

Submitted via email attachment

April 30, 2025

Justice Mary Yu
Washington State Supreme Court Rules Committee
PO Box 40929
Seattle WA 98504-0929

Re: Support for amendments of CrR 3.1, CrRLJ 3.1 and JuCR 9.2 for Appellate Caseload Standards

Dear Justice Yu and Supreme Court Rules Committee Members,

The Washington Defender Association (WDA) supports the proposed amendments of CrR 3.1, CrRLJ 3.1, and JuCR 9.2 reducing appellate caseloads from 36 to 25 appeals per year.

Washington was the first state to expressly recognize in its Constitution both the right to appeal and the right to counsel on appeal. These proposed amendments are an essential step in Washington's long-standing commitment to the right to counsel on appeal.

The current appellate caseload standard greatly exceeds prevailing national norms. The current standards were implemented without meaningful consideration of the scope of appellate representation. Problematic as that was when the current standard was adopted, the consequences have been exacerbated by the growing complexity of appellate representation in the years since adoption.

The failure of the current standards to fully consider the time needed to provide ethical and constitutional representation contributes to substantial delay in appellate cases. Those delays inevitably impact the courts. Most importantly, those delays endanger the constitutional rights of the people who rely on appellate public defenders.

Moreover, the current caseload threaten the stability of appellate public defense in Washington. The substantial caseloads have contributed to a growing number of experienced attorneys leaving appellate public defense. And those caseloads limit the ability to attract new attorneys.

The WSBA recognized all of this when it adopted the reduced appellate caseloads of 25 case per year as an interim standard in WSBA Standards for Indigent Defense Services in September 2024. The WSBA recognized additional study is required to determine a permanent appellate caseload standard, and is currently conducting a workload study of appellate public defense in Washington.

WDA urges this Court to adopt the interim 25-case standard. This change is a needed step towards ensuring ethical and effective representation. The change accounts for the true scope of ethical and constitutional appellate representation. The amendment will ensure Washington meets its constitutional commitment to ensure the effective assistance of counsel on appeal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'P. O'Connor', written in a cursive style.

Patrick O'Connor
President

A handwritten signature in black ink, appearing to be 'Christie Hedman', written in a cursive style.

Christie Hedman
Executive Director

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: WDA Comments on CrR3.1, et al for Appellate and Family Defense Standards
Date: Wednesday, April 30, 2025 4:18:47 PM
Attachments: [image002.png](#)
[image003.png](#)
[WDA Comment on CrRLJ3.1 Appellate Standards.pdf](#)
[WDA Comment on CrRLJ3.1 Family Defense Caseload Standard.pdf](#)

From: Christie Hedman <hedman@defensenet.org>
Sent: Wednesday, April 30, 2025 4:09 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Patrick O'Connor <patrick.oconnor@co.thurston.wa.us>
Subject: WDA Comments on CrR3.1, et al for Appellate and Family Defense Standards

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Attached please find the Washington Defender Association's comments in support of the WSBA's proposed amendments to the Court's Standards for Indigent Defense relating to appellate and family defense standards.

Thank you for your assistance and please don't hesitate to let me know if you have any questions or have any problems with the attachments.

Christie Hedman
Executive Director
she/her/hers
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