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September 23, 2020

Honorable Charles W. Johnson, Chair  
Supreme Court Rules Committee  
c/o Clerk of the Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Re: CrR 3.4 - Presence of the Defendant

Dear Justice Johnson:

The Criminal Law and Rules Committee of the Superior Court Judges' Association (SCJA) reviewed amendments to CrR 3.4, and its recommendations have been approved by the SCJA Board of Trustees. SCJA would like to submit an alternate proposal with more extensive amendments, but will be unable to complete its drafting before the September 30 comment deadline. Accordingly, SCJA asks the Supreme Court Rules Committee to extend the comment period to allow SCJA's proposed submission.

SCJA appreciates the spirit of WDA's proposed amendment, which is to reduce unnecessary court appearances and the issuance of warrants. It supports many of the proposed provisions. It believes, however, that CrR 3.4 would benefit from more comprehensive amendments to reflect pandemic-related measures that have proven valuable during this time. Proposed amendments may include alternative modes of appearance, a new definition of "presence," more specific information about waivers, clarification as to those hearings that require a defendant's presence, and expectations related to remote appearances. More comprehensive amendments would provide superior courts with a framework that will serve courts prospectively, after we emerge from the provisions of emergency orders now in effect.

If allowed, SCJA will submit to the Rules Committee its more extensive proposed amendments as comments to proposed CrR 3.4 by December 11, 2020. Please advise if the comment period can be extended to permit this submission.

Honorable Charles W. Johnson, Chair  
September 23, 2020  
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Thank you for your consideration.

Yours truly,



Judge Judith H. Ramseyer, President  
Superior Court Judges' Association

cc: SCJA Board of Trustees  
Judge Laura M. Riquelme  
Ms. Shannon Hinchcliffe  
Mr. Tom Creekpau  
Ms. Crissy Anderson

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**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Cc:** [Tracy, Mary](#)  
**Subject:** FW: Rules Comments from SCJA  
**Date:** Wednesday, September 23, 2020 4:34:26 PM  
**Attachments:** [GR 7 Local Rules Filling and Effective Date Oppose 09232020.pdf](#)  
[CrR 3.1 Standards for Indigent Defense Support 09232020.pdf](#)  
[CrR 3.4 - Presence of the Defendant to SC 09232020.pdf](#)

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**From:** Ireland, Shelley  
**Sent:** Wednesday, September 23, 2020 4:31 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** 'Ramseyer, Judith' <Judith.Ramseyer@kingcounty.gov>; 'Laura M. Riquelme - Judge' <lriquelme@co.skagit.wa.us>; 'Mary.sue.wilson@co.thurston.wa.us' <Mary.sue.wilson@co.thurston.wa.us>  
**Subject:** Rules Comments from SCJA

Good afternoon,

On behalf of the Superior Court Judges' Association (SCJA) President, Judge Judith Ramseyer, please see the attached letters with rule comments from the SCJA.

Thank you,  
Shelley

Shelley Ireland, Court Program Specialist  
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Get the most current information on the Courts' response to COVID-19 [here](#).