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December 29, 2021

**VIA EMAIL**

Honorable Charles W. Johnson  
Honorable Mary I. Yu  
Supreme Court Rules Committee  
c/o Clerk of the Supreme Court  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929

RE: Comment on Proposed Amendments to CrR 3.4

Dear Justice Johnson, Justice Yu, and Rules Committee Members:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I am writing in opposition to the Superior Court Judges' Association's (SCJA) proposal to amend CrR 3.4. It is somewhat unusual for the DMCJA to oppose rules amendments requested by the SCJA. However, two important considerations have prompted this objection from the DMCJA along with a recommendation for a separate course of action.

First, the DMCJA recognizes that, to the extent practicable, consistency between superior court rules and CLJ rules benefits all users of the court system. The DMCJA submitted a proposal to amend CrRLJ 3.4, which is currently published for comment, which is significantly dissimilar from the SCJA proposal, specifically regarding sections (a) through (d). Representatives of the DMJCA and SCJA Rules Committees attempted to achieve consensus regarding a joint proposal prior to the comment deadline and were unable to do so. In light of that, the DMCJA recommends that the DMCJA's proposed amendments to CrRLJ 3.4 be reflected in the superior court version of the rule as well.

Next, while the DMCJA does not oppose SCJA's efforts to address standards for remote hearings, we suggest that a more comprehensive approach would be more beneficial for court users. The DMCJA takes the position that a patchwork approach to rule proposals and

amendments pertaining to remote proceedings should be avoided, and instead recommends adopting a general rule pertaining to remote proceedings to provide guidance to all court levels. To this end, the DMCJA and the SCJA have been collaborating on amendments to GR 19 to provide guidance regarding the use of video and other technologies during criminal proceedings. This would allow for the various rules addressing video proceedings to be standardized across the trial courts under one general rule. The DMCJA intends to submit the GR 19 proposal to the Rules Committee after the first of the year.

In sum, the DMCJA opposes the SCJA's proposal to amend CrR 3.4, and encourages the Court to refrain from action that would preclude adopting a general rule to address remote proceedings in criminal actions.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Charles D. Short". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Judge Charles D. Short  
DMCJA President

cc: Judge Jeffrey Goodwin, DMCJA Rules Chair  
Ms. J Benway, DMCJA Rules Staff

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: Comment Letter re CrR 3.4  
**Date:** Wednesday, December 29, 2021 9:44:14 AM  
**Attachments:** [DMCJA Cmt Ltr re CrR 3.4.pdf](#)  
[image001.png](#)

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**From:** Dugas, Tracy  
**Sent:** Wednesday, December 29, 2021 9:39 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** 'Charles D Short' <cshort@co.okanogan.wa.us>; 'Goodwin, Jeffrey' <Jeffrey.Goodwin@snoco.org>; Benway, Jennifer <Jennifer.Benway@courts.wa.gov>; Oyler, Stephanie <Stephanie.oyler@courts.wa.gov>  
**Subject:** Comment Letter re CrR 3.4

Greetings,

Please see the attached letter intended as comment on the proposed amendments to CrR 3.4, sent on behalf of Judge Charles D. Short, DMCJA President.

Thank you,

**Tracy Dugas (she/her)**

Court Program Specialist | Office of Judicial and Legislative Relations

**Administrative Office of the Courts**

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