

# WASHINGTON APPELLATE PROJECT

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April 20, 2018

Honorable Charles Johnson  
Chair, Supreme Court Rules Committee  
C/O Clerk of the Supreme Court  
P.O. Box 40929  
Olympia, WA 98504

Dear Justice Johnson,

This letter is written in support of the proposed amendment to RAP 3.4 (Title of Case and Designation of Parties).

Both this Court and the Court of Appeals have recognized the need to allow juvenile offenders to have their appellate cases re-captioned. *See, e.g., State v. E.J.J.*, 183 Wn.2d 497 (2015); *State v. Z.U.E.*, 183 Wn.2d 610 (2015); *see also; State v. E.K.P.*, 162 Wn. App. 675, 676 n.1 (2011) (changing title of case to initials of juvenile appellant “to protect her privacy interests”).

Re-captioning juvenile matters on appeal helps to protect the privacy interests of juveniles who choose to appeal their cases. When an appeal is published, the name of the appellant is forever associated with that case. Requiring juvenile appeals to include the full name of the appellant stands in conflict with the rights of juveniles to have their records sealed when they become adults. *See State v. S.J.C.*, 183 Wn.2d 408,413 (2015).

This Court recognizes that publicly available juvenile court records have very real and objectively observable negative consequences, including the denial of housing, employment, and education opportunities. *S.J.C.*, 183 Wn.2d at 432. Prohibiting juvenile appellants from being able to re-caption their cases is contrary to this rule.

This rule is necessary to prevent the disproportionate results of allowing re-captioning only if authorized by the trial court. Since the Court of Appeals issued their General Order, my office has brought motions to re-caption cases in both the juvenile court and the Court of Appeals. While we have had some success with these motions in trial court, the results have been disparate, with some courts agreeing to re-captioning while others have not. The amendments to RAP 3.4 would solve this problem.

Sincerely,



Travis Stearns  
Attorney at Law

**Tracy, Mary**

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Friday, April 20, 2018 4:33 PM  
**To:** Tracy, Mary  
**Subject:** FW: Letter in support of RAP 3.4 amendment  
**Attachments:** Letter in support of RAP 3.4 amendment.pdf

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**From:** Travis D. Stearns [mailto:Travis@washapp.org]  
**Sent:** Friday, April 20, 2018 3:55 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Letter in support of RAP 3.4 amendment

Attached to this email is my letter in support of the proposed amendment to RAP 3.4

Sincerely,

Travis Stearns