

Snohomish County Public Defender Association

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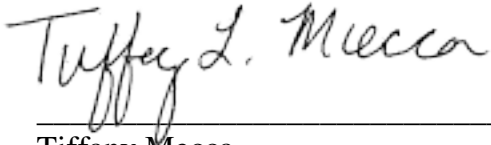
The proposed amended SCLCrR 3.3. will undermine Snohomish County Public Defender Association's duty to represent our clients by sacrificing effectiveness for efficiency. SCPDA represents human beings whose lives can't be reduced to numbers of pending cases. We strive in every case to demonstrate that our clients are innocent and more than the sum of their worst days. This effort takes time. For this reason, and the reasons outlined in a joint letter with the Snohomish County Prosecutor's Office, SCPDA objects to the proposed amendment to SCLCrR 3.3.

Each case is different. Each client has different needs. The attorney assigned to the case is in the best position to understand how to meet the needs of the cases and people we represent. Numerous factors impact the time and work necessary to properly prepare a case for trial. For example, the complexity of the charge, the number and location of witnesses, the volume of discovery, the need for an interpreter, and the need for expert services are a few of the factors that can increase the time and work needed to prepare a case.

In addition to the circumstances of each case, individual clients have different needs and face different barriers. The work of a public defender is not to resolve cases. The work of a public defender requires that we establish relationships with our clients built on mutual trust and respect. This takes time and effort. Other factors impact the time necessary to prepare a case for trial. Cases filed years after they were first reported to police often take more time to prepare for trial. A client's family or work obligations can necessitate a continuance.

Given the myriad factors that impact the necessary work on each case, a bright line rule that fails to acknowledge the unique circumstance of each case and each person accused will erode the constitutional right to effective assistance of counsel, the bedrock of the right to a fair trial. This erosion will work to further support systemic racism, rather than work to dismantle it. The potential effect of this proposed amendment will result in attorneys being forced to go to trial despite telling the court that there is more work that needs to be done. It is well established that BIPOC people are unfairly over-policed and disproportionately represented in the criminal legal system. A rule that promotes efficiency over effective assistance of counsel will only further increase the likelihood that BIPOC people are denied the right to a fair trial, fueling systemic racism.

This court called on the members the Snohomish County “legal community to be vigilant and tireless in shining a light on discriminatory laws and practices...” to help this court end those discriminatory laws and practices. The Snohomish County Public Defender Association is answering that call. The proposed rule change SCLRC 3.3 will disproportionately harm BIPOC people and should not be adopted.



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