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**Subject:** FW: GR 41 Comments  
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**From:** Brusseau, Zachary [mailto:zbrussea@kingcounty.gov]  
**Sent:** Wednesday, November 3, 2021 9:30 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** GR 41 Comments

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Dear Justices,

I am writing to express my opposition to General Rule 41. My experience, takes and beliefs are based on practicing in the criminal field and representing those accused of crimes. I take no position of the implementation in civil proceedings. I believe that the rule change undermines the Court system and incorrectly balances the convenience to the Court and perhaps jurors over the rights of those accused in criminal proceedings. Having jurors that have a healthy respect for the Court, the gravity of their decision, and the proceedings is of vital importance. With that some of the formalities of entering a Court room and having no other distractions is in my opinion necessary to the long term health of our legal system as well as to the individual liberties of those who are forced to come before it.

During the last twelve plus months, I have witnessed remote voir dire play out in King County Superior Court both by my direct participation in selecting jurors as well as observing remote selection of my colleagues trials. I have witnessed jurors not paying attention any attention; walking around their house and outside their homes; having others in the same room as the juror and communicating with other individuals during the process; looking at secondary screens such as checking emails; and facing connection problems among the myriad of issues. It is understandable as we go to a much less formal practice that the respect for the Court and the process will greatly be diminished. A healthy respect that our profession relies on when those accused face their liberties and freedoms being stripped from them.

Next, I would like to note a large uptick in members of the venire that prior to proceedings are doing research into the cases. Instead of first receiving a warning in person by a Court not to do research, jurors are given the name of the case and with only a click of opening a new tab - human instinct takes hold. While jurors have been able to disobey court orders and look up cases as they serve on

juries – the ease of access and the informal nature of remote voir dire greatly increases this.

Finally, as the proponents have not been able to cite any actual statistical analysis but instead rely on anecdotal evidence, I will add my anecdotal evidence that I have not seen any uptick in jurors of color.

I ask the Court to not jump into a fully remote voir dire process simply because that is what was forced upon us over the last eighteen months and to instead deny the proposed GR 41.

**Zachary Brusseau**

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