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Subject: FW: The DMCJA proposal (CrRLJ 3.3) (CrRLJ 3.4).
Date: Tuesday, February 22, 2022 2:00:39 PM

From: Eric Schuler [mailto:eric.schuler@co.thurston.wa.us]
Sent: Tuesday, February 22, 2022 2:00 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: The DMCJA proposal (CrRLJ 3.3) (CrRLJ 3.4).

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I AM IN OPPOSITION TO THE PROPOSED CHANGES FOR THE FOLLOWING REASONS:

A presumption that defendants must be physically present in court will re-introduce problems that existed before February 2021, when the current version of CrRLJ 3.4 went into effect. Those problems include burdening people accused of misdemeanors with many trips to court when they may have difficulty with transportation or may already have multiple demands on their time, such as childcare, care for elderly relatives, work, school, or treatment.

- The change would likely result in more bench warrants because some people will be unable to get to court frequently and because the change would allow judges to issue warrants in more situations than they currently can.
- Requiring defense attorneys to let clients know about new court dates would burden already busy public defenders.
- Requiring defense lawyers to say whether they have consulted with their clients since the last hearing would violate RPC 1.6, which requires lawyers to keep communications with their clients confidential. It could also reduce the trust people charged with crimes have in their lawyers. defense lawyers would be responsible for giving their clients notice of hearings, a defense lawyer could become a witness in new cases of bail jump under RCW 9A.76.170 and failure to appear under RCW 9A.76.190. The defense attorney would then have to withdraw from both cases, disrupting representation.