



WASHINGTON
DEFENDER
ASSOCIATION

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July 28, 2017

Honorable Susan Carlson
Washington Supreme Court
Temple of Justice
P. O. Box 40929
Olympia, WA 98504-0929

Re: Comment to proposed amendment to RAP 10.2(f)(2)

Dear Justice Johnson and Honorable Supreme Court Justices,

The Washington Defender Association (WDA) opposes the proposed amendment to RAP 10.2(f)(2) reduction of time to file *amicus* briefs from 45 to 30 days. WDA is a professional association and resource center for public defenders with over 1400 members statewide.

Amicus briefs often involve the cooperative efforts of highly-interested parties with shared or overlapping perspectives. Allowing a reasonable 45 days for filing advances the quality of the *amici* efforts, giving time for the cooperating entities to divide the efforts, perform the research, consolidate drafts and unify the submission.

More important, *amicus* briefs often offer the reviewing court different or broader perspectives than the individual parties, resulting in highly advanced submissions, very often researching and summarizing law from all other jurisdictions, gathering articles, statistics and research from both legal and specialized scientific or social science sources. This is a fundamental office of "friends of the court." Allowing 50% more time to gather and prepare the *amicus* submission is obviously in the interest of the appellate court, and the difference in quality of *amicus* briefs is far more valuable than "saving" 15 days from the months (years) of typical appellate review.

Finally, experience suggests granting extensions of time to file briefs is very common and with the specific proposed granting of permission of *amici* to request enlargements, the practical effect of the rule change will simply be to force additional motions to extend.

Thank you for your consideration. Please let us know if you have any questions or if we can provide you with further information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Harry Gasnick', with a stylized, scribbled flourish.

Harry Gasnick
Chair, WDA Court Rules Committee

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

Christie Hedman
Executive Director, WDA