



Washington Association of
Criminal Defense Lawyers

Wade S. Samuelson
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September 9, 2014

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Sep 10, 2014, 9:52 am
BY RONALD R. CARPENTER
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Sent via email to supreme@courts.wa.gov

Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RECEIVED BY E-MAIL

RE: Suggested Amendments to CrR 3.1, CrRLJ 3.1, and JuCR 9.2

Dear Justices of the Washington State Supreme Court:

On behalf of the Washington Association of Criminal Defense Lawyers (WACDL), we write to you in support of the adoption of the proposed amendments to the Standards for Indigent Defense.

One proposed amendment to the Standards allows for a lighter caseload for new attorneys, i.e. less than 6 months experience in criminal defense. This proposed amendment was prompted in part by the results of a case weighting time study conducted by the Washington State Office of Public Defense (OPD). OPD interviewed a number of attorneys and found there was a consensus that newer attorneys need caseload relief while they work to learn some of the basic aspects of the criminal defense and the justice system, e. g., determining court procedures, working with investigators and evaluating immigration consequences, obtaining records, mastering trial skills, and learning to effectively negotiate.

The proposed amendment allows for that learning curve. However, the Standards maintain the position that, outside of newer attorneys, the experience of an attorney is not a factor in adjusting a caseload.

The second proposed amendment addresses arraignment or first appearance calendars and how the work done on those calendars should be factored into an attorney's caseload. The amendment makes it clear that both the court time and the preparation time for the calendar should serve to reduce, proportionally, the attorneys caseload. The amendment works to preserve one of the main premises of the Standards: that an attorney's workload must be limited to enable the attorney to provide competent representation. While the standards focus on a set number of

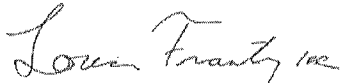
cases, the amendment recognizes that an attorney's work may not be limited to clearly defined cases. Other work, outside of the definition of a "case," must be taken into account in the attorney's caseload. The amendment clarifies that and establishes a procedure for taking that work into account.

The third proposed amendment focuses on some of the unique procedures that exist in the various counties and cities and sets guidelines for how these hearings should be addressed under the Standards. The difficulty is that some procedures or calendars used by some jurisdictions don't fit neatly into the Standards. The proposed amendment ensures that work done even on these non-standard calendars is factored into the attorney's caseload, just as is proposed in the amendment regarding arraignment and first appearance calendars. The amendment also provides direction to the jurisdictions as to what types of hearings would be treated as calendar representation and what types would be individual representation.

These proposed amendments were prompted by feedback from those in the criminal justice system and by additional information regarding the practices of some of the jurisdictions. The Standards are a tremendous step forward in ensuring that indigent defendants receive effective assistance of counsel. These proposed amendments seek to further that goal by clarifying the Standards and providing additional direction to those who must follow and enforce the Standards.

WACDL encourages the Supreme Court Rules Committee to adopt the proposed amendments. Thank you for your time and consideration.

Sincerely,



Louis Frantz, Co-Chair
WACDL Public Defense Committee



Teresa Mathis
WACDL Executive Director

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, September 10, 2014 9:53 AM
To: Tracy, Mary
Subject: FW: Attached: comments on suggested changes to CrR 3.1, CrRLJ 3.1, and JuCR 9.2
Attachments: 14 0910 comments on CrR 3.1.pdf

Rule comment for you ☺

LB

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Fred Rice [mailto:fred.rice@wacdl.org]
Sent: Wednesday, September 10, 2014 9:36 AM
To: OFFICE RECEPTIONIST, CLERK
Subject: Attached: comments on suggested changes to CrR 3.1, CrRLJ 3.1, and JuCR 9.2

To whom it may concern,

I am sending the attached letter on behalf of the Washington Association of Criminal Defense Lawyers. I would appreciate it if you could confirm receipt.

Kind regards,

Fred Rice
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