

**Foster, Denise**

---

**From:** William Bailey [visualadvocate@furybailey.com]  
**Sent:** Thursday, April 25, 2013 10:32 AM  
**To:** Foster, Denise  
**Subject:** Proposed Changes to Evidence Rule 901

Dear Ms. Foster, Though I continue to actively practice, a member of the WSBA since 1977, my principal career focus since September, 2011 has been as a full-time Professor From Practice at the University of Washington School of Law.

I wish to echo the concerns of my learned colleague, nationally recognized evidence scholar Professor Peter Nicolas, on the proposed changes to ER 901.

In the course of my own writing and research on electronic evidence, I have spoken with a number of federal and state judges in our jurisdiction, as well as many criminal and civil trial practitioners.

The Proposed Amendment to Evidence Rule 901 is overkill, creating a host of new problems which will prove absolutely unworkable, all but eliminating the use of this form of electronic. I urge you to send this proposed amendment back to the WSBA committee for further consideration and revision.

Given the critical importance to our justice system of having an effective and workable approach to electronic evidence, I would be happy to participate in support of this ongoing revision effort. If I can be of assistance in this regard, please do not hesitate to call me at 206-543-4917.

Thank you for your consideration.

Very truly yours, William S. Bailey, WSBA #7307.