



LATINA/O BAR ASSOCIATION OF WASHINGTON *ASOCIACIÓN
DE ABOGADOS LATINOS DE WASHINGTON*

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"Representing the Concerns and Goals of Latino Attorneys and the Latino Community"

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

RE: Support for Suggested Comment to RPC 4.4

Dear Justices of the Supreme Court of Washington:

The Latina/o Bar Association of Washington (LBAW) strongly supports the suggested amendment to Washington State's Rule of Professional Conduct 4.4—Respect for Rights of Third Persons, as proposed by the Board of Governors of the Washington State Bar Association.

LBAW believes clear guidance is necessary within the Rules of Professional Conduct (RPCs) to ensure everyone's participation in civil litigation is respected and encouraged. Full participation is only possible if specific language is added to the RPCs affirming that it is unethical for a lawyer to make a statement or inquiry about immigration status to intimidate, coerce, or obstruct a person from participating in a civil matter.

A person's immigration status is completely irrelevant to one's access to the civil legal system as a party or witness. Whether a person is a U.S. citizen, lawful permanent resident, temporary visa holder, or has undocumented immigration status, a lawyer's inquiry or reference to a person's immigration status for the purpose of intimidating or coercing a person is unacceptable and unethical under Rule 4.4(a) (prohibiting means that have no substantial purpose other than to embarrass, delay or burden a third person). That inquiry, reference, or speculation is invasive and prejudicial. Additionally, the possibility of having one's immigration history questioned in a public setting in order to coerce that person is likely to cause intimidation and fear on the person, perpetuate any stereotyping, and cause adverse effects on the civil justice system. Purposefully intimidating comments regarding immigration status allow opposing counsel to take advantage of a vulnerable population.

LBAW strongly supports the amendment to RPC 4.4 to allow for focus on the civil claim and discourage lawyer conduct intended to coerce a person when calling into question their immigration status.

Sincerely,

Emily Gonzalez
LBAW, President