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**Subject:** FW: Comment to the proposed amendment to CrRLJ 3.4  
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**From:** Kathleen Kyle [mailto:kkyle@snocopda.org]  
**Sent:** Friday, February 25, 2022 1:37 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment to the proposed amendment to CrRLJ 3.4

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RE: Comment to the proposed amendment to CrRLJ 3.4

I write this comment to oppose the proposed amendment to CrRLJ 3.4. I am the Executive Director at the Snohomish County Public Defender Association and have practiced indigent defense for more than 20 years.

This amendment undermines the efforts to ensure courts are more accessible. A lesson learned in the past two years is that flexibility is a keystone to accessibility. The costs of accessing Washington courts has the greatest impact on the most vulnerable. This conclusion was affirmed in the 2021 report from the Washington State Supreme Court Gender and Justice Commission, *2021: How Gender and Race Affect Justice Now*. The report highlights the lack of accessibility to courts to single mothers; Black, Indigenous, and women of color; LGBTQ+ people; and those with disabilities. The report also highlights the lack of affordable childcare for parents and the negative impact, particularly for low-income mothers, to attend court in person. Flexibility is also key for any low-income person trying to maximize their employment opportunities, support families, and resolve their court matters.

Snohomish County has conducted video hearings for more than 20 years. The primary traditional use was to reduce the need to transport people who are detained in jail to court hearings. Many in-custody hearings are conducted with the accused appearing from the jail via video conferencing. In the past two years, video conference hearings were extended to many other types of hearings, to include people who are not in custody, and it worked. Courts continued to operate in a pandemic, a pandemic that has not ended.

The pandemic also created a backlog of cases pending in courts. Many court hearings are relatively short while court calendars are long. Courts often set calendars to the calendar limit and people end

up waiting hours for a hearing that only takes a few minutes. Many hearings do not address a substantive controversy. Allowing appearances through counsel provides for maximum efficiency and reduces the impact of court process. For many misdemeanor offenses, the court process causes more disruption and consequence than the disposition of the case. This amendment compound those collateral impacts.

The court rule amendment proposes to insert a presumption requiring an in-person appearance. The amendment as proposed would adversely impact thousands of Washington citizens. It would have the most negative consequences to our most vulnerable citizens. For these reasons, the Snohomish County Public Defender Association opposes the amendment.

Sincerely,

**Kathleen Kyle** | she/her/hers

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