

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment regarding CrRLJ 3.3 and 3.4
Date: Thursday, February 24, 2022 2:10:48 PM

From: Lindsay Zerfas [mailto:lzerfas@snocopda.org]
Sent: Thursday, February 24, 2022 2:05 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment regarding CrRLJ 3.3 and 3.4

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I am writing today in opposition of the proposed changes to CrRLJ 3.3 and 3.4. The proposed changes would negatively impact all individuals charged with crimes in the State of Washington, but would especially impact people of color, low -income or hourly workers, single parents, and other members of in a lower socioeconomic class.

Every two weeks, I appear in front of Judge Bui in Snohomish County District Court where I represent dozens of individuals charged with criminal offenses. Most of the time, I have 6-15 cases on the bi-weekly calendar. The vast majority of the time, I am asking the court to continue these cases for a variety of reasons. Recently, it has been because of jury trial suspension in my county. However, investigation requests, lengthy discovery periods, and a plethora of other factors lead to these requests.

My clients are indigent. When I call and discuss their case with them, they are anxious about missing work, not knowing how to get their children to and from school, and/or unsure how they will get to court since many do not have cars and are dependent on public transportation (not to mention some of my clients don't even know how they will afford the bus).

Should you adopt the changes proposed in 3.3 and 3.4, my clients will be forced to rearrange their lives on a regular basis, just to come to court to hear me say "we are requesting a continuance today."

My clients take their charges seriously. They know they are required to be present for motions, trial, and other critical court hearings. However, the ability to waive their appearance has made an incredible difference.

On a broader scale, the proposed changes to CrRLJ 3.3 and 3.4 would create court congestion.

Instead of being efficiently continued, courts would slow down as hearings simply take longer to do when individuals are present, or while courts may go into periods of recess to see if individuals are running late. Not to mention if they are not present and the court has to issue warrants, which there will be many more of if individuals are unable to waive their appearance. Emergencies happen, childcare or rides fall through, life simply happens -- the ability to call counsel and say "something came up, since we are continuing, can I waive my appearance?" helps avoid countless, needless warrants. It prevents people from being senselessly brought into jail. Jail, as we have seen in the last two years, leads to the spread of diseases -- this is not limited to COVID 19.

All in all, the ability to waive court appearances has been a blessing for many individuals, especially working-class individuals. Please reject the proposed changes to CrRLJ 3.3 and 3.4.

Sincerely,

Lindsay Zerfas (she/her)

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Judge Bui - Dept. 3A

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