

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: Proposed Court Rule - GR 38  
**Date:** Tuesday, March 3, 2020 4:37:04 PM

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**From:** Justin Abbasi [mailto:justin@sheridanlawfirm.com]  
**Sent:** Tuesday, March 3, 2020 4:22 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Proposed Court Rule - GR 38

I am writing in support of GR 38 and access to justice.  
I recommend clarifying that the proposed court rule applies to persons seeking information from a court's law library:

1. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.
2. No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services; or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services, or conducting business with the court. Participating in a judicial proceeding includes, but is not limited to, participating as a party, witness, interpreter, attorney, or lay advocate. Business with the court and accessing court services includes, but is not limited to doing business with, responding to, or seeking information, licensing, certification, notarization. or other services, from the office of the court clerk, the law library, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.
3. Washington courts may issue writs or other court orders necessary to enforce this court rule.

While there is no freestanding constitutional right to access a law library, such access has been recognized as “one constitutionally acceptable method to assure meaningful access to the courts.” *See generally Lewis v. Casey*, 518

U.S. 343, 351 (1996) (quoting *Bounds v. Smith*, 430 U.S. 817, 830 (1977)). Law libraries have had a longstanding connection to Washington's legal system. The Washington State Law Library traces its roots back to the Washington Territorial Library, established by the Organic Act of the Territory of Washington in 1853. *See* 10 Stat. 172. Similarly, county law libraries have been serving every county for over a century. Laws of 1919, ch. 84, § 1; RCW 27.24.010.

According to the Washington Association of County Law Libraries, "In the typical Washington State county law library open to the public — there are at least 34 libraries open to the public various hours — 50-70% of the library patrons are county residents who are non-lawyers." <http://wacll.weebly.com/>. As you are likely aware, the Attorney General of Washington recently filed suit against the U.S. Department of Homeland Security to prevent civil immigration arrests at our state courts. The facts underlying the AG's complaint underscore the need to adopt GR 38 and to specifically extend its protections to court law libraries:

In addition to foregoing local government services, Washington residents have become fearful of accessing state-provided resources. At the Washington State Law Library, for example, reference librarians help individuals find legal materials and understand critical legal issues affecting their lives. Particularly for those who cannot afford an attorney, such services are an essential resource to access justice. Yet, in September 2019, a law librarian reports that she learned that a Spanish-speaking couple was afraid to enter the Temple of Justice, where both the Washington Supreme Court and the Washington State Law Library are co-located. Although the library is meant to be a refuge where all are welcome, courthouse arrests made the couple fearful of entering.

Compl., ¶ 80, available at <https://agportal-s3bucket.s3.amazonaws.com/1-Complaint-courthouse.pdf>. All persons should feel safe seeking information from a library.

Thank you for your consideration.

Sincerely,

Justin Abbasi