

Faulk, Camilla

From: Christie Hedman [hedman@defensenet.org]
Sent: Wednesday, April 30, 2008 1:32 PM
To: Faulk, Camilla
Subject: WDA Comments on CrR 4.1 and 4.2; CrRLJ 4.1 and 4.2; and JuCR 7.15
Attachments: WDA Comments on CrR, CrRJ, JuCR.pdf

Dear Ms. Faulk,

Attached please find the Washington Defender Association's comments on proposed CrR 4.1 and 4.2; CrRLJ 4.1 and 4.2; and JuCR 7.15.

Please contact me if you have any questions or difficulties opening the attachment. Thank you for your assistance.

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April 29, 2008

Mr. Ronald R. Carpenter
Clerk, Washington Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Re: Support for Proposed CrR 4.1 and 4.2; CrRLJ 4.1 and 4.2; and JuCR 7.15

Dear Mr. Carpenter,


I am writing on behalf of the Washington Defender Association to urge the adoption of the proposed changes to CrR 4.1 and 4.2; CrRLJ 4.1 and 4.2; and JuCR 7.15 relating to the right to counsel as proposed by the Washington State Bar Association. These changes will clarify what we believe already are required practices under the current rule, specifically, that defendants must have access to counsel before a plea is taken and, therefore, that public defense counsel must be available at arraignment to ensure meaningful access to counsel.

Convictions for misdemeanor and juvenile offenses often carry severe consequences, many of which are not apparent to unrepresented defendants. Sentences that do not initially include incarceration can lead to extensive incarceration if probation is violated. Guilty pleas can lead to deportation, a loss of student loans, inability to join the military or obtain employment, or restrictions on public housing or other benefits. Counsel is indispensable in helping defendants understand their rights, the sufficiency of the charges, and the potential consequences of a guilty plea. Neither the prosecutor nor the court can provide that counsel. In addition, access to public defense counsel at arraignment is meaningless if a non-native English speaker does not have access to an interpreter.

Cost is often raised as a reason not to adopt these rules. Fairness and the administration of justice should not be hampered by fear of expense. In fact, increased costs are not a given. Some jurisdictions that already have implemented these practices have seen a reduction in jail and court costs. Furthermore, the unintended consequences of uncounseled pleas can lead to future criminal justice system and societal costs.

We strongly urge the adoption of these changes. Thank you for your consideration.

Sincerely,



Christie Hedman
Executive Director