

April 30, 2019



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

Re: Proposed Amendments to CrR/CrRLJ 3.7, 3.8, 3.9, 4.7, and 4.11

Dear Justices:

On behalf of Legal Voice, I am writing to submit comments on proposed amendments by the Washington Association of Criminal Defense Lawyers (WACDL) to the above-referenced court rules

By way of background, Legal Voice is a nonprofit public interest organization that works to advance and defend the rights of women, girls, and LGBTQ people in the Northwest. Since our founding in 1978 as the Northwest Women's Law Center, our work has included efforts to advance and defend the rights of survivors of sexual and domestic violence in Washington State, the majority of whom are women and girls.

We are concerned that the proposed amendments, as drafted, would create additional barriers and disincentives for survivors of sexual and domestic violence to report crimes. In our experience, the current criminal justice system already inadequately protects the safety and privacy of survivors of sexual and domestic violence when they report crimes committed against them – despite constitutional and statutory provisions that are supposed to protect the rights of crime victims in our state. Instead, survivors of sexual and domestic violence often report feeling like they are treated as suspects themselves when they report crimes and engage with the criminal justice system.

Survivors of sexual and domestic violence have many reasons to fear retaliation by their perpetrators when they come forward to report crimes. We are concerned that pressuring or requiring survivors to be recorded on video or audio during witness interviews or when they identify a perpetrator out-of-court would give survivors even greater reason to fear retaliation by their perpetrators.

In addition, survivors of sexual and domestic violence have enormous privacy concerns. We are concerned that the proposed amendments to discovery rules will result in survivors having their medical records, contact information, and other highly personal information revealed in ways that will violate their privacy and enable their perpetrators to use such information to control and intimidate them.

Thank you for your consideration of our comments. While we understand the reasons for the proposed amendments, we are concerned that the proposal would create greater safety and privacy concerns for survivors of sexual and domestic violence and result in

907 Pine Street
Suite 500
Seattle, WA 98101

T 206-682-9552
F 206-682-9556

LegalVoice.org

Women's rights. Nothing less.

greater disincentives for survivors to report crimes committed against them.

Sincerely,

A handwritten signature in black ink that reads "David Ward". The signature is written in a cursive style with a large, stylized "D" and "W".

David Ward
Senior Attorney
Legal Voice

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, May 1, 2019 8:25 AM
To: Tracy, Mary
Subject: FW: Comments on proposed court rules
Attachments: Legal Voice comments on proposed court rules.pdf

From: David Ward [mailto:dward@legalvoice.org]
Sent: Wednesday, May 1, 2019 12:00 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on proposed court rules

Please find attached comments from Legal Voice on proposed amendments to CrR 3.7, 3.8, 3.9, 4.7, and 4.11.

David Ward

Senior Attorney
pronouns he/him

Legal Voice

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907 Pine St., Suite 500
Seattle, WA 98101
206-682-9552 x112
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