

Faulk, Camilla

From: Robert M. Quillian [qlaw@turbotek.net]
Sent: Wednesday, April 27, 2011 3:21 PM
To: Faulk, Camilla
Subject: Comment re Proposed CrR 4.11

Members of the Court:

I am the current President of the Washington Association of Criminal Defense Lawyers, and am writing this email in that capacity, on behalf of the organization, and in my individual capacity as a practicing criminal defense attorney here in Washington.

I write to voice my strong support for proposed CrR 4.11, which authorizes the memorialization of witness interviews in criminal cases by tape recorder or court reporter. I can see little downside to this proposed rule, and the upside, on a number of levels, is significant.

First and foremost, in my opinion, is that such a rule would provide for a clear and unmistakable record of exactly what was said by whom in the interview. This would hopefully do away with the all too familiar "you said that - no, I did not" back and forth that often occurs when there is no clear record of what a witness said or did not say. One would think that everyone concerned (the defense bar, the prosecuting attorneys, and the witnesses themselves) would all want the ability to accurately, with virtually no intrusion at all, record such interviews for potential use in litigation. While there is no specific rule at this time, the use of recorders and court reporters has increased in recent years, when all parties so agree, and the result, from my experience, has been completely positive, from everyone's perspective.

Such recording seems to make the interviews go faster and smoother, and the level of professionalism and cooperation seems to greatly increase when everything is being recorded. This results, in my opinion, in a more relaxed setting for everyone, and a higher level of comfort for the witness being interviewed. I've been approached by a number of witnesses after such interviews and have actually been thanked by them for having the interview recorded, and for their surprise at what a stress-free experience the interview actually was. Additionally, in the long run, such a rule will save money, in that it will do away with the need to hire an investigator (either privately or through public funds) to sit through an interview and take notes.

All in all, my experience has been that the ability to record an interview, as proposed by CrR 4.11, is an overwhelmingly positive step in the right direction. It produces a more efficient and courteous interview process and, most of all, it is a critical step in the pursuit of truth and justice, which is, of course, the end which we all seek together.

Thank you very much for our consideration of my comments.

ROBERT M. QUILLIAN

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Robert M. Quillian
Attorney at Law
2633-A Parkmont Lane SW
Olympia, WA 98502
Office: 360-352-0166