

Faulk, Camilla

From: David Marshall [dmarshall@DavidSMarshall.com]
Sent: Friday, February 18, 2011 5:32 PM
To: Faulk, Camilla
Subject: CrR 4.11

Dear Ms. Faulk:

I understand you are willing and able to notify the justices of the Washington Supreme Court of my opinion of proposed CrR 4.11. I write to ask you to do so.

I strongly support this rule. Allowing counsel in criminal cases to make verbatim records of their pretrial interviews of witnesses will much improve the ability of our courts to find the truth and will not prejudice anyone.

Prior inconsistent statements are, and ought to be, among the best reasons to doubt a witness's testimony. When pretrial interviews are documented verbatim, prior inconsistent statements are readily apparent. Otherwise, the witness's cross-examination can easily degrade into a debate about just what the witness said at the interview. Only witnesses who want to fudge their inconsistencies need fear this rule. (I admit most all of us want to fudge our inconsistencies. But that doesn't mean justice is served when we are able to.)

I strongly urge the Court to improve criminal justice in Washington by adopting the proposed rule.

Thank you for your attention.

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