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Subject: FW: Appellate caseload standards
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From: Backlund & Mistry <backlundmistry@gmail.com>
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Subject: Appellate caseload standards

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We are writing to comment on the WSBA proposed interim caseload standards for appellate public defenders. We support the proposed standards.

The current caseload for court-appointed appellate practice is unsustainable. We got our first appeal case assigned in 1994, and changes in law and appellate practice have significantly increased the work necessary to effectively represent each client.

Among other things, the proportion of complex cases has increased in the post-*Blake* era. Improved communication systems now allow us to spend time building trust with incarcerated clients. The amendment to GR 14.1 (permitting citation to unpublished opinions) has vastly expanded the universe of authority that can be researched and cited. These, and several other substantive changes, have increased the amount of time we must spend on each case in order to be effective.

Appellate practice has changed for the better in the last three decades. However, with these changes, the current caseload standard has become untenable, even for attorneys with our level of experience.

The current standards have no principled justification; rather, they represent a number that balanced a budget years ago. Hardworking attorneys are regularly sanctioned because they cannot meet all of the deadlines with so many cases to juggle.

Our legal system, including appellate review of State exercises of authority, only works if appellate public defenders can consistently find and effectively brief the issues. This allows the court system to do its crucial job of ensuring a fair process for all Washingtonians.

Thank you.

Jodi Backlund
Manek Mistry

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Backlund & Mistry
P.O. Box 6490
Olympia, WA 98507
(360) 339-4870
Attorney Jodi Backlund (she/her)
Attorney Manek Mistry (he/him)