

Superior Court of the State of Washington For Thurston County

Anne Hirsch, *Judge*
Carol Murphy, *Judge*
James J. Dixon, *Judge*
Erik D. Price, *Judge*
Christine Schaller, *Judge*
Mary Sue Wilson, *Judge*
John C. Skinder, *Judge*
Chris Lanese, *Judge*



2000 Lakeridge Drive SW • Building Two • Olympia WA 98502
Telephone: (360) 786-5560 Website: www.co.thurston.wa.us/superior

Pamela Hartman Beyer,
Court Administrator
Indu Thomas,
Court Commissioner
Jonathon Lack,
Court Commissioner
Nathan Kortokrax,
Court Commissioner

February 14, 2020

Hon. Debra Stephens, Chief Justice
Hon. Charles Johnson, Chair
Washington State Supreme Court Rules Committee
PO Box 40929
Olympia, WA 98504-0929
Sent via e-mail to supreme@courts.wa.gov

Re: Comment on Proposed General Rule 38

Dear Chief Justice Stephens and Justice Johnson:

The undersigned Thurston County Superior Court Judges respectfully submit this letter in response to proposed General Rule (“GR”) 38. We share the proponents’ concerns regarding the impact of federal civil immigration enforcement activities on access to courthouses. Courts must be accessible, safe, and welcoming to the entire community. We also agree that additional rules are necessary to properly ensure access. To this end, Thurston County Superior Court has adopted an interim policy concerning these issues pending further guidance from the Attorney General’s Office, the Legislature, and the Supreme Court. We submit this comment, however, to request that the Court not issue any new General Rule (or other court rule) concerning these issues until after (1) the Attorney General’s Office publishes the model courthouse policies required under the Keep Washington Working Act of 2019 (Senate Bill 5497); and (2) the current legislative session ends and the final form and fate of House Bill 2567 is determined.

We are concerned that, if this issue is addressed in a piecemeal matter, it will be confusing and unclear what procedures are in place due to changes in those procedures over time and the possibility of different rules, policies, or laws conflicting with one another. Such an approach could increase the risk to the individuals these rules seek to inform by potentially causing them to have inaccurate understandings of the applicable procedures, or by deterring them from accessing courthouses due to confusion about which rules apply.

Additionally, the Keep Washington Working Act requires all “courthouses” to either adopt the model policies to be published by the Attorney General’s Office or file a statement with the Attorney General’s Office explaining why they have not adopted those policies. We expect these model courthouse policies to be published in the next few months. Should the Supreme Court enact a new rule concerning this issue before the Attorney General’s Office publishes the model policies, however, each court will need to independently assess whether any of the model

(360) 786-5560 • accessibilitysuperiorcourt@co.thurston.wa.us

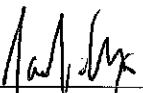
It is the policy of the Superior Court to ensure that persons with disabilities have equal and full access to the judicial system.

policies conflict with such a newly enacted rule, potentially resulting in inconsistent determinations. Additionally, if each court is left to determine whether and how to respond to such model policies, different courts may take different approaches, potentially resulting in a patchwork of different rules and procedures across the state. If the Supreme Court waits until after the model rules are published, however, it can review the Attorney General's Office's model policies and make a centralized determination regarding which are appropriate for Washington courts.

We understand and appreciate the urgency of this issue for our community. However, we believe that the public would be best served by waiting a few months until after the legislative session and the publication of model policies by the Attorney General's Office to issue any new rule concerning these matters to ensure clarity and consistency.

Thank you for your time and careful attention to this important issue.


Sincerely,



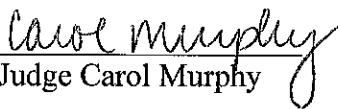
Judge James J. Dixon




Judge Anne Hirsch




Judge Chris Lanese



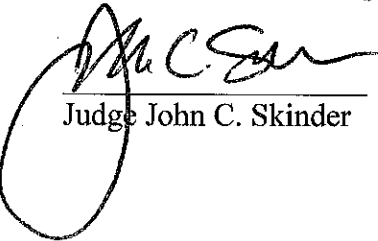
Judge Carol Murphy



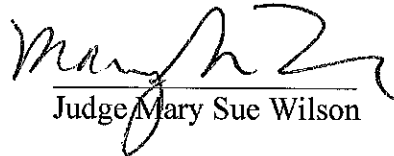
Judge Erik D. Price



Judge Christine Schaller



Judge John C. Skinder



Judge Mary Sue Wilson

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment re Proposed General Rule 38
Date: Friday, February 14, 2020 12:49:48 PM
Attachments: [copier@co.thurston.wa.us_20200214_113240.pdf](#)

From: Judge Chris Lanese [mailto:chris.lanese@co.thurston.wa.us]
Sent: Friday, February 14, 2020 12:49 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment re Proposed General Rule 38

Please see the attached comment letter regarding proposed General Rule 38. Thank you.

Chris Lanese