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Subject: FW: Comments regarding proposed CrR 3.4
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From: Young, Doug [mailto: Doug.Young@kingcounty.gov]
Sent: Thursday, September 30, 2021 5:32 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Court –

I am disappointed by the proposed changes to CrR 3.4 put forward by the superior court judges. I urge the court not to adopt the proposed rule.

This rule benefits only one party – the accused. Victims and witnesses are not included in the court’s proposed changes, and these essential persons to any trial ought to be afforded the same opportunities as offered to defendants. Victims and witnesses confront the same realities as all citizens – job duties, childcare concerns, illness, and transportation difficulties. The working poor, the disadvantaged, and the vulnerable should not be forced to find their way to the courthouse while the accused has no such obligation. It is unfair and unjust on its face.

Moreover, only defendants who have access to internet capabilities will be able to take advantage of this option. No court will allow the accused to appear from the lobby of a library on a public computer surrounded by other members of the public if for no other reason than this would defeat the requirement of the ability to have confidential conversations with counsel. The accused necessarily will need to be in a separate space. And this creates an inequity among defendants – those with resources will be able to take advantage of CrR 3.4. Those without resources will be treated in the same way the court plans to treat victims and witnesses.

Trial courts regularly lament the lack of respect the public has for the courts. Courts can be and often are slow, cumbersome, out-of-touch, and high-handed. And while some attempt to move into the modern era is notable, the move needs to be done with a view to all parties, not just defendants. The public will not have increased respect for the courts if a clearly one-sided approach is taken.

The court should aim for justice. This rule increases injustice and should not be adopted.

-Doug Young
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