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April 15, 2024

Honorable Charles W. Johnson, Chair

Honorable Mary I. Yu, Chair

Washington State Supreme Court Rules Committee

Temple of Justice

P.O. Box 40929

Olympia, WA 98504-0929

Dear Justice Johnson and Justice Yu,

RE: Proposed Changes to CrR 4.7

The Criminal Law and Rules Committee of the Superior Court Judges' Association (SCJA), reviewed the proposed changes to Criminal Rule 4.7, pertaining to timely redacted discovery. The SCJA has concerns about the proposed changes and respectfully requests the Supreme Court reject the proposal.

While the Criminal Law and Rules Committee agrees that protocols for redactions would be beneficial, our concern with the proposed rule relates to its implementation. Section (h)(3) would require courts to issue public guidelines for redacted discovery within three months of adoption of the rule changes. As described in GR 7, the local rulemaking process does not permit superior courts to adopt local rules within the quick turnaround time suggested in the proposal. GR 7 requires courts to propose rules for comment and finalize them before July 1st of each year, to go into effect in September. This proposal is not in line with that process.

Further, the proposed changes to CrR 4.7 direct each superior court to adopt their own redaction protocol. This requirement would create a disparate set of local rules across the state that will vary from court to court, including those within the same county. Court rules should produce clarity. However, this proposal would likely result in increased process variation between courts, negatively impacting practitioners and court users alike.

Additionally, the question of redactions could vary depending on various case types. This proposal does not actually create a redaction protocol, rather it shifts the work of creating a protocol to each individual court around the state. A rule change of this magnitude should be more specific to permit meaningful commentary to formulate a workable rule.

For these reasons, the SCJA opposes adoption of the proposed changes to CrR 4.7. Thank you for your consideration.

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: SCJA Public Comment Letters
Date: Monday, April 15, 2024 3:36:16 PM
Attachments: [SCJA Public Comment APR 11.pdf](#)
[SCJA Public Comment GALRs.pdf](#)
[SCJA Public Comment RAP 18.25.pdf](#)
[SCJA Public Comment CrR 4.7.pdf](#)
[SCJA Public Comment CrR 8.3.pdf](#)
[SCJA Public Comment CR 26.pdf](#)
[SCJA Public Comment CR 28 CR 30.pdf](#)
[SCJA Public Comment BJA Remote Proceedings WG Rules.pdf](#)

From: Valdez, Andrea <Andrea.Valdez@courts.wa.gov>
Sent: Monday, April 15, 2024 3:22 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: SCJA 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 at this time are:

- APR 11
- GALR 1, 2, 4, 5, 6, and 7
- RAP 18.25
- CrR 4.7
- CrR 8.3
- CR 26
- CR 28 & 30
- CrR 3.4, CR 1, CR 7, CR 26, CR 30, CR 39, CR 43, CR 45, GR 11.3, and JuCR 11.23 (Remote Proceedings)

Thank you,
Andrea Valdez, MPA (she/her/hers)
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Superior Court Judges' Association
Administrative Office of the Courts
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