

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 Family Defense 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 family defender caseloads from 80 to 40 open and active cases.

Washington and federal law recognize the right to counsel when the government intends to separate a parent from their child. Present caseload standards greatly exceed prevailing national norms and the consequences have been exacerbated by the growing complexity of dependency representation in the years since adoption. This proposed amendment is an essential step in Washington's long-standing commitment to the right to counsel in dependency cases.

Dependency cases now require significantly more time to be devoted to each case to afford each parent effective assistance of counsel. Dependency cases now have more stakeholders regularly participating in each case, including children represented by counsel and foster parents, while involving increasingly complex issues of substance abuse, mental health, poverty, lack of housing, and domestic violence. Quality dependency representation both saves the State money in overall costs regarding the child welfare system, but it also protects the constitutional rights of Washington's most vulnerable families. Current caseload standards threaten the stability of dependency public defense in Washington. Substantial caseloads have led to a growing exodus of experienced attorneys leaving this area of practice. And present caseloads limit the ability to attract new attorneys to these fields of practice.

The WSBA recognized this when it adopted the reduced dependency caseloads as a standard in WSBA Standards for Indigent Defense Services in September 2024.

The WDA urges the Court to adopt the caseload standards for family defender caseloads. This change is a needed step towards ensuring ethical and effective representation. The change accounts for the true scope of ethical and constitutional representation in this nuanced and specialized field. The amendment will ensure Washington meets its constitutional commitment to ensure the effective assistance of counsel in dependency cases.

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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