

Court rule – GENERAL RULE 38

Comments are due no later than February 3, 2020, and are limited to 1500 words. Submit Comments too: supreme@courts.wa.gov

My name is _____, bar [#]. I support the adoption of General Rule 38 which will protect the rights of immigrants in our state. This matters to me because:

- **It ensures access to justice.** ICE/CBP's 200+ warrantless civil arrests are hindering access to justice for noncitizens and their families. The presence of immigration officers and increased immigration arrests around courthouses have created deep insecurity and fear among immigrant communities, resulting in a chilling effect that has stopped many from coming to court to face charges, appear as witnesses, or even to pay fees and fines. No one should have to choose between going to court and being deported.
- **It supports the effective administration of justice:** Courts and lawyers cannot deliver the promise of equal access to justice and due process under law if a segment of the community is afraid to access the courts. As a [letter from 75 judges](#) put it, "ICE's courthouse activities have led to physical altercations involving court employees, court staff burdened by ICE requests to facilitate arrests, and disputes between court administration and legal service providers. The environments created by these incidents...only makes it more difficult for judges and court staff to do their jobs."
- **It promotes due process and equal protection:** The First and Fifth Amendments protect access to the courts. The right to access courts is a fundamental right, and one that protects and ensures other core constitutional rights like due process and equal protection of the law. But courts can't operate fairly or effectively when people don't feel safe coming forward. The impact of immigration enforcement at courthouses greatly undermines public safety and the fundamental right to equal protection under the law that is shared by noncitizens and citizens alike.

Rules of Professional Conduct – RPC 4.4 COMMENTARY AMENDMENT

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My name is _____ and I support the passage of this rule which will protect the rights of immigrants in our state. This matters to me because:

- **No one should fear that their immigration status prevents them from seeking justice,** whether as a crime victim or otherwise. All individuals have free and open access to Washington courts, regardless of their immigration status.
- **Community trust is a cornerstone of our judicial system.** When an attorney is viewed as an extension of the federal immigration system, noncitizens are less likely to go to court to appear for their hearings, file for protection orders, or appear as witnesses, undermining access to justice. Immigration arrests are causing people to miss court; lawyers should not be facilitating these arrests. Doing so results in undermines trust in the judicial system.

- **Lawyers facilitating courthouse arrests is antithetical to a fair system of justice that must protect all of us.** Lawyers must be trusted to keep one's immigration status confidential. Immigration status or perceived immigration status should not be leveraged against anyone.