



Washington Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929, or VIA EMAIL: supreme@courts.wa.gov

April 14, 2020

Re: Comment in support of proposed amendments to CrR 3.4 and CrRLJ 3.4

Dear Honorable Supreme Court Justices:

I am writing to support the changes the Washington Defender Association has proposed to CrR 3.4 and CrRLJ 3.4.

I am a member of the faculty at Seattle University School of Law, where I teach in the Youth Advocacy Clinic. These views are my own and not those of the school. I have spent nearly three decades teaching in clinical courses around the country in which my students and I have represented indigent clients accused of crime. Although primarily working in juvenile court, I am well-acquainted with the experience of adult defendants in the criminal justice system.

As you are well aware, the burdens of justice system involvement fall most heavily on the poor and on communities of color. The proposed rule changes would effect a simple but quite meaningful change that would substantially reduce those burdens without a significant negative impact on the administration of justice. Attending court hearings imposes direct financial costs that are not trivial for those with limited means. The collateral impacts – in terms of time off from work, disruption to child care or other family obligations – are far greater, further destabilizing people's lives when they are already facing the prospect of disruption that comes from whatever judgment may await them at the end of their case. Enabling defendants to avoid these disruptions will have numerous salutary effects, including:

Defendants will feel less of a push to resolve a case solely (or primarily) in the interest of avoiding further hearings, resulting in more appropriate resolutions;

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Defendants who are better-positioned to maintain employment and meet the needs of their families will be able to present to the court a more accurate picture of themselves, promoting more just resolution of cases;

Elimination of the many bench warrants that are currently issued because people are unable to juggle the many significant responsibilities they bear will increase the efficiency of court operations.

If the court adopts the proposal, the rules will still require people accused of crimes to appear at all stages of their trials and will allow a judge to demand an accused person appear at other hearings by making a finding of good cause and issuing a written order. This will ensure that a defendant must be present at any necessary hearings while eliminating the default position that the accused must attend every court hearing, whether that person's presence is useful or not.

It seems noteworthy to close with the observation that civil litigation proceeds at high volume and no apparent detriment to the process without requiring the parties to attend all hearings, trusting counsel to fully represent their clients' interests and inform the clients thereafter.

Thank you for your time and attention.

Sincerely,

Paul Holland

Paul Holland
Associate Professor
WSBA# 35244

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment related to proposed changes to CrR. 3.4 and CrRLJ 3.4
Date: Wednesday, April 15, 2020 10:15:27 AM
Attachments: [2020 Comment of proposed change to Rule 3.4.docx](#)

From: Holland, Paul [mailto:hollandp@seattleu.edu]
Sent: Wednesday, April 15, 2020 10:14 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment related to proposed changes to CrR. 3.4 and CrRLJ 3.4

I submit the attached document for consideration.

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