

April 30, 2014

Via Email to denise.foster@courts.wa.gov



Honorable Justices of the Washington Supreme Court
P.O. Box 20929
Olympia, WA 98504-0929

Re: Proposed Revisions to RAP 10.2(f)

Dear Justices:

On behalf of Legal Voice, I am writing to submit comments on proposed revisions to RAP 10.2(f) concerning deadlines for submission of amicus briefs to the Supreme Court.

Legal Voice, founded in 1978 as the Northwest Women's Law Center, regularly submits amicus briefs to the Court in cases that affect women's rights. In most cases, we are assisted in drafting briefs by cooperating attorneys who serve on a pro bono basis.

We are concerned by the following proposed change to RAP 10.2(f), which would provide:

Supreme Court. A brief of amicus curiae should be received by the court and counsel of record for the parties and any other amicus curiae the earlier of 90 days after review has been granted or 45 days before oral argument or consideration on the merits.

We are concerned that this rule would prove to be confusing and would negatively impact that ability of organizations to submit amicus briefs, particularly non-profit organizations with limited resources.

Currently, amicus briefs submitted to the Supreme Court must be filed no later than 30 days before oral argument or consideration on the merits. We appreciate concerns that the 30-day rule leaves little time for the Court to consider amicus briefs and answers to such briefs before oral argument. To address this concern, we would not be opposed to revising the rule to require amicus briefs to be filed no later than 45 days before oral argument.

However, setting the deadline as a moving target – *either* the earlier of 90 days after review has been granted *or* 45 days before oral argument – would create less certainty about when an amicus brief is due. This would make it more difficult for pro bono attorneys with limited time to make a commitment to assist in drafting briefs. We are also concerned that it would provide less time for organizations with common interests in a case to cooperate in drafting a

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single amicus brief, resulting in potentially duplicative briefs being filed by multiple organizations.

We also share concerns expressed by other commentators that in some cases, the proposed rules may result in amicus briefs coming due before the parties have submitted their supplemental briefs. This situation, too, could result in more duplication of arguments, as amici would need to file briefs without knowing all the arguments made by the parties.

Therefore, we would urge the Court to adopt a rule with a single deadline that provides that amicus curiae briefs should be filed no later than 45 days before oral argument or consideration on the merits.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Stone". The signature is written in a cursive, flowing style.

Lisa M. Stone
Executive Director