



April 29, 2017

The Honorable Susan L. Carlson
Clerk of the Washington State Supreme Court
Temple of Justice
P.O. Box 40939
Olympia, WA 98504

Sent via electronic mail to supreme@courts.wa.gov

Re: GR 36

Dear Ms. Carlson:

I write to support GR 36, the stated purpose of which is “to eliminate the unfair exclusion of potential jurors based on race.”

I agree with the language in the proposed Comment to the rule that it “responds to problems with the *Batson* test described in *State v. Saintcalle*, 178 Wn.2d 34 (2013). . . .”

And I agree that it makes sense to use an “objective observer” standard, recognizing “that purposeful discrimination and implicit, institutional, or unconscious bias have resulted in the unfair exclusion of potential jurors based on race in Washington.”

The proposed GR 36 would be an important step forward in ensuring fair jury selection.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Boruchowitz".

Robert C. Boruchowitz
Professor from Practice

I do not in this letter necessarily represent the views of Seattle University or its School of Law.

THE DEFENDER INITIATIVE
Robert C. Boruchowitz, Director

901 12th Avenue, P.O. Box 222000, Seattle, WA 98122-1090 Tel.: (206) 398-4151 Fax: (206) 398-4036

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, May 01, 2017 8:53 AM
To: Tracy, Mary
Subject: FW: GR 36
Attachments: comment on gr36.pdf

Forwarding.

From: Boruchowitz, Robert [mailto:boruchor@seattleu.edu]
Sent: Saturday, April 29, 2017 6:40 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: GR 36

Dear Ms. Carlson:
Attached please find my letter in support of GR 36.
Thank you.
Bob Boruchowitz

Robert C. Boruchowitz
Professor from Practice
Director, The Defender Initiative
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Seattle University School of Law
Establish justice