



Northwest Justice Project

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César E. Torres
Executive Director

September 30, 2020

Chief Justice Deborah Stephens
Justices of the Washington Supreme Court
Susan L. Carlson
Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
supreme@courts.wa.gov

Re: Proposed Amendments to CrR 3.4 and CrRLJ 3.4.

Dear Chief Justice Stephens, Justices of the Washington Supreme Court, and Madam Clerk,

The Northwest Justice Project writes in support of the proposed amendments to CrR 3.4 and CrRLJ 3.4. The changes would allow criminal defendants to appear through their attorneys for some limited, pre-trial court hearings. These changes would allow the court system to function more efficiently and minimize some of the disruptive impacts participating in the justice system has on criminal defendants, many of whom are low-income people who NJP serves in its civil legal services practice.

Low-income people, particularly those in rural areas, often struggle to appear personally in court. The costs of taking off work, finding childcare, ensuring transportation, and managing competing needs are often overwhelming for people who are struggling with criminal or civil legal issues. While NJP does not generally represent people who are incarcerated, many of our clients face criminal charges or have past criminal history. Our clients who have outstanding warrants for failure to appear physically in pretrial proceedings are then less able to meet their civil legal needs (including housing, consumer, health, and family safety issues), which undermines their stability and the stability of their families. Accordingly, NJP supports efforts to ensure that people can participate in the court process without undue burden.

Additionally, NJP provides direct services to formerly incarcerated people seeking to re-enter society and rebuild their lives after they have served their sentences. Many of these people are ordered to appear years or decades after they have served their sentences and have been released from community supervision. These orders to appear simply seek to collect unpaid fees, fines, or LFOs. All too frequently, these orders to appear are not served on the defendant and no notice is provided of the hearing before a bench warrant is issued for their arrest. These arrests—solely for failing to pay debts owed to the court system—serve little

March 2, 2020

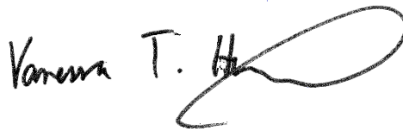
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compelling state interest. NJP would strongly encourage this Court to consider adding the following language after the end of proposed (d) in Suggested Rules CrR 3.4 and CrRLJ 3.4:

“However, no bench warrants shall issue for mere failure to pay financial obligations.”

The state has numerous mechanisms (such as wage assignments) to collect unpaid legal financial obligations from defendants who have the ability to pay. However, for indigent clients who lack the ability to pay—and particularly clients who are indigent because of their disabilities—these bench warrants only serve to destabilize families, waste law enforcement and court resources, and creates additional costs to a court system that will never be recouped.

Sincerely,

A handwritten signature in black ink that reads "Vanessa T. Hernandez". The signature is written in a cursive style with a large, looping flourish at the end.

Vanessa Torres Hernandez
Director of Advocacy

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Cc: [Tracy, Mary](#)
Subject: FW: Comment on proposed amendments to CrR 3.4 and CrRLJ 3.4
Date: Wednesday, September 30, 2020 4:46:07 PM
Attachments: [image001.png](#)
[2020-09-30 NJP CrR 3.4 and CrRLJ 3.4.pdf](#)

From: Vanessa Torres Hernandez [mailto:Vanessa.Hernandez@nwjustice.org]
Sent: Wednesday, September 30, 2020 4:41 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on proposed amendments to CrR 3.4 and CrRLJ 3.4

Good afternoon. Please see the attached comment in support of the proposed amendments to CrR 3.4 and CrRLJ 3.4.

Best,
Vanessa

Vanessa Torres Hernandez
Director of Advocacy
Pronouns: She/her
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