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Subject: FW: Comment to Proposed Changes to RAP 10.10
Date: Monday, March 20, 2023 11:04:45 AM

From: Lundgren, Alexis M. <ALUNDGREN@spokanecounty.org>
Sent: Monday, March 20, 2023 11:03 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to Proposed Changes to RAP 10.10

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Hello,

I am writing to express concerns about the suggested proposal to RAP 10.10. Under RPC 1.16, WSBA Opinion #181, and several court cases, trial counsel is already required to provide the defendant with a redacted copy of all discovery in the client file when representation terminates. The provision of unredacted discovery raises some significant concerns related particularly to the safety of victims—especially child victims or victims of violence—when such unredacted records would be likely to result in the defendant being provided with personal information, including current addresses and contact information. In a statement of additional grounds, under RAP 10.10(c), a defendant with a redacted copy of discovery is able to point the reviewing courts to the evidence the defendant believes will support relief, but is not required to provide the actual documents, citations to the record, or legal authority. The redacted discovery should therefore be sufficient to allow the defendant to raise additional grounds, and should certain information need to be provided to the court, the appropriate means of allowing the court to review the unredacted information could be determined at that time to best balance the defendant's right to evidence with the public's and the victim's interests in safety and privacy.

Thank you,

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