

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Comments on Proposed CrR 4.11 and CrRLJ 4.11
Date: Friday, April 21, 2023 10:07:22 AM

From: Diane Hehir <diane.hehir@gmail.com>
Sent: Friday, April 21, 2023 10:05 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comments on Proposed CrR 4.11 and CrRLJ 4.11

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I write these brief comments to support this proposed rule.

1. Having the court issue a summons rather than inquiring into privileged attorney client communications preserves the relationship and limits the drain on already short resources. First, it obviates the need for an attorney to divulge a privileged communication that would result in the incarceration of their client. This does the most to preserve that relationship, and avoids the need to appoint new counsel in the event the later incarcerated client tries to blame their lawyer, which could necessitate the appointment of new counsel. Here in Yakima county, defendants already cannot get an assigned attorney due to the shortage of qualified indigent defense counsel. Eliminating the breakdown of the attorney client relationship is critical to avoid a greater drain on an already limited resource.
2. The process of issuing a summons uses less resources than immediately issuing the warrant. It gives an attorney an opportunity to get their client into court to get new dates. The warrant can issue if the FTA after the summons is issued.
3. Prosecutors and judges routinely rely upon the number of warrants previously issued to increase the amount of bail required for pretrial release. This cost is born by the family of the accused, or by the taxpayers when the defendant is incarcerated pretrial.
4. Our court systems do a poorer job of giving people reminders for court than virtually every other business or service. To put the onus of reminding defendants to come to court on already overworked defense attorneys would be unfortunate indeed.
5. The benefit to not having 200 people appear in court for the sole purpose of signing a continuance is significant. The relatively small percentage of individuals who fail to appear should not drive the process.

I urge you to adopt rule 4.11 in both superior court and courts of limited jurisdiction.

Thank you for your time.