

LEE & LEE, PS
ATTORNEYS AT LAW

September 5, 2017

VIA EMAIL TO SUPREME@COURTS.WA.GOV

Susan L. Carlson, Clerk,
Washington State Supreme Court
POB 40929
Olympia, WA 98504

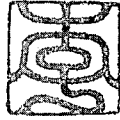
RE: PROPOSED ER 413 – Admissibility of Immigration Status

Dear Ms. Carlson,

We are writing as a firm to wholeheartedly support the implementation of new Rule of Evidence 413 into law. Our support for this rule extends to both the civil and criminal applications. Some of the attorneys in this firm are former prosecutors, so have experience in both arenas. These former prosecutors have seen first hand many defense attorneys in criminal cases interrogate victims of violent crimes regarding their immigration status in an attempt to intimidate victims out of testifying, under the guise of protecting the defendant's constitutional rights. Unfortunately, these shenanigans are sometimes successful and victims of and witnesses to crimes are scared out of testifying and the offending criminal prevails.

Similar considerations serve as justification for support of application of this rule in the civil context. One's immigration status should not impede any individual's access to justice in any context. There are countless concerns that can keep a witness or victim to a crime or tort from coming forward - fear of arrest or deportation due to their immigration status should not be one of them.

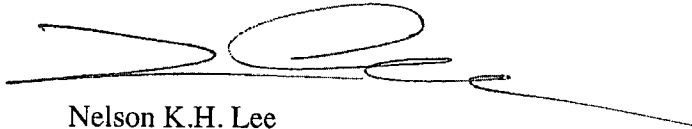
This rule properly prevents attorneys from manipulating vulnerable victims and witnesses, and has been a long time coming. The proposed rule allows for case-by-case analysis by trial courts, so adequately addresses concerns that may be raised by the opposition. The need for a rule like this should be especially apparent in today's climate where anti-immigrant rhetoric can be seen out in the open on a daily basis. This rule is essential to guaranteeing justice *for all*.



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Very truly,

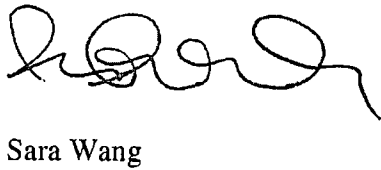
LEE & LEE, P.S.,



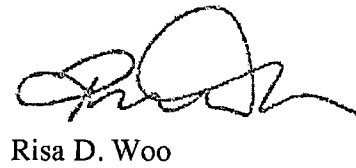
Nelson K.H. Lee



Bethany Mito Lee



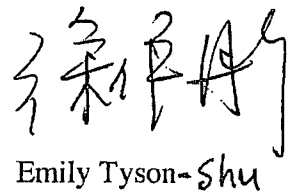
Sara Wang



Risa D. Woo



D. Sho Ly



Emily Tyson-Shu

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Thursday, September 14, 2017 12:21 PM
To: Tracy, Mary
Subject: FW: Proposed ER 413 - Admissibility of Immigration Status
Attachments: Proposed ER 413.pdf

Forwarding.

From: Ariel Fields [mailto:ariel.fields@leeandleelaw.com]
Sent: Thursday, September 14, 2017 12:10 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Sara Wang <sara.wang@leeandleelaw.com>; Risa Woo <risa.woo@leeandleelaw.com>
Subject: Proposed ER 413 - Admissibility of Immigration Status

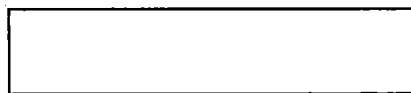
Good afternoon,

Attached please find our comments on the proposed ER 413.

Best regards,

Ariel Fields

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T 206-458-6986 | F 206-458-6816



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