

**From:** [Ward, David](#)  
**To:** [Martinez, Jacquelynn](#)  
**Cc:** [AOC DL - Rules Comments](#)  
**Subject:** FW: Opposition to CR 28 / 30 changes - criminal law perspective  
**Date:** Tuesday, April 30, 2024 2:10:23 PM

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Please include the message below as a comment on the CR 28 and CR 30 proposed rule from Byers & Anderson Litigation Services.

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**From:** Yvonne Kinoshita Ward <yvonne@yvonnewardlaw.com>  
**Sent:** Tuesday, April 30, 2024 2:00 PM  
**To:** AOC DL - Rules Comments <RulesComments@courts.wa.gov>  
**Subject:** Opposition to CR 28 / 30 changes - criminal law perspective

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Good Afternoon,

I practice both civil and criminal law and wish to add one more perspective on the proposed rule change regarding who can videorecord depositions that has yet to be raised:

In limited circumstances we take depositions in felony cases, i.e., when the trial court permits it due to witness cooperation difficulties. For indigent defendants, we must get funding approval and one aspect that assists in this effort is that it is defense counsel's paralegal who records the deposition. Given the budget issues facing criminal defense funding and that it is hard enough to get approval for court reporters and transcripts, I anticipate it will be even more difficult to get approval to fund a so-called independent person to videorecord. Hence the proposed rule change solves no existing problem while creating an access to justice issue.

Respectfully,

YVONNE KINOSHITA WARD  
TRIAL LAWYER  
253-887-8686