



**QLAW**  
The LGBT Bar Association  
of Washington

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April 19, 2017

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

#### Re: Proposed General Rule 36

Dear Honorable Members of the Court,

I write on behalf of the QLaw Association of Washington ("QLaw") in support of Proposed General Rule 36 ("GR 36") submitted by the American Civil Liberties Union of Washington.

QLaw believes in the pressing importance of preventing bias based on race and ethnicity in jury selection, as GR 36 does. However, we also believe that bias based on being an LGBTQ person, or the perception of being one, has been and continues to be a problem in jury selection. We urge the Court to adopt GR 36 with additional language that extends the rule to cover bias on the basis of actual or perceived sexual orientation or gender identity.

QLaw is the bar association of lesbian, gay, bisexual, transgender, and queer (LGBTQ) legal professionals and allies for Washington state. We serve as a voice for LGBTQ lawyers and other legal professionals on issues relating to diversity and equality in the legal profession, in the courts, and under the law. The organization has five purposes: (1) to provide opportunities for members of the LGBTQ legal community to meet in a supportive, professional atmosphere to exchange ideas and information; (2) to further the professional development of LGBTQ legal professionals and law students; (3) to educate the public, the legal profession, and the courts about legal issues of particular concern to the LGBTQ community; (4) to empower members of the LGBTQ



community by improving access to the legal and judicial system and sponsoring education programs; and (5) to promote and encourage the advancement of LGBTQ attorneys in the legal profession.

GR 36 is a new rule meant to protect Washington jury trials from intentional or unintentional, unconscious, or institutional bias in the empanelment of juries. We believe that the proposed test, which utilizes an objective-observer standard, is a thoughtful, well-balanced, and much-needed change to ensure that juries are more representative and diverse.

We recognize the high priority of addressing bias based on race and ethnicity in jury selection. We therefore consider GR 36 a dramatic improvement, even in its current form. However, we also believe that bias based on being an LGBTQ person, or the perception of being one, is an important problem in jury selection. When it occurs or is believed to have occurred, it greatly corrodes the perception of fairness and the administration of justice. We believe the procedural framework provided by GR 36 readily could—and should—be extended to apply to bias on the basis of actual or perceived sexual orientation or gender identity. We strongly encourage the adoption of GR 36 with such coverage.

Sincerely,



Dan Shih  
Vice President and Issues Advocacy Chair  
QLaw Association of Washington