

**Superior Court of the State of Washington  
for the County of King**

**JAMES E. ROGERS**  
**Presiding Judge**

**King County Courthouse**  
**Seattle, Washington 98104-2381**  
**Jim.Rogers@kingcounty.gov**  
**(206) 477-1597**

March 15, 2019

Washington State Supreme Court  
Chief Justice Mary Fairhurst

Re: Proposed rule changes and new rules were ordered published for comment by the July 11, 2018 En Banc Administrative Conference per Order 25700-A-1236:

Proposed changes to CrR 4.7 - Discovery and CrRLJ 4.7 - Discovery and proposed new rules CrR 3.7 - Recording Interrogations, CrR 3.8 - Recording Eyewitness Identification Procedure, CrR 3.9 - In-Court Eyewitness Identification, CrR 4.11 - Recording Witness Interviews, CrRLJ 3.7 - Recording Interrogations, CrRLJ 3.8 - Recording Eyewitness Identification Procedure, CrRLJ 3.9 - In-Court Eyewitness Identification, and CrRLJ 4.11 - Recording Witness Interviews were ordered published for comment ending April 30, 2019.

Dear Justice Fairhurst and Associate Justices,

On behalf of King County Superior Court, I urge great caution as you consider these proposed criminal rules from WACDL.

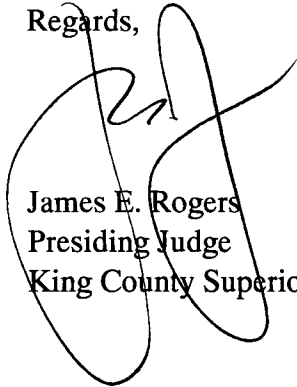
I urge you to hear from all interested stakeholders before you act. GR 9 may not be a sufficient process here. The proposed rules would create great changes in criminal law and appear to have drafting issues. Public comments may be an insufficient process to have a meaningful conversation about these issues. I suggest that you wait and consider comments from the Superior Court Judges Association Criminal Committee and/or Legislative Committee, as well as comments from DMCJA, and from all other stakeholders.

I also ask you to consider whether waiting on these rules is appropriate. The Washington State Senate (SB 5714) and the Washington Pattern Instructions Committee are separately considering eyewitness testimony and informant testimony. I note that SB 5714 creates a stakeholder workgroup. A stakeholder group has proven helpful on other court rules in the past.

Letter to Justice Fairhurst  
Proposed Criminal Rules Process

Our Court urges a measured approach to contemplating these rules. Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to be 'JR', is written over the printed name and title of James E. Rogers.

James E. Rogers  
Presiding Judge  
King County Superior Court

cc: All Presiding Judges, Washington State Superior Courts