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April 26, 2013

Honorable Charles Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
PO Box 40929
Olympia, WA 98504

Dear Justice Johnson and Members of the Rules Committee:

The Board of Governors of the Washington State Bar Association (WSBA) submitted for your consideration a proposed Comment to RPC 4.4 relating to the use of immigration status in civil proceedings. The District and Municipal Court Judges' Association (DMCJA) wants to express its support for the proposed Comment which would make the use of immigration status to intimidate or coerce a party or witness in a civil matter a breach of ethics. The purpose of the Comment is clear; attorneys should not be permitted to obstruct the ends of justice by using immigration status to instill fear and prevent access to our courts. The Comment does not preclude the use of immigration status in matters where such status may be relevant or necessary for adjudicative purposes. Rather, it sets a clear line wherein the use of immigration status to interfere with the judicial process will not be tolerated.

The fact that a Comment such as this is necessary is unfortunate. Adopting the comment assures the public and those who seek to practice law in this state that the use of this type of coercion tactic has no place in our system of justice. The foremost principle of our justice system is that all are equal before the law. In order for our courts to effectively administer justice we must ensure that individuals have a full and fair opportunity to be heard without fear that merely seeking to access justice will lead to reprisal.

The DMCJA respectfully urges the Supreme Court to adopt this Comment to RPC 4.4 as proposed by the WSBA.

Sincerely,

Judge Sara Derr
DMCJA President

cc: Shannon Hinchcliffe, AOC
Nan Sullins, AOC
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