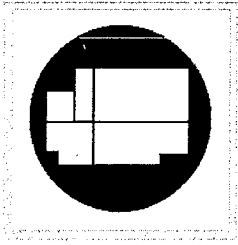


Faulk, Camilla

From: Rashi Gupta [RGupta@wacounties.org]
Sent: Friday, April 25, 2008 1:20 PM
To: Faulk, Camilla
Cc: Rashi Gupta
Subject: Proposed amendments CrR 3.1 and CrRLJ 3.1 - Right to and Assignment of Lawyer, CrR 4.1 and CrRLJ 4.1 - Arraignment, CrR 4.2 and CrRLJ 4.2 - Pleas, CrR 8.3 and CrRLJ 8.3 - Dismissal
Attachments: Final Court Rules Comment letter.doc

Please accept our attached comment letter regarding the following proposed amendments to Superior Court Criminal Rules and Criminal Rules for Courts of Limited Jurisdiction
CrR 3.1 and CrRLJ 3.1 – Right to and Assignment of Lawyer
CrR 4.1 and CrRLJ 4.1 – Arraignment
CrR 4.2 and CrRLJ 4.2 – Pleas
CrR 8.3 and CrRLJ 8.3 - Dismissal



Washington State Association of Counties

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April 25, 2008

Mr. Ronald Carpenter
Clerk of the Supreme Court
P.O. Box 40929
Olympia Washington 98504-0929

Re: Proposed amendments to Superior Court Criminal Rules and Criminal Rules for Courts of Limited Jurisdiction

CrR 3.1 and CrRLJ 3.1 – Right to and Assignment of Lawyer

CrR 4.1 and CrRLJ 4.1 – Arraignment

CrR 4.2 and CrRLJ 4.2 – Pleas

CrR 8.3 and CrRLJ 8.3 - Dismissal

Mr Carpenter:

On behalf of our members, Washington State's thirty-nine counties, the Washington State Association of Counties (WSAC) request that you decline to adopt the above referenced amendments to the Superior Court Criminal Rules and Rules for Courts of Limited Jurisdiction. If adopted, the proposed rules will increase county costs and have significant impacts on our budgets.

In addition to providing public prosecuting and defense services, counties are required to provide many mandated services to their residents. The adoption of these proposed rules would force counties to allocate resources to the courts and away from other mandated services such as public health, mental health, and transportation. For example, the proposed rules require the appearance of prosecutors and defense counsel at custody arraignments. This proposed change will require staffing of these positions, but no funding mechanism is provided. We do not believe it is appropriate for the Court through rulemaking to expand the services counties beyond what counties are constitutionally required to provide. To do otherwise is to make a policy choice that is best left to state and local elected officials to decide.

Currently, counties must adopt standards for delivery of public defense services under RCW 10.101.030 with the standards endorsed by the Washington State Bar Association serving "as guidelines to local legislative authorities in adopting standards." Standards set by cities and counties under RCW 10.101.030 include duties and responsibilities of counsel, case load limits and types of cases, qualifications of attorneys, disposition of client complaints and cause for termination of contract or removal of attorney using Washington State Bar Association standards

as guidelines. We are opposed to this rule because it preempts the previously legislated authority of local jurisdictions and would give statewide standard setting authority to the Washington State Bar Association.

WSAC respectfully requests that the Court decline to adopt these rules.

Sincerely,

Rashi Gupta, WSAC
Policy Director