

## Foster, Denise

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**From:** Andrea Schmitt [Andrea.Schmitt@ColumbiaLegal.org]  
**Sent:** Friday, April 19, 2013 12:59 PM  
**To:** 'denise.foster@courts.wa.gov'  
**Subject:** Proposed Comment (4) to RPC 4.4

Dear Court Clerk,

I am writing to comment in support of Proposed Comment 4 to RPC 4.4. In my career, I have largely represented low-income immigrants in employment matters. I also participate in a good deal of direct outreach to farm workers regarding their employment rights.

In my conversations with my clients and other immigrant workers, I have learned that nearly all of these workers seriously consider immigration consequences when deciding whether to enforce their legal rights, even if no overt threats have been made. In many cases, a threat from a lawyer (a person in a perceived position of power and authority) would firmly dissuade a worker from coming forward about employment rights violations.

Employment protections, such as minimum wage and safety rules, are effective because they are uniform. Immigration-enforcement threats create an underclass of workers who are effectively excluded from these protections because the potential consequences of speaking out are too great. This pushes down wages and working conditions for all workers.

I represented an immigrant client a few years ago who complained to a state agency about violations of employment law. He was unrepresented at the time, and the state agency arranged a meeting between the client and the opposing party's attorney, who informed him that he was not entitled to relief and that he could face severe immigration consequences. I fear that if he had not found legal assistance, he would have abandoned his claim, in which he was eventually able to recover a significant sum in wages owed.

I urge the Rules Committee to adopt Proposed Comment 4 to RPC 4.4.

Sincerely,

**Andrea Schmitt**

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