

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING COUNTY**

CAROL A. SCHAPIRA
Judge

KING COUNTY SUPERIOR COURT

THEODORE J. HONG
Bailiff

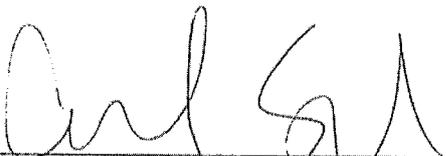
April 26, 2013

Justice Charles Johnson
Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Comment (4) to RPC 4.4(a)

The Washington Supreme Court should adopt the interpretive Comment (4) to RPC 4.4(a). It prohibits a lawyer from asserting or inquiring about a person's immigration status only when her purpose is to intimidate, coerce, or obstruct that person from participating in a civil matter. Immigrants in the civil justice system are vulnerable to coercion and threats. Often, immigrants will not file legitimate civil claims, or participate as a witness, for fear of being deported or being subject to legal sanction for unpaid back taxes or expired visa. The uncertainty associated with their immigration status combined with the unfamiliarity with the American court system creates fear and insecurity among potential witnesses and parties to civil proceedings. As children, we learn that courts should provide fair and equal access to justice. As judicial officers, we should affirm the important service our legal system provides to the public by adopting the comment, which especially helps protect immigrants' access to justice without reprisal.

In addition, the Comment clarifies lawyer conduct that would not serve a substantial purpose other than to embarrass, delay, or burden a third person. The RPC is the sole source for regulating ethical standards and self-policing unethical conduct among lawyers. It is helpful to provide guidance to Washington lawyers by delineating what kinds of behavior the RPC Committee deems fit and proper. The addition of Comment (4) makes clear that a purposeful statement or inquiry about a person's immigration status is unethical when a scheme of coercion, intimidation, or obstructive nature is involved. It guides attorneys in relation to how they should not act towards third persons and how to monitor other lawyers to uphold a high standard of professionalism. For these reasons, the Washington Supreme Court should carefully consider and adopt the proposed comment to RPC 4.4(a).



Carol A. Schapira, Judge

Sincerely,


Theodore J. Hong, Law Clerk/Bailiff