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[LegalVoice.org](http://LegalVoice.org)

January 26, 2020

VIA EMAIL ONLY [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Washington State Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

**Re: Legal Voice Comments on Adoption of General Rule 38**

To Whom It May Concern:

Legal Voice supports the adoption of General Rule 38 and applaud the efforts to protect the rights of immigrants in our state.

Legal Voice, founded in 1978 as the Northwest Women's Law Center, is a nonprofit feminist legal organization that seeks to advance the law for all women, girls, and LGBTQ+ people in the Pacific Northwest. Legal Voice is committed to achieving racial equity and combatting and illuminating the laws, processes and thinking that keep Black, Indigenous, and People of Color outside the "circle of human concern."<sup>1</sup>

General Rule 38 will prevent the current practice of warrantless civil arrests in and around courthouses, which has already impacted large numbers of individuals and their families, the majority of whom are Spanish-speaking People of Color.

- **It ensures access to justice.** ICE/CBP's over two hundred warrantless civil arrests are hindering access to justice for noncitizens and their families. The presence of immigration officers and increased immigration arrests around courthouses have created deep insecurity and fear among immigrant communities, resulting in a chilling effect that has stopped many from coming to court to face charges, appear as witnesses, or even to pay fees and fines. No one should have to choose between going to court and being deported.
- **It supports the effective administration of justice:** Courts and lawyers cannot deliver the promise of equal access to justice and due process under law if a segment of the community is afraid to access the courts. As a [letter from 75 judges](#) put it, "ICE's courthouse activities have led to physical altercations involving court employees, court staff burdened by ICE requests to facilitate arrests, and disputes between court administration and legal service providers. The environments created by these incidents...only makes it more difficult for judges and court staff to do their jobs."

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<sup>1</sup> John A. Powell, Director of the [Othering & Belonging Institute](#) at the University of California, Berkeley, a research institute that brings together scholars, community advocates, and policymakers to identify and eliminate barriers to an inclusive, just, and sustainable society and to create transformative change toward a more equitable world, <https://belonging.berkeley.edu/circle-human-concern-video-curriculum>

- **It promotes due process and equal protection:** The First and Fifth Amendments protect access to the courts. The right to access courts is a fundamental right, and one that protects and ensures other core constitutional rights like due process and equal protection of the law. But courts can't operate fairly or effectively when people don't feel safe coming forward. The impact of immigration enforcement at courthouses greatly undermines public safety and the fundamental right to equal protection under the law that is shared by noncitizens and citizens alike.

Please adopt General Rule 38. Thank you for your consideration.

Sincerely,



Catherine A. West  
Staff Attorney

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: GR 38  
**Date:** Wednesday, January 29, 2020 10:32:05 AM  
**Attachments:** [pastedImagebase640.png](#)  
[GR 38.docx](#)

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**From:** Catherine West [mailto:cwest@legalvoice.org]  
**Sent:** Wednesday, January 29, 2020 10:29 AM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** GR 38

Attached are comments in support of the adoption of GR 38.

**Catherine A. West**

Attorney

Pronouns: she/her

[Legal Voice](#)

*Women's rights. Nothing less.*

206-682-9552

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