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To: [Martinez, Jacquelyn](#)
Subject: FW: Comment on proposed amendments to CrR 3.1/CrRLJ 3.1/JuCR 9.2 Standards for Indigent Defense
Date: Friday, August 23, 2024 12:57:49 PM

From: Elizabeth Turner <elizabeth@elizabethturnerlaw.com>
Sent: Friday, August 23, 2024 12:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed amendments to CrR 3.1/CrRLJ 3.1/JuCR 9.2 Standards for Indigent Defense

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I am writing to comment on currently proposed amendments to CrR 3.1/CrRLJ 3.1/JuCR 9.2 Standards for Indigent Defense.

I have no comment as to the substance of the standards, or the proposed amendments, themselves.

However, **I suggest that the Standards be removed from the three rule sets and re-enacted as a standalone rule set.**

I am the author of the Rules Practice volumes of ThomsonReuters Washington Practice (and many other volumes of Washington Practice). In that capacity, I regularly receive and work with Supreme Court orders amending Washington's various court rule sets. In my opinion, having the Standards as part of several rule sets adds unnecessary bulk/length to the court rules and creates the opportunity for "traps for the unwary."

For example, on February 1, 2021, the Standards for Indigent Defense were added to the Mental Proceedings Rules (MPR) following MPR 2.1.

This meant that, in addition to amending the MPR to add the Standards, the Standards found at CrR 3.1, CrRLJ 3.1, and JuCR 9.2 all had to be amended to reflect the addition of the Standards to the MPR.

On October 31, the MPR were retitled as the Civil Commitment Rules and, for the most part, rescinded—including the Standards were just added to the MPR in 2021. So, the Standards found at CrR 3.1, CrRLJ 3.1, and JuCR 9.2 all needed to again be amended to reflect this.

But the Standards still apply to civil commitment proceedings, still include MPR 2.1 in the title and text, and continue to refer to the MPR.

In my experience, when it is necessary to amend multiple rule sets in a consistent manner, it is very easy to miss one—or more—of the rule sets requiring amendment. This in turn leads to inconsistent language between rule sets—a trap for the unwary. This happened most recently when the court entered an order suspending Standard 14 in the CrR and the CrRLJ while the instant proposed amendments are pending. The letter suggesting the suspension of Standard 14 did not reference JuCR 9.2, so the order which resulted from that request did not include JuCR 9.2. This means that Standard 14 remains in effect in Juvenile Court, but is suspended in the CrR and the CrRLJ—which, I suspect, is not what was intended when the suspension was requested.

I recognize that having the Standards as part of various rule sets may make it easier for some people to quickly locate the Standards. However, it is pretty common to have to reference more than one rule set when in any particular court (such as, for example, the Evidence Rules). Having the Standards as a standalone rule set would greatly simplify maintenance and amendments of both the Standards and the impacted rule sets.

Thank you for your consideration.

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Practice limited to serving as mediator and arbitrator

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