From: Chris Petroni
Sent: Tuesday, April 29, 2025 10:48 AM
To: 'supreme@courts.wa.gov' <supreme@courts.wa.gov>
Subject: Comment on proposed amendment to CrR 3.1/CrRLJ3.1/JuCR 9.2: Standards for Indigent Defense (appellate caseloads)

I urge this Court to adopt the WSBA's long-overdue proposal to amend the appellate caseload standards.

The current standards expect appellate defenders to finish briefing three average appeals each month. An appellate attorney must review not only the transcript of the trial, but also potentially voluminous trial exhibits including body camera footage, cell site data, and other digital evidence. The case crediting policy does not account for the number or complexity of trial exhibits or trial court filings. It is unreasonable to expect an appellate attorney to process an entire trial record, research every potential issue, and write a brief that presents the client's appeal in a cogent fashion in little more than a week.

Our criminal justice system rests on the ideal that an indigent person is entitled to a defense, at trial and on appeal, as robust as a person of means can afford. The current, unmanageable caseload standards make that impossible. Appellate defenders cannot crank out 36 case credits' worth of briefs each year while giving each client the attention they deserve, and to which the state and federal constitutions entitle them. This is to say nothing of the additional briefs—replies, motions for reconsideration, petitions for review, and the like—necessary to present a client's appeal in a fulsome manner and preserve issues for later review.

A criminal justice system that imposes unmanageable caseloads on indigent defenders is not a justice system at all. I respectfully urge this Court to adopt the WSBA's 25-credit interim standard pending an in-depth appellate work study.

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