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April 30, 2020

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

Re: Washington Defender Association Proposed Changes to the CrR 3.4 and CrRLJ 3.4.

Dear Clerk of the Supreme Court

I am writing to voice my strong opposition to the adoption of the proposed changes to above-noted Criminal Court Rules for Washington State Superior Courts and Courts of Limited Jurisdiction. I am a senior deputy prosecutor with the King County Prosecuting Attorney's Office and have 33 years' experience working with and observing the effects of Washington's criminal rules.

The changes to CrR 3.4 and CrRLJ 3.4 by Washington Defender Association ignore the many practical benefits of having defendants appear at court hearings between arraignment and trial. Defendant's required presence at these hearings insures that defendants:

- will receive firsthand knowledge of future hearing and trial dates;
- can be informed directly, on the record, of future amendments or plea offers
- will be present to agree or oppose motions to continue by their counsel or the State
- have opportunity to communicate with their counsel in person
- are available to establish their understanding of any necessary waiver of speedy trial or other rights on the record for later appellate review.

Requiring the defendant's presence informs the court and the State if out-of-custody defendants have become failures to appear. Learning this pretrial prevents unnecessary trial preparation and overloaded trial calendars. Having defendants attend pre-trial hearing allows defense counsel and the court to determine whether a defendant has lost competency. The proposed requirement that the court must find good cause in a written order to require a defendant to attend a pre-trial hearing imposes an unnecessary burden on the courts in the time needed to prepare such orders and conduct hearings to contest such findings. These are but some of the practical problems caused by the proposed changes. These changes additionally diminish the stature of the court and the importance of the process by making many phases "optional". Having a defendant in attendance, understanding and appreciating the legal process instills future respect for the courts and, hopefully, the law.

I strongly urge this Court to reject these proposed rule changes. If the Court believes some of the concerns implicit in the proposed changes warrant investigation and consideration, I would ask that the Court initiate an open, thorough, and inclusive review by a Court appointed working group with representation of all stakeholders before any such changes are made.

Thank you for time and your consideration.

Sincerely

/Donald J. Raz/

Donald J. Raz, WSBA #17287
Senior Deputy Prosecuting Attorney
King County Prosecuting Attorney's Office

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Letter to Supreme Court on proposed changes to CrR 3.4 and CrRLJ 3.4
Date: Thursday, April 30, 2020 4:01:42 PM
Attachments: [Letter to Supreme Court on proposed changes to CrR 3.4 and CrRLJ 3.4.docx](#)

From: Raz, Don [mailto:Don.Raz@kingcounty.gov]
Sent: Thursday, April 30, 2020 3:45 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Raz, Don <Don.Raz@kingcounty.gov>
Subject: Letter to Supreme Court on proposed changes to CrR 3.4 and CrRLJ 3.4

Attention: Clerk of the Court

Attached please find my letter in regard to the proposed changes to CrR 3.4 and its counterpart.

Thank you for your consideration

Don Raz
Senior Deputy Prosecutor
King County Prosecuting Attorney's Office