attorneys, and focusing on Washington State's public defense clients. Focus*

*on pre-court system supports and programs to help avoid involvement in criminal and dependency court matters.”*

*“Growing the staff and programs for OPD; Successful audit; looking at recruitment and retention issues for public defense”*

The Advisory Committee has also noted that during his tenure, Mr. Jefferson has led OPD to several accomplishments:

1. OPD staff has grown from twenty to over fifty dedicated, multidisciplinary professionals.
2. The budget has grown OPD’s biennium budget from \$112.4M to \$154.2
3. OPD created a strategic plan, which has led to three areas of program success
  - a. The Blake Triage Program
  - b. The Pre-Filing (Dependency) Representation program
  - c. The dismissal of the ACLU lawsuit regarding public defense representation in Washington State
4. Director Jefferson has successfully built key organizational infrastructure in HR, Operations and Finance
5. OPD received a determination in 2023 from the WA State Auditor’s routine 4-year audit that OPD’s office operations complied with all laws, regulations and policies, and that OPD provided adequate controls for safeguarding public resources.

Finally, the Advisory Committee noted areas for attention in the next biennium:

- Keep listening and learning and continue to do good work;
- Continue to work with law schools and public defense offices on attorney recruitment and retention;
- Build support with local jurisdictions, public defense attorneys and administrators, and the legislature to expand OPD’s authority and involvement with local public defense systems and increase 10.101 funding;
- Continue to build strong infrastructure for a growing staff;
- Elevate the work and improve attitudes about public defense; and
- Address caseload issues, funding, and the shortage of public defenders.

In summary, Mr. Jefferson has demonstrated exceptional leadership and has significant accomplishments across OPD’s program, operations, community partnerships and budget growth. We look forward to supporting Mr. Jefferson and the staff at OPD as they advance their goals in the coming biennium.

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE  
ADVISORY COMMITTEE MEETING

THURSDAY, DECEMBER 14, 2023  
10:00 AM

**QUARTERLY REGULAR  
MEETING MINUTES**

**MEMBERS PRESENT**

Annie Lee, Chair  
Luis Moscoso  
Robert Flennaugh II

Ret. Judge Melnick  
Ann Christian

**MEMBERS ABSENT**

Sen. Mike Padden  
Sen. Jamie Pedersen  
Rep. Bruce Chandler  
Dean Chuang

Commissioner Tye Menser  
Lindsey Hueer  
Luis Moscoso

**OPD STAFF PRESENT**

Larry Jefferson, Director  
Sophia Byrd McSherry, Deputy Director of  
Government Relations  
Katrin Johnson, Deputy Director of Operations  
Molly Fraser, Legislative Coordinator

**GUESTS PRESENT**

Alex Mayo, WA Voices  
Judge Andre Penalver, Pierce County Superior Court  
Anthony Blankenship, Civil Survival Project  
Blaze Vincent, Seattle Clemency Project  
Cause Haun  
Charles Longshore  
Christie Hedman, WA Defender Association  
Cheryl Lawrence, WA League of Women Voters  
Cindy Arends, WA Defender Association  
Dyneeca Vincent, Freedom Project  
Virginia Parham, Families Shouldering  
Gus Patel Tupper, UC Berkeley Public Policy Clinic  
Izzy Eads, Choose 180  
Jason Schwarz, Snohomish County OPD  
Jeanie Lindsay, N3  
Joanna Smieja, WA Voices  
John Phet, Rooted Community Collective  
Juliana Roe, WA State Association of Counties

Rep. Tarra Simmons, WA State Legislature  
Karen Peacey, WA League of Women Voters  
Karen Pillar, TeamChild  
Kelly Olson, Civil Survival Project  
Lauren Bramwell, WA Association of  
Criminal Defense Lawyers  
Liz Trautman, STAND  
Maddison Alexander, Civil Survival Project  
Judge Maureen McKee, King County  
Superior Court  
Noreen May Light, Earned Time Bill Founder  
Paul Holland, Seattle University  
Prachi Dave, Civil Survival Project  
Rachael SeEVERS, Disability Rights WA  
Rupert Ayton, Justice WA  
Sarah Hudson, WA Defender Association  
Travis Comeslast

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE  
ADVISORY COMMITTEE MEETING

**WELCOME AND CALL TO ORDER**

Chair Lee called the meeting to order at 10:01 AM. The meeting was held via Zoom Video Conference. The Chair welcomed the committee and directed Ms. Fraser to take a roll call. Ms. Fraser confirmed 5 committee members in attendance, and 64 other attendees including OPD staff and guests.

**APPROVAL OF SEPTEMBER MEETING MINUTES**

Absent a quorum for the meeting, the Chair deferred the adoption of the September minutes until the March 2024 meeting.

**PUBLIC COMMENTS**

Various individuals said hello to other justice system partners during the public comment period. No formal public comments were made.

**DIRECTOR'S REPORT ON AGENCY AND UPDATE ON LEGISLATIVE INVOLVEMENT**

Director Jefferson highlighted new OPD staff members hired since the last meeting. He made the committee aware of his memo to the Supreme Court on the attorney shortage crisis and the Chief Justice's response letter.

**PRESENTATION ON JUDICIAL DISCRETION ACT**

Director Jefferson introduced Mr. Charles Longshore, who is an incarcerated individual at the Washington State Corrections Center in Shelton. Mr. Longshore presented on the proposed judicial discretion act, which would allow judges the discretion to resentence, currently only allowed to prosecutors under a 6164 petition. Mr. Longshore called on various individuals with lived experience, legal experience, and clinical experience who talked about why this legislation would promote equity, reduce recidivism, and increase more just and impartial outcomes for individuals deserving of resentencing.

**OPD BUDGET 1-PAGER AND SUPPORT LETTER**

The Committee members reviewed OPD's legislative 1-pager and draft letter of support that will be shared with the legislature.

**CHAIR'S REPORT ON OPERATING PROCEDURES AND PROPOSED CALENDAR FOR 2024 COMMITTEE MEETINGS**

No action taken. Draft of rules previously approved. Recommended change was made. Chair Lee reviewed the proposed 2024 calendar and noted that staff would file the calendar with the Code Reviser. Amendments can be made to the schedule, should the Advisory Committee decide on a change in dates.

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE  
ADVISORY COMMITTEE MEETING

**EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSION OF PERSONNEL MATTERS/EVALUATION OF OPD DIRECTOR**

Ms. Fraser moved Chair Lee, Ms. Christian, Mr. Moscoso, and Judge Melnick (Ret.) to a breakout room, from the general session room, for executive session. Chair Lee convened executive session at 11:17 am for the purpose of discussion of personnel matters and evaluating the OPD Director.

**RETURN TO GENERAL SESSION**

Chair adjourned executive session at 11:32 am. Ms. Fraser removed Chair Lee, Ms. Christian, Mr. Moscoso, and Judge Melnick (Ret.) from the executive session breakout room, and returned them to the general session room.

**EVALUATION OF OPD DIRECTOR**

Chair Lee noted that due to there not being a quorum, no action would be taken at this meeting. Chair Lee reviewed the evaluation process and communicated that a draft letter summarizing the evaluation would be provided to advisory committee members to review in advance of the next meeting in March. The results of the OPD Director evaluation will be transmitted to the Supreme Court after review and approval by the Advisory Committee.

**MEETING ADJOURNMENT**

The Chair adjourned the meeting at 11:36 am.

**2023-25 Omnibus Operating Budget -- 2024 Supplemental  
Conference Proposal  
Office of Public Defense**  
(Dollars in Thousands)

	2023-25		4-Yr Total
	NGF-O	Total Budget	NGF-O
<b>2023-25 Original Appropriations</b>	<b>136,745</b>	<b>147,024</b>	<b>274,691</b>
<b>2023-25 Maintenance Level</b>	<b>136,759</b>	<b>147,038</b>	<b>274,727</b>
Difference from 2023-25 Original	14	14	36
% Change from 2023-25 Original	0.0%	0.0%	0.0%
<b>Policy Other Changes:</b>			
1. Training and Internship Programs	0	611	0
2. High-Potency Synthetic Opioids	0	1,108	0
3. State v. Blake	0	2,863	0
4. NGRI Attorney Vendor Rate	0	366	0
5. Public Defn Recruitment Specialists	0	442	0
6. Parents Representation Program	0	534	0
7. Client Emergency Funds	50	50	50
8. Office Expansion	403	403	851
9. Support Staff Reclassification	251	251	680
10. Public Defn. Social Service Workers	0	400	0
<b>Policy -- Other Total</b>	<b>704</b>	<b>7,028</b>	<b>1,581</b>
Policy -- Comp Total	-7	-7	-19
Policy -- Central Svcs Total	227	227	599
<b>Total Policy Changes</b>	<b>924</b>	<b>7,248</b>	<b>2,161</b>
<b>2023-25 Policy Level</b>	<b>137,683</b>	<b>154,286</b>	<b>276,888</b>
Difference from 2023-25 Original	938	7,262	2,197
% Change from 2023-25 Original	0.7%	4.9%	1.6%

**Comments:****1. Training and Internship Programs**

Funding is provided to implement 2SSB 5780 (Public defense & prosecution), which requires the Office of Public Defense (OPD) to administer a law student rural defense program and to expand the capacity of its Criminal Defense Training Academy Program. (Judicial Stabilization Trust Account-State) (Custom)

**2. High-Potency Synthetic Opioids**

Funding is provided to implement E2SSB 6109 (Children and families), which includes child abuse or neglect resulting from a high-potency synthetic opioid in a list of what may establish the basis for a determination of imminent physical harm when a child is removed from a parent by court order, law enforcement, or a hospital. (Judicial Stabilization Trust Account-State) (Custom)

**2023-25 Omnibus Operating Budget -- 2024 Supplemental  
Conference Proposal  
Office of Public Defense**  
(Dollars in Thousands)

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**3. State v. Blake**

Funding is provided to assist with public defense services for clients whose convictions or sentences are affected by the State v. Blake court decision. (Judicial Stabilization Trust Account-State) (One-Time)

**4. NGRI Attorney Vendor Rate**

Funding is provided for a 10 percent vendor rate increase in FY 2025 for the attorneys working in the Chapter 10.77 RCW Post Commitment Not Guilty by Reason of Insanity (NGRI) program. (Judicial Stabilization Trust Account-State) (Ongoing)

**5. Public Defn Recruitment Specialists**

Funding is provided for coordinated statewide recruitment efforts to address the shortage of public defense attorneys, particularly in rural counties. (Judicial Stabilization Trust Account-State) (Custom)

**6. Parents Representation Program**

Funding is provided to develop and coordinate professional training resources for the Parents Representation Program staff and client services contractors. (Judicial Stabilization Trust Account-State) (Custom)

**7. Client Emergency Funds**

Funding is provided to address emergency safety issues and other urgent needs that can arise for indigent clients served by the Parents Representation Program. (General Fund-State) (One-Time)

**8. Office Expansion**

Funding is provided for tenant improvements and lease costs associated with OPD's expansion to a larger office space to accommodate the agency's staff. (General Fund-State) (Ongoing)

**9. Support Staff Reclassification**

Funding is provided to increase compensation for program and administrative assistants. (General Fund-State) (Custom)

**10. Public Defn. Social Service Workers**

Funding is provided to create a pilot project administered by OPD that provides indigent parents in dependency and termination cases with voluntary access to a social service worker contracted by OPD beginning at a shelter care hearing. (Judicial Stabilization Trust Account-State) (One-Time)



## DRAFT --- OPD Bill Tracking for 2024 Legislative Session

Category	Bill #	Description	Sponsor	Status <i>as of 3/8/24</i>	Effective Date
<b>OPD Administration /Operations</b>					
	<a href="#"><u>SHB 1911</u></a>	Clarifies activities in which the office of public defense may engage without violating the prohibition on providing direct representation of clients. <i>*Requires OPD to adopt policies.</i>	Taylor	Del to Gov	6/6/24
	<a href="#"><u>HB 2246</u></a>	Increases the maximum number of hours of unused vacation leave a state employee may accrue from 240 to 280 hours.	Bateman	Del to Gov	6/6/24
	<a href="#"><u>2SSB 5780</u></a>	Creates a public defense internship program and expands OPD's Criminal Defense Training Academy.	Torres	Passed both chambers	6/6/24
	<a href="#"><u>SB 5916</u></a>	Establishes a task force to examine public defense structure and cost in different regions of the state. The task force will review delays and other impacts caused by understaffing, consider workload standards, consider alternative delivery systems, and make recommendations for improvement. <i>Likely to return in the 2025 session.</i>	Torres	<b>FAILED TO PASS</b>	<b>XXXXXX</b>
	<a href="#"><u>ESSB 5950</u></a>	Supplemental Operating Budget. Funds OPD's Decision Packages plus SB 5780 and SB 6109 as well as a pilot project to ensure defense social workers are available to assist parents and their attorneys at dependency shelter care hearings.	Robinson	Passed both chambers	7/1/24

<b>Parents Representation / Child Welfare</b>					
	<a href="#">2SHB 1205</a>	Responsibility for providing service by publication of a summons or notice in dependency/termination of parental rights cases. Where petitioner is an indigent parent, OPD will pay for publication. <i>*Requires OPD to adopt policies.</i>	Taylor	Del to Gov	1/31/26
	<a href="#">SHB 1939</a>	Multi-state social work compact. Establishes social work licensing reciprocity across member states.	Orwall	Del to Gov	6/6/24
	<a href="#">SHB 1970</a>	Improving communication between the department of children, youth, and families and caregivers.	McClintock	Del to Gov	6/6/24
	<a href="#">SSB 5774</a>	Increasing DCYF capacity to conduct timely fingerprint background checks, including for foster care placement.	Billig	Passed both chambers	Immediately
	<a href="#">SB 5938</a>	Incarcerated parents in the DOC Residential Parenting Program may serve the final 18 months of their term in the Community Parenting Alternative.	Wilson, C	Del to Gov	6/6/24
	<a href="#">E2SSB 6068</a>	AOC's Family & Juvenile Court Improvement Program will identify measures of relational permanency in dependency cases and report to the Legislature by July 1, 2025.	Boehnke	Passed both chambers	6/6/24
	<a href="#">E2SSB 6109</a>	Abuse or neglect due to high-potency synthetic opioid may establish the basis for removing a child from a parent. Requires courts to give great weight to lethality and public health guidance. Also directs services to children and families impacted by high-potency synthetic opioids.	Wilson, C	Passed both chambers	6/6/24

Juvenile					
	<a href="#">E2SHB 2065</a>	Allows a person who was sentenced for an offense committed before July 23, 2023, whose offender score was increased due to juvenile points that are not scorable under current law to petition for a resentencing hearing. <i>Budget proviso requires AOC &amp; DOC to identify the number of eligible cases and estimate costs for resentencing.</i>	Stearns	FAILED TO PASS	xxxxxx
	<a href="#">SHB 2217</a>	Provides juvenile court jurisdiction when the accused person is under age 18 at the time of the alleged offense and is charged before turning 21.	Cortes	Del to Gov	6/6/24
	<a href="#">ESSB 5974</a>	Judgments for juvenile LFOs other than restitution that were imposed before July 1, 2023 are waived and considered paid in full by July 1, 2027, per an implementation schedule. (Law change in 2023 prohibited imposition of juvenile LFOs, except restitution.)	Frame	Del to Gov	6/6/24
	<a href="#">SB 6044</a>	Allows juveniles to waive attorney consultation when facing custodial interrogation or search under RCW 13.40.740. Allows statements made to law enforcement to be admissible when juvenile waives attorney consultation. <i>(Related to OPD's Youth Access to Counsel consultation line.)</i>		FAILED TO PASS	xxxxxx
	<a href="#">SB 6079</a>	Allows records of a person confined in a juvenile detention facility to be made available to managed care and behavioral health organizations for the purpose of care coordination.	Boehnke	Del to Gov	6/6/24

Civil Commitment					
	<a href="#">HB 2093</a>	Relating to notice, siting, and operations of less restrictive alternative community placements for persons civilly committed under Ch. 71.09 RCW.	Griffey	FAILED TO PASS	XXXXXX
	<a href="#">HB 2096</a>	Relating to community notice when establishing housing options for individuals qualifying for a less restrictive alternative placement under Ch. 71.09 RCW. <i>DSHS / SCC budget proviso creates a new SCC Communications Manager position to support community information sharing regarding community LRA placements.</i>	Leavitt	FAILED TO PASS	XXXXXX
	<a href="#">E2SHB 2099</a>	Requires various state facilities/institutions to ensure that persons in their custody or care possess valid state identification issued by the Department of Licensing prior to discharge. Requires facilities to issue internal ID documents for individuals in the custody or care of the facility.	Farivar	Del to Gov	1/1/225
	<a href="#">SSB 6227</a>	A court may issue a separate no-contact order to protect a victim when a person who is found not guilty by reason of insanity is committed for inpatient treatment or placed on conditional release.	Dhingra	Del to Gov	6/6/24
	<a href="#">SHB 2006</a>	Amends Washington statutes to comply with U.S. DOJ interpretations of federal civil rights statutes; aligns statutes with AOC's Court Interpreter Credentialing program.	Peterson	FAILED TO PASS	XXXXXX
	<a href="#">ESSB 5690</a>	Expands the definition of conditional release to include partial conditional release and conditional release to a less restrictive alternative (LRA) for persons civilly committed	Dhingra	FAILED TO PASS	XXXXXX

		pursuant to criminal insanity laws. <i>DOC-request bill. Expect to see it back in 2025.</i>			
<b>Court Operations</b>					
	<a href="#">HB 1992</a>	Increases the number of superior court judges in Whatcom County from four to five.	Timmons	Del to Gov	6/6/24
	<a href="#">HB 2034</a>	Requires cities and counties to provide notice to the AOC prior to the creation or termination of municipal courts and agreements for court services.	Cheney	Del to Gov	6/6/24
	<a href="#">SHB 2056</a>	Authorizes bailiffs of the Washington Supreme Court to investigate threats against a justice and to receive criminal history information for purposes exclusively related to investigating threats against a justice.	Goodman	Del to Gov	6/6/24
	<a href="#">2SSB 5825</a>	Amends the uniform guardianship act to require the Office of Public Guardianship to contract to provide public decision-making services for individuals who are currently receiving care in a hospital setting who are ready to discharge.	Pedersen	Passed both Chambers	6/6/24
	<a href="#">ESSB 5828</a>	Authorizes court commissioners for water rights adjudications and specifies commissioner powers. Authorizes the appointment of water adjudication referees without consent of the parties. (Legislation is in anticipation of an upcoming water rights adjudication in the Nooksack basin.)	Shewmake	Passed both Chambers	6/6/24
	<a href="#">SB 5836</a>	Increases the number of superior court judges in Clark County from 11 to 12.	Wilson, L	Passed both Chambers	6/6/24

	<a href="#">SB 6222</a>	Authorizes a county, rather than the state Legislature, to increase the number of district court judges in the county.	Wagoner	Del to Gov	6/6/24
<b>Criminal</b>					
	<a href="#">SHB 1493</a>	Amends provisions related to impaired driving, roadside tests, deferred prosecutions, and sentencing alternatives.	Goodman	Del to Gov	1/1/26
	<a href="#">2SHB 2001</a>	Establishes a process for certain persons convicted of a felony offense to petition the sentencing court for a modification of the original sentence upon meeting specific eligibility criteria. <i>OPD would be required to provide counsel for these petitions.</i>	Simmons	FAILED TO PASS	XXXXXX
	<a href="#">SHB 2048</a>	Removes the SRA requirement that domestic violence was "pleaded and proven" in provisions relating to supervision of individuals convicted of domestic violence offenses. Requires DOC to audit its supervisory obligations for specified domestic violence offenses.	Mosbrucker	Del to Gov	6/6/24
	<a href="#">HI 2113</a>	Allows an officer to conduct a vehicular pursuit where there is reasonable suspicion a person has violated the law and poses a threat to others, and the safety risks of failing to apprehend or identify the person are greater than the safety risks of the vehicular pursuit under the circumstances.	Initiative to Legislature	Passed both chambers	6/6/24
	<a href="#">ESHB 2153</a>	Establishes new felony and gross misdemeanor crimes for trafficking, possessing, selling, or offering to sell catalytic converters, or intentionally altering the identification number on a detached catalytic converter.	Ryu	Del to Gov	4/1/25

	<a href="#">SHB 2178</a>	Provides a framework for the ISRB to discharge eligible persons with sex offense convictions from lifetime community custody after a specified number of years.	Goodman	FAILED TO PASS	XXXXXX
	<a href="#">ESHB 2303</a>	Modifies the criteria by which the ISRB may modify or impose additional conditions of community custody. The court may amend conditions if there is a substantial change in circumstances such that the condition is no longer necessary for community safety. ( <i>Hubbard / Ansell cases</i> )	Goodman	Del to Gov	Immediately
	<a href="#">SSB 5427</a>	Establishes a hotline to assist people who have been affected by hate crimes and requires the AG to report annually.	Valdez	Del to Gov	1/1/25
	<a href="#">SSB 5588</a>	Amends requirements related to implementation of a Mental Health Sentencing Alternative for certain felonies.	Nobles	Passed both chambers	6/6/24
	<a href="#">E2SSB 5937</a>	Expands rights of crime victims, survivors, and witnesses to participate in proceedings and expands benefits of Crime Victims Compensation Program. Modifies rape statutes.	Dhingra	Del to Gov	7/1/24
	<a href="#">SSB 6146</a>	Creates a process for non-tribal officers to enforce tribal arrest warrants and deliver fugitives to requesting tribes.	Dhingra	Del to Gov	6/6/24
<b>Corrections</b>					
	<a href="#">2SSB 5893</a>	Expands disbursement of DOC gate money, transportation, and clothing to people releasing to partial confinement and re-entry programs, community custody, and furloughs.	Wilson, C	Del to Gov	6/5/24
	<a href="#">SSB 5953</a>	Allows incarcerated persons to apply for and utilize federal and state financial aid for postsecondary education programming at the Department of Corrections.	Wilson, C	Del to Gov	6/5/24





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**SECOND SUBSTITUTE SENATE BILL 5780**

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**State of Washington****68th Legislature****2024 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Torres, Dhingra, Padden, Boehnke, L. Wilson, Braun, Frame, Hasegawa, Kuderer, Lovick, Mullet, Nguyen, Warnick, and J. Wilson)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to encouraging participation in public defense  
2 and prosecution professions; adding new sections to chapter 2.70 RCW;  
3 adding new sections to chapter 43.101 RCW; and creating a new  
4 section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that the lack of  
7 availability of public defense attorneys and deputy prosecutors is an  
8 increasing problem in Washington and neighboring states which  
9 threatens the ability of court systems to process criminal filings,  
10 particularly within rural areas. The legislature intends to encourage  
11 law students to enter public defense practice and prosecution and to  
12 remove barriers to practice in underserved areas and rural areas of  
13 the state.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.70 RCW  
15 to read as follows:

16 (1) Subject to the availability of amounts appropriated for this  
17 specific purpose, the office of public defense shall administer a law  
18 student rural public defense program. The program shall coordinate  
19 with one or more law schools to place law students who are eligible  
20 to practice as a licensed legal intern under Washington state

1 admission and practice rule 9 and/or recent law school graduates as  
2 legal interns with experienced public defense attorneys located in  
3 underserved areas and rural areas of the state. The program must  
4 allow the intern to gain real-world public defense experience under  
5 the mentorship of the experienced public defense attorney, including  
6 active representation and litigation opportunities, with the purpose  
7 of encouraging the intern to consider, or not be deterred from  
8 pursuing, employment opportunities in public defense in underserved  
9 areas and rural areas of Washington state. The internship may be  
10 structured to correspond with time periods relevant to the academic  
11 calendar. Eligible internship placements shall include government and  
12 nonprofit public defense agencies as well as private firms that  
13 contract to provide public defense services.

14 (2) Contracts established by the office of public defense under  
15 this section shall include monthly compensation and housing stipends  
16 for program participants. Contracts may include partial reimbursement  
17 for the supervising attorney.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 2.70 RCW  
19 to read as follows:

20 Subject to the availability of amounts appropriated for this  
21 specific purpose, the office of public defense shall expand the  
22 capacity of its criminal defense training academy program to train  
23 practitioners who are new to public defense. The program must include  
24 and prioritize training for practitioners in underserved areas and  
25 rural areas of the state. The program must offer intensive trial  
26 skill development, incorporate public defense best practices and  
27 applicable standards, and offer networking opportunities. Trainings  
28 may incorporate in-person, remote, and recorded resources. By June  
29 30, 2026, the office of public defense shall expand program offerings  
30 to also provide training to public defense practitioners who are  
31 seeking to achieve advanced qualifications.

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.101  
33 RCW to read as follows:

34 Subject to the availability of amounts appropriated for this  
35 specific purpose, the criminal justice training commission shall  
36 provide trial skills training for practitioners who are new to  
37 prosecution, or contract with an entity that serves prosecuting  
38 attorneys in Washington to provide that training. The program must

1 include and prioritize training for practitioners in underserved  
2 areas and rural areas of the state. The program must offer intensive  
3 trial skill development, incorporate prosecution best practices,  
4 provide training related to ethical duties of prosecutors, and offer  
5 networking opportunities. Trainings may incorporate in-person,  
6 remote, and recorded resources. By June 30, 2026, the criminal  
7 justice training commission, or its grantee who serves prosecuting  
8 attorneys in Washington, shall expand a trial skills program to  
9 include advanced trial skills training.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.101  
11 RCW to read as follows:

12 (1) Subject to the availability of amounts appropriated for this  
13 specific purpose, the commission shall administer a law student rural  
14 public prosecution program, or contract with a statewide entity which  
15 represents prosecuting attorneys to run the program. The program  
16 shall coordinate with one or more law schools to place law students  
17 who are eligible to practice as a licensed legal intern under  
18 Washington state admission and practice rule 9 and/or recent law  
19 school graduates as legal interns with prosecuting attorneys located  
20 in underserved areas and rural areas of the state. The program must  
21 allow the intern to gain real-world prosecution experience under the  
22 mentorship of the experienced prosecuting attorney or their deputy,  
23 including active litigation opportunities, with the purpose of  
24 encouraging the intern to consider, or not be deterred from pursuing,  
25 employment opportunities in prosecution in underserved areas and  
26 rural areas of Washington state. The internship may be structured to  
27 correspond with time periods relevant to the academic calendar.

28 (2) Contracts established under this section shall include  
29 monthly compensation and housing stipends for program participants.  
30 Contracts may include partial reimbursement for the supervising  
31 attorney.

--- END ---

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1911**

68th Legislature  
2024 Regular Session

Passed by the House February 6, 2024  
Yeas 79 Nays 18

\_\_\_\_\_  
**Speaker of the House of  
Representatives**

Passed by the Senate February 29,  
2024  
Yeas 49 Nays 0

\_\_\_\_\_  
**President of the Senate**  
Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1911** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

**SUBSTITUTE HOUSE BILL 1911**

Passed Legislature - 2024 Regular Session

**State of Washington                      68th Legislature                      2024 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Taylor, Cheney, Ortiz-Self, Reed, Simmons, Ormsby, Reeves, Fosse, and Davis; by request of Office of Public Defense)

READ FIRST TIME 01/23/24.

1            AN ACT Relating to activities in which the office of public  
2 defense may engage without violating the prohibition on providing  
3 direct representation of clients; reenacting and amending RCW  
4 2.70.020; and adding a new section to chapter 2.70 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 2.70.020 and 2023 c 261 s 2 and 2023 c 120 s 2 are  
7 each reenacted and amended to read as follows:

8            The director shall:

9            (1) Administer all state-funded services in the following program  
10 areas:

11            (a) Trial court criminal indigent defense, as provided in chapter  
12 10.101 RCW;

13            (b) Appellate indigent defense, as provided in this chapter and  
14 RCW 10.73.150;

15            (c) Representation of indigent parents qualified for appointed  
16 counsel in dependency and termination cases, as provided in RCW  
17 13.34.090 and 13.34.092;

18            (d) Extraordinary criminal justice cost petitions, as provided in  
19 RCW 43.330.190;

20            (e) Compilation of copies of DNA test requests by persons  
21 convicted of felonies, as provided in RCW 10.73.170;

1 (f) Representation of indigent respondents qualified for  
2 appointed counsel in sexually violent predator civil commitment  
3 cases, as provided in chapter 71.09 RCW; and

4 (g) Representation of indigent persons who are acquitted by  
5 reason of insanity and committed to state psychiatric care as  
6 provided in chapter 10.77 RCW;

7 (2) Subject to availability of funds appropriated for this  
8 specific purpose, provide access to counsel for indigent persons  
9 incarcerated in a juvenile rehabilitation or adult correctional  
10 facility to file and prosecute a first, timely personal restraint  
11 petition under RCW 10.73.150. The office shall establish eligibility  
12 criteria that prioritize access to counsel for youth under age 25,  
13 youth or adults with sentences in excess of 120 months, youth or  
14 adults with disabilities, and youth or adults with limited English  
15 proficiency. Nothing in this subsection creates an entitlement to  
16 counsel at state expense to file a personal restraint petition;

17 (3) Subject to the availability of funds appropriated for this  
18 specific purpose, appoint counsel to petition the sentencing court if  
19 the legislature creates an ability to petition the sentencing court,  
20 or appoint counsel to challenge a conviction or sentence if a final  
21 decision of an appellate court creates the ability to challenge a  
22 conviction or sentence. Nothing in this subsection creates an  
23 entitlement to counsel at state expense to petition the sentencing  
24 court;

25 (4) Provide access to attorneys for juveniles contacted by a law  
26 enforcement officer for whom a legal consultation is required under  
27 RCW 13.40.740;

28 (5) Submit a biennial budget for all costs related to the  
29 office's program areas;

30 (6) Establish administrative procedures, standards, and  
31 guidelines for the office's program areas, including cost-efficient  
32 systems that provide for authorized recovery of costs;

33 (7) Provide oversight and technical assistance to ensure the  
34 effective and efficient delivery of services in the office's program  
35 areas;

36 (8) Recommend criteria and standards for determining and  
37 verifying indigency. In recommending criteria for determining  
38 indigency, the director shall compile and review the indigency  
39 standards used by other state agencies and shall periodically submit

1 the compilation and report to the legislature on the appropriateness  
2 and consistency of such standards;

3 (9) Collect information regarding indigent defense services  
4 funded by the state and report annually to the advisory committee,  
5 the legislature, and the supreme court;

6 (10) Coordinate with the supreme court and the judges of each  
7 division of the court of appeals to determine how appellate attorney  
8 services should be provided.

9 ~~((The office of public defense shall not provide direct  
10 representation of clients.))~~

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.70 RCW  
12 to read as follows:

13 (1) Except as otherwise provided in this section, the office of  
14 public defense shall not provide direct representation of clients.

15 (2) In order to protect and preserve client rights when  
16 administering the office's statutory duties to provide initial  
17 telephonic or video consultation services, managing and supervising  
18 attorneys of the office of public defense who meet applicable public  
19 defense qualifications may provide limited short-term coverage for  
20 the consultation services if office of public defense contracted  
21 counsel is unavailable to provide the consultation services. The  
22 office shall provide services in a manner consistent with the rules  
23 of professional conduct, chapter 42.52 RCW, and applicable policies  
24 of the office of public defense.

25 (3) The office of public defense may facilitate and supervise  
26 placement of law clerks, externs, and interns with office of public  
27 defense contracted counsel, in a manner consistent with the  
28 Washington admission and practice rules, the rules of professional  
29 conduct, chapter 42.52 RCW, and applicable policies of the office of  
30 public defense.

31 (4) Employees of the office of public defense may provide pro  
32 bono legal services in a manner consistent with the rules of  
33 professional conduct, chapter 42.52 RCW, and applicable policies of  
34 the office of public defense. The policies of the office of public  
35 defense must require that employees providing pro bono legal services  
36 obtain and provide to the office a written statement, signed by any  
37 pro bono client, acknowledging that:

1 (a) The pro bono legal services are provided by the employee  
2 acting in the employee's personal capacity and not as an employee of  
3 the office of public defense; and

4 (b) The state of Washington may not be held liable for any claim  
5 arising from the provision of pro bono legal services by the  
6 employees of the office of public defense.

7 The office of public defense shall retain the written statements  
8 in a manner consistent with records relating to potential conflicts  
9 of interest.

--- END ---



## WA's public defender system is breaking down, communities reeling

Feb. 25, 2024 at 6:00 am | Updated Feb. 25, 2024 at 7:00 am



1 of 9 | Josh Cuevas, left, public defender, and Joseph Farhoul attend to court cases at the Franklin County District Court in Pasco on Feb. 7. Franklin County has made progress in its backlog of cases requiring public defenders. (Kevin Clark / The Seattle Times)



By [Daniel Beekman](#)  
Seattle Times staff reporter

KENNEWICK — When you're charged with a crime that could put you behind bars and you don't have enough money to pay an attorney to defend you, the government is supposed to provide you with one. But that isn't happening in some communities across Washington state, at least not right away.

"We're still working on getting you an attorney," Judge Terry Tanner told one defendant after another in Benton County District Court last month, adopting an apologetic tone as he made his way through a series of cases dating back weeks and months and explaining why each case would remain in limbo. "We have a shortage of public defenders, so that's why we're in a jam."

The right to an attorney is rooted in the U.S. and Washington constitutions, crucial to ensuring that everyone gets a fair shake. And yet, the scene that played out in Tanner's courtroom Jan. 31 has become routine there, to the point where people without public defenders are asked to sit on one side of the room and people with attorneys are asked to sit on the other.

That's an alarming sign, according to many people who work inside Washington's criminal legal system — one warning among many that the state's beleaguered public defense apparatus is in danger of breaking down.

A shortage of public defenders across Washington state is putting strain on the legal system, creating a backlog of defendants waiting to be assigned an attorney. (Kevin Clark / The Seattle Times)

"I compare it to what COVID was for ER nurses," said Jessica Rodriguez, a private attorney doing contract defense for Benton County. "People are showing up every week to have an attorney appointed and waiting hours, just to be told to come back the next week ... How can anyone hold down a job? They just want somebody to talk to. I see the desperation on their faces."

Staffing shortages and burnout-inducing caseloads are squeezing urban areas like King County, rural areas like Asotin County and communities in between. Facing each other across the Columbia River, Benton and Franklin counties are struggling as they compete for attorneys from the same shallow pool.

There are consequences. In some instances, people presumed innocent are languishing in jail without counsel. In others, prosecutions have been delayed or dismissed because defendants lack representation, potentially putting crime victims and others at risk. In still others, defendants are getting shortchanged because their attorneys are too busy. It's difficult to get a grip on the scale of such problems, because statewide data is lacking.

Meanwhile, cash-strapped counties are watching their expenses soar with minimal support from the Legislature. Some counties are actually suing the state over that reality, and experts say it's only a matter of time before an unrepresented defendant also sues, alleging their rights have been violated.

"We're at the precipice of collapse," Franklin County Administrator Mike Gonzalez said recently. "And it's not just affecting us, it's the whole state."

Things grew so bad last year that Larry Jefferson, director of the state Office of Public Defense, begged the Washington state Supreme Court for relief. He asked the court's justices for a 90-day moratorium on attorney assignments for out-of-custody defendants in order to clear backlogs of clients who were in jail. He also asked the justices to immediately lower caseload limits for defenders, partly to keep overburdened attorneys from quitting.

The justices declined Jefferson's requests. While they plan to consider new caseload caps soon, with recommendations from the Washington State Bar Association, lowering the caps too quickly could aggravate the shortages, because more attorneys would be needed for the same number of cases.

Washington lawmakers are working on a bill that would establish a state-managed internship program to train law students and graduates as defenders and prosecutors in rural areas. But internships won't reverse the shortages overnight, and a proposal to repay student loans for new recruits has been cut during the bill's journey through the current legislative session. A separate bill that would greatly bolster state funding for public defense is likely dead, with no action taken since the session began in January.

Some advocates say communities should reduce pressure on public defenders and the entire system by scaling up alternatives to prosecution, especially for nonviolent and lower-level crimes.

"The solutions have to be short-term and long-term and are going to require work from all three branches of government," Justice Steven González said.

## Backstory

Defender shortages and unrealistic caseloads are posing a threat to rights cemented in court decisions like 1963's *Gideon v. Wainwright*, where an unrepresented Florida man challenged his state conviction, and 2013's *Wilbur v. City of Mount Vernon*, where Skagit County defendants said their public attorneys had too many cases. In *Gideon*, the U.S. Supreme Court ruled that states, per the U.S. Constitution's Sixth Amendment, must provide defenders. *Wilbur* pushed Washington's state Supreme Court to adopt caseload limits.

The underlying principles are simple. Anyone charged with a serious crime needs an attorney and, to be effective, that attorney needs a reasonable workload. But those principles crumble when public defenders are scarce. Defendants have no one to talk with about their options. To argue for their release so they can keep a job or custody of a child. To interview witnesses. To secure evidence, like surveillance video before a recording gets taped over.

Dozens of people had to wait for attorneys in Whatcom County last year, including people locked up in jail. Defendants are now waiting about three weeks in Yakima County, down from about six weeks, according to Paul Kelley, that county's director of the Department of Assigned Counsel.

The right to a speedy trial — within 60 or 90 days of being arraigned in Washington, depending on whether a defendant is in jail — also gets twisted when public attorneys are scarce, leaving the people in Tanner's Benton County courtroom with bad choices. They're told they can either move closer to trial without representation, or pause their speedy-trial clock while waiting for a defender. That's not fair, said Sheri Oertel, a resource attorney for the nonprofit Washington Defender Association.

"When there aren't enough public defenders, or when public defenders are overworked, the people who suffer are the defendants," said Jason Schwarz, director of Snohomish County's Office of Public Defense, making the point that a huge number of Americans have been arrested — [about 1 in 3 adults](#) have such records.

Most Washington defendants are found to be [indigent](#), meaning they can't afford a private attorney.

"You probably know someone who's been through the system," Schwarz said. "So when we talk about this, we're talking about your neighbor, or you."

At the same time, some leaders worry about the attorney shortages complicating cases and allowing bad actors to avoid justice.

"That's the scariest part of the problem," said Jon Neal, an Okanogan County commissioner. "You may end up releasing people you really don't want to."

The causes behind the crisis are multiple and debatable, experts say: Fewer people are going to law school; young attorneys are choosing less-intense jobs with better pay; the COVID pandemic created backlogs; policing changes like body-worn cameras are making cases more time-consuming to handle.

There's always been a stigma associated with the job. Like the stereotype of a distracted public defender with baggy eyes and a wrinkled suit.

"We started to see interest really waning" before COVID, and then the pandemic "just threw everything into chaos," Kelley said. "We started seeing people leaving the profession and that just exacerbated the problem."

Public defenders aren't the only government workers in short supply. Cities and counties are also struggling to hire enough prosecutors, police officers and corrections officers. And Washington isn't the only state in trouble. [In November](#), a U.S. District Court judge responding to a lawsuit over defender shortages in Oregon ordered counties there to release anyone held in jail without an attorney for more than seven days after being arraigned.

But Washington's challenges are distinctly thorny, partly because its system is decentralized, with each county court administered locally. Most other states pay for public defense services, whereas Washington covered 3% of those costs through grants and special programs in 2022, [according to data collected by the Washington State Association of Counties](#).

For those reasons and others, most counties that responded to a [December survey](#) by Jefferson's office reported vacancy rates of 10% to 67%; 34 reported recruiting/retention issues last year, up from 31 in 2022. Larger counties employ staff defenders and smaller counties rely on contractors.

### Rural areas

What exactly the crunch looks like depends on where you're arrested.

In some of Washington's smallest counties, officials scramble to hire out-of-town contractors and pay them by the hour to represent defendants because there are so few local attorneys and even fewer who want the work.

Ten counties in the state have no more than 30 residents practicing law of any sort. Dan Clark, a senior deputy prosecutor in Yakima County, wrote in a [column](#) for the state Bar Association last year, noting that attorney shortages are resulting in vacancies on the prosecutorial as well as the defense side.

"Most law school graduates tend to be in their 20s or 30s, and to be blunt, most rural areas simply do not offer the variety of restaurants, entertainment, and social opportunities that urban areas can provide," Clark wrote. "Many law school graduates have significant student loan debt, and lower salaries in rural areas — particularly for governmental attorneys — can be a barrier to attracting and retaining new and young lawyers to rural communities."

Several defense attorneys under contract with Okanogan County in North Central Washington live elsewhere, including over the mountains in Western Washington, said Anna Burica, who leads the work and manages the roster. Judges allow them to appear in court via video, reluctantly.

"You want that face-to-face contact before making a big decision, and a lot of people just don't get that opportunity," Okanogan Judge Robert Grim said.

In January, tiny Asotin County in Eastern Washington had only one attorney under contract to represent defendants charged with felonies, and he lived 100 miles away in Spokane, County Commissioner Brian Shinn said. Shelling out \$150 per hour to other attorneys boosted the county's defense costs (by about 43% last year), putting strain on an already-tight budget, he said.

Although Asotin County is raising its sales tax rate this year, most stores in the area are located across the Idaho border, so the revenue bump will be modest, Shinn said, explaining why he's glad the Association of Counties sued the state [in September](#), claiming the Legislature should step in.

"The state sends us \$30,000," while the county spent about \$825,000 last year, the county commissioner said. "The state is really dropping the ball."

### Bigger cities

Urban areas like King County have more attorneys available to hire and more tax dollars to spend on salaries. But such areas also have more big cases, which involve extra work and require special experience. For example, only attorneys who have already completed three lower-level felony trials are allowed in Washington to represent people charged with rape or murder.

Those conditions have sucked King County's Department of Public Defense into a vicious cycle. Attorneys burn out, leave and can't immediately be replaced, creating additional work for a smaller number of remaining high-level attorneys, who burn out, leave and ... the cycle continues.

In an email to the Metropolitan King County Council last October, Ramona Brandes said she quit working high-level cases because she worried her load of "approximately a dozen homicides, another dozen rape cases" and many others was going to give her "a stroke, a heart attack or an aneurysm."

"The weight of the souls on my shoulders was crushing me," Brandes wrote, saying she often worked more than 16 hours per day and knew she had to make a change because "I would not survive another felony rotation."

At an October [council meeting](#), officials said King County saw 18 high-level felony defenders leave in two years, while pending high-level cases climbed 80%. The attorneys who remain in place are drowning, they said, pointing to recommendations in September in an American Bar Association report.

The National Public Defense Workloads Standards [Report](#) determined that caseload limits should be much, much lower than those currently used in Washington and elsewhere (150 felony cases or 400 nonfelony cases per year, based on data from the 1970s). Reworking the limits may be hard and take time, yet "We've got to break the cycle," said Anita Khandelwal, King County's public defense director.

The status quo "means people sit caged — waiting, waiting — because we have too many cases," King County defender Adam Heyman told the council.

"Everyone is fighting righteously to do their best," but there aren't enough hours in each day to do all the work needed, Heyman added this month.

"There's no question that mistakes are being made. Honest mistakes."

### Tri-Cities

State Sen. Nikki Torres, R-Pasco, has championed several attempts to respond to the defender crisis during the Legislature's current session, including the bills that would establish internships and increase state funding. Her district, which includes parts of Benton and Franklin counties, has been hit hard, eliciting concerns from prosecutors as well as defense advocates.

In one Franklin County case [last year](#), a woman accused of embezzling more than \$500,000 saw her charges dropped because she had gone without an attorney for so long, the Tri-City Herald reported. [In another](#), a man accused of stealing a car had his bail cut because he lacked representation, was released and was arrested again within days, [this time for burglary](#).

In a third, a man spent months in jail without a defender and pleaded guilty because he was desperate to leave, said Kathryn Russell Selk, a Seattle appellate attorney who [asked the state Supreme Court](#) whether such pleas should be declared invalid, hoping to set a precedent. Prosecutors responded by agreeing to vacate the man's conviction in exchange for him dropping his appeal, so the court didn't rule, Russell Selk said.

Benton and Franklin counties share the Tri-Cities, population 316,000. Richland and Kennewick belong to Benton, while Pasco belongs to Franklin.

In each place, the turnover has been head-spinning, said Benton County defense manager Charlie Dow, previously a staff defender for Franklin.

"This time last year, everybody working here now as an attorney wasn't working here," said Dow, who jumped across the river in June.

Because Benton has a backlog, Dow's difficult job includes deciding who gets an attorney right away and who doesn't. He's prioritizing people in jail.

"They get appointments over and above everybody out of custody," he said.

That explains the unrepresented people waiting in Tanner's courtroom with nonfelony charges for offenses like assault, theft and driving with a suspended license. On Feb. 7, the judge saw about 20 such defendants in a row, shepherded by a defense staffer who spoke to each for a few seconds.

"None of us are comfortable with what's going on," said Dow, the defense manager. "We're doing everything we can with the little we've got."

Hugo Mendoza, 29, had no attorney when he showed up, despite multiple prior appearances. Once again, the warehouse worker heard he would have to come back. Each time, he misses work. Each time, his stress level rises.

"I feel like it should have been dealt with a long time ago," Mendoza said, anxious to see his case resolved. "They just keep rescheduling."

### Potential solutions

Things have improved in Franklin County since last year's backlog made headlines, partly because officials have pumped more money into piecemeal contracts with private attorneys, said Gonzalez, the county administrator. Unfortunately, "constantly signing off" on deals worth "five grand, seven grand, ten grand," is unsustainable, he said, calling for relief from Olympia.

"We're just running around chasing our tail," Gonzalez said.

In theory, the internship program would hone more staff defenders like Franklin County's Josh Cuevas, who can see his childhood apartment from the 111-year-old brick courthouse where he works today. Being from Pasco and speaking Spanish, Cuevas is more likely to stick with the job and is better equipped to serve a county that's majority Latino, Gonzalez said.

"Maybe people have bigger dreams," but public defense "is a big deal for me," said Cuevas, who spends more time conferring with clients in hallways than jousting in court. "I'm happy to do it in my community."

Dow, in Benton County, doubts an internship program would accomplish much without monetary incentives, thinking about the student loans and housing costs that burden new attorneys. Like Cuevas, Dow grew up in the Tri-Cities and returned after law school but, "We can't rely on that," he said.

More spending on public defense and lower caseloads may not even be adequate to solve the crisis, given its severity and the magnitude of costs involved, according to advocates like King County's Khandelwal.

"We need to find more efficient and evidence-based ways of addressing harm in our community," the defense director wrote in a Seattle Times op-ed with King County Councilmember Girmay Zahilay [in September](#).

Until then, the system will lean on defenders like Cuevas, whose recruiting pitch is straightforward: The lows may be low, but the highs really matter.

"There's a high of getting someone who was in an impossible situation into a much better position," Cuevas said. "That's incredibly rewarding."

*Seattle Times staff reporter Claire Withycombe and news researcher Miyoko Wolf contributed.*

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