

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Proposed Changes to CrR 3.4 and CrRLJ 3.4
Date: Wednesday, April 29, 2020 11:58:20 AM

From: Michael Kawamura [mailto:michael.kawamura@piercecountywa.gov]
Sent: Wednesday, April 29, 2020 11:49 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed Changes to CrR 3.4 and CrRLJ 3.4

Dear Supreme Court Justices,

I write to support proposed changes to CrR 3.4 and CrRLJ 3.4 put forth by the Washington Defender Association. Our support includes the voices of approximately 85 full-time defenders who provide representation to approximately 10,000 clients annually on criminal matters in Superior and Courts of Limited Jurisdiction in Pierce County. It is the norm rather than the exception that multiple mandatory-appearance court hearings are scheduled prior to final case disposition on most pending cases regardless of case complexity. Bulk setting of such appearances further enhance extended waiting times and the continuance of such hearings following hours of delay.

Our clients, who suffer from the hardship of indigency, and many with mental health related challenges, face extreme difficulties associated with transportation, childcare and tenuous employment situations when appearing for multiple mandatory court appearances. These challenges also can result in the use of prosecutorial discretion to add additional criminal charges and pre-trial incarceration in the event a court date is missed.

As we review our current situation and the foreseeable future, indigent clients will be confronted with greater challenges in order to comply with traditional court operations. Buses, for example, due to Covid-19 will be full, with 13-14 occupants. Those missing multiple days of work will likely be replaced by the many who find themselves unemployed. Childcare will be scarce and responsible parents reluctant to leave care of their children to others.

In actual day to day court functioning, the personal appearance of indigent defendants in numerous events is unnecessary. The reduction of non-eventful court proceedings positively impacts all participants in the justice system. I urge the Court to strongly consider indigent defendants when evaluating the proposed rule modifications as they are sometimes not adequately considered in day to day operations of the justice system.

I greatly appreciate your thoughtful consideration.

Sincerely,

Michael Kawamura, Director
Pierce County Assigned Counsel

949 Market Street, Suite 334
Tacoma, WA 98402



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