

From: [OFFICE RECEPTIONIST, CLERK](#)
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Subject: FW: Comment to Standards for Indigent Defense suggested amendments (December 2019)
Date: Tuesday, January 28, 2020 10:19:11 AM

-----Original Message-----

From: Andrew Morrison [<mailto:andrew@morrisonlegalservices.com>]
Sent: Tuesday, January 28, 2020 10:13 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to Standards for Indigent Defense suggested amendments (December 2019)

Good morning,

My comment to the above changes is that while the intent appears to be to ensure that the indigent defense standards are observed/enforced in the context of civil commitment, the method used (amending just the criminal rules and MPRs) neglects sex offense civil commitment under RCW 71.09.

Pre-existing standard 14.2(N) specifically addresses sex offense civil commitment (minimum qualifications) but the changes proposed in this new batch of rules overlook this variant of civil commitment. By their text, the MPRs are only applied under RCW 71.05 commitment proceedings. The criminal rules are held to be inapplicable to RCW 71.09 proceedings.

The CRs should be amended to capture all forms of civil commitment under the indigent defense standards. Not doing so implies there is a reason that the standards are applied only to RCW 71.05 proceedings under the MPRs rather than to all forms of civil commitment under the CRs. We should avoid that confusion.

Thank you,

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