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April 15, 2022

Justice Charles Johnson
Justice Mary Yu
Co-Chairs, Supreme Court Rules Committee
Washington Supreme Court
415 12th Ave SW
Olympia, WA 98501-2314

RE: Proposed Changes to CJC 2.2 and 2.6

Dear Justices Johnson and Yu,

We write on behalf of the Access to Justice Board in support of the Superior Court Judges' Association's proposed amendments to Code of Judicial Conduct Rules 2.2 and 2.6, because the amendments have the potential to give judicial officers more specific guidance in civil cases involving unrepresented parties.

Judicial officers throughout Washington frequently encounter litigants without attorney representation. As the now 7-year-old 2015 Civil Legal Needs Study Update documented, more than 70 percent of low-income Washington households face at least one civil legal need in a given year, and nearly three-quarters of this population does not receive any legal help. Moreover, people of color and members of the LGBTQ+ community are overrepresented in the civil legal need population, resulting in tremendous needs at the intersection of race, sexual orientation, gender and gender identity, and poverty.

As some of the first people an unrepresented litigant might encounter in the civil legal system, judicial officers are uniquely positioned to provide this vulnerable population with useful information. Particularly in cases where one party is represented and the other is not, the knowledge imbalance can turn an ostensibly neutral proceeding into one which produces unjust outcomes.

Given the needs of unrepresented litigants and the requirement that judicial officers ensure that every person before them is accorded the right to be heard, the proposed amendments to Code of Judicial Conduct Rules 2.2 and 2.6 may help judicial officers understand the level of help they can provide unrepresented litigants to begin to ensure that those individuals can vindicate their rights.

The Access to Justice Board supports these proposed amendments, and we are happy to answer any questions the Court might have.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis Adewale", with a horizontal line extending to the right.

Francis Adewale, Chair
Access to Justice Board

Cc: Terra Nevitt, Executive Director, Washington State Bar Association
Judge David Keenan, Co-Chair, Access to Justice Rules Committee

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: ATJ Board Comments to Proposed Rules Amendments
Date: Monday, April 18, 2022 8:06:27 AM
Attachments: [Outlook-zusggg5t.png](#)
[2022.4.8.GR 11 and 11.1 Proposed Changes.ATJ Board Comments.pdf](#)
[2022.4.8.CJC 2.2 and 2.6 Proposed Changes.ATJ Board Comments.pdf](#)
[2022.4.8.CJC 2.3 Proposed Changes.ATJ Board Comments.pdf](#)

-----Original Message-----

From: Bonnie Sterken [<mailto:bonnies@wsba.org>]
Sent: Friday, April 15, 2022 4:56 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Adewale, Francis <fadewale@spokanecity.org>; Keenan, David <David.Keenan@kingcounty.gov>; Terra Nevitt <terran@wsba.org>
Subject: ATJ Board Comments to Proposed Rules Amendments

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Good afternoon,

Attached, please find three letters from the Access to Justice Board in response to proposed changes to the following rules:

- * GR 11 and 11.1
- * CJC 2.3
- * CJC 2.2 and 2.6

Thank you,

[cid:a2455a45-b70d-4158-bf82-f50303d16eaf]

Bonnie Middleton Sterken | Equity and Justice Specialist

Washington State Bar Association | bonnies@wsba.org <<mailto:bonnies@wsba.org>>

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Pronouns: She/Her

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