

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelyn](#)
Subject: FW: proposed CrR 4.11/CrRLJ 4.11
Date: Monday, May 1, 2023 8:34:08 AM
Attachments: [image002.png](#)

From: Maryman, Bridgette <Bridgette.Maryman@kingcounty.gov>
Sent: Sunday, April 30, 2023 8:53 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: proposed CrR 4.11/CrRLJ 4.11

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I write to urge you to not adopt proposed rules CrR 4.11 and CrRLJ 4.11. These proposed rules are incompatible with other court rules, create additional incentives to not appear or meaningfully participate in hearings, and threaten our courts' ability to work through significant backlogs. For the sake of simplicity, I will focus my comments on CrR 4.11, but concerns extend to CrRLJ 4.11, as well.

CrR 3.3(f)(1) provides that defense counsel's signature on a continuance order constitutes a representation that counsel has consulted with their client and the defendant has agreed to the continuance. The rule further reads that "court's notice to defense counsel of new hearing dates constitutes notice to the defendant." This provision (allowing counsel to sign on behalf of their client) benefits defendants by providing an alternative means for defendants to participate in hearings. However, proposed CrR 4.11 would prohibit the court from relying on counsel to convey notes to their clients. These rules clearly are not compatible.

Proposed CrR 4.11 removes any incentive to appear at hearings for which their physical presence is required. If implemented, this rule will almost certainly result in additional delays for trials, further exacerbating existing backlogs and imposing undue burdens on victims and witnesses.

Although I'm not familiar with other jurisdictions' procedures for managing trial calendars, King County Superior Court's trial calendar regularly includes several cases that are on "standby," awaiting availability of a judge or counsel if they are in another trial. If trial cannot begin that day, the case is held over to the next day. These holds are handled at off-docket and so no written notice is provided to the defendant. This procedure allows KCSC to maximize use of trial courts and precludes the need for defendants to be in the courthouse until their trials are officially assigned to a trial court. Under proposed CrR 4.11, KCSC would need to set daily standby hearings (with in-person attendance required) in order to ensure a defendant has notice of each trial date. Without such hearings—which would be costly and burdensome to defendants and hearings—our trial calendar would cease to function.

Several of my colleagues have gone in greater depth to outline the pitfalls of these proposed rules. Judges Angelle Gerl and Jim Rogers have also highlighted significant concerns. I urge you to consider these concerns and not adopt the proposed rules.

Thank you for your consideration,
Bridgette Maryman

Bridgette Maryman (she/her)
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