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Subject: FW: Proposed changes to CrR/CrRLJ 3.4
Date: Wednesday, September 30, 2020 3:42:47 PM

From: Christopher Swaby [mailto:swabylaw@gmail.com]
Sent: Wednesday, September 30, 2020 3:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed changes to CrR/CrRLJ 3.4

Good afternoon

I write in support of the proposed changes to CrR/CrRLJ 3.4. I have been a criminal defense attorney since October 1, 1990 and for 27 of those 30 years, I have been a public defender. I have represented indigent defendants in municipal, district, superior and federal courts in DC, MD, VA and WA. Time and again I have had clients pick up bench warrants and the bail jumping charges for their failure to appear at hearings at which all they would have done is sit in the courtroom until someone told them they could leave. My clients often have to miss work to appear at these hearings which do not need their presence. In DC, we could waive our clients' appearance for most matters; here in WA, it is nearly impossible to waive a client's appearance for any hearing. If we could excuse defendants for all but the hearings at which their presence was necessary, the court system would function more efficiently; defendants would miss fewer court dates (lowering costs to the system and the defendants), and not have to miss work or school; and defendants wouldn't struggle to provide care for children or elderly family members. It cost money to travel to court and often my clients dont have that money, or other reliable means of transportation - if they didnt have to appear for every hearing, their burden is lessened. Missing court can lead to new criminal charges, which is especially pernicious in those cases in which the defendant has a viable defense on the substantive charge(s); they may end up pleading guilty to something they didn't do to avoid the bail jumping charge, which will make it difficult, if not impossible, to get released if arrested in the future. And all of these deleterious effects have a greater impact on defendants of color, who already bear most of the weight of the criminal justice system.

These proposed changes will help prevent indigent defendants from being unnecessarily pulled deeper into the criminal justice system. The proposed changes will help make the court process more effective and efficient for the court and all parties involved.

Thank you

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