

Faulk, Camilla

From: Melanie Dane [melanie@zachorthomas.com]
Sent: Thursday, April 29, 2010 4:29 PM
To: Faulk, Camilla
Subject: RE: Comment for IRLJ 3.1 Proposed Amendment.

Proposed Rule committee,

Our office handles the municipal prosecution for nine(9) cities in Snohomish county. For each City, or office handles civil traffic infractions. I am troubled by the proposed rule adoption to change to IRLJ 3.1. I share the same concerns as the other city and county prosecutors specifically to the newly redacted "no other discovery shall be required" sentence in IRLJ 3.1 (b). Prosecutor Tracey is correct that by not limiting the discovery to only those materials that are relevant, i.e., "no other discovery shall be required," the proposed change will require the bench (when no prosecutor is present) to sift through a discovery demand pleading and attempt to ascertain what is or what is not material or what is within the control of the prosecutor. And, even if a prosecutor is present, the "speedy" element of IRLJ 1.1 (b) should be tossed out the window. The new rule will create a myriad of new, creative, albeit irrelevant set of discovery demands from savvy defense counsel which will do nothing more but stifle the city and counties ability to expeditiously prosecute civil infractions. The limit on what shall be produced in discovery must be preserved to prevent the city and the court from being buried in paperwork. There is no sound reason to eliminate the sentence, "no other discovery shall be required" in IRLJ 3.1 (b). The impact of having unlimited discovery demands, would open the floodgates for discovery requests and bring our overburdened courts and prosecutors to a severe halt. The certainty of having a just, speedy, and *inexpensive* determination in every infraction would become obsolete.

I, along with the attorneys in my firm and my partner H. James Zachor, respectfully request that you reconsider your position with respect to the newly redacted portion of IRLJ 3.1.

Very Truly Yours,

Melanie Thomas Dane
Attorney at Law
Zachor & Thomas, Inc., P.S.
23607 Hwy 99 Ste. 1D
Edmonds, Wa 98026
(425) 778-2429
fax: (425) 778-6925