



With Dignity and Opportunity

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April 9, 2013

Justice Charles Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Proposed Comment to RPC 4.4

Dear Justice Johnson and Members of the Rules Committee:

We write to express our support of the proposed Comment to RPC 4.4 submitted to you for adoption by the Board of Governors of the Washington State Bar Association. The proposed Comment clarifies that it is unethical for a lawyer to use a person's immigration status for the sole purpose of intimidating, coercing, or obstructing that person's participation in a civil matter. This Comment would go a long way in helping to protect the rights of immigrants in Washington, especially those attempting to assert their rights under our state's employment laws.

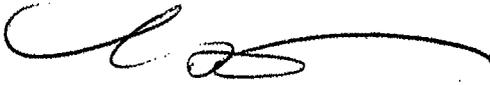
The Worker Defense Committee (WDC) is a committee of workers and community allies who organize to recuperate unpaid wages. We are a program of CASA Latina, a non-profit organization; a member of the National Day Labor Organizing Network (NDLON) and National Domestic Workers Alliance (NDWA) as well as an affiliate of the AFL-CIO. We have fifteen years of experience advocating for immigrants and low-income workers. In nearly every single case we take, employers or their attorneys put the worker's immigration status at issue for the purpose of discouraging that worker from attempting to recover the wages they are rightfully owed.

The chilling effect of such strategies on Latino communities cannot be understated. When confronted by workers, employers often threaten to call Immigration and Customs Enforcement (ICE) and report the worker or a member of their family. If the worker persists despite the threats and sues the employer anyway, the employer's attorney will often attempt to question the worker on their immigration status during deposition, even if immigration status has no bearing whatsoever on the workers ability to recover their wages.

This Comment is an important step towards achieving the Washington Access to Justice Board's goal of ensuring equal access to the civil justice system for those facing economic and other significant barriers.

We urge you to adopt the Comment to RPC 4.4 as proposed by the WSBA.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary Stern", with a long horizontal flourish extending to the right.

Hilary Stern
Executive Director

A handwritten signature in black ink, appearing to read "Carifio Barragan Talancon", with a large, stylized flourish on the right side.

Carifio Barragan Talancon
Campaign Organizer