

Louis Frantz  
President

Teresa Mathis  
Executive Director

May 2, 2016

Justice Charles Johnson  
Washington Supreme Court  
Temple of Justice  
P. O. Box 40929  
Olympia, WA 98504-0929

Dear Justice Johnson and Supreme Court Rules Committee,

The Washington Association of Criminal Defense Lawyers supports the comment to proposed amendment to CrRLJ 3.2 submitted by the WSBA Council on Public Defense and Washington Defender Association, as well as the reasoning of the comments submitted by Judge Deborah D. Fleck, retired, and Judge Ronald Kessler.

WACDL recommends that the Court reject the proposed amendment to CrRLJ 3.2, which would eliminate subsection (b)(4) altogether, and also reconsider the previous amendment to CrR 3.2. Both rules should, instead, be aligned with the Court's conclusion in State v. Barton, that an accused must be allowed the option of seeking to make bail via a surety arrangement in addition to the option of depositing cash or other property in the registry of the court. Barton, 181 Wn.2d 148,162 (2014). Amendments to CrRLJ 3.2 and CrR 3.2 should preserve the option of an appearance bond supported by the accused's deposit of up to 10% of the bond amount in the registry of the court. The cash appearance bond option needs to be available for poor and low-income individuals who are unable to secure a bond with property or a commercial surety. The option of having the money returned at the conclusion of the case also avoids unnecessary financial hardship for indigent defendants and their families, and is consistent with the purpose of bail.

Thank you for consideration of WACDL's comment to proposed CrRLJ 3.2.

Sincerely,

/s/

Louis Frantz  
President

Emily Gause  
Court Rules Committee Co-Chair

For you ☺

Supreme Court Clerk's Office

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**From:** Emily M. Gause [mailto:emily@emilygauselaw.com]  
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**Subject:** WACDL Comment to Proposed CrRLJ 3.2

Good afternoon:

Please see attached comment from the Washington Association of Criminal Defense Lawyers regarding proposed CrRLJ 3.2.

Thank you,

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**Emily M. Gause**  
**WACDL Court Rules Committee Co-Chair**  
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