



WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE

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April 8, 2010

The Honorable Justice Charles W. Johnson
Washington Supreme Court
Temple of Justice
P.O. Box 929
Olympia, WA 98504

Re: Comment on Proposed Court Rule Changes to CrR 3.1, CrRLJ 3.1, and JuCR 9.2

Dear Justice Johnson:

The Washington State Office of Public Defense (OPD) appreciates the opportunity to comment on proposed changes to Court Rules CrR 3.1, CrRLJ 3.1 and JuCR 9.2, related to judicial appointment of counsel for indigent defendants.

In light of recent Washington State Supreme Court and U.S. Supreme Court decisions in *State v. A.N.J.* and *Padilla v. Kentucky*, respectively, OPD recommends delaying adoption of the proposed court rules. In particular, we believe it would be appropriate to rely on elements identified in the *A.N.J.* and *Padilla* cases as the basis to develop court rules governing appointed public defense counsel. OPD also endorses the comments submitted by the Washington State Bar Association and joins in the WSBA offer to work collaboratively in support of our common goal to improve public defense.

The Office of Public Defense Advisory Committee remains committed to pushing ahead with statewide public defense reforms. OPD Advisory Committee members and agency staff look forward to working with the Court to ensure the constitutional right to counsel.

Sincerely,

Justice Bobbe Bridge (Ret.), Chair
OPD Advisory Committee

Joanne Moore, Director
Office of Public Defense