

WCSAP

May 30, 2007

Justice Charles W. Johnson, Chair
Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

Re: *Comments on Rule Affecting Sexual Assault Protective Order Hearings*

Dear Justice Johnson,

We submitted this letter on April 4, 2007 and are resubmitting it in order to encourage the committee to seriously consider our concerns. As you know, in general we would support this rule change in order to facilitate quick and easy access to the courts, particularly for pro se litigants. However, without further clarification about the relationship between this proposed rule change and RCW 7.90.080, it would be premature to support the proposal. As currently proposed this rule could have a profound disparate impact on rape victims seeking civil protection orders.

RCW 7.90.080 specifically integrates ER 412, our state rape shield evidence rule into civil proceedings. Because bias against rape victims, particularly female victims, is still quite pervasive in our judicial system, it is critical that this rule change not trump RCW 7.90.080.

Specifically, we request that the proposed rule change reflect language stating that it does not trump RCW 7.90.080, or ER 412.

For example we suggest inserting 'and rape shield' after privileges.

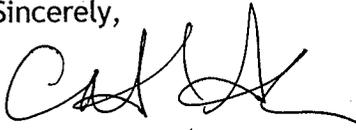
RULE 1101. Applicability of Rules.

(c) When Rules Need Not Be Applied. The rules (other than with respect to privileges and rape shield) need not be applied in the following situations:

We appreciate the Court Rules Committee consideration of our comments and look forward to an adequate resolution.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Catherine A. Carroll, Legal Director
Sexual Violence Law Project