From:	OFFICE RECEPTIONIST, CLERK
To:	Tracy, Mary
Subject:	FW: Comments regarding proposed changes to CrR 3.4 and CrRLJ 3.4
Date:	Tuesday, April 7, 2020 3:50:48 PM

From: Vitalich, Andrea [mailto:Andrea.Vitalich@kingcounty.gov]
Sent: Tuesday, April 7, 2020 3:32 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments regarding proposed changes to CrR 3.4 and CrRLJ 3.4

RE: Proposed changes to CrR 3.4 and CrRLJ 3.4

I have been a deputy prosecuting attorney for King County for over 25 years. I have serious concerns about the proposed changes to the rules regarding the presence of the defendant in criminal cases.

The proposed amendments would require the presence of the defendant only at arraignment and at trial, unless an order requiring the defendant's presence is requested in advance and entered by the court. While no doubt well-intentioned, this rule would result in less participation and input from the defendant in his or her own case, and hence, less transparency for the person whose liberties are at stake. Many criminal defendants are already very distrustful of "the system," and this rule would exacerbate that distrust. Moreover, criminal defendants obviously have a right to be informed about and to participate in their own cases; removing that right via court rule is simply bad public policy.

Further, this rule would eliminate opportunities for criminal defendants to confer with their attorneys in person. It is during these opportunities for in-person contact that important matters are most frequently addressed, including reviewing discovery, discussing potential defenses and possible trial strategies, and conveying and explaining plea offers from the prosecutor's office. Eliminating these opportunities does not serve the ends of justice.

From a practical standpoint, this rule would also shift countless cases from pretrial calendars to trial calendars and greatly increase the number of matters set for trial. Even if a majority of these cases are ultimately resolved with plea agreements—which seems likely—the burden on the trial courts and resulting inefficiencies in the system would create even more delay in bringing cases to a conclusion and would undermine judicial economy.

Lastly, this proposed rule is a solution in search of a problem. If a defendant wants to appear telephonically or to waive his or her presence at a pretrial hearing, he or she may do so. Making the defendant's absence the default position simply makes no sense.

I sincerely hope that the Court will decline the invitation to make the criminal justice system less transparent, less accessible, and more inefficient than it already is.

Sincerely,

Andrea R. Vitalich, WSBA #25535
Senior Deputy Prosecuting Attorney, King County