



Superior Court Judges’ Association- Civil Law and Rules Committee

Hon. Shelly K. Speir-Moss
Chair

Pierce County Superior Court
930 Tacoma Ave. S., Rm 334
Tacoma, WA 98402-2108

Hon. Timothy L. Ashcraft

Pierce County Superior Court
930 Tacoma Ave. S., Rm 334
Tacoma, WA 98402-2108

Hon. Timothy B. Fennessy

Spokane County Superior Court
1116 W Broadway Ave.
Spokane, WA 99260-0350

Hon. Susan E. Harness

Snohomish County Superior Court
3000 Rockefeller Ave., MS 502
Everett, WA 98201

Hon. Thomas P. Quinlan

Pierce County Superior Court
930 Tacoma Ave. S., Rm 334
Tacoma, WA 98402-2108

Hon. Michael K. Ryan

King County Superior Court
401 4th Ave. N., Rm 2D
Kent, WA 98032-4429

Hon. Emily A. Sheldrick

Clark County Superior Court
1200 Franklin St.
Vancouver, WA 98660-2812

Hon. Mary Sue Wilson

Thurston County Superior Court
2000 Lakeridge Dr. S.W., Bldg 2
Olympia, WA 98502

Date: June 30, 2021

Honorable Charles W. Johnson, Co-Chair
Honorable Mary I. Yu, Co-Chair
Washington State Supreme Court Rules Committee
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendment to ER 413 - Immigration Status

Dear Justices Johnson and Yu,

The Superior Court Judges’ Association Civil Law and Rules Committee supports the proposed amendments to ER 413. The proposed amendment in (a)(5) is necessary to fix a drafting error and it may be unjust to allow the current language of the rule to remain. Incorporating post-trial motions made under CR 59(h) and CRLJ 59(h) into the rule limits the use of immigration status which is important to ensure our courts treat participants fairly and that participants feel they are treated fairly.

Additionally, the proposed amendment furthers the committee’s goal of reducing structural racism that may be present in civil and evidentiary rules. To the extent that immigrants who are also racial minorities would be more likely to have their immigration status used against them in litigation, this amendment will ensure that evidence of immigration status becomes admissible only after specific procedures are followed, thereby reducing structural racism.

Please adopt the proposed amendment to ER 413.

Thank you for your consideration.

Yours truly,

A handwritten signature in blue ink, appearing to read "SKM", with a horizontal line extending to the right.

Judge Shelly Speir-Moss, Chair
SCJA Civil Law and Rules Committee

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Comment - ER 413
Date: Wednesday, June 30, 2021 8:23:56 AM
Attachments: [letter re proposed amendment to ER 413.pdf](#)

From: Creekpaum, Tom
Sent: Wednesday, June 30, 2021 8:24 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Benway, Jennifer <Jennifer.Benway@courts.wa.gov>; 'sspeir@piercecountywa.gov' <sspeir@piercecountywa.gov>
Subject: Comment - ER 413

Hello,

Please see the attached comment on the proposed amendment to ER 413 from the SCJA Civil Law and Rules Committee.

Thank you,

Tom Creekpaum | Manager, Office of Legal Services and Appellate Court Support
Administrative Office of the Courts | P.O. Box 41174 | Olympia, WA 98504-1170
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Get the most current information on the Courts' response to COVID-19 [here](#).