From: OFFICE RECEPTIONIST, CLERK
To: Farino, Amber
Subject: FW: Comment for Proposed Rule Change to CrR 4.1 / CrRLJ 4.1 / CrRLJ 3.2.1
Date: Monday, April 28, 2025 2:20:43 PM

From: Robert Lehman <robertl@co.adams.wa.us>
Sent: Monday, April 28, 2025 2:03 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment for Proposed Rule Change to CrR 4.1 / CrRLJ 4.1 / CrRLJ 3.2.1

Good Afternoon Rules Committee,

I am writing to encourage the committee to reject the proposed changes to CrR 4.1 and CrRLJ 4.1, as it is unsustainable for small county court systems. Most small counties in Washington State, which is the majority of the counties, do not have daily Superior Court hearings on criminal matters. This rule change would create an additional burden on the Superior Courts in this state to hold additional unplanned dockets on unpredictable days of the week. The proposed change would require short notice to schedule arraignments with court staff, defense attorneys, prosecuting attorneys, jail staff, victims, and family members of the defendant to name a few. It is an untenable burden. It would create a situation where Superior Court Judges would constantly have to keep their schedules clear due to the possibility of needing to arraign a defendant. There are several counties in this state that share a judge or only have a limited number. Under this proposed change, it would place these judges in a situation where they would need to be in two different counties at the same time to arraign two individuals or more. This is an unacceptable burden on the court system.

Furthermore, many small counties do not have an office of public defense, but contract with private defense attorneys. This change would create an additional burden on these private attorneys, as it would prevent them from taking other work, as they would constantly need to be available to appear at an arraignment within three days of being appointed on a case. This change would make it more difficult to retain qualified attorneys in rural counties.

Prosecutors are required to give notice to victims of crimes of the date and time of a defendant's arraignment. In many cases, especially in rural counties, the only way to get that information to victims is through the postal service or word of mouth. Many poorer victims do not have cell phones or even stable residences. Reducing the arraignment date to three days, will make it impossible to provide notice to victims.

While I understand the position of the proponent, this rule change affects more than just King

and Snohomish County. Their argument that the rule change must happen to allow in custody defendants to be able to argue for release is not supported. Defendants have a right to be represented by an attorney at their first appearance on a felony arrest, where the attorney can argue for release. But it does not end there. There is nothing in the court rules preventing a defendant from moving a court prior to their arraignment to reconsider the conditions of release imposed.

Proponents ignore the importance of the fourteen-day period allowing defense attorneys to meet with their clients, review initial discovery, and properly advise their client about whether to enter a plea of guilty or not guilty. This shortened timeframe could very easily lead to a flood of appeals from defendants claiming their attorney was ineffective for not properly advising them of the consequences of entering a not guilty plea at arraignment and then getting convicted of more serious charges.

Proponents' concerns seem to be focused on the operations in King and Snohomish County Superior Courts. As such, their concerns should be more appropriately addressed by those local jurisdictions rules than making sweeping changes for the entire state.

Thank you,

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