



Washington State Labor Council, AFL-CIO

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

Re: Proposed Comment (4) to RPC 4.4

Dear Justice Johnson:

On behalf of the Washington State Labor Council, AFL-CIO, I am writing to express strong support for Proposed Comment (4) to Rule of Professional Conduct 4.4. The proposed Comment is necessary to provide guidance to Washington attorneys with respect to the serious problem of misconduct based on immigration status.

The Washington State Labor Council, AFL-CIO represents more than 425,000 workers and 500 local union affiliates, many of whom are first, second and third generation immigrants. Our organization has been at the forefront for immigrant workers rights. We chair a statewide *Stop Wage Theft Coalition*, comprised of community, business and labor groups that works to end wage theft, an epidemic that disproportionately affects immigrant workers. We also chair a *Farmworker Coalition* that works to improve the lives and workplaces of immigrant agricultural workers. We've heard countless stories from our immigrant worker members about the culture of fear that they live and work in. They talk about employers who threaten to call the police or Immigration Customs and Enforcement (ICE) when they raise concerns of unsafe working conditions, or request wages owed.

RPC 4.4(a) provides, “[i]n representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay or burden a third person . . .” Proposed Comment (4) is needed to clarify that intentional intimidation, coercion, and obstruction of persons based on immigration status is unethical.

Coercion based on immigration status deters immigrants from exercising their rights and from serving as a witness to help fairly resolve legal matters. An attorney should not undermine or dispense with a case by threatening to call immigration authorities. Ethical guidance on attorneys' use of immigration status in civil matters is necessary to allow immigrant parties and witnesses to participate in the legal system without fear of reprisal.

Thank you for your consideration of these comments.

Sincerely,

Jeff Johnson
President