

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: General Rule 38  
**Date:** Tuesday, February 4, 2020 8:03:07 AM

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**From:** alice dinerman [mailto:[alicedinerman@yahoo.com](mailto:alicedinerman@yahoo.com)]  
**Sent:** Monday, February 3, 2020 10:01 PM  
**To:** OFFICE RECEPTIONIST, CLERK <[SUPREME@COURTS.WA.GOV](mailto:SUPREME@COURTS.WA.GOV)>  
**Subject:** General Rule 38

To whom it may concern,

I am writing in support of the adoption of General Rule 38. The 200-plus documented warrantless civil arrests by federal immigration authorities at courthouses in Washington State have severely compromised the constitutionally-protected right of universal, unfettered access to justice and, in doing so, have undermined the rule of law, putting public safety and the legitimacy of our courts at risk.

The common-law "privilege from arrest" doctrine dates back to the fifteenth century and is firmly grounded in American jurisprudence, as well as in Washington State case law. As legal scholar Christopher Lasch has argued, this privilege "receded from the body of modern law not because the doctrine fell by the way[side], but rather because the practice of commencing civil litigation with an arrest did." Unfortunately, federal immigration authorities have in recent years revived the practice of such arrests and, thus far, have done so with impunity. Federal lawlessness highlights the imperative of reasserting the primacy of this ancient doctrine in our judicial system. General Rule 38 offers one promising mechanism for achieving this goal. I urge its adoption.

Thank you.

Sincerely,

Alice Dinerman  
Member of Strengthening Sanctuary