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February 22, 2022

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 CrRLJ 3.4

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

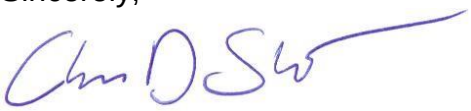
The District and Municipal Court Judges' Association (DMCJA) has reviewed the published comments for both CrRLJ 3.3 and CrRLJ 3.4. Without exception, the commenters express concern that the change could require defendants to appear at more hearings than required under existing rules and could disproportionately impact indigent defendants. Because the amendments proposed by DMCJA permits appearances in-person, remotely, and through counsel, DMCJA respectfully disagrees with those concerns.

This proposal, coupled with proposed amendments to CrRLJ 3.3 that would permit an attorney to sign for a pre-trial continuance on behalf of the defendant, will help facilitate appearances through counsel. The defendant is not required to make additional in-person or remote appearances under this proposed amendment.

Some commenters are asserted that this proposal is inconsistent with *State v. Gelinas,* 15 Wn. App. 2d 484 (2020). The revisions in this rule are designed to codify the primary holding of *Gelinas* that a defendant may appear through counsel for many types of hearings and that a court of limited jurisdiction may not issue a bench warrant for the defendant's failure to personally appear when counsel is appearing on their behalf. Nothing in this proposal is inconsistent with the *Gelinas* holding.

The *Gelinas* case has resulted in a patchwork of procedures across the State for appearances in Courts of Limited Jurisdiction. This proposal provides needed clarity and guidance for courts, defendants, and defense counsel regarding how and when the defendant appears. We continue to urge the Supreme Court Rules Committee to adopt the DMCJA proposals for CrRLJ 3.3, CrRLJ 3.4, and GR 19.

Sincerely,



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 Letters re CR 11.3 and CrRLJ 3.3/3.4
Date:	Tuesday, February 22, 2022 4:44:26 PM
Attachments:	DMCJA Cmt Ltr re GR 11.3.pdf DMCJA Cmt Ltr re CrRLJ 3.4.pdf image001.png

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From: Dugas, Tracy
Sent: Tuesday, February 22, 2022 4:41 PM
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 Letters re CR 11.3 and CrRLJ 3.3/3.4

Greetings,

Please see the attached letters intended as comment on the proposed amendments to GR 11.3 and additional comment on the proposed amendments to CrRLJ 3.4, sent on behalf of Judge Charles D. Short, DMCJA President.

Thank you,

Tracy Dugas (she/her)
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WASHINGTON COURTS