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April 22, 2022

VIA EMAIL

Honorable Charles W. Johnson
Honorable Mary I. Yu
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Comment on Proposed Amendment to CrRLJ 3.1

Dear Justice Johnson, Justice Yu, and Rules Committee Members:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I am writing to oppose the Washington State Bar Association (WSBA)'s proposal to amend CrRLJ 3.1, pertaining to the right to and assignment of counsel. Companion provisions are also proposed for CrR 3.1 and JuCR 9.2.

CrRLJ 3.1(d)(4) currently requires appointed counsel to certify that they are compliant with the Standards for Indigent Defense Services set forth in CrRLJ 3.1. Under the existing rule, appointed counsel must file a CrRLJ 3.1 Certification of Compliance quarterly with the court. This proposal would require the court to ensure that appointed counsel have met the CrRLJ 3.1 filing requirements, putting court of limited jurisdiction judges in a supervisory capacity and creating a direct conflict with the proposed new GR 42. Under proposed GR 42(d)(I), which the DMCJA supports, judges would not be permitted to 'manage or oversee public defense services.'

The definition of 'manage' and 'oversee' from GR 42(d)(2) includes removing attorneys from assigned counsel lists; monitoring attorney caseload limits; monitoring compliance with policies, procedures and standards; and recommending compensation. Requiring judges to ensure appointed counsel comply with CrRLJ 3.1 requirements means that judges will be managing and overseeing public defense services in direct violation of the GR 42 proposal.

Additionally, public defense administrators and/or the WSBA are in the best position to enforce the Certification of Compliance requirement. Those filings with the court are public records and easily obtained to determine compliance. Any violation of the Certification of Compliance requirement would be enforced by the public defense administrator limiting the attorney's caseload or by the WSBA through the RPCs. Any enforcement by the court would be prohibited by GR 42.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chas D Short", with a long, sweeping horizontal line extending to the right.

Judge Charles D. Short
DMCJA President

cc: Judge Jeffrey Goodwin, DMCJA Rules Chair
Ms. J Benway, DMCJA Rules Staff

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment Letters (11) re CrRLJ 7.6, CrRLJ 3.1, CJC 2.3, CrRLJ 2.1, CRLJ proposal, GR 26, GR 42, APR 9, CJC 2.2 & 2.6, CrR 3.3, and Nonbiased Language Proposal
Date: Tuesday, April 26, 2022 8:06:57 AM
Attachments: [DMCJA Cmt Ltr re CrRLJ 7.6 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrRLJ 3.1 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CJC 2.3 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrRLJ 2.1 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CRLJ proposal April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re GR 26 April 26, 2022.pdf](#)
[DMCJA Cmt Ltr re new GR 42 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re APR 9 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CJC 2.2 and 2.6 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re CrR 3.3 April 22, 2022.pdf](#)
[DMCJA Cmt Ltr re nonbiased language proposal April 22, 2022.pdf](#)
[image002.png](#)

From: Dugas, Tracy
Sent: Monday, April 25, 2022 5:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: 'Charles D Short' <cshort@co.okanogan.wa.us>; 'Goodwin, Jeffrey' <Jeffrey.Goodwin@snoco.org>; Benway, Jennifer <Jamanda.Benway@courts.wa.gov>; Oyler, Stephanie <Stephanie.oyler@courts.wa.gov>
Subject: Comment Letters (11) re CrRLJ 7.6, CrRLJ 3.1, CJC 2.3, CrRLJ 2.1, CRLJ proposal, GR 26, GR 42, APR 9, CJC 2.2 & 2.6, CrR 3.3, and Nonbiased Language Proposal

Greetings,

Please see the attached letters intended as comments on the proposed amendments to CrRLJ 7.6; CrRLJ 3.1; CJC 2.3; CrRLJ 2.1; the CRLJ proposal; GR 26; GR 42; APR 9; CJC 2.2 & 2.6; CrR 3.3; and the Nonbiased Language Proposal, sent on behalf of Judge Charles D. Short, DMCJA President.

Thank you,

Tracy Dugas (she/her)

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