

JAY INSLEE  
Governor



STATE OF WASHINGTON  
Office of the Governor

March 3, 2020

Sent via email to [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

Susan L. Carlson, Clerk  
Washington Supreme Court  
415 12<sup>th</sup> Avenue SW  
P.O. Box 40929  
Olympia, WA 98504-0929

Dear Ms. Carlson:

I write today to support Proposed Rule of Professional Conduct 4.4, Comment [4]. The language in the proposal does well to address behavior detrimental to the legal profession. Chiefly, it extends a limited prohibition on attorney involvement with civil immigration enforcement to a broader set of circumstances. Given the recent spate of arrests carried out by the Department of Homeland Security at Washington courthouses, I thank the Supreme Court for considering this proposal now.

I remain firm in my belief that Washington must continue to be a welcoming place for all who live here. Of paramount importance, everyone must have access to our justice system. However, such access is attainable only when attorneys, the very stewards of justice, act responsibly with the power afforded to them. The belief that an attorney will use a person's immigration status against them, whether to coerce, dissuade, or retaliate, undermines faith in our bar. For this reason, the proposal's general disallowance of members assisting in civil immigration enforcement is apt; even if a threat is not made explicit, the mere reputation for past engagement with immigration authorities will prejudice the administration of justice.

In point of fact, the Supreme Court has already shown tremendous leadership on these matters. Retired Chief Justice Mary Fairhurst authored two separate letters to the Department of Homeland Security, in which she expressed grave concerns about the presence of immigration officers in Washington's courthouses. In addition, in 2013, the Court adopted Comment [4] of RPC 4.4, presently under discussion here, and Evidence Rule 413, which limits the use of immigration status as evidence in a trial, was adopted in 2018. Together, these efforts have placed Washington at the vanguard of the movement to uphold civil rights for all.

By re-examining RPC 4.4, Comment [4], the Supreme Court will be taking another step in protecting the public and preserving confidence in Washington's justice system. Therefore, I respectfully request that the Court put into place the proposed language before it.

Very truly yours,

Jay Inslee  
Governor



**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: Letter of Support for Proposed Rule of Professional Conduct 4.4, Comment [4]  
**Date:** Tuesday, March 3, 2020 2:15:41 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
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[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[Supreme Court Comment Letter.pdf](#)

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**From:** Ryan, Maverick (GOV) [mailto:Maverick.Ryan@gov.wa.gov]  
**Sent:** Tuesday, March 3, 2020 2:07 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Sanchez, Alejandro (GOV) <Alejandro.Sanchez@gov.wa.gov>  
**Subject:** Letter of Support for Proposed Rule of Professional Conduct 4.4, Comment [4]

Please find attached a Letter of Support for Proposed Rule of Professional Conduct 4.4, Comment [4] from Governor Inslee. Please direct any questions to [Alejandro.sanchez@gov.wa.gov](mailto:Alejandro.sanchez@gov.wa.gov).

**Maverick N. Ryan** (He/Him/His)

Deputy Director of Constituent Services | Office of Governor Jay Inslee

Desk: 360.902.4123 | Cell: 360.791.4846

[www.governor.wa.gov](http://www.governor.wa.gov) | [maverick.ryan@gov.wa.gov](mailto:maverick.ryan@gov.wa.gov)

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