

## Faulk, Camilla

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**From:** Rea Culwell [RCulwell@wapa-sep.wa.gov]  
**Sent:** Tuesday, April 29, 2008 3:24 PM  
**To:** Faulk, Camilla  
**Subject:** Comment to Proposed Rule Change CrRLJ 4.1 and 4.2  
**Attachments:** rule change comment.dot

Please see attached letter.

Thank you,  
Rea

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April 29, 2008

Supreme Court  
Via email [Camilla.Faulk@courts.wa.gov](mailto:Camilla.Faulk@courts.wa.gov)

RE: Proposed Rules CrRLJ 4.1 and 4.2

Dear Justices:

This letter is in Comment to the proposed Rules of Court CrRLJ 4.1 and 4.2. I am the Columbia County Prosecutor and also serve as the City of Dayton prosecutor.

The proposed changes will produce a great financial hardship on Columbia County and thus its citizens.

Even though Columbia County is a "small" county when it comes to actual hours worked by the prosecutor's office, judge, clerk's office, sheriff's office and defense attorneys, I would argue that the impact of the rules changes would in fact impact Columbia County proportionately greater than larger counties wherein economies of scale may assist in alleviating some of the man hours needed with the proposed changes.

Unlike most of the counties in Washington, we do not rotate who is the "on-call" prosecutor or the "on-call" judge so that when a prosecutor or a judge is needed, the burden is shared among many. Here, I am on-call 24/7. Our one district court judge is "on-call" 24/7. Furthermore, our County pays a significantly higher amount in defender funds to attract and keep qualified, non-conflicted, public defenders to serve our small community.

The cost of justice is an important, but expensive endeavor for counties. However, unlike larger counties that have strong support and resources for funding other elected offices and departments within their communities, Columbia County must stretch what little resources it has to operate all offices and departments. Changing the court rules to require additional, non-mandated defense services, will eat up any possible increase in revenue the County may see. To require much more than the State and Federal Constitutions require will hurt the citizens of this State.

To require each individual to be read their rights that are applicable to all present will not serve to ensure that each individual understands their rights. It will serve to clog the court system and gobble up valuable hours of public servants; hours that will ultimately cost the community.

We see a great rise in district court criminal filings during the summer and fall months. The load is lessened by the fact that many of these crimes are bail-forfeitable hunting and fishing violations. To only accept bail upon confirmation of waiver of counsel would not only clog up the court system here in Columbia County, causing considerable more hours of work for all involved, but would inconvenience defendants as well. Many hunters and fishermen come from long distances to Columbia County.

My county saw a 23% rise in district court filings from 2006-2007. As you know, this rise does not only result in more cases for my office and our contract defense attorneys to handle, but will result in more cases down the road wherein defense attorneys are appointed post-conviction for probation violations. I do not see this trend lessening.

Sincerely,

s/Rea L. Culwell  
Prosecuting Attorney