



**Bob Ferguson**  
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April 21, 2022

*Sent via Electronic Mail*

Erin L. Lennon, Clerk  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929  
Email: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

**RE: Order Number 25700-A-1373: Proposed Repeal of Criminal Rule for Courts of Limited Jurisdiction 2.1(c)**

Dear Ms. Lennon:

Thank you for the opportunity to comment on the proposed amendments to Criminal Rule for Courts of Limited Jurisdiction 2.1(c). We support the proposal of the Washington Association of Prosecuting Attorneys (WAPA) to repeal 2.1(c). We agree with the analysis of WAPA, the Washington State Bar Association and multiple courts around the state that a rule allowing judges to file criminal charges at the request of a citizen likely violates the Washington constitution. This court rule implicates significant separation of powers issues as it essentially allows the judiciary to authorize the filing of criminal charges by a citizen, which is a duty our state constitution delegates to the executive branch (city prosecutors, county prosecutors, and the Attorney General's Office). More importantly, these complaints were filed without a criminal investigation and without a prosecutor—knowledgeable in criminal law and having ethical and constitutional obligations—evaluating the merits of the case for probable cause and sufficiency of admissible evidence.

Thank you for considering our comments.

Sincerely,

BOB FERGUSON  
Attorney General

RWF/eg

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#); [Tracy, Mary](#)  
**Subject:** FW: Proposed Rules Published for Comment  
**Date:** Thursday, April 21, 2022 3:06:23 PM  
**Attachments:** [No. 1 Code of Judicial Conduct 2.2 and 2.6 Right to Be Heard.pdf](#)  
[No. 2 Code of Judicial Conduct 2.3 Bias Prejudice and Harassment.pdf](#)  
[No. 3 GR 26 Mandatory Continuing Judicial Education.pdf](#)  
[No. 4 RPC 8.4 Misconduct.pdf](#)  
[No. 5 Biased and Inclusive Language.pdf](#)  
[No. 6 RAP 2.5 Scope of Review.pdf](#)  
[No. 7 Civil Rules Courts of Limited Jurisdiction.pdf](#)  
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[No. 9 Courts of Limited Jurisdiction Proposed Repeal of Criminal Rule.pdf](#)  
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**From:** Ganga, Elaine L (ATG) [<mailto:elaine.ganga@atg.wa.gov>]  
**Sent:** Thursday, April 21, 2022 2:21 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Mitchell, Kristen (ATG) <kristen.mitchell@atg.wa.gov>  
**Subject:** Proposed Rules Published for Comment

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Ms. Lennon,

Attached are ten letters regarding the various proposed rules published for comment.

Thank you,

*Elaine Ganga*

*Executive Assistant*

*Office of the Attorney General*

*Administration Division*

*P.O. Box 40100*

*Olympia, WA 98504*

*Phone: (360) 753-9672*