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Court rule – GENERAL RULE 38

My name is Vanessa Arno Martinez, bar 46641. On behalf of the Latina/o Bar Association of Washington, I support the adoption of General Rule 38 which will protect the rights of immigrants in our state. This matters to us because:

- **It ensures access to justice.** ICE/CBP's 200+ warrantless civil arrests are hindering access to justice for noncitizens and their families. Immigration officers at court 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 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."
- **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.

Vanessa Arno Martinez, LBAW President

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Latina/o Bar Association of Washington comments on Court Rule 38 & RPC 4.4
Date: Monday, February 3, 2020 1:01:04 PM
Attachments: [LBAW comments on Court Rule 38 02.03.2020.pdf](#)
[LBAW comments on RPC 4.4 02.03.2020.pdf](#)

From: LBAW President - Vanessa Arno Martinez [mailto:president@lbaw.org]
Sent: Monday, February 3, 2020 12:24 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Enoka Herat <eherat@aclu-wa.org>
Subject: Latina/o Bar Association of Washington comments on Court Rule 38 & RPC 4.4

Good afternoon,

Please find attached comments on Court Rule 38 & RPC 4.4.

Thank you for your time and consideration.

**Best,
Vanessa**

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Vanessa Arno Martinez | Latina/o Bar Association of Washington
Interim President (2019-2020); President (2020-2021)
president@lbaw.org
