

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 24, 2019 4:03 PM
To: Tracy, Mary
Subject: FW: Comments on proposed court rule 4.7

From: Taylor, Karissa [mailto:Karissa.Taylor@kingcounty.gov]
Sent: Wednesday, April 24, 2019 3:44 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed court rule 4.7

Re proposed court rule 4.7 and regulation of discovery:

Redacted discovery is already available to the defendant. It has been the experience of prosecutors that defense counsel often do not properly redact discovery that they have submitted to the prosecutor for approval before providing it to the defendant, pursuant to the current rule. It poses unnecessary risks to the safety and privacy of victims and witnesses to eliminate this second set of eyes reviewing the redactions.

Under this amendment, defense counsel does not have to provide notice to the State before giving the discovery to the defendant. So, in order to protect the safety and privacy of victims and witnesses, prosecutors will have to review all discovery before providing it to the defense, to be able to move for protective orders preventing release of sensitive information to the defendant. This will delay providing discovery to the defense in most cases, and increase the workload of all parties and the courts as the requests for protective orders are litigated.

There will be no incentive for defense counsel to carefully redact the discovery, as there is no penalty for failure to do so.

There is no effective remedy if the defendant is provided with incompletely redacted discovery, so eliminating review by the prosecutor is contrary to the community's interest in public safety.

Karissa Taylor