

April 30, 2025

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504

RE: Support for Proposed Rule 12.2 to Combat Inequities Within the Legal Profession



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Washington

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Dear Justices of the Washington State Supreme Court,

The American Civil Liberties Union of Washington submits this comment in support of the proposed changes to General Rule 12.2. General Rule 12.2 enumerates a list of administrative responsibilities and functions that WSBA is authorized to carry out to regulate the practice of law. Also included in General Rule 12.2 is a list of activities and functions that WSBA is *not* authorized to perform. Included in the list of prohibited activities is taking the “positions on political activities or social issues which do not relate to or affect the practice of law or the administration of justice” under General Rule 12.2(c)(2).

The proposed amendment to General Rule 12.2(c)(2) would excise much of its current language in order to allow the WSBA to engage in advocacy that furthers fairness and the administration of justice throughout Washington. More pointedly, the proposed amendment disallows the WSBA from taking positions that “do not relate to or affect the objections of GR 12.1 or GR 12.2(a) or (b).” In doing so, the proposed amendment will allow the WSBA greater latitude to push for greater equity within the legal profession.

General Rule 12.1 includes a list of regulatory objectives promulgated by the Washington Supreme Court. Included within that list of objectives are “the advancement of the administration of justice and the rule of law,” and “meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems.” Also included in General Rule 12.1 is the goal of maintaining “diversity and inclusion among legal services providers and freedom from discrimination from those receiving legal services and in the justice system.” By incorporating General Rule 12.1 into General Rule 12.2(c)(2) by reference, the amended rule will provide a bulwark for the rule of law at a time when such values are under attack.

The proposed alterations were born out of WSBA’s desire to move in unity with the sentiments this Court shared in its June 4, 2020 open letter. In that letter, this Court noted that “only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit.” The process described by this Court in its June 4 letter produced the proposed changes

to GR 12.2(c). Weeks after the publication of the June 4th letter, the WSBA's Board of Governors adopted a Resolution of the WSBA in Response to the National Dialogue on Racism and Unlawful Use of Force. In the Resolution, the Board affirmed the Court's letter and explicitly identified General Rule 12.2(C)(2) as a "challenging part of the debate on the WSBA's ability to weigh-in broadly on significant issues that may in fact relate to the practice of law and administration of justice, such as institutional racism."

The proposed changes to General Rule 12.2(c) reflect the steps taken by the WSBA to tackle the inequities highlighted by this Court in their June 4th letter. In order to promote racial equity, fairness, and a more just administration of law, we fully support the adoption of the proposed changes to General Rule 12.2(c).

Thank you,

/s Jonathan Nomamiukor

Jonathan Nomamiukor, Staff Attorney

La Rond Baker, Legal Director

American Civil Liberties Union of Washington

From: [OFFICE RECEPTIONIST, CLERK](#)
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[2025-04-29--12.2\(c\) Letter in Support of Amending General Rule 12.2.pdf](#)

From: Jonathan Nomamiukor <jnomamiukor@aclu-wa.org>
Sent: Wednesday, April 30, 2025 3:02 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
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Good afternoon –

Please find my attached letter in support of the proposed amendments to General Rule 12.2

Thanks!

Jonathan O. Nomamiukor, Jr.

Staff Attorney

Pronouns: he, him

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