From: OFFICE RECEPTIONIST, CLERK
To: Martinez, Jacquelynn
Subject: FW: CrR3.1/CrRLJ3.1/JuCR9.2 STDS
Date: Friday, September 20, 2024 8:02:35 AM

From: Ariana Downing <ariana@washapp.org>
Sent: Thursday, September 19, 2024 11:30 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: CrR3.1/CrRLJ3.1/JuCR9.2 STDS

Dear Clerk of the Washington Supreme Court,

I write in support of the new caseload standards that have been proposed by the WSBA and supported by objective, empirical research. I support the amendments because the antiquated standards impose inhuman requirements on public defenders and deny the accused effective representation. The caseload pressure has driven out many excellent, dedicated attorneys who wanted to make a career out of public defense.

I left trial-level public defense after over a dozen years because the caseload stress, in addition to the regular stress of the job, ultimately proved too much. I now represent indigent folks on appeal. I should have realized that the chronically underfunded public defense system extended to appeals as well. I've since learned that Washington State's caseload requirement for appellate public defenders is 150% of the national standard, set in 1973. Washington appellate defenders must represent 36 clients per year when the (antiquated) national standard is 25 cases. Of course that is unrealistic, unsustainable, and denies relief to the indigent. The proposed new standards bring Washington in line with the rest of the nation and commissions a study to determine what a realistic modern standard would be – which would likely be lower than 25 cases.

There's real evidence of the overburdening in appellate defense. Because of the unrealistic caseload requirements, appellate public defenders are unable to meet filing deadlines and must constantly file motions for extensions of time. It seems that there are almost as many motions for extensions as there are actually briefs filed because of the overburdened caseloads. These motions are so common that a recent rule change was proposed and adopted to "streamline" requests for extensions to use a form instead of a written motion. This new rule acknowledges the routineness of these requests and extensions. I've seen defendants wait for over a year for their appellate attorney to file the opening brief in their appeal. And many defendants are released from their sentences before they receive relief from their appeal.

There will be institutional actors who urge this Court to deny this proposal. Why are they so comfortable with an objectively broken system which fails to meet constitutional requirements and is inhumane? They can offer no other reasonable proposal, and certainly none based on empirical research. Public defense is in crisis and broken. Please help and pass the new standards. Thank you.

Ariana Downing (she/her)
Washington Appellate Project
1511 Third Avenue, Suite 610
Seattle, Washington 98101
(206) 787-1214 (phone)