

March 13, 2017

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Washington State
Supreme Court

MEMBERS

Hon. Laura Bradley
Hon. Anita Crawford-Willis
Geoffrey G. Revelle, Chair
Nicholas P. Gellert
Lynn Greiner
Mirya Muñoz-Roach
Andrew N. Sachs
Francis Adewale
Lindy Laurence
Salvador Mungia

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

To the Clerk of the Supreme Court:

On behalf of the ATJ Board I want to clarify the letter dated March 3, 2017 that was sent to the Court (see attached). I want to make it clear that the ATJ Board supports this Court adopting Proposed GR 36 and also urges this Court to include gender within the scope of the rule. The ATJ Board urges the Court to take this action for the reasons set forth in the March 3, 2017 letter.

If you have any questions or need more information, please contact the ATJ Board Manager, Diana Singleton, at dianas@wsba.org and 206-727-8205.

Respectfully,

Geoffrey Revelle, Chair
Access to Justice Board

cc: Paula Littlewood, Washington State Bar Association

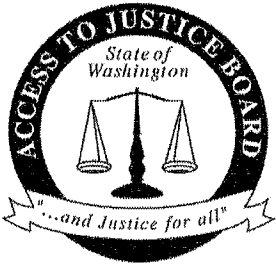
encl: Letter from ATJ Board dated March 3, 2017

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice
SUPPORTER



MEMBERS

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March 3, 2017

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

To the Clerk of the Supreme Court:

The Access to Justice (ATJ) Board supports the goal of the proposed General Rule 36 – to reduce discrimination in judicial proceedings. The ATJ Board recognizes that access to justice should extend to all participants in judicial proceedings. This includes jury venire members. The United States Supreme Court recognized in Batson vs. Kennedy that discrimination in jury selection violates the rights of both the litigants and prospective jurors. Discrimination in jury selection on any basis is contrary to access to justice.

As outlined in the materials filed by the sponsors of proposed GR 36, experience demonstrates that the three-step analytical framework for trying to identify discrimination in jury selection set forth in Batson vs. Kennedy and its progeny is not working. Improvement is needed. And it would appear to the ATJ Board that it is better to have a procedure that over-protects against discrimination than the present one that allows discrimination to remain unaddressed. The ATJ Board defers to the many advocates that have contributed to the proposed GR 36 as to whether it strikes the right balance in active litigation.

The ATJ Board also supports the sponsors' decision to amend proposed GR 36 to include gender based discrimination as provided in their comment to their proposal. In jury selection, discrimination on the basis of gender often goes unaddressed.

If you have any questions or need more information, please contact the ATJ Board Manager, Diana Singleton, at dianas@wsba.org and 206-727-8205.

Respectfully,

Geoffrey Revelle, Chair
Access to Justice Board

cc: Paula Littlewood, Washington State Bar Association