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Subject: FW: Proposed GR 42
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From: Eileen Farley [<mailto:Eileen.Farley@nwaj.org>]
Sent: Friday, April 29, 2022 5:26 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Stearns Travis <travisdstearns@gmail.com>
Subject: Proposed GR 42

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Honorable Charles Johnson
Honorable Mary Yu
Supreme Court Rules Committee
Temple of Justice
Re: Proposed General Rule 42

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

The previous comments on Proposed General Rule 42 affirm wide support for an independent public defense and demonstrate the need for guidance from this Court on how jurisdictions can best implement the Proposed General Rule. We are fortunate in Washington to have a variety of resources the Court can draw upon in providing that guidance. Washington State Bar Association Indigent Defense Standard 19, adopted by the Board of Governors in May 2021, suggests jurisdictions consult with established city, county, or state public defense offices or engage experienced public public defense providers as consultants regarding management and oversight. The Washington State Office of Public Defense has offered to be a resource, as has the Washington Defender Association. The Washington State Bar Association Counsel on Public Defense is also a possible resource that could, if requested by this Court, develop qualifications needed by attorneys who may be appointed in, for example, guardianship proceedings.

No one has questioned that public defense needs to be independent. I urge you to adopt Proposed GR 42, delay implementation for a brief period, and call upon the State OPD, the Council on Public Defense and/or the Washington Defender Association to develop model procedures for appointment of counsel in jurisdictions that do not have established offices, or where those offices do not provide representation in case areas where counsel is needed.

Eileen Farley

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