

BECKWITH LAW, PLLC

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23:25

MEMORANDUM IN SUPPORT OF COURT APPEARANCES VIA VIDEO

The COVID-19 crisis has caused significant changes in the Washington court system. The extended closures for out of custody matters will likely cause a large backlog of cases once the courts are operating at their normal capacity. After much discussion within the firm, we propose that the courts allow video court on a voluntary basis for defendants that are willing to waive their personal presence. This would serve judicial economy as well as the interests of our clients that wish to resolve their cases as quickly as possible.

Video court is already used for in-custody matters in Pierce, King, and Thurston Counties. Several jurisdictions use video courts for arraignments at the SCORE facility in Des Moines and the Pierce County District Court also has video arraignments. Most recently, Pierce Superior is also hearing in-custody matters via video.

There are of course, counter arguments regarding this matter, particularly that if the Defendant does not appear, would the court be able to lawfully execute an arrest warrant. We believe this point to be moot due to the current emergency court order. Should a Defendant not show, speedy would still toll and the period would still be an exigent period for speedy trial purposes.

Beckwith Law proposes that Defendants be allowed to sign a simple waiver stating that the Defendant waives their right to an in-person hearing. (Sample attached) Upon execution, court administration would then be able to schedule a hearing via video.

We sincerely hope you consider this proposition as a possible solution to what future problems may lie ahead. The major concern being lack of court capacity due to an enormous backlog from the Coronavirus shut-down.

Best regards from all of us and stay healthy.



Cristine Beckwith
Beckwith Law Group

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IN THE KING COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

JOHNNY DEFENDANT,

Defendant

Case No.: XXXXXXXXXXXX

WAIVER OF IN PERSON APPEARANCE

Due to the novel coronavirus, courts in the State of Washington are closed for out of custody matters. I desire to resolve my criminal matter as soon as possible. To that end, I wish to waive my personal appearance in court and elect to appear via video conference. I understand that I have the right to appear in court in person and I waive this right knowingly, voluntarily, and intelligently. I also understand that if I fail to appear, my speedy trial rights would continue to be tolled under the current emergency order from the Washington State Supreme Court.

Dated this Tuesday, April 14, 2020.

Johnny Defendant

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From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: WDA Proposed Changes to CrR3.4 and CrRLJ 3.4
Date: Tuesday, April 14, 2020 2:16:47 PM
Attachments: [Memo re Video Court.pdf](#)
[Sample Waiver of In Person Appearance.pdf](#)

From: Emma Watkins [mailto:emma@beckwithlawgroup.com]
Sent: Tuesday, April 14, 2020 1:51 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: WDA Proposed Changes to CrR3.4 and CrRLJ 3.4

Good afternoon,

I'd like to respectfully submit the attached memo on behalf of our firm.

Thank you, have a lovely day and stay healthy.

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Sincerely,

Emma Allyn Watkins
Paralegal

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