



April 20, 2020

Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929
VIA EMAIL: supreme@courts.wa.gov

Re: Suggested Changes to Superior Court Criminal Rule 3.4 and Criminal Rule for Courts of Limited Jurisdiction 3.4

Dear Supreme Court Rules Committee:

We are directors of public defense offices and contract public defenders from throughout Washington as well as members of the Washington Defender Association (WDA). We write in support of WDA's suggested changes to CrR 3.4 and CrRLJ 3.4. We strongly support these proposed changes because they will promote fairness and allow for the efficient administration of justice.

As defenders, we know that most criminal cases involve numerous hearings. Many of these hearings, such as readiness hearings and motions to continue, do not require the defendant's presence and do not provide the defendant with any new information or serve some other necessary purpose.

While the defendant's presence at many hearings is of little consequence to the court, it often has a very disruptive impact on the defendant's life. Many defendants must miss work to attend court. That often means that at best they will lose much needed income because of the hours they are at court instead of work. At worst, defendants risk losing their jobs altogether due to frequent absences. Other defendants must scramble to find childcare or care for a sick or elderly family member every time they have a court hearing. Still more defendants must miss important commitments they have made in order to better their lives, such as school or treatment.

Although each court hearing might last only a few minutes, the time defendants spend waiting for their cases to be called may be hours. Defendants without reliable transportation can spend additional hours getting to and from court on public transportation. Many defendants spend more time in court than they do serving jail time, making attendance at court hearings the greater punishment.

The proposed changes to CrR 3.4 and CrRLJ 3.4 are consistent with the efficient administration of justice. Clients are more likely to appear at important court hearings when the court hearings

they are required to attend are those of necessity and consequence. With fewer missed court dates, trial courts will issue fewer bench warrants, removing a strain from both the court system and our clients.

WDA's court rule proposal regarding when defendants must appear would benefit both our clients and Washington's trial courts. We urge you to adopt it.

Sincerely,

A handwritten signature in blue ink, appearing to be 'P. O'Connor', with a long horizontal flourish extending to the right.

Patrick O'Connor

Director, Thurston County Public Defense

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment to Proposed Rule Change to CrR 3.4
Date: Wednesday, April 1, 2020 3:26:32 PM
Attachments: [image001.png](#)
[PDCOPIERSCAN_20200401_151644.pdf](#)

From: Patrick O'Connor [mailto:patrick.oconnor@co.thurston.wa.us]
Sent: Wednesday, April 1, 2020 3:25 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to Proposed Rule Change to CrR 3.4

Good afternoon, I've attached my comment to the proposed rule changes to CrR 3.4.

Thank you,

Patrick O'Connor

Patrick J. O'Connor
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<http://www.thurstoncountywa.gov/pd>

Our Mission: "To defend and protect our clients' constitutional rights, one person at a time."

