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Subject: FW: Proposed changes to CrRLJ 3.3 and CrRLJ 3.4
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From: Jennifer Freeman [mailto:jennifer.freeman@piercecountywa.gov]
Sent: Monday, January 31, 2022 11:51 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Proposed changes to CrRLJ 3.3 and CrRLJ 3.4

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Dear Supreme Court Justices,

I write to oppose the proposed changes to CrRLJ 3.3 and CrRLJ 3.4 set forth by the District and Municipal Court Judges Association (DMCJA). Our opposition includes the voices of approximately 25 full-time defenders who provide representation to approximately 3,000 clients annually on criminal matters in Limited Jurisdiction in Pierce County. It is the norm rather than the exception that multiple court hearings are scheduled prior to final case disposition on most pending cases regardless of case complexity. Bulk setting of such appearances further enhance extended waiting times and the continuance of such hearings following hours of delay.

Our clients, who suffer from the hardship of indigency, and many with mental health related challenges, face extreme difficulties associated with transportation, childcare and tenuous employment situations when appearing for multiple mandatory court appearances, which have been exacerbated by COVID -19. These challenges can also result in warrants and the use of prosecutorial discretion to request pre-trial incarceration in the event a court date is missed.

The proposal to require defense attorneys to notify clients of new court dates and to notify the court of client communications raises ethical concerns making attorneys witnesses against their clients and forcing attorneys to share confidential communications in violation of RPC 1.6. See WSBA Advisory Opinion: 1311.

Over the last year, we have seen that the courts and attorneys have been able to function without mandatory personal appearances. Attorneys and defendants have been able to communicate, negotiate, and prepare court orders outside of court for non-mandatory hearings. In actual day to day court functioning, the personal appearance of indigent defendants in numerous events is unnecessary. The reduction of non-eventful court proceedings positively impacts all participants in

the justice system.

I urge the Court to strongly consider indigent defendants when evaluating the proposed rule modifications as they are sometimes not adequately considered in day to day operations of the justice system.

I greatly appreciate your thoughtful consideration.

Sincerely,

Jennifer Vickers Freeman

Pronouns: She/Her

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