

April 12, 2020

From: Michael Russo
Seattle University School of Law
901 12th Avenue, Sullivan Hall
Seattle, WA 98122

To: Washington Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929, or
VIA EMAIL: supreme@courts.wa.gov

Re: Comment in support of proposed amendments to CrR 3.4 and CrRLJ 3.4

Dear Honorable Supreme Court Justices:

I am writing to support the changes the Washington Defender Association has proposed to CrR 3.4 and CrRLJ 3.4.

I am a professor at Seattle University School of Law and a former career Los Angeles County Deputy Public Defender. I am concerned about the rights of low-income and marginalized people accused of crimes.

The changes proposed by the WDA to CrR 3.4 and CrRLJ 3.4 mirror in many respects rules that have been in place for some time in California. These rules allow attorneys to appear in court for accused individuals with the consent of the accused and the court. The rule changes proposed by the WDA are common sense proposals that I believe will have many beneficial effects.

First, if the court adopts the proposal, the rules will still require people accused of crimes to appear at all stages of their trials and will allow a judge to demand an accused person appear at other hearings by making a finding of good cause and issuing a written order. This will ensure that a defendant must be present at any necessary hearings while eliminating the default position that the accused must attend every court hearing, whether that person's presence is useful or not.

Second, it has been my experience that most people accused of crimes have limited incomes and that sometimes makes it difficult for them to attend multiple court hearings. Transportation may be expensive or unavailable. Accused people frequently risk losing their jobs if they miss work to attend court hearings.

Third, fewer hearings at which the accused must appear means fewer missed appearances. This will lead to fewer costly bench warrants and fewer delays in reaching final resolutions in pending criminal cases.

For all of these reasons, I strongly support the WDA's proposed rule changes and I urge you to adopt them.

Thank you for your time and attention.

Sincerely,

Michael Russo
Distinguished Practitioner in Residence
Seattle University School of Law

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: CrR 3.4 and CrRLJ 3.4
Date: Monday, April 13, 2020 8:10:00 AM
Attachments: [Letter to Supreme Court of WA.docx](#)

From: Russo, Michael [mailto:russom@seattleu.edu]
Sent: Sunday, April 12, 2020 8:01 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Johnson, Aleksandrea <johns161@seattleu.edu>
Subject: CrR 3.4 and CrRLJ 3.4

To The Supreme Court of Washington,

Attached please find my letter in support of the proposed rules referenced above. Thank you for your consideration of my comments.

Sincerely,

Michael Russo
Seattle University School of Law