

April 28, 2025

Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504

Re: Proposed Standards for Indigent Defense CrR 3.1, CrRLJ 3.1, and JuCR 9.2 (Appellate)

Dear Justices of the Washington Supreme Court:

I write in support of the long-overdue revision to the appellate standards proposed by the WSBA in CrR 3.1, CrRLJ 3.1, and JuCR 9.2.

I have been a Washington state appellate public defender since 1999. The current expectation that full-time appellate attorneys complete 36 opening briefs yearly is extraordinarily onerous. It requires compromise and shortcuts, resulting in a system where those who cannot pay for an attorney receive a lower tier of justice.

Each month, a lawyer must start and finish three opening briefs in new cases they are wholly unfamiliar with. They have about one week to read the entire record, identify potential errors, research all possible legal issues, communicate with their client, and write and file their opening brief. If there is any remaining time, it is spent reading response briefs, writing reply briefs, preparing for arguments, and conducting any other necessary work to ensure our clients receive constitutionally competent representation.

This workload is unsustainable and draining.

The WSBA's proposed caseload reduction is long overdue. In 1980, the National Legal Aid and Defender Association adopted a 25-case standard for appellate defenders. Other states, like Michigan, have recognized that caseloads as high as that in Washington are unsustainable, and some, like New York, have sharply reduced caseloads.

The WSBA's revised caseload standard is not a national anomaly. It appropriately provides a more sustainable system that prioritizes Washington's citizens, who deserve effective representation and respect. I appreciate the WSBA's careful attention to appellate caseloads and encourage this Court to adopt this proposal.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nancy Collins', written in a cursive style.

Nancy Collins
Supervising Attorney

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Subject: FW: Comment to proposed amendments to appellate standards, CrR 3.1, CrRLJ 3.1, JuCR 9.2
Date: Monday, April 28, 2025 10:37:24 AM
Attachments: [Comment to Proposed Amendments to Appellate Caseloads CrR 3.1 et al.pdf](#)

From: Nancy Collins <nancy@washapp.org>
Sent: Monday, April 28, 2025 10:34 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to proposed amendments to appellate standards, CrR 3.1, CrRLJ 3.1, JuCR 9.2

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As the attached letter explains, the proposed amendments to CrR 3.1, CrR 3.1RJ, and JuCR 9.2, will critically improve the fairness of the appellate process, serve the interests of justice, and should be adopted.

Respectfully,
Nancy Collins
Supervising Attorney
Washington Appellate Project