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Subject: FW: comment supporting proposed amendments to appellate standards for indigent defense
Date: Tuesday, April 29, 2025 1:52:35 PM

From: Kate Huber <katehuber@washapp.org>
Sent: Tuesday, April 29, 2025 1:52 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: comment supporting proposed amendments to appellate standards for indigent defense

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I urge the Court to adopt the proposed interim appellate caseload standards. While the appropriate permanent standard will not be determined until a workload study is completed, the interim standards will offer some provisional, necessary relief.

I have worked as a public defender for 23 of the almost 25 years I have been a practicing attorney. I have worked in appellate public defense in Washington since 2016, and I find it challenging and satisfying. Without hesitation, I can state that the overwhelming and unmanageable caseload is the only reason I would consider transitioning away from direct client representation. Unfortunately, if the crushing and unsustainable caseloads are not addressed soon, this will be a possibility that I and other appellate defenders will have to consider.

The only way I am able to complete my work while giving each client the attention and quality representation they deserve is by consistently working nights, weekends, holidays, and vacations. For example, last month I spent one Sunday at the Washington Corrections Center for Women conducting a legal visit with a client. I spent the rest of the weekend days working to finish a brief on that client's case. During the weeks, I worked to research and write briefs on other clients' cases. Many evenings were spent editing briefs for colleagues or working to finish tasks I could not complete during the day. I cannot recall the last time I took personal time off without also working. Unfortunately, this is not an anomaly, nor am I unusual among the lawyers in my office. Most attorneys need to spend a large amount of what should be their personal time working just to meet the minimum standards of representation. Of course, our goal is not to meet the minimum standards but to surpass them and provide exceptional representation. Unfortunately, the current standards make this impossible to achieve.

I work in an office with 21 other attorneys practicing with a broad range of experience. The attorneys in my office—particularly the more experienced attorneys—have been working beyond

maximum capacity for as long as I can remember. The longer one works here, the more cases they retain, and the harder it is to manage the work within a standard work week. Part of why we all work so hard is we are deeply dedicated to our clients and to doing the best we can for them. However, at 36 case credits per attorney per year, it is simply not possible to complete all the necessary tasks during what one might consider “regular business hours.” While many attorneys in various practice area work extra hours outside of a standard work day when a particular case requires it, this has become the norm, not the exception, for appellate public defenders for every case. To require attorneys to sacrifice their time off on a regular basis in order to complete the most basic tasks is simply unfair and unreasonable. It also discourages attorneys from providing the best representation they can because it is an unsustainable plan. In fact, our office has lost at least two attorneys over the past year because the overwhelming caseload became more than they could maintain.

At 25 case credits, the suggested interim standard is still too much. But it will help ease the burden, and it will provide at least minimal relief while a study helps determine the appropriate permanent standard. Please adopt the standards.

Sincerely,
Kate Huber

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