

## Faulk, Camilla

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**From:** Amy Muth [amy@amymuthlaw.com]  
**Sent:** Thursday, April 28, 2011 10:04 AM  
**To:** Faulk, Camilla  
**Subject:** Proposed CrR 4.11

Dear Ms. Faulk:

I am a criminal defense lawyer who serves on the Board of Governors for the Washington Association of Criminal Defense Lawyer. I co-chair WACDL's Legislative Committee and have served on several legislative task forces, including Rep. Roger Goodman's DV workgroup and the Governor's Bail Task Force. I write to urge the Washington Supreme Court to adopt proposed criminal court rule 4.11, which would permit recording of witness interviews in criminal cases. I support this rule.

It is critical to the smooth operation of our criminal justice system that we have accurate recordings of what witnesses state in interviews. Indeed, in child sexual abuse cases (the core focus of my practice), it has become standard practice in many county jurisdictions to video record child witness interviews in sexual abuse cases. It helps the prosecution as much as the defense, as it eliminates any cross-examination by a defense attorney over whether the child interviewer accurately recorded what a child said.

In addition, having a recorded interview can actually help resolve cases without going to trial. I have had clients who, upon listening to an audio recording of a defense witness interview (whom the client had believed would be helpful to the case), realize that trial may not be the best option, and enter plea negotiations. It is not only a useful tool for helping jurors determine the truth of what happened in a criminal case--it helps clients realistically assess the risk of going to trial--and decide to resolve their cases.

The purpose of the criminal jury system is to uncover the truth. Jurors are distracted from that task when they have to sort out factual disputes over who said what in an interview--especially when that entire task could be eliminated with the adoption of this rule. It protects witnesses as much as defendants, and prosecutors as much as defense attorneys. I urge the Court to adopt this rule.

Amy Muth  
Member, WACDL Board of Governors

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