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April 25, 2024

Honorable Charles W. Johnson, Chair

Honorable Mary I. Yu, Chair

Supreme Court Rules Committee

c/o Clerk of the Supreme Court

Temple of Justice

P.O. Box 40929

Olympia, WA 98504-0929

Dear Justice Johnson and Justice Yu:

Re: Proposed New General Rule 41

The Superior Court Judges' Association (SCJA) reviewed the proposed new General Rule (GR) 41, which would authorize courts to conduct jury selection using remote technology. The SCJA has greatly appreciated serving on the Board for Judicial Administration's (BJA) Remote Proceedings Work Group, the proponent of this rule. It has been beneficial to the trial courts to have this Work Group with whom to provide information and feedback on current remote and hybrid superior court procedures and processes.

Overall, the SCJA supports GR 41. The rule is permissive and sets forward useful parameters for how to engage in the jury selection process. However, the SCJA does not support section (d), and recommends it be stricken. We find the requirements for remote juror appearance in this section to be too prescriptive, and may inadvertently limit the use of background blurring technology. This technology allows for full view of the user on video, while it obscures everything behind the user. There are many legitimate uses of blurring technology, including minimizing background distractions for other viewers and maintaining personal privacy and safety. For that reason, we support the changes to GR 41(a)-(c), but do not support section (d).

Thank you for consideration of our comments.

Sincerely,
Samuel Chung, President
Superior Court Judges' Association

cc: SCJA Board of Trustees
Allison Lee Muller, AOC

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Martinez, Jacquelynn](#)
Subject: FW: Court Rule Public Comment Letters
Date: Thursday, April 25, 2024 2:45:39 PM
Attachments: [SCJA Public Comment CR 59 GR 3.2.pdf](#)
[SCJA Public Comment GR 41.pdf](#)
[SCJA Public Comment CrR 3.2.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Thursday, April 25, 2024 2:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: 'Chung, Samuel' <Samuel.Chung@kingcounty.gov>; Lee Muller, Allison
<Allison.LeeMuller@courts.wa.gov>; Ireland, Shelley <Shelley.Ireland@courts.wa.gov>; Green, Heidi
<Heidi.Green@courts.wa.gov>
Subject: Court Rule Public Comment Letters

Good afternoon.

Please see the attached comment letters on behalf of the Superior Court Judges' Association. The proposed rules we are commenting on at this time are:

- CR 59 / GR 3.2
- GR 41
- CrR 3.2

Thank you,
Andrea Valdez, MPA (she/her/hers)
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