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Subject: FW: Potential Change to Rule 3.4
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From: Timothy Goss [mailto:twgoss@hotmail.com]
Sent: Friday, February 25, 2022 11:08 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Potential Change to Rule 3.4

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I am writing to provide my perspective on the potential changes to Rules 3.3 and 3.4 of the CrRLJ. I am a municipal public defender representing clients in several King County cities.

I strongly support the current version of Rule 3.4. As the Court is well aware, the burden of frequent court appearances on misdemeanor cases can pose significant issues especially for poorer defendants. These include problems at work, finding alternatives for childcare, and difficulty in arranging transportation for folks who don't own vehicles.

The collateral consequences of misdemeanor convictions have made these types of cases more complicated and significant for the lives of those charged. This means that for attorneys handling these cases that proper investigation, resolving discovery issues and evaluating video evidence is absolutely necessary for adequate representation. As a result, there are often a number of pretrial court dates where the presence of the defendant is unnecessary.

The use of video hearings is by no means a panacea for this problem. The courtroom complexities of managing hybrid calendars can result in video appearances well in excess of an hour in busy courts. This can be very difficult on defendants working hourly jobs or with inadequate access to wifi. It is also unclear that all district and municipal are going to continue to allow liberal use of video hearings as the pandemic subsides.

The current version of 3.4 makes my job more demanding. I spend many hours reaching out to clients to discuss their cases with them rather than simply waiting to speak to them at court if they fail to respond my initial efforts at communication. It is often a great relief for clients when the don't need to appear for hearings we already plan on continuing and it eliminates the pressure to resolve a case that hasn't been fully prepared in order to avoid the consequences of multiple court appearances.

The need for the proposed changes to the rule is unclear. From my perspective it seems that criminal defendants still face the statutory penalties when they are convicted, they just aren't faced with the additional penalty of scrambling to attend multiple court dates where their cases are not resolved.

I appreciate any consideration the Court gives to my comments. Thank you,

Timothy Goss
WSBA # 22701