

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Tracy, Mary](#)  
**Subject:** FW: Comment to proposed amendments to GR 38 and RPC 4.4  
**Date:** Thursday, January 16, 2020 8:06:25 AM

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**From:** Robyn Martin [mailto:robyn.martin@co.thurston.wa.us]  
**Sent:** Wednesday, January 15, 2020 5:01 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment to proposed amendments to GR 38 and RPC 4.4

I write to provide comments to the proposed amendments to General Rule 38 and Comment 4 of Rule of Professional Conduct 4.4.

I wish to remind the court that noncitizens, including undocumented immigrants, rely upon the court system in our state to assert their parental rights in dependency and termination actions brought by the State of Washington. These parents rely upon our court system in order to prevent their children from being removed; to access services provided by the Department of Children, Youth, and Families and advocate for visitation; to request the return of their children to their care; and to hopefully prevent the termination of their parental rights. Case after case in both the Washington and United States Supreme Courts have stood for the proposition that caring for one's children is a fundamental right. Access to the courts is essential for parents to demonstrate their commitment to their family and efforts to reunite.

Immigrant parents, especially undocumented immigrant parents, will be reluctant to appear in court to assert their parental rights if our court system is not a safe place for them to be. Parents who do not appear in dependency and termination cases do not face warrants for failure to appear, but their cases proceed in their absence. If a parent is arrested by ICE and detained indefinitely and/or deported, their case may effectively be over. They will no longer have the ability to visit with their children, participate in rehabilitative services as ordered by the court, or maintain safe and stable housing and/or employment, and risk losing their rights entirely.

I ask the court not to forget that a parent should never be forced to choose between advocating for their children and fear of ICE arrest at the courthouse. Please approve the amendment GR 38 to prevent warrantless civil arrests in our courthouses. Please approve the amendment to Comment 4 to RPC 4.4 to prevent all lawyers from facilitating immigration arrests.

Sincerely,

*Robyn G. Martin [she/her/hers]*

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*Do not be daunted by the enormity of the world's grief. Do justly now. Love mercy now. Walk humbly now.  
You are not obligated to complete the work, but neither are you free to abandon it.*

Our Mission: TO DEFEND AND PROTECT OUR CLIENTS' CONSTITUTIONAL RIGHTS, ONE PERSON AT A TIME.

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