



WSBA

WASHINGTON STATE BAR ASSOCIATION BOARD OF GOVERNORS

Board of Governors Resolution Regarding CrR 3.1, CrRLJ 3.1 and JuCR 9.2 Certification Standards

Whereas, the Washington Supreme Court has amended CrR 3.1, CrRLJ 3.1 and JuCR 9.2 to require that appointed counsel certify to the court that he or she complies with applicable Standards for Indigent Defense Services to be approved by the Supreme Court, and

Whereas the Council on Public Defense has reviewed this issue for several months, has sought input from additional stakeholders and has proposed and recommended revisions to the Standards for Indigent Defense Services based on experience and in consideration of adoption of “applicable Standards” by the Washington State Supreme Court to implement the amended court rules, and

Whereas the proposed and recommended revisions to the Standards for Indigent Defense Services have been considered and approved by the Washington State Bar Association Board of Governors, and

Whereas the Council on Public Defense has recommended that Standards 3.2, 5.2, 6.1, 13 and 14 of the Washington State Bar Association Standards for Indigent Defense Services, as amended in 2011, be approved by the Supreme Court of Washington for purposes of CrR 3.1, CrRLJ 3.1 and JuCR 9.2, to take effect September 1, 2011, and

Whereas the Council on Public Defense has recommended that in addition to the Standards to take effect September 1, 2011, Standards 3.3 and 3.4 of the Washington State Bar Association Standards for Indigent Defense Services (2011), except for the provision of Standard 3.4 relating to misdemeanor caseloads,¹ be approved by the Supreme Court of Washington for purposes of CrR 3.1, CrRLJ 3.1 and JuCR 9.2, to take effect January 1, 2013; and,

Whereas the Board of Governors has reviewed and considered the recommendations of the Council on Public Defense,

¹ The Council on Public Defense is continuing to develop a misdemeanor standard for CrR 3.1, CrRLJ 3.1 and JuCR 9.2 purposes and, therefore, is not currently recommending the following provision of Standard 3.4 for approval for purposes of CrR 3.1, CrRLJ 3.1 and JuCR 9.2, effective January 1, 2013: "300 Misdemeanor cases per attorney per year; or in certain circumstances described below the caseload may be adjusted to no more than 400 cases, depending upon: . . . Other court administrative procedures that permit a defense lawyer to handle more cases;"

Now, therefore, be it resolved:

The WSBA Board of Governors recommends that the Washington Supreme Court

1. Approve Standards 3.2, 5.2, 6.1, 13, and 14 of the Washington State Bar Association Standards for Indigent Defense Services (2011), for purposes of CrR 3.1, CrRLJ 3.1 and JuCR 9.2, to take effect September 1, 2011, and
2. Approve Standards 3.3 and 3.4 of the Washington State Bar Association Standards for Indigent Defense Services (2011), except for the provision of Standard 3.4 relating to misdemeanor caseload standards, for purposes of CrR 3.1, CrRLJ 3.1 and JuCR 9.2, to take effect January 1, 2013, and
3. Provide an opportunity for public comment on “applicable Standards for Indigent Defense Services to be approved by the Supreme Court” within the meaning of CrR 3.1, CrRLJ 3.1 and JuCR 9.2.

Approved by the Washington State Bar Association Board of Governors this 3rd day of June, 2011.

Paula C. Littlewood

Paula C. Littlewood, Secretary