

MARC A. BOMAN
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Seattle, Washington 98101

March 3, 2020

Sent via email to supreme@courts.wa.gov

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

RE: Proposed Rule of Professional Conduct 4.4 Comment [4]

Dear Ms. Carlson:

I write in support of the proposed amendment to Comment [4] to Rule of Professional Conduct 4.4, "Respect for Rights of Third Persons," published for comment in November 2019.

This letter of support expresses my personal view, not that of any organization, but it is informed by over 45 years' experiences as an attorney, including years as a Deputy King County Prosecutor, as a private practitioner, as a volunteer actively working for criminal defense reform in Washington (former co-chair of WSBA Blue Ribbon Panel on Criminal Defense, former chair and member of WSBA Council on Public Defense) and as a *pro bono* counsel for immigrants.

The proposed amendment reinforces that criminal justice, no less than fairness in civil proceedings, depends on courts, counsel and parties having access to the truth through the participation of witnesses and others with valuable information. This value is embodied in the Oath of Attorney that every Washington attorney must take at the time of admission to practice:

5. . . . I will employ for purpose of maintaining the causes
confided to me only those means consistent with truth and
honor. . . .

APR 5 (g) The use of immigration status to suppress truthful testimony or to influence victims of crime is not consistent with truth and honor. It denies to counsel and fact finders potentially valuable information that may be essential to the performance of their responsibilities and which is otherwise not available. Community safety may be jeopardized

by the silence of immigrant crime victims intimidated from speaking out of fear of deportation.

The proposed comment contains exceptions that permit compliance with federal and state laws and that allow lawyers employed by federal immigration authorities to meet their professional responsibilities.

I urge adoption of the proposed amendment to Comment [4] to RPC 4.4 to make explicit that, in Washington, lawyers in criminal matters are just as bound to respect the need for access to the truth as attorneys in civil proceedings and, in doing so, they bring honor to themselves and to the profession.

Respectfully,

A handwritten signature in blue ink that reads "Marc A. Boman". The signature is written in a cursive style with a long, sweeping underline.

Marc A. Boman

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Comment on Proposed Amendment to Comment [4] to RPC 4.4
Date: Tuesday, March 3, 2020 3:12:00 PM
Attachments: [Comment on Proposed Comment \[4\] to RPC 4.4.pdf](#)

From: Boman, Marc A. (Perkins Coie) [mailto:MBoman@perkinscoie.com]
Sent: Tuesday, March 3, 2020 3:04 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed Amendment to Comment [4] to RPC 4.4

Dear Ms. Carlson-

I attach my comments on the proposed Comment [4] to RPC 4.4.

Respectfully,

Marc A. Boman

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