



Washington Defender Association
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October 27, 2011

Justice Charles Johnson
Supreme Court Rules Committee
Washington Supreme Court
Temple of Justice
P. O. Box 40929
Olympia, WA 98504-0929

Re: WDA support for standards and qualifications for constitutionally mandated indigent defense services

Dear Justice Johnson and Rules Committee Members:

The Washington Defender Association ("WDA") strongly supports the proposed standards for CrR 3.1, CrRLJ 3.1, and JuCR 9.21 and urges you to incorporate the revisions to the proposed rules sent to you by the Washington State Bar Association Board of Governors on October 10, 2011. WDA was a partner in updating the standards. Its members worked hard to meet the concerns about the standards and to promote compromise where necessary. We believe the court rule is stronger because of WDA's work and that adoption of the Board of Governors recommended rules will be an important step in fulfilling the promise of *Gideon*.

Indigent defendants charged with crimes are not able to select their own attorneys but must be represented by counsel chosen by the governmental body prosecuting them. The Washington Supreme Court recognized the need to set minimal qualifications for this work and, in 2010, asked the Washington State Bar Association ("WSBA") to review and comment on appropriate standards for attorneys appointed to represent indigent defendants.

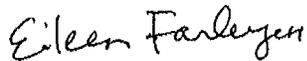
The Council on Public Defense ("CPD") includes public defense representatives, elected prosecutors, law professors, representatives from local government, attorneys in private practice, and members of the judiciary. Beginning in September 2010, the CPD began reviewing and updating the WSBA standards and submitted its final recommendations for inclusion in the court rule to the WSBA in March 2011. The CPD meetings were open for input and the recommendations were shared broadly with the public defense community and other criminal justice stakeholders before finalization. The Board of Governors received comment on the recommendations at its April and June meetings. In June 2011 it recommended by unanimous vote that the Washington Supreme Court incorporate these standards as amendments to Criminal Rule 3.1, Criminal Rule for Courts of Limited Jurisdiction 3.1 and Juvenile Court Rule 9.2 with the exception of the misdemeanor caseload number.

The Board of Governors returned the standards that addressed caseload issues to the CPD for further review and discussion. The CPD worked over the summer to craft a compromise caseload standard, a revised qualification standard for death penalty cases, and proposed language for certification. The final recommendations were sent to the Board of Governors in September 2011. The

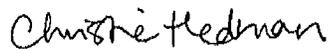
Board of Governors heard extensive comments from attorneys and others in attendance at its September 22, 2011 meeting and by a vote of 10-2 recommended the Washington Supreme Court adopt these additional recommendations.

WDA urges you to adopt the proposed standards for CrR 3.1, CrRLJ 3.1, and JuCR 9.2 and to incorporate the revisions to the proposed rules sent to you by the Board of Governors on October 10, 2011. Thank you for your past support of public defense. We look forward to working with you as the new rules are implemented.

Very truly yours,



Eileen Farley
President



Christie Hedman
Executive Director

cc: Board of Directors of Washington Defender Association, consisting of:

Jodi Backlund, Division II Individual Member Representative
Kevin Curtis, Division III Individual Member Representative
Anne Daly, Society of Counsel for the Representation of Accused Persons
L. Daniel Fessler, Yakima County Public Defender
Jeremy Ford, Counsel for Defense of Chelan County
Rachel Forde, Snohomish County Public Defender Association
Harry Gasnick, Clallam Public Defender Association
Rafael Gonzales, Grant County Public Defense
Michael Kawamura, Pierce County Department of Assigned Counsel
Jon Komorowski, Whatcom County Public Defender
Linda Lillevik, Division I Individual Member Representative
Greg Link, Washington Appellate Project
Daniel McGreevy, Bellingham Assigned Counsel
Floris Mikkelsen, The Defender Association
Dennis Morgan, Division III Individual Member Representative
Terry Mulligan, Cowlitz County Public Defender
Jon Ostlund, Division I Individual Member Representative
John Rodgers, Spokane County Public Defender/Division III Individual Member Representative
Les Tolzin, Division II Individual Member Representative
Keith Tyne, Skagit County Public Defender Association