

SCHROETER
GOLDMARK
& BENDER

Email: roe@sgb-law.com

April 29, 2011

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

500 Central Building
810 Third Avenue
Seattle, WA 98104

Phone (206) 622-8000
Toll free (800) 809-2234
Fax (206) 682-2305

Attorneys
Adam J. Berger
Joseph A. Campagna
Martin S. Garfinkel
Kathy Goater
M. Lorena González
James D. Halley
Lindsay Halm
Kristin Houser
Anne Kysar
Angela Macey-Cushman
Janet L. Rice
Jeffery P. Robinson
Rebecca J. Roe
Colette Tvedt
Sandra E. Widlan

Of Counsel
Croll Anderson
Mark A. Burke
William Rutzick

Since 1969

Re: Proposed Court Rule 4.11 – Statement of Opposition

Honorable Justices:

We are former prosecutors currently in private practice. A significant number of our cases involve representing victims of crime in civil suits, including families of homicide victims, victims of assaults and robbery and victims of an array of other crimes. We also work pro bono for various sexual assault groups protecting the privacy interests of victims in criminal cases. As you undoubtedly know, crime victims are not parties in a criminal case and normally are not represented in these matters.

Between the two of us, we supervised the King County Prosecutor's Office Special Assault Unit from 1981 to 2000. The issue of tape recording victim witness interviews has continued unabated for 30 years. Personal experience and reading the WSBA debate on the rule demonstrate the status quo has remained constant: most victims and witnesses agree to tape recording, many if not most prosecutors encourage victims to agree, and interview transcripts or notes are rarely used in trials.

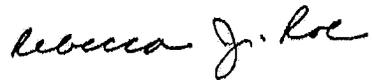
The rule change proposes to use a very small "problem" to justify abrogating the rights of victims and witnesses. The true victims of the new rule will be those who have suffered the most egregious crimes and are now forced to describe their horrific experiences on audiotape. This proposed rule change is unnecessary and unwise.

Citizens of the state, both through 1989 voter passage of a Constitutional amendment, Art. I, Sec. 35 and legislative enactment of crime victim/witness protections, RCW 7.69 and 7.69A, have established victim/witnesses are entitled "due dignity and respect." The public policy embodied in these laws is to encourage participation in the criminal justice system while minimizing further trauma.

Honorable Justices
April 29, 2011
Page 2

The fact the Washington State Bar Association believes the convenience of attorneys is more important than the rights of citizens who have been unfortunate enough to be crime victims, is a choice we strongly encourage the Court reject.

Very truly yours,



REBECCA J. ROE



KATHY GOATER

RJR/KG:lag