WACDL Washington Association of Criminal Defense Lawyers

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TO: Stephanie Happold
Data Dissemination Administrator
Administrative Office of the Courts

FROM: Edwin Aralica, Co-Chair, WACDL Public Defense Committee
Amy Muth, President

RE: JISC Data Dissemination Policy – Public Defender Access

We are writing in response to your request for comments on the drafted amendments to the JISC Data Dissemination Policy.

We feel strongly that public defenders should continue to have access to addresses on Odyssey Portal and JIS LINK. Public defenders benefit greatly from having access to addresses. First, our clients (current and former) often update their address without us knowing about it. We learn about the update through JIS. This is important because we often need to contact our clients after the case is complete. For example, we need to contact our clients about restitution and other review hearings. The courts (judges) sometimes require us to provide notice to our clients. Second, public defenders use JIS to find information about witnesses. Public defense investigators also use Odyssey Portal and JIS LINK to find and obtain information.

The belief that public defenders would be obligated to share information with our clients from Odyssey Portal and JIS LINK is inaccurate. We are obligated to share information that we receive from the prosecutor's office via the discovery rules, specifically Criminal Rule 4.7. Information that we obtain from Odyssey Portal and JIS LINK is not subject to the discovery rule obligation per Criminal Rule 4.7; hence, we have no obligation to release this information to our clients. On the flip side, any information, including addresses, that we receive from the prosecutor's office can and often is released to our clients because public defenders have an obligation to provide this information to our clients.

Finally, if public defenders do not have access to addresses on Odyssey Portal and JIS LINK, then they will need to ask prosecutors' offices for this information. By doing so, ironically, they may then be obligated to reveal the addresses to their clients. Hence, a rule prohibiting public defenders from accessing address information may have the opposite effect that it was intended to have in the first place.

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