

THE SUPREME COURT
STATE OF WASHINGTON

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May 23, 2013

MEMORANDUM

TO: **RULES COMMITTEE**
C. Johnson, J., Chairperson
Madsen, C.J., ex officio
Owens, J.
Fairhurst, J.
Stephens, J

FROM: Denise Foster 
Capital Case Manager

RE: Court Rules

The following rule order was entered by the Court on May 23, 2013:

Order No. 25700-A-1023 - In the Matter of Amendments to the Standards for Indigent Defense and Certification of Compliance Form for CrR 3.1(d)(4), JuCR 9.2(d)(1) and CrRLJ 3.1(d)(4)

Effective dates of Certification of Compliance Form Section 2(d) and Section 2(e) be changed to October 1, 2013. Effective date for Standards for Indigent Defense 3.4 changed to October 1, 2013. EXCEPT for misdemeanor caseload limits, effective date January 1, 2015.

cc: Nancy Sullins, AOC, w/attachments
Commissioner w/attachments
Clerk w/attachments
Deputy Clerk w/attachments
Elizabeth Turner, WSBA (w/attachments **AS ATTACHMENT TO EMAIL ONLY**)
Jean McElroy, WSBA (w/attachments **AS ATTACHMENT TO EMAIL ONLY**)
AOC, w/attachments (Web Page)



FILED
SUPREME COURT
ST. JAMES WASHINGTON
2013 MAY 23 P 3:29
BY RONALD R. CARPENTER
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF AMENDMENTS TO THE)
STANDARDS FOR INDIGENT DEFENSE AND)
CERTIFICATION OF COMPLIANCE FORM FOR)
CrR 3.1(d)(4), JuCR 9.2(d)(1) and CrRLJ 3.1(d)(4))
_____)
ORDER
NO. 25700-A- 1023

WHEREAS under CrR 3.1(d)(4), JuCR 9.2(d)(1), and CrRLJ 3.1(d)(4), and the Certification of Compliance Form, public defense attorneys are required to certify that they comply with the applicable Standards for Indigent Defense Services on a quarterly basis; and

WHEREAS the implemented quarterly certification schedule is October 1, January 1, April 1, and July 1; and

WHEREAS the Certification of Compliance Form at Section 2 (d), Caseload, and Section 2 (e), Specific Qualifications, identify effective dates of September 1, 2013 rather than October 1, 2013; and

WHEREAS the effective date for Standards for Indigent Defense 3.4, Caseload Limits, should be in conformance with the certification schedule;

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*IN THE MATTER OF AMENDMENTS TO THE STANDARDS FOR INDIGENT DEFENSE AND
CERTIFICATION OF COMPLIANCE FORM FOR CrR 3.1(d)(4), JuCR 9.2(d)(1) and CrRLJ 3.1(d)(4)*

Now, therefore, it is hereby

ORDERED:

That the effective dates of Certification of Compliance Form Section 2 (d) and Section 2 (e) be changed to October 1, 2013.

IT IS FURTHER ORDERED

That the effective date for Standards for Indigent Defense 3.4 be changed to October 1, 2013, EXCEPT for misdemeanor caseload limits, which have an effective date of January 1, 2015.

DATED at Olympia, Washington this 23 day of May, 2013.

For the Court


CHIEF JUSTICE

CERTIFICATION OF COMPLIANCE

[New]

For criminal and juvenile offender cases, a signed Certification of Compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel.

The certification must be in substantially the following form:

SEPARATE CERTIFICATION FORM

<p style="text-align: center;">_____ Court of Washington</p> <p>for _____</p> <hr/> <p>State of Washington _____,</p> <p style="text-align: center;">Plaintiff</p> <p>vs.</p> <p>_____</p> <p style="text-align: center;">Defendant</p>	<p>No.</p> <p>CERTIFICATION OF APPOINTED COUNSEL OF COMPLIANCE WITH STANDARDS REQUIRED BY CrR 3.1/CrRLJ 3.1/JuCR 9.2</p>
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The undersigned attorney hereby certifies:

1. Approximately _____% of my total practice time is devoted to indigent defense cases.
2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:
 - a. **Basic Qualifications:** I meet the minimum basic professional qualifications in Standard 14.1.
 - b. **Office:** I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.
 - c. **Investigators:** I have investigators available to me and will use investigation services as appropriate, in compliance with Standard 6.1.
 - d. **Caseload:** I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective ~~September~~ October 1, 2013 for felony and juvenile offender caseloads; effective January 1, 2015 for misdemeanor caseloads: I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]
 - e. **Specific Qualifications:** I meet the specific qualifications in Standard 14.2, Sections B-K. [Effective ~~September~~ October 1, 2013.]

Defendant's Lawyer, WSBA No.

Date

Standard 3.4. Caseload Limits. The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or

300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2; or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.

Standard 3.4 adopted effective ~~September~~ October 1, 2013, EXCEPT paragraph 3, misdemeanor caseload limits, adopted effective January 1, 2015.