Faulk, Camilla

From: Aaron Shields [aaronshields@earthlink.net]
Sent: Thursday, January 28, 2010 2:26 PM
To: Faulk, Camilla
Cc: rodriguezlaw@gmail.com
Subject: Bail Forfeitures Should Continue to be Allowed - Comment on Proposed Change to CrRLJ 3.2

Ms. Faulk:

I have been advised that the comment period on the Supreme Court's proposed revision to CrRLJ 3.2 ends tomorrow and that comments can be addressed to your attention. If I am mistaken, please let me know.

In any event, I believe that eliminating bail forfeitures as a final resolution is not a useful change. Bail forfeitures remain a useful disposition in many circumstances for resolution of a contested offense in District and Municipal courts. While I question whether such a resolution would ever be appropriate in a DUI case, they are very functional for other, minor offenses. I am certain that the availability of the bail forfeiture has avoided many, many trials which would not otherwise have been avoided or settled. This in turn has saved the scarce judicial resources on cases that should not be tried but without some form of resolution other than a guilty plea would not have been resolved by agreement.

While I agree that the characterization of whether a bail forfeiture is a conviction etc. is of concern. I believe the better way to resolve that concern would be for the Court to clarify in that rule that a bail forfeiture does not equate to a finding of guilt. I have used an order to clarify for the record the nature of the bail forfeiture which the client can maintain to avoid any potentially negative consequences if there is confusion in the AOC computer records.

I do not believe, at least in Snohomish County where I mainly practice, that the use of bail forfeitures is abused or problematic. I would urge the Supreme Court to continue to allow the use of bail forfeitures in CrRLJ 3.2.

Respectfully,

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