

April 30, 2025

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504
supreme@courts.wa.gov

RE: Proposed Changes to CR 12

Dear Justices of the Washington State Supreme Court,

We write to support the proposed changes to CR 12. Allowing incarcerated people 60 days instead of 20 days to serve an answer would increase equity and fairness for incarcerated people who are facing civil litigation. Although this change would be just one step towards addressing the numerous disadvantages incarcerated people face when trying to litigate civil cases, providing a longer period to answer when the litigant is incarcerated is necessary to move the legal system towards fairness.

People who are incarcerated have restricted access to information, mail, and legal resources, and thus are at a distinct disadvantage when facing civil litigation. Because of various jail and prison rules and policies regarding mail, it is likely that much of the currently proscribed 20-day period has elapsed before the summons is received. In some cases, defendants or respondents behind bars may not receive the summons until after the 20-day period has concluded. Even when incarcerated people do receive the summons within the answer period, they are then subjected to additional restraints—such as restricted telephone access, law library access, and access to attorneys—that still make it difficult, if not impossible, to answer in a timely fashion. Allowing an extended answer period under these circumstances is equitable, fair, and just.

This rule change will affect thousands of Washingtonians, with approximately 28,000 people being incarcerated in Washington at any given time, and at least 98,000 different people being booked into local jails every year.¹ This rule change will also address an inequity that is felt disproportionately by people of color. The imprisonment rate of Black adults in Washington more than five times that of white adults, the imprisonment rate of American Indian/Alaskan Native adults in Washington is more than three times that of white adults, and Latinx or Latine adults are imprisoned at a rate of 1.5 times that of white adults in Washington.² Because people of color are so overrepresented in our



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¹ *Washington State profile*, PRISON POLICY INITIATIVE, <https://www.prisonpolicy.org/profiles/WA.html#:~:text=28%2C000%20people%20from%20Washington%20are,of%20their%20populations%20to%20prison.>

² See *Looking Inside: A Smart Justice Profile of Washington's Prison System*, ACLU,

state's carceral system, they bear an overburden of the unfairness levied by systemic inaccessibility to civil litigation.

We urge this Court to implement the changes proposed to CR 12 so that incarcerated Washingtonians may have a more equitable opportunity to access and participate in the civil legal process, and so that all Washingtonians may have a fairer court system.

Thank you,

/s/ Brent Low

Brent Low, Staff Attorney

La Rond Baker, Legal Director

American Civil Liberties Union of Washington

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: Comment for Proposed Rule CR 12
Date: Tuesday, April 29, 2025 4:15:14 PM
Attachments: [2025-04-29--ACLU-WA Comment on Proposed Changes to CR 12.pdf](#)
[image001.png](#)

From: Brent Low <blow@aclu-wa.org>
Sent: Tuesday, April 29, 2025 4:11 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment for Proposed Rule CR 12

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Hello,

Hope this finds you well. Please find attached a comment for the proposed changes to CR 12.

Thanks very much.

Best,

Brent

Brent Low

Staff Attorney

Pronouns: he/him

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