

WSR 22-08-082
RULES OF COURT
STATE SUPREME COURT
[March 31, 2022]

IN THE MATTER OF THE) ORDER
SUGGESTED NEW RULES CrR 4.12) NO. 25700-A-1422
—SIGNATURES AND CrRLJ 4.12—)
SIGNATURES)

The Board for Judicial Administration COVID Recovery Task Force Adult Criminal Committee, having recommended the suggested new rules CrR 4.12—Signatures and CrRLJ 4.12—Signatures, and the Court having approved the suggested new rules for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rules as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2023.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2023. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 31st day of March, 2022.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

PROPOSER: Proposed new rule CrR 4.12 is submitted and endorsed solely by the Adult Criminal Committee of the BJA Court Recovery Task Force. This proposal does not necessarily reflect all of the BJA Court Recovery Task Force members' perspectives.

SPOKESPERSON: Amy Muth, Chair; 206-940-0294; amy@amymuthlaw.com

PURPOSE: The proposed rule memorializes Supreme Court Order No. 25700-B-658 (13) (a), which permits attorneys to submit orders to continue criminal or juvenile offender matters without obtaining the defendant's or respondent's signature. Allowing an attorney to sign on a defendant or respondent's behalf to advance the case has created efficiency for attorneys and courts in managing criminal calendars, and particularly benefits public defenders, who no longer need to visit multiple in-custody clients for the purpose of obtaining a signature to continue a routine matter.

HEARING: We do not believe that a public hearing is necessary.

EXPEDITED CONSIDERATION: We do not believe that expedited consideration is necessary.

[NEW]
Proposed CrR 4.12
SIGNATURES

Defense counsel is not required to obtain signatures from defendants or respondents on orders to continue criminal or juvenile offender matters. An attorney's signature on an order to continue constitutes a representation that the defendant or respondent has been consulted and agrees to the continuance.

PROPOSER: Proposed new rule CrRLJ 4.12 is submitted and endorsed solely by the Adult Criminal Committee of the BJA Court Recovery Task Force. This proposal does not necessarily reflect all of the BJA Court Recovery Task Force members' perspectives.

SPOKESPERSON: Amy Muth, Chair; 206-940-0294; amy@amymuthlaw.com

PURPOSE: The proposed rule memorializes Supreme Court Order No. 25700-B-658 (13) (a), which permits attorneys to submit orders to continue criminal matters without obtaining the defendant's signature. Allowing an attorney to sign on a defendant's behalf to advance the case has created efficiency for attorneys and courts in managing criminal calendars, and particularly benefits public defenders, who no longer need to visit multiple in-custody clients for the purpose of obtaining a signature to continue a routine matter.

HEARING: We do not believe that a public hearing is necessary.

EXPEDITED CONSIDERATION: We do not believe that expedited consideration is necessary.

[NEW]

Proposed CrRLJ 4.12

SIGNATURES

Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters. An attorney's signature on an order to continue constitutes a representation that the defendant has been consulted and agrees to the continuance.