

### **Comment on GR 38**

The Superior Court Judges' Association (SCJA) is committed to access to justice and to keeping our courthouses safe for all, regardless of race, gender, sexual orientation, or immigration status. For this reason, the SCJA Board concurs with the intent articulated in the first paragraph of proposed GR 38.

The remainder of the proposed rule is problematic. There is a serious question as to whether a state court has the authority to prohibit a federal agent or agency from performing acts that are specifically authorized by federal statute. The rule also specifies no particular procedure, despite the Supreme Court's statement, "The purpose of rules of court is to provide necessary governance of court procedure and practice..." GR 9(a). Any court rule should provide the court with at least some guidance as to how the rule is to be enforced, what parties are necessary, and what time limits apply.

Finally, and perhaps most importantly, this rule may have an effect that is the opposite of what its proponents intend. It may lead the people it purports to protect to believe they have nothing to fear when going to or from court. In actuality, this rule may simply bait the trap for immigration enforcement actions.

We urge the Washington State Supreme Court to carefully consider these concerns when deciding whether or not to adopt proposed GR 38.

Superior Court Judges' Association

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: GR 38 - Public Comment  
**Date:** Thursday, February 27, 2020 3:29:39 PM  
**Attachments:** [SCJA Public Comment on GR 38.pdf](#)

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**Subject:** GR 38 - Public Comment

Good afternoon,

Please see the attached public comment regarding proposed General Rule 38 on behalf of the Superior Court Judges' Association.

Best,

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