

Faulk, Camilla

From: Meredith Klein [mklein@suesampson.net]
Sent: Monday, April 28, 2008 1:51 PM
To: Faulk, Camilla
Subject: Proposed CrRLJ 4.1
Attachments: CCF04282008_00001.pdf

Dear Clerk

Please see attached letter from Susan Rae Sampson, Buckley City Attorney.

Sincerely,
Meredith M. Klein
SUSAN RAE SAMPSON, INC., P.S.
(425) 235-4800

_____ Information from ESET NOD32 Antivirus, version of virus signature database 3060 (20080428)

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April 28, 2008

Via email to: Camilla.Faulk@courts.wa.gov

Clerk of the Court
Supreme Court of the State of Washington
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed CrRLJ 4.1

Dear Clerk of the Court:

The City of Buckley opposed proposed rule CrRLJ 4.1 for both financial reasons for the City, and for fairness to those charged with crimes in the Buckley Municipal Court.

From the City's point of view, having counsel present at all arraignments will increase the city's time, and therefore its costs, for providing a judge, courtroom clerk, security personnel, and public defender. It will increase time the accused spend in the City jail. If mail-in bail forfeitures are eliminated, the time involved and cost involved in more hearings will increase hugely. The City knows that a court is not a profit center, but neither should it be an unnecessarily large draw on the general funds of the city. Presently, the relatively low cost of the City of mail-in bail forfeitures helps offset the expense of operating a court.

The proposed rule change would impose unnecessary hardship on the accused. Begin with the person who commits a violation, knows he did it, regrets it, just wants to pay his fine and get on with his life. If he can no longer submit to bail forfeiture, he must take time off work to attend court, explain to his boss why he has to go to court, has to wait until his case is called, must confer with the mandated defense counsel, and then may offer his plea.

SUSAN RAE SAMPSON, INC., P.S.

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A person charged on a Friday or the eve of a holiday can often be brought before the Court at once, and released without having to spend time in jail, which is an expense both to him and to the City. In a small town in east Pierce County, where the public defender serves under contract for one or two days per month, the accused might not have immediate access to mandated counsel, so would have to spend time in jail until a defense attorney could be corralled. Certainly there is a concern that he should not plead guilty without the advice of counsel, but a conscientious rural judge is not going to accept a guilty plea. He will enter a not-guilty plea on behalf of the accused, and set his next hearing date, at which counsel will be routinely scheduled. He can then release the accused, sparing jail costs, attorney costs, and further embarrassment and time lost from work necessitated by multiple hearings.

Because of the unnecessary complication the rule would cause for mail-in bail forfeitures, because of the increased cost to the City, and because of the increased hardship that would result for the accused, the proposal should be rejected.

Respectfully submitted,

SUSAN RAE SAMPSON, INC., P.S.



Susan Rae Sampson
Buckley City Attorney

SRS:mmk

cc: Patricia Johnson, Mayor
David Schmidt, City Administrator