

## Faulk, Camilla

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**From:** John R. Muenster [jmkk1613@aol.com]  
**Sent:** Wednesday, April 27, 2011 5:48 PM  
**To:** Faulk, Camilla; Ramona.Brandes@nwdefenders.org  
**Subject:** Proposed CrR4.11

Dear Ms. Faulk,

I write in support of proposed CrR 4.11. This rule would provide that any party in a criminal case can record a pretrial witness interview with an audio recording device, court reporter, or other means. The proposed rule also forbids any dissemination of the interview recordings or transcripts absent a court order.

By way of background, I am a 1975 graduate of Harvard Law School, a past chairman of the Criminal Law Section of the Washington State Bar Association, a past member of the Court's subcommittee on jury instructions in criminal cases, and a current co-chair of the Court's subcommittee on jury instructions in civil rights cases.

The proposed rule is an excellent idea. Making a record of what is said in interviews will make evidentiary hearings and trials more efficient and just by reducing disputes about what was said. Recordation of interviews in criminal investigations is widely used by police and prosecutors to make a record of what was said.

Routine taping does not concern witnesses. At the commencement of an interview, my practice has been to ask a witness for permission to record. To the best of my recollection, no civilian witness has declined to be recorded in my interviews. From time to time, a police officer may decline to be taped, for reasons best known to him/her.

I urge the Court to adopt proposed CrR 4.11.

John R. Muenster  
WSBA # 6237

Muenster & Koenig  
14940 Sunrise Drive N.E.  
Bainbridge Island, WA. 98110  
(206)467-7500  
Bainbridge Telephone: (206)855-1025  
Bainbridge Fax: (206)855-1027