

The following comments are excerpted from responses to a September 2010 BJA/JIJC survey of trial-court judicial officers throughout the state. While the focus of the survey was general court operations, several responses referenced public defense issues.

- ***“Counsel is often unprepared, not familiar with the area of law. ... Public Defenders are stretched thin, unavailable to their clients; rarely keep them informed at all let alone fully informed. For certain misdemeanor cases clients are not permitted to make in office appointments with their lawyers and can only meet with them during court, while court is in session. Unless the court gives the defendant copies of documents they rarely see them. If the court expects the public defender to follow ethical requirements and serve the clients the judge is attacked by the lawyer as being too tough or unfair.”***

--- Eastern Washington judge, responding to the question, “Are you seeing instances of ineffective assistance of counsel where you consider the case outcome to be unjust?”

- ***“Yes.”***

--- Western Washington judge, responding to the question, “Are you seeing instances of ineffective assistance of counsel where you consider the case outcome to be unjust?”

- ***“...Cases having to be continued because [the public defender] is overburdened ... .”***

---Western Washington judge responding to the question, “Have there been instances of injustice occurring in your court that you were unable to prevent ...?”

- ***“Our public defenders are dramatically overburdened.”***

---Western Washington judge responding the question, “Have there been instances of injustice occurring in your court that you were unable to prevent ...?”

- ***“There is such a huge demand on the [public defender] office given the volume of offenses committed in this county and the charging decisions made by the [prosecuting attorney’s] office, the attorneys are overworked. ...”***

---Western Washington judge responding to the question, “Are you seeing ... cases in which the defendant is not represented at first appearance? What consequences are you seeing from this?”

- ***“Yes. Pro se defendants making incriminating statements on the record while reviewing the 3.2 order of release.***

---Court/judge not provided, responding to the question, “Are you seeing ... cases in which the defendant is not represented at first appearance? What consequences are you seeing from this?”

- ***“Yes; the consequence is that cases are not resolved as efficiently as I will not take guilty pleas at an initial hearing or until there is an informed and voluntary waiver of counsel at a later hearing.***

---Eastern Washington judge, responding to the question, “Are you seeing ... cases in which the defendant is not represented at first appearance? What consequences are you seeing from this?”