



Washington Association of
Criminal Defense Lawyers

Cooper Offenbecher
President

Lauren Bramwell
Executive Director

April 30, 2025

Sent via email to supreme@courts.wa.gov

Washington State Supreme Court
Court Rules Committee
supreme@courts.wa.gov

Re: Proposed changes to CrR 3.1, CrRLJ 3.1, JuCR 9.2 (Appellate Caseloads)

Honorable Justices of the Supreme Court:

These proposed rule changes reduce the caseload of a full-time appellate public defense attorney or assigned counsel from 36 to 25 appeals per year. WACDL supports these changes.

The Sixth Amendment and Article I, Section 22, and cases construing it, together with the Rules of Professional Conduct—not the Rules of Appellate Procedure or the legislature—set the standards for the scope of the representation of appellate counsel. Although RAP 10.1 uses the discretionary term “may” regarding the filing of certain briefs, appellate counsel are often ethically obligated to file those briefs. Similarly, while the statutory right to appointed counsel under RCW 10.73.150 does not attach until discretionary review is granted, appellate counsel frequently have an ethical duty to assist with seeking review to increase the likelihood that it will be accepted.

The current caseload standards for appellate counsel are based on a flawed understanding of how much time attorneys actually spend on an appeal. This misunderstanding stems from a failure to recognize the full scope of professional obligations that appellate attorneys owe to their clients. As a result, Washington’s appellate public defense system is burdened by caseloads so high that attorneys often request multiple extensions of time—leading to unnecessary and potentially prejudicial delays.

Additionally, these proposed rule changes bring the caseload standards in line with the Washington State Bar Association Council on Public Defense's Appellate Standards Subcommittee's findings and recommendations, which were adopted by the Washington State Bar Association in September of 2024. These recommendations recognize the growing complexity of appellate cases, aim to support the recruitment of new attorneys into appellate practice, and are designed to preserve the continued participation of experienced appellate counsel.

Adopting these proposed rule changes is a necessary step toward ensuring the ethical and effective representation of appellate clients in Washington. By aligning caseload standards with the realities of appellate practice and the professional responsibilities of counsel, the changes will reduce harmful delays, improve the quality of advocacy, and help sustain a robust and experienced appellate defense bar.

Thank you for your consideration,



Cooper Offenbecher
WACDL President



Emily Gause
WACDL Court Rules Committee Co-Chair



Christopher Taylor
WACDL Court Rules Committee Co-Chair

From: [OFFICE RECEPTIONIST, CLERK](#)
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Subject: FW: WACDL Court Rule Public Comments
Date: Wednesday, April 30, 2025 3:46:30 PM
Attachments: [WACDL 3.1.pdf](#)
[WACDL 3.2.pdf](#)
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[WACDL RAP 10.2.pdf](#)
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[WACDL 17.7.pdf](#)
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From: Lauren Bramwell <Lauren@wacdl.org>
Sent: Wednesday, April 30, 2025 3:34 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Cooper Offenbecher <cooper@ahmlawyers.com>; Emily Gause <emily@emilygauselaw.com>; Christopher Taylor <taylor@crtaylorlaw.com>
Subject: WACDL Court Rule Public Comments

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Good Afternoon,

Please see the attached comments submitted on behalf of the Washington Association of Criminal Defense Lawyers (WACDL) regarding the following proposed rules:

- CrR/CrRLJ 3.1 (Appellate Caseloads)
- CrR/CrRLJ 3.2
- CrR/CrRLJ 4.1
- CrR/CrRLJ 8.3
- CR 12
- RAP 10.2
- RAP 17.7
- RAP 18.17

Thank you,

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