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Subject: FW: Proposed new CrR 4.11 and CrRLJ 4.11
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From: Raz, Don <Don.Raz@kingcounty.gov>
Sent: Sunday, April 23, 2023 6:26 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Raz, Don <Don.Raz@kingcounty.gov>
Subject: Proposed new CrR 4.11 and CrRLJ 4.11

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Attention: Clerk of the Washington State Supreme Court

I respectfully request that the proposed new rules CrR 4.11 and CrRLJ 4.11 be rejected.

There are a myriad of problems associated with these rules. These problems are eloquently described in the comments submitted by Judges Todd, Richards, Giner, Woodrow, Gerl and Rogers, the Benton and Franklin County Superior Court, the Superior Court Judges Associations, and prosecutors from my office and other offices from around the state. I cannot add to the thoughtful discussion put forth by these commenters. I would only observe, however, that the “problem” these rules claim to solve was foreseeable when CrR 3.4 was amended in 2020 to allow defendants to appear through counsel. In 2020, this Court must have believed that the convenience the amended CrR 3.4 gave defendants came with an expectation that those same defendants would take personal responsibility to affirmatively learn the court dates for which they needed to be present. The proposed rules ignore this expectation of personal responsibility and punish all the other participants in the criminal justice system, the courts, the clerks, the prosecutors, defense counsel, victims, witnesses, etc., by imposing a continuance of the hearing on all of the participants who were ready to proceed and requiring additional notification that was already presumed to have occurred under the amended CrR 3.4. If the cited “problems” are real, new rules that increase the burden on court staff, court dockets, and the participants who took their responsibilities seriously is not the answer. I submit returning CrR 3.4 to its pre-pandemic language is.

For this reason and others stated in other comments to this Court on these proposed new rules, I respectfully request the proposed rules be rejected.

Thank you for your consideration

Don Raz
Senior Deputy Prosecuting Attorney
King County. WA