No. 84362-7

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

MATTHEW & STEPHANIE McCLEARY, et al.,

Respondents/Cross-Appellants,

v.

STATE OF WASHINGTON,

Appellant/Cross-Respondent.

BRIEF OF *AMICUS CURIAE,* WASHINGTON'S PARAMOUNT DUTY, a Washington Nonprofit Corporation and 501(c)(4) Organization

---

SUMMER STINSON
WSBA No. 40059
Counsel *pro bono*; Board Member
for Amicus Washington's Paramount Duty
311 NW 74th Street
Seattle, Washington 98117
(206) 239-8504

KATHRYN RUSSELL SELK
WSBA No. 23879
Counsel *pro bono*
for Amicus Washington's Paramount Duty
RUSSELL SELK LAW OFFICE
1037 Northeast 65th St. #176
Seattle, Washington 98115
(206) 782-3353

TABLE OF CONTENTS

A. STATEMENT OF ISSUES. 1

B. IDENTITY AND INTEREST OF AMICUS CURIAE. 1

C. ARGUMENT. 2

1. The State remains in contempt of this Court, and this Court must not be swayed from its constitutional duties to every Washington child. 4

2. The Legislature should be held to its promise of appropriating resources by the end of the 2017 legislative session to amply fund the basic education program to remedy to its ongoing constitutional violations. 8

3. The Legislature has the duty to provide the capital necessary to build classrooms to reduce K-3 class sizes and provide all-day kindergarten. 10

4. The State must provide a sustained, fully state-funded system that will attract and retain the educators necessary to actually deliver a quality education 14

D. CONCLUSION. 19

TABLE OF AUTHORITIES

WASHINGTON SUPREME COURT

Emright v. King County, 96 Wn.2d 538, 637 P.2d 656 (1981)..... 8

McCleary v. State, 173 Wn.2d 477, 269 P.3d 277 (2012). 3, 6, 7, 11, 15, 17, 18

Seattle School District No. 1 v. State, 90 Wn.2d 476, 585 P.2d 71 (1978) 3, 13

State ex rel. Blakeslee v. Clausen, 85 Wash. 260, 272, 198 P. 28 (1915). 8

RULES, STATUTES AND CONSTITUTIONAL PROVISIONS

Article 9, § 1. ..... 1-4, 8, 10, 13

E2SSB 6195 ..... 4, 5, 8, 9

Laws of 1993, ch. 1007 5

Laws of 2005, ch. 496 5

Laws of 2007, ch. 399 5

Laws of 2009, ch. 548 § 112 6

Laws of 2016, ch. 3. 6

Melissa Santos, *School districts plan for cuts due to Legislature's inaction on 'levy cliff,'* The Tacoma News Tribune (April 9, 2016), *available at* http://www.thenewstribune.com/news/politics-government/article70975762.html.. 9

Office of Superintendent of Public Instruction, *Teacher and Substitute Shortage in Washington State* (Dec. 17, 2015), *available at* http://www.k12.wa.us/LegisGov/TeacherShortage.aspx. 17

A. STATEMENT OF ISSUES

In its July 2016 Order, this Court asked several questions. *Amicus* Washington's Paramount Duty ("WPD") sought and was granted the opportunity to file this pleading in order to assist the Court regarding issues relevant to WPD's mission to compel the state to comply with its Article 9, § 1 duties. Those issues are as follows:

1. The State is still in contempt of this Court's orders and should face further sanctions as a result;

2. The Legislature must make the appropriations by the end of the 2017 legislative session to meet its paramount duty and amply fund basic education but has not acted in a manner consistent with meeting this deadline;

3. The Legislature should be held to its duty to amply fund the actual costs of basic education including the capital investments needed for early elementary class-size reductions and all-day kindergarten; and

4. The State has the responsibility to deliver a sustained, fully state-funded system that will attract and retain the educators necessary to actually deliver a quality education.

B. IDENTITY AND INTEREST OF AMICUS CURIAE

Amicus curiae Washington's Paramount Duty (WPD) is a grassroots, non-profit advocacy organization with a single mission: to compel Washington to amply fund basic education. Additional information about WPD's significant interest in the chronic underfunding of basic education and its disproportionate impact on children at risk is

contained in the motion for leave to file this brief, previously filed.

C. ARGUMENT

> *Faced with a deteriorating physical plant, a reduction in budgets for books, supplies, staff and programs, petitioners . . . brought this action. The thrust of their claim was that the State had failed to discharge its "paramount duty" to make "ample provision for the education" of its resident children pursuant to Const. Art. 9, § 1.*

On review, this Court discussed - in detail - how the state was violating the rights of Washington public schoolchildren by failing to fully fund public schools. By that time, reliance on local levies to fill in the lack of resources was causing great disparity among districts and kids. For years, schools deferred maintenance to cover other costs. School districts responsible for providing education requested larger local levies to make up cut after cut of State funds. Reliance on local levies went from about 6.8% of an average district's budget to a whopping 25.6% overall. Making disparity even worse, 40% of the school districts in the state operated at a "levy loss," where they needed more than their levies could provide. Additionally, many districts failed to pass levies.

This Court looked carefully at the unique and powerful language of our state constitution's guarantee of amply funded public education in Article 9, § 1. It detailed the extreme situation facing children across our state and found the State was failing to meet its "paramount duty" to

amply fund public education. But it stated its "every confidence the Legislature will comply fully with the duty mandated" by our constitution.

Those words were not written in this case—or even this century. *See Seattle School District No. 1 v. State*, 90 Wn.2d 476, 486-538, 585 P.2d 71 (1978). But the children of this state are in the very same position - as is this Court. Again, the State has failed to even adequately fund public education—let alone *amply.* Again, legislative failure to comply with its constitutionally mandated "paramount duty" has led to unconstitutional reliance on local levies to cover basic education costs on a magnitude which actually *exceeds* that so alarming in 1977. *See McCleary v. State*, 173 Wn.2d 477, 489, 269 P.3d 277 (2012) (noting that reliance on local levies can go up to 38% in some district).

This Court has returned full circle. Again, the legislature is claiming that this Court should find it has complied with its duties before that has actually occurred. Again, Article 9, § 1 is front and center. Given that this Court has a separate and ongoing duty to protect the rights of more than one million children from unconstitutional conditions, this Court should reject the State's efforts to avoid further oversight. This is especially true based on the history of not only this case but education funding in this state. This Court must hold fast to ensuring that the State meets its paramount duty to amply fund basic education. As the State fails

to present a reasonable plan of how it will meet its duties in the required time, this Court should not only reject the idea of purging the contempt which continues but should increase the pressure to comply.

1. The State remains in contempt of this Court, and this Court must not be swayed from its constitutional duties to every Washington child

In August 2015, this Court was clear: (1) the State was not on course to meet class-size reductions, (2) the State had provided "no plan for how it intends to pay for the facilities needed for all-day kindergarten and reduced class sizes," and (3) the State had "wholly failed to offer any plan for achieving constitutional compliance" regarding personnel costs. Order (Aug. 13, 2015) at 5-6.

Now, more than halfway through 2016, the State's latest brief again fails to provide this Court with the "detailed steps it must take to accomplish its goals by the end of the next legislative session" as the Court's July 2016 Order required. *See generally* State's Brief (Aug. 22, 2016). Again, the State claims that merely passing E2SSB 6195 is sufficient to satisfy its constitutional duties under Article 9, § 1. State's Brief (Aug. 22, 2016) at 1-2. And again, the State urges the Court to step back, assuring the Court of its intent to act and declaring that the timelines and benchmarks in E2SSB 6195 will "ensure full consideration in the

2017 legislative session." State's Brief (Aug. 22, 2016) at 3.

WPD submits that, with this pleading, the State remains in contempt. The State claims that contempt has been purged because it has now submitted a "*complete plan* for meeting the Court's 2018 deadline for constitutional compliance." State's Brief (Aug. 22, 2016) at 1 (emphasis in original). But the state's definition of "complete" appears to conflict with the common understanding of the term. The State has yet to provide specific answers to the bulk of the Court's questions even now, nearly 10 years after the trial court's decision. Further, neither the State's acts thus far nor E2SSB 6195 provides any reassurance that the State will amply fund basic education or meet its deadlines.

The first problem with the State's promise to act is that it has made similar empty promises before, usually, as here, with the claim that "further study" is needed first. *See* Laws of 1993, ch. 1007 (establishing a new legislative committee to do a fiscal study on school financing and create recommendations upon which action can be taken; declaring "[i]t is the intent of the legislature to provide students the opportunity to achieve at significantly higher levels," etc.); Laws of 2005, ch. 496 (establishing a new legislative committee to do a fiscal study on school financing and create recommendations upon which action can be taken); Laws of 2007, ch. 399 (establishing a new legislative committee to do a fiscal study on

school financing and create recommendations upon which action can be taken); Laws of 2009, ch. 548 § 112 (establishing a new legislative committee to do a fiscal study on school financing and create recommendations upon which action can be taken).

There are more examples, of course, as this Court's 2012 nearly 20-page summary of the numerous previous studies and task forces makes clear. *McCleary*, 173 Wn.2d at 510. Thus, it is plain that the Legislature's strong statement of intent to act is not sufficient to ensure the rights of our children. The state has provided no explanation why *this* study and *this* Legislature will necessarily be different. *Compare*, Laws of 2016, ch. 3 (establishing new legislative committee to do a fiscal study on school financing and create recommendations upon which action can be taken).

A second concern with the Legislature's declarations of intent is the mixed message its acts convey. Indeed, the steps forward highlighted by the State have been marred by steps in retreat which are glaringly absent from its calculations. *See generally,* State's Brief (Aug. 22, 2016), at 1-41. At the same time it lauds itself for investments in basic education funding, the Legislature cut that very same funding.

For example, since the lawsuit was filed in this case:

- The Legislature completely eliminated cost-of-living adjustments in the 2009-11 budget (*McCleary*, 173 Wn.2d at 497);
- The Legislature made massive cuts in basic education in the 2011-13 budget (*id.* at 511);
- The Legislature shifted money away from common schools to charter schools, Leg. Report (May 18, 2016) at 35; and
- The Legislature increased levy lids so school districts could stay out of financial insolvency and pay their bills but now has not extended them although they are set to expire on January 1, 2018, so that school districts across the state face *more cuts*—before the Legislature's self-professed deadline September 2018 deadline to fully fund staff salaries, *see* Leg. Report at 21.

Because the Legislature continues to make cuts even as it professes to be further investing in basic education, WPD reiterates that this Court should consider a stronger contempt sanction to motivate the State to comply with this Court's Orders. WPD urges this Court to issue an order stating that if the State does not amply fund basic education by the last date of the 2017 legislative session (April 28, 2017), the Court will suspend the State's over 600 legislative-enacted tax exemption statutes. This sanction is not a substitute for the infusion of resources that the Legislature must identify for amply funding basic education. WPD recommends this sanction because it would compel the State—specifically the Legislature—to comply with this Court's orders and determine the

funding sources to amply fund basic education.

This Court should also not be swayed by the State's promises because the State again sends mixed messages regarding what E2SSB 6195 involves and whether it is even enforceable. On the one hand, the Legislature asks this Court to step back and find the contempt purged because E2SSB 6195 states the intent to act, while on the other it chides the Court that the State lacks authority to "bind" future legislatures. *See* State's Brief (Aug. 22, 2016), at 38-41.

But it is well-settled that the Legislature has authority to pass laws with multiple effective dates. *See Emright v. King County,* 96 Wn.2d 538, 544-45, 637 P.2d 656 (1981). Further, despite the assurances of the state, it is also well-settled that language such as that it claims will ensure further action is not enforceable as binding law. *See State ex rel. Blakeslee v. Clausen,* 85 Wash. 260, 272, 148 P. 28 (1915). The Court should reject the State's continued efforts to claim completion halfway through the job.

2. <u>The Legislature should be held to its promise of appropriating resources by the end of the 2017 legislative session to amply fund the basic education program to remedy to its ongoing constitutional violations</u>

Given the actual progress of the State and its repeated failures to comply with this Court's Orders and Article 9, § 1, it is questionable

whether the State actually intends to or even may comply with appropriating ample funding for its basic education program by the end of the 2017 legislative session.

As described above, the Legislature has taken a series of steps backwards and made significant cuts to public school funding since *McCleary* commenced. Likewise, the Legislature admits that it has not acted on legislation to extend the current state levy policy (the situation commonly called the "levy cliff"). *See* Leg. Report (May 18, 2016) at 21. The Legislature has merely included a provision in E2SSB 6195 that if the Legislature chooses to not "meet its obligation to provide state funding for the competitive compensation and eliminating dependency on local levies" then the Legislature must "introduce legislation . . . with the objective of enacting" an extension to the levy cliff by April 30, 2017. *Id*. This mishmash of promises—because the requirement to "introduce" legislation with an "objective" does not a law make—leaves a very real chance that school districts' critical funding for basic education will lapse. *See* Melissa Santos, *School districts plan for cuts due to Legislature's inaction on 'levy cliff,'* The Tacoma News Tribune (April 9, 2016), *available at* http://www.thenewstribune.com/news/politics-government/article70975762.html.

Both this Court and the State recognize that the 2017 legislative

session is the last opportunity for the Legislature to fulfill their constitutional obligation to identify and commit the resources to amply fund basic education. *See e.g.*, Order (July 14, 2016) ("[t]he 2017 legislative session presents the last opportunity for complying with the State's paramount duty under article IX, section 1 by 2018."); Order (Aug. 13, 2015) ("[T]ime is simply to short . . . . and the reality is that 2018 is less than a fully budget cycle away."); State's Brief (Aug. 22, 2016) at 4 (citing the 2017 session deadline). Although this deadline looms, the Legislature still has not identified any concrete funding plans with dependable and regular tax sources. *Id*. Instead, the State hopes that this Court and its over one million school children will be satisfied that the Legislature will give this issue "full consideration in the 2017 legislative session." *Id*. at 3. This empty promise does not meet the State's constitutional obligations. The Legislature should be held to its duties for class-size reduction and all-day kindergarten—including capital investments for necessary construction.

3. The Legislature has the duty to provide the capital necessary to build classrooms to reduce K-3 class sizes and provide all-day kindergarten

The Legislature should be held to its duties for class-size reduction and all-day kindergarten, *including* providing the capital investments needed to do so. The State mistakenly asserts that "the Legislature has

not defined capital construction as part of the program of basic education." State's Brief at 19 (Aug. 22, 2016). However, this Court did not inquire about general capital construction costs. *See generally* Order (July 14, 2016). Instead, this Court asked about the different issue of capital costs related to all-day kindergarten and the K-3 class-size reduction, which are part of the State's program for basic education. Order (July 14, 2016) at 3. The State also erroneously states that this issue "was not addressed in this Court's 2012 decision." *See* State's Brief (Aug. 22, 2016) at 19.

This Court has patiently explained- in its 2012 decision and in several orders since - that the State cannot rely on unconstitutional underfunding formulas to shirk its duty to provide the actual cost required to deliver its basic education program. And this Court has already rejected this claim that somehow the State was exempted from paying the actual cost by relying on a conflicting formula. *See McCleary*, 173 Wn.2d at 531-32. The State already lost on its claim that the funding formulas it was using "were directly correlated to the resources needed to sustain its basic education program." *Id*. at 531. Four years ago, this Court agreed with "the trial court's conclusion that the legislature's definition of full funding amount[ed] to little more than a tautology." *Id*. at 532.

Thus, this Court has already rejected the state's theory, advanced again here, "that 'full funding is whatever the Legislature says it is,' thus

allowing the State to maintain the appearance of fully funding the basic education program even though appropriations bear little resemblance to the actual level of resources needed to provide a 'basic education.'" *Id*. at 531-32. It has already declared that, "[i]f the State's funding formulas provide only a portion of what it actually costs a school to pay its teachers, get kids to school, and keep the lights on, then the legislature cannot maintain that it is fully funding basic education through its funding formulas." *Id*. at 532.

In 2014, this Court reminded the State that defaulting to an unconstitutional formula "cannot be used to declare 'full funding,' when the actual costs of meeting the education rights of Washington students remain unfunded. Order (Jan. 9, 2014) at 4. In that same order, this Court explained that the burden on school districts is "exacerbated when at the same time nonemployee related costs are underfunded, the State funds instructional and class-size reduction programs that incur additional costs to local districts." *Id*. This Court explained that school districts were strapped for the physical space to meet the Legislature's goals of full-day kindergarten and K-3 class size reduction. *Id*. at 5. And it noted that the Office of the Superintendent of Public Instruction (OSPI) had estimated "that additional capital expenditures are required of approximately $105 million for full-day kindergarten and $599 million for K-3 class-size

reduction by 2017-18." *Id*. This Court was very clear that the capital costs related to providing the amply funded basic education program were the State's responsibility:

> Make no mistake, enhanced funding for full-day kindergarten and class-size reduction is essential, but the State must account for the **actual cost** to schools of providing these components of basic education. We recognized long ago that the paramount duty to amply fund education under article IX, section1 must be borne by the State, not local school districts." *See generally Seattle School District No. 1 v. State*, 90 Wn.2d 476, 585 P.2d 71 (1978).

Order (Jan. 9, 2014) at 5 (emphasis added).

Likewise, in 2015, this Court reiterated that the State must make "sufficient capital outlays to ensure that classrooms will be available for full implementation of all-day kindergarten and reduced class sizes . . . ." Order (Aug. 13, 2015) at 6. The Court reemphasized that "the State needs to account for the actual cost to schools of providing all-day kindergarten and smaller K-3 class sizes." *Id*. This Court noted that the State had not yet done so by 2015. *Id*. The State now is not only failing to do so, but is now belatedly arguing that it has no responsibility to meet this obligation. This Court should reject the State's tautological argument here, just as it did in 2012.

Because the Legislature delayed implementation of the new staffing formulas the voters approved in Initiative No. 1351 for four years,

WPD does not discuss the State's future responsibilities to fund these staffing formulas and the capital costs associated with this upcoming alteration to the State's basic education program. *See* Notes to RCW 28A.150.261 (citing 2015 3rd sp.s. c 38 §§ 1-2; 2015 c 2 § 3 (Initiative Measure No. 1351, approved Nov. 4, 2014)). Initiative No. 1351 further enhances the State's definition of basic education. RCW 28A.150.261 (titled "State funding to support instructional program of basic education—Schedule of increased allocations"). "Initiative No. 1351 increased the state's obligation to fund teachers for class size reduction in excess of the class size reduction in grades K-3 already enacted by the legislature in chapter 548, Laws of 2009 (ESHB 2261) and chapter 236, Laws of 2010 (SHB 2776)." *see* Notes to RCW 28A.150.261 (citing 2015 3rd sp.s. c 38 §§ 1-2; 2015 c 2 § 3 (Initiative Measure No. 1351, approved Nov. 4, 2014)).

4. The State must provide a sustained, fully state-funded system that will attract and retain the educators necessary to actually deliver a quality education

The State's focus on the mix of the current staff salaries paid for by the State versus local districts is akin to not seeing the forest for the trees. The State has the responsibility to deliver a "sustained, fully state-funded system that will attract and retain the educators necessary to actually deliver a quality education." Order (Aug. 13, 2015) at 7. By

focusing on the current mix or portion of staff salaries, the Legislature shows that it has not fully grasped that whatever the mix of the current staff salaries—the overall amount is too low as shown by the current teacher shortage crisis.

The State's underfunding of staff salaries was explored in depth at trial and ruled unconstitutional by this Court in 2012:

> Substantial evidence at trial also showed that the State consistently underfunded staff salaries and benefits. Testimony revealed that the State allocation for salaries and benefits fell far short of the actual cost of recruiting and retaining competent teachers, administrators, and staff. OSPI data confirmed this testimony, showing that on average, the state allocation for instructional staff was approximately $8,000 less than what districts actually paid. The shortfall for administrators was even more drastic, representing on average approximately $40,000 less than actual expenditures, which left local districts to subsidize classified staff and administrative salaries by roughly $366 million per year.

McCleary, 173 Wn.2d at 535-36 (internal citations omitted).

Likewise in 2014, this Court emphasized that "[q]uality educators and administrators are the heart of Washington's education system." Order (Jan. 9, 2014) at 5. Moreover, even while under the Court's orders in this case, the State "suspend[ed] the cost-of-living increases imposed by Initiative 732[.]" *Id*. at 6. The State attempted to call these cost-of-living increases as "non-basic education" and this Court rejected that argument, noting that "nothing could be more basic than adequate pay." *Id*.

In 2015, this Court determined that further promises, rather than concrete funding plans—for achieving a sustained, fully state-funded system that will attract and retain the educators necessary to actually deliver a quality education - were not acceptable. Order (Aug. 13, 2015) at 7. In July 2016, this Court asked the State for the "estimated cost of full state funding of competitive market-rate basic education staff salaries, including the costs of recruiting and retaining competent staff and professional development of instructional staff[.]" Order (July 15, 2016) at 3.

The State responds that it does not know the estimated cost of funding competitive market-rate basic education staff salaries. State's Brief (Aug. 22, 2016) at 29. The State responds to this Court by claiming that it has to study the "portion of the [school districts'] supplemental salaries [that] actually . . . support basic education." *Id*. at 29. The State insists that it is studying "[t]he precise mix of basic education and local enhancement duties supported by the additional pay." *Id*.

However, the State's response shows that it is focused on the wrong question because whatever the mix is or portions are of State and local dollars that currently pay staff salaries, the total salary amount simply is not enough.

How do we know that the amount currently being paid to educators

does not suffice? We know because we are in the midst of a teacher shortage and crisis. This Court has described it. Order (Aug. 13, 2015) at 6 ("in its latest report the Joint Select Committee notes an analysis estimating that there will be a shortage of about 4,000 teachers in 2017-18 for all-day kindergarten and class size reduction."). And in fact, it is far more extensive than that. OSPI reported in December 2015:

> Many Washington public schools are facing a crisis in finding qualified teachers. According to a survey of principals conducted in November 2015, 45% of them were not able to employ all of their needed classroom teachers with fully certified teachers who met the job qualifications. More than 80% were required to employ individuals as classroom teachers with emergency certificates or as long-term substitutes. Ninety-three percent indicated that they were "struggling" or in a "crisis" mode in finding qualified candidates.
>
> . . .
>
> The teacher and substitute shortage is being experienced in all regions and types of schools. However, it is especially problematic in lower-income schools and the Central Region of our state.

Office of Superintendent of Public Instruction, *Teacher and Substitute Shortage in Washington State* (Dec. 17, 2015), *available at* http://www.k12.wa.us/LegisGov/TeacherShortage.aspx.

Moreover, the State admitted at trial that the mix or portion of salaries was inconsequential. *McCleary*, 173 Wn.2d at 536-37. When the Basic Education Finance Task Force Chair described the districts' salary

additions, the Chair testified that any separation of the duties associated with the districts' salary additions were not able to be separated *de facto* and that "if you had testimony from teachers from all across the state who would get paid different salaries, based upon [Time, Responsibilities, and Incentives (TRI)] in many instances, that their descriptions of their job duties, time, and incentives would be identical." *Id*. at 537. Thus, the fact that the State must amply fund in order to attract and retain qualified staff has already been litigated, and the amount staff is paid—including both State and local additions—falls short of the State's constitutional duty.

D. CONCLUSION

For the reasons stated above and in WPD's previous submission, this Court has the power, authority, and duty to enforce its orders and require the State to fulfill its constitutional duty to the more than one million children in this state's public schools. Despite the State's continued claims to the contrary, deferring to the Legislature in this matter would be an abdication of the Court's duties and constitutional role.

DATED this 29th day of August, 2016.

Respectfully submitted,

s/ Summer Stinson
SUMMER STINSON, WSBA No. 40059
Board Member and Counsel *pro bono* for
Amicus Washington's Paramount Duty
311 NW 74th Street
Seattle, WA. 98117
(206) 239-8504

/s/ Kathryn A. Russell Selk
KATHRYN RUSSELL SELK, WSBA No. 23879
Counsel *pro bono* for
Amicus Washington's Paramount Duty
RUSSELL SELK LAW OFFICE
1037 Northeast 65th St. #176
Seattle, Washington 98115
(206) 782-3353

CERTIFICATE OF SERVICE BY EFILING/ELECTRONIC MAIL

Under penalty of perjury under the laws of the State of Washington, I hereby declare that I sent a true and correct copy of the attached Amicus Brief via electronic mail (per agreement by the below) as follows:

Thomas Fitzgerald Ahearne
ahearne@foster.com
Christopher Glenn Emch
emchc@foster.com
Adrian Urquhart Winder
winder@foster.com

Robert W. Ferguson
judyg@atg.wa.gov
David A. Stolier
daves@atg.wa.gov
Alan D. Copsey
alanc@atg.wa.gov

Katherine George
kgeorge@harrison-benis.com

William B. Collins
wbcollins@comcast.net

DATED this 29th day of August, 2016.

Respectfully submitted,

s/ Summer Stinson
SUMMER STINSON, WSBA No. 40059
Board Member and Counsel *pro bono* for
Amicus Washington's Paramount Duty
311 NW 74th Street
Seattle, WA. 98117
(206) 239-8504

/s/ Kathryn A. Russell Selk
KATHRYN RUSSELL SELK, WSBA No. 23879
Counsel *pro bono* for
Amicus Washington's Paramount Duty
RUSSELL SELK LAW OFFICE
1037 Northeast 65th St. #176
Seattle, Washington 98115
(206) 782-3353