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Washington State
Supreme Court

Mark A. Johnson
President

February 3, 2020

Michael J. Pontarolo
Vice President

By Email and 1st Class U.S. Mail

Gary Melonson
Secretary

Susan L. Carlson
Clerk of the Supreme Court
P.O. Box 40929 Olympia, WA 98504-0929
supreme@courts.wa.gov

John A. Goldmark
Treasurer

Mark A. Griffin

Dear Madame Clerk,

Kara Masters

Please accept the following comments to the Proposed New Washington State Court Rule GR 38 on behalf of the Legal Foundation of Washington (LFW). The LFW Board of Trustees encourages the Court to adopt GR 38 and support fair and equal treatment in our state.

Candelaria Murillo

Fred Rivera

Charles A. Goldmark
Trustee 1984-1986

LFW was founded at the direction of the Washington Supreme Court more than 30 years ago to raise, manage, and distribute funds to organizations working on behalf of low-income people with civil legal challenges. We seek to break cycles of poverty by ensuring equal opportunity for all in our civil justice system — and we believe that this mission requires open access to the courts for everyone, regardless of their immigration status.

Caitlin W. Davis
Executive Director

We echo former Chief Justice Mary Fairhurst in her comments to federal officials, warning that the immigration enforcement actions occurring at local courthouses across the state create a climate of fear and deter undocumented individuals from participating in our legal system. When families in crisis, victims of domestic violence, or tenants being evicted cannot safely seek legal assistance, our communities are all less safe.

As proud partners in our state's Alliance for Equal Justice, the LFW Board of Trustees joins the Access to Justice Board, Minority & Justice and Gender & Justice Commissions, and many others in the legal community in urging the Court to immediately halt these harmful actions. Adopting the proposed rule would strengthen our justice system, open access for vulnerable communities, and promote the safe, fair, and equal treatment of all under the law.

Signed,

Legal Foundation of Washington /cd

PROPOSED WASHINGTON COURT RULE

GENERAL RULE (GR) 38

[New]

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, 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.