

No. 201,671-5

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

In re Bar Application of Tarra Simmons

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON, 48
ADDITIONAL ORGANIZATIONS, 34 ATTORNEYS, AND 20 LAW
SCHOOL FACULTY MEMBERS**

T. David Copley, WSBA #19379
Laura R. Gerber, WSBA #34981
Tana Lin, WSBA #35271
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
Telephone: (206) 623-1900
Facsimile: (206) 623-3384

Prachi Dave, WSBA #50498
**AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON**
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Telephone: (206) 624-2184
Facsimile: (206) 624-2190

Counsel for Amici Curiae

I. INTRODUCTION

The American Civil Liberties Union of Washington (“ACLU”) and the 102 other organizations and individuals (collectively, “Amici”) listed and described below in Section V seek leave to file an amicus brief in support of Tarra Simmons’ character and fitness to sit for the Washington bar examination.

II. FAMILIARITY WITH ISSUES AND ARGUMENTS UNDER REVIEW

Counsel for Amici have obtained copies of and are familiar with the *In Re: Tarra Simmons* record presented to the Washington State Bar Association Character and Fitness Board (“Board”) and the Board’s June 29, 2017 Findings of Fact, Conclusions of Law, Analysis and Recommendation (“Findings”). Amici are familiar with the issues and arguments presented by the parties and will not unduly repeat them.

III. ISSUES TO BE ADDRESSED BY AMICI

Whether evidence of rehabilitation is sufficient, despite past criminal conduct, to establish “character and fitness” to practice law.

Whether important public interests, including the reputation of the bar and advancing public confidence in the legal profession, are served by allowing rehabilitated persons with criminal histories to pursue law licenses.

IV. WHY BRIEFING FROM AMICI WILL ASSIST THE COURT

An amicus brief is likely to assist the Court in three important ways.

First, this case raises important and timely issues concerning our society's conception of justice, punishment, and redemption. As one author recently noted, "How we treat citizens who make mistakes (even serious mistakes), pay their debt to society, and deserve a second chance reflects who we are as a people and reveals a lot about our character and commitment to our founding principles." Barack Obama, *The President's Role in Advancing Criminal Justice Reform*, 130 Harv. L. Rev. 811, 812 (2017). This case is about one applicant for admission to the bar, but it has much broader ramifications. The ACLU and other Amici have long histories of working to promote the restoration of rights and civil liberties to previously incarcerated individuals, and they have special interests, knowledge, and background in promoting policies supporting successful reentry. This depth and breadth of experience will assist the Court in understanding why these issues are so important to all Washington residents, and why the Board's recommendation is counter to best reentry practices.

Second, this case presents policy issues related to bar admission itself. This is an issue that this Court—and only this Court—can decide. “The Supreme Court of Washington has the exclusive responsibility and the inherent power to establish the qualifications for admission to practice law, and to admit persons to practice law in this state.” APR 1(a). Given that “this court’s ultimate responsibility in matters relating to admission of attorneys is to guard the public and its confidence in the judicial system,” *In re Belsher*, 102 Wn.2d 844, 850, 689 P.2d 1078, (1984), it would be helpful to the Court to consider the authority discussed in the amicus brief regarding those public interests.

Third, the Court’s decision whether to grant or deny an application for bar membership under APR 24.3(a) involves nuanced consideration of many factors including those enumerated in APRs 3, 5, 20, and 21, legal precedents of this Court, and vital public policies including preserving “the honor of the profession,” *In re Disciplinary Proceeding Against Rosellini*, 108 Wn.2d 350, 364, 739 P.2d 658 (1987). While there is no specific rule authorizing an amicus brief here, this is a situation well suited to the participation of Amici. “The purpose of an amicus brief is to help the court with points of law.” *Ochoa Ag Unlimited, L.L.C. v. Delanoy*, 128 Wn. App. 165, 172, 114 P.3d 692 (2005) (citing RAP 10.3(e); *Pleas v.*

City of Seattle, 49 Wn.App. 825, 827 n.1, 746 P.2d 823 (1987), *rev'd on other grounds*, 112 Wn.2d 794, 774 P.2d 1158 (1989)).

Amici respectfully submit that “friend of the court” briefing will help illuminate the considerations before the Court.

V. IDENTITY AND INTEREST OF AMICI

Amici are ACLU, 48 other organizations, 34 Washington attorneys, and 20 law school faculty members.

A. ORGANIZATIONS

The **ACLU** is a statewide, nonpartisan, non-profit organization of over 75,000 members and supporters, dedicated to the preservation of civil liberties and civil rights. The ACLU strongly supports efforts to reduce the harmful consequences of the criminal justice system, including reducing the stigma of criminal convictions that impede citizens from reentering civil society after they have served their time. The ACLU has extensive policy and advocacy experience in this area. It also has participated as amicus in numerous Washington cases on reentry issues and on many other criminal justice-related issues.

Black and Pink is an open family of LGBTQ prisoners and “free world” allies who support each other. Their work toward the abolition of the prison industrial complex is rooted in the experience of currently and formerly incarcerated people. They were founded in 2005 and have a membership of nearly 14,000 prisoners and hundreds of formerly incarcerated people.

The **CAN-DO Foundation** became a 501(c)(3) organization in 2004 and advocates executive clemency for federal prisoners convicted of drug crimes.

The **Center for Justice** is a Spokane-based non-profit legal advocacy organization with a mission of creating a more just community. Founded in 1999, the Center works on a variety of social and environmental justice issues including addressing barriers to reentry for the formerly

incarcerated through work addressing legal financial obligations (“LFOs”), criminal record clearing, and reinstatement of driving privileges.

The **Civil Rights Corps** is a non-profit civil rights organization based in Washington, D.C., that engages in advocacy and public education and specializes in innovative, systemic civil rights litigation throughout the country. Civil Rights Corps works with individuals accused and convicted of crimes, their families and communities, people currently or formerly incarcerated, activists, organizers, attorneys, judges and government officials with the goal of resensitizing our culture to the devastating impact of human jailing and toward the creation of a legal system that promotes equality and freedom.

Civil Survival is an organization formed to advance the rights of formerly incarcerated individuals. The organizational goal is to create a framework and structure within which formerly incarcerated individuals can lead and effect change through advocacy efforts. The organization teaches the community about the importance of voting, and using individual voices and experiences to educate policy makers, with the goal of breaking the cycles of homelessness, poverty, and recidivism. Civil Survival leads practical workshops on community organizing and offers legal educational materials to assist formerly incarcerated and other marginalized groups in navigating key areas of reentry, including the area of employment for those with prior convictions. Civil Survival’s interest is in increasing employment access for formerly incarcerated individuals and increasing access to justice for the community they serve.

Columbia Legal Services (CLS) is a private, non-profit civil legal aid law firm that advocates on behalf of low-income persons in Washington State. Its Institutions Project assists and represents incarcerated and formerly incarcerated persons on a variety of legal issues, including those related to the reduction of poverty and community reentry. CLS has engaged in extensive local and statewide advocacy related to reducing barriers to reentry and protecting the rights of persons with criminal convictions. For example in 2015, CLS helped secure passage of ESHB 1553, the Certification of Restoration of Opportunities Act, which removes barriers to occupational relicenses for qualified applicants who have a criminal history; in 2014, it led efforts to secure passage of the Seattle Fair Chance Employment Ordinance, which limits how employers and business can use people’s criminal convictions and arrest records in the hiring process

within Seattle; and currently, it is involved in local legislative efforts to secure passage of a Fair Chance Housing ordinance that addresses discrimination by landlords in Seattle against persons with criminal records. CLS has previously been granted leave to file amicus briefs on reentry-related issues.

The **Defender Initiative** is a law school-based project founded in 2008, aimed at providing better representation for people accused of crimes and facing loss of liberty, and in the process, increasing fairness in and respect for the courts. The Initiative is part of Seattle University's Fred T. Korematsu Center for Law and Equality, whose mission is to advance justice and equality through a unified vision that combines research, advocacy, and education. The Defender Initiative is not representing either Seattle University or its School of Law in this brief.

Disability Rights Washington (DRW) is designated by the governor as the private non-profit, statewide protection and advocacy system established pursuant to the Protection and Advocacy for Individuals with Mental Illness Act, 42 U.S.C. § 10801 *et seq.*, the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 15041 *et seq.*, and the Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e. DRW protects and advocates for the rights of Washingtonians with disabilities. This includes advocating to protect the legal rights of people with disabilities through many forms of advocacy, including class action litigation, individual representation, and educating policy makers. DRW works to improve the justice system to better meet the needs of the people it serves. People who are in recovery from illegal drug use are also covered as people with disabilities, and DRW wants to ensure the legal profession does not create unnecessary barriers for them.

Dorsey & Whitney, LLP, is an international law firm of over 500 lawyers, which has represented a variety of businesses and individuals for over 100 years. One of Dorsey's three core values is community. Dorsey has worked to demonstrate that core value through a decades-long history of public service, both in volunteerism and pro bono legal work. Dorsey attorneys have provided pro bono legal work, in an amount equivalent to at least 3%, and recently as high as over 6% of its billable hours, every year for well over 20 years. Through this work serving low-income people and families, non-profits, and micro-enterprises, Dorsey attorneys have seen first-hand the great unmet need for good lawyers with a passion for public service and the desire to give back.

The **Drug Policy Alliance** (DPA) is a 501(c)(3) non-profit organization that leads the nation in promoting drug policies that are grounded in science, compassion, health, and human rights. DPA's goals are to advance policies that reduce the harms of both problematic drug use and drug prohibition, and to seek solutions that both promote public health and public safety. DPA endeavors to promote policies that lessen the impact of collateral consequences resulting from the arrest and prosecution of drug offenses, including employment and state licenses for people with criminal histories.

Faith Action Network (FAN) is a statewide, interfaith organization in Washington state that educates, organizes, and mobilizes people of all faiths to work on systemic change in the state, country, and world primarily through the "halls of power" so that all might thrive. It was established in 2011 and is a growing network of social justice advocates with over 127 faith communities and over 6,000 individuals organized by state and congressional districts. FAN believes that entities in our state should offer a meaningful chance for reentry for those with prior criminal histories who have paid their debt to society and have shown rehabilitation.

Filipino Lawyers of Washington has the objective to foster the exchange of ideas and information among and between the Association members and other members of the legal profession, the judiciary and the community; to encourage and promote the professional growth of the members of the Association; to provide service to the general and local community; to encourage and promote diversity in the legal profession; to develop and encourage cooperation with other organizations of minority attorneys; to celebrate the Filipino culture; and to provide a vehicle and forum for the expression of opinions and positions by the Association upon current social, political, economic, legal, or other matters or events that concern the members of the Association.

The **Fred T. Korematsu Center for Law and Equality** (Professors Robert Chang and Lorraine Bannai and Staff Attorney Melissa Lee) is a non-profit organization based at the Seattle University School of Law. The Korematsu Center works to advance justice through research, advocacy, and education. Inspired by the legacy of Fred Korematsu, who defied military orders during World War II that ultimately led to the unlawful incarceration of 110,000 Japanese Americans, the Korematsu Center

works to advance social justice for all. It has a special interest in promoting fairness in the criminal justice system. That interest includes ensuring that those who have served their punishment for a crime do not face unfair barriers and discrimination in their efforts to reenter society because of a criminal record.

The **Human Rights Defense Center (HRDC)** is a non-profit charitable corporation headquartered in Florida that advocates nationally in furtherance of the human rights of people held in state and federal jails, prisons, and detention facilities. HRDC's advocacy efforts include publishing Prison Legal News, a monthly publication that covers criminal justice-related news and litigation nationwide, publishing and distributing self-help reference books for prisoners, and engaging in litigation in state and federal courts on issues concerning detainees. Additionally, HRDC regularly conducts presentations to universities, bar associations and public interest organizations concerning the civil rights issues facing prisoners within the United States.

Incarcerated Mothers Advocacy Project (IMAP) is a coalition of law students, lawyers, social service providers, activists, and formerly incarcerated women who seek to change the rights afforded incarcerated and formerly incarcerated women in the State of Washington. IMAP provides legal education and information to incarcerated and formerly incarcerated mothers. IMAP supports increasing access to resources for formerly incarcerated women, including access to employment.

Justice Strategies is a non-profit research organization dedicated to providing analysis and solutions to advocates and policymakers pursuing more humane and cost-effective approaches to criminal justice and immigration reform. Justice Strategies works on policy level issues to help further reentry opportunities and alternatives to incarceration for individuals. Justice Strategies believes in building up leadership by those directly affected by incarceration. Justice Strategies believes that legal barriers to employment only serve to further stigmatize individuals who instead should have support from our legal institutions.

JustLeadershipUSA Inc. (JLUSA) is dedicated to cutting the U.S. correctional population in half by 2030 while reducing crime. JLUSA empowers people most affected by incarceration to drive policy reform. JLUSA was founded in November 2014 by Glenn E. Martin, a national criminal justice reform advocate, on the principle that those closest to the

problem are closest to the solution,. JLUSA is a culmination of 20 years spent by founder Glenn E. Martin as a national criminal justice reform advocate, six of those years while serving time in New York State prisons, and countless interactions with stakeholders and people and families directly impacted by mass incarceration. JLUSA has trained 301 Fellows from 27 states and has over 25,000 members across the US.

The **Kitsap County Continuum of Care (CoCC)** comprises 50 organizations with similar missions to provide support and resources to our most vulnerable citizens. It does this by providing leadership to end homelessness through planning, coordination among social service providers, advocacy, and education.

Kitsap SURJ is a chapter of Showing Up for Racial Justice (SURJ), a national network of groups and individuals organizing white people to undermine white supremacy as part of a multi-racial movement for racial justice. Kitsap SURJ was formed in the summer of 2016. Its work is accountable to feedback from and relationships with organizations and groups led by People of Color. Kitsap SURJ organizes in the community alongside groups like Civil Survival and Community Advocates for Restorative Practices in Education as part of its shared commitment to dismantling racism and white supremacy within societal systems.

The **Legal Foundation of Washington** has over 30 years of experience raising, managing, and distributing funds to achieve equal civil justice for low-income people. It seeks to ensure access to civil legal aid for all people in Washington, and to improve the civil justice system to be more equitable and just. Its work contributes to breaking cycles of poverty and ensuring equal opportunity.

Legal Services for Prisoners with Children (LSPC) is a nationally respected legal organization that advocates for the rights of incarcerated and formerly incarcerated parents, children, and family members. For nearly 40 years, LSPC has used litigation, policy advocacy, community organizing, and public education strategies to mobilize communities impacted by the criminal justice system, to release incarcerated people, to restore human and civil rights, and to reunify families and communities. Its litigation docket has included cases on discrimination in employment training, licensure, and excessive fines and fees, as well as a wide range of civil legal issues affecting prisoners and formerly incarcerated people. It has worked on policy and legal remedies for formerly incarcerated people

facing discrimination in hiring, denial of professional licenses and employment discrimination. With the leadership of formerly incarcerated people, LSPC created All of Us or None – a broad civil rights campaign that seeks to expand the civil and human rights of formerly incarcerated people. In 2003, AOUON developed the “Ban the Box” campaign to reform discriminatory policies and practices that prevent people with convictions from accessing employment, housing, education, government benefits, and other arenas.

Legal Voice is a regional non-profit public interest organization that works to advance the legal rights of all women and girls in the Pacific Northwest through litigation, legislative advocacy, and legal rights education. Since its founding in 1978 as the Northwest Women’s Law Center, Legal Voice has long experience advocating for legal protections for incarcerated and formerly incarcerated women, including bringing cases in Washington State to protect their rights to health care, equal educational opportunities, freedom from shackling during childbirth, and parent. In addition, Legal Voice has worked to advance women’s economic security by supporting policies that help women in the workplace, including paid leave for survivors of gender-based and intimate partner violence, “ban the box” laws that limit pre-employment inquiries about applicants’ criminal history, pregnant workers’ rights, and equal pay. With an unprecedented number of women incarcerated in Washington State and the rest of the nation, Legal Voice is concerned that barriers to employment upon release will further harm the economic security of these women and their families.

The **Loren Miller Bar Association (LMBA)**, formed in Seattle in 1968, is a statewide civil rights organization of lawyers, named after famed civil rights attorney Loren Miller who successfully argued *Shelley v. Kraemer*, 334 U.S. 1 (1948). The LMBA is Washington’s affiliate chapter of the National Bar Association – the oldest minority bar association and largest organization of African American attorneys in the United States, founded in 1925 when the American Bar Association was racially segregated. For 50 years, LMBA has strived in its efforts to advance the social and economic well-being of people of color, while improving relations between the legal profession and the community. LMBA’s history celebrates the birth, growth, maturation, and success of the Washington African American legal community.

The **National Association of Criminal Defense Lawyers** (NACDL) is a non-profit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crimes. NACDL was founded in 1958. It has a nationwide membership of many thousands of direct members, and up to 40,000 with affiliates. NACDL is dedicated to advancing the proper, efficient, and fair administration of justice.

The **National Coalition of Community-Based Correctional and Community Re-entry Service Organizations**, NC4RSO (aka National Network of Prison Non-profits) is the U.S.'s national network for community programs (primarily non-profits) delivering programs and services in jails, prisons, and post-incarceration reentry. Services delivered by member organizations include programs for incarcerated individuals (rehabilitative programming, community connections, faith-based activities, support for families of incarcerated individuals, educational services, books for prisoners, etc.), community reentry services for incarcerated individuals, public education, preventative programming for high-risk individuals, and other programs. While individual groups provide specific services, NC4RSO is the national voice on topics of common member interest.

The **National Council for Incarcerated and Formerly Incarcerated Women and Girls** is an organization founded by Andrea James for which she serves as Executive Director. The mission of the National Council is to end the incarceration of women and girls by building a movement grounded in sisterhood, solidarity, and human rights. It is the first national organization created and led by formerly incarcerated and incarcerated women. To further its mission, the National Council writes and supports model legislation, and pursues litigation and community-based action.

The **National Employment Law Project** (NELP) is a non-profit legal research and advocacy organization with 45 years of experience advancing the rights of low-wage workers and those struggling to access the labor market. NELP seeks to ensure that vulnerable workers across the nation receive the full protection of employment laws. Specializing in the employment rights of people with arrest and conviction records, NELP has helped to lead the national movement to restore fairness to employment background checks. With offices in Seattle, New York, California, and the District of Columbia, NELP works with allies in Washington and across the country to promote enforcement of federal, state, and local

antidiscrimination laws and ensure that barriers to employment are minimized for workers with records. NELP has litigated and participated as amicus in numerous cases addressing the rights of workers with arrest and conviction records.

The **Northwest Justice Project** (NJP) is the largest statewide publicly funded provider of civil legal services in Washington. NJP's mission is: Combatting Injustice – Strengthening Communities – Protecting Human Dignity. Much of the work undertaken by NJP involves protecting the rights of all people to have equal access to opportunities to live full and productive lives, which specifically includes the removal of barriers to employment for marginalized and vulnerable communities such as individuals who are re-entering society after incarceration. NJP's interest in this matter is to ensure that previously incarcerated people who have served their sentences and successfully rehabilitated themselves are not denied the opportunity to become fully engaged as valuable members of society.

Pioneer Human Services is a social enterprise that provides individuals with criminal histories the opportunity to lead healthy, productive lives. Since opening as a single halfway house in November 1963, Pioneer Human Services has grown into approximately 60 programs across the state. It offers a broad range of programs that help people who are reentering society from prison or jail and those who are in recovery. Its core values and purpose have not wavered: everyone deserves an opportunity to achieve their potential. We provide people a chance for change so they can, in turn, contribute to stronger, healthier communities. Its business model is also unique. Unlike most non-profits, Pioneer is a social enterprise. It operates a diverse line of businesses that provide on-the-job training and work experience, while generating revenue that helps fund the organization's social mission.

The **Prison Policy Initiative** challenges over criminalization and mass incarceration through research, advocacy, and organizing. Its research includes analysis of the direct impacts of incarceration as well as collateral consequences for justice-involved individuals. Its work shows how the United States' excessive and unequal use of punishment and institutional control harms individuals and undermines communities and national well-being.

The **Public Defender Association** (PDA) in Seattle/King County, Washington, advances social and racial equity and community health through reform of the justice system. Grounding reform in a public health and safety framework, PDA develops new strategies and implements models that improve on conventional responses to crime and public order issues.

The **Real Cost of Prisons Project** (RCPP) is a national organization based in Northampton, Massachusetts. Founded in 2000, it brings together justice activists, artists, researchers, and people directly experiencing the impact of mass incarceration. The RCPP is focused on conditions of confinement of prisoners, extreme sentences such as life without the possibility of parole, and creating non carceral alternatives to punishment. The RCPP believes in and advocates for second chances.

The **Sargent Shriver National Center on Poverty Law** (Shriver Center) provides leadership to improve the lives and opportunities of people with low incomes and to advance racial justice nationwide. The Shriver Center uses a multifaceted approach consisting of litigation, legislative and policy advocacy, and administrative reform, to achieve justice for our clients, including justice-involved populations. The Shriver Center's Community Justice unit focuses their advocacy on several collateral consequences of contact with the criminal justice system, such as its serious effects on employment, working to ensure that justice-involved Americans have fair opportunities to build a new future. The Shriver Center's Housing unit confronts barriers to access to housing that frequently arise from contact with the criminal justice system. As a convener of the Legal Impact Network, a collaboration of 33 anti-poverty organizations, which includes Columbia Legal Services of Washington, the Shriver Center is deeply invested in ensuring that our national community of advocates can access and select new attorneys who understand and will most effectively advance the interests of our clients.

Seattle Goodwill is a non-profit organization founded in 1923. Its mission is to provide quality, effective employment training and basic education to individuals experiencing significant barriers to economic opportunity. It believes in the potential of individuals to make positive changes in their lives, and that education and training empower people to make those changes. Incarcerated individuals represent a population that presents with extraordinarily challenging barriers, and Seattle Goodwill provides services, education and training to help them become productive

citizens in our communities throughout Western Washington. Because of its work, people are building their futures, families are strengthened, and communities are enriched.

The **Sentencing Project** is a national, non-profit criminal justice reform organization concerned with issues of incarceration, sentencing, and reentry. The organization has published many books and policy reports on a range of criminal justice issues and its staff have frequently been invited to testify before Congress, the United States Sentencing Commission, and other policymaking bodies on the impact of current sentencing and incarceration policies, as well as recommending constructive policy responses to the problems brought about by mass incarceration.

The **South Asian Bar Association of Washington** (SABAW) is a successful platform for South Asian attorneys in the State of Washington and a voice for South Asian members in our community. In addition, SABAW aims to give voice to those traditionally un- or underrepresented members of our community. As an organization, it constantly seeks ways to reach more such people and serve both attorneys and non-attorneys alike.

The **Southern Center for Human Rights** (SCHR) is working for equality, justice, and dignity in our criminal justice system. The mission of SCHR is to end capital punishment, mass incarceration, and other criminal justice practices that are used to control the lives of poor people, people of color, and others groups in the Southern United States. It does this through death penalty representation, impact litigation, policy advocacy, and public education. As lawyers, it represents people ensnared in a system that inflicts harsh punishments, even after a court's sentence has ended.

The **Southern Poverty Law Center** (SPLC) is dedicated to fighting hate and bigotry and to seeking justice for the most vulnerable members of society. Using litigation, education, and other forms of advocacy, the SPLC works toward the day when the ideals of equal justice and equal opportunity will be a reality. Its areas of work include juvenile and criminal justice system reform. It recruits and employs lawyers, and it has a vested interest in the licensure of lawyers with experience in the juvenile and criminal justice systems. Lawyers with personal insight into the criminal justice system benefit the public law community and the legal advocacy to reform this system.

The **Statewide Poverty Action Network** (SPAN) builds grassroots power to end causes of poverty and create opportunities for everyone to prosper. It envisions a state where people of all income levels fully promote and participate in building the fabric of socially, politically, and economically just communities. It was founded in 1996 as a response to the federal government's passage of the Personal Responsibility and Work Opportunity Reconciliation Act, or "welfare reform." To achieve its mission, it advocates for policy solutions that address the root causes of poverty, as well as mobilizes voters and develops leaders from low-income communities and communities of color.

The **Statewide Re-entry Council** was created by the Legislature in 2016 to develop collaborative and cooperative relationships with stakeholders throughout the criminal justice system to improve public safety and outcomes for individuals re-entering the community (RCW 43.380). In its first report to the legislature, the Council agreed on several relevant policy priorities and published statewide reentry principles. Some of its policy recommendations include elimination of "ban the box" laws that limit pre-employment inquiries about applicants' criminal history, expanding the Certificate of Restoration of Opportunity that removes barriers to professional licenses based on criminal history, supporting access to civil legal aid for people upon reentry, and removing employment and other barriers based on criminal records. Legal barriers to employment and barriers to professional licenses for formerly incarcerated persons stigmatize and isolate, contribute to recidivism, and reduce our state's productivity.

Surge Reproductive Justice is a non-profit organization based in Seattle, Washington, that works to advance racial and reproductive justice through community mobilization, education, and policy advocacy. Ensuring the dignity and humanity of incarcerated and formerly incarcerated individuals is one of Surge's top priorities. Surge works alongside incarcerated and formerly incarcerated people who are trying to preserve and provide for their families despite their past convictions and time away in prison. Surge believes legal barriers to employment are archaic and only add to the challenges that formerly incarcerated people face when returning to their homes and families.

The **Tacoma Ministerial Alliance** was established during the mid-80s by a coalition of pastors, lay ministers, and community leaders as a not-for-profit, faith-based organization. The organization works

collaboratively with many other community and faith-based organizations by advocating for issues such as freedom of worship expression, social and economic equality through academia, and raising the social conscience of underrepresented populations in our community.

TeamChild is a nationally recognized, non-profit civil legal aid organization with offices in King, Pierce, Spokane, and Yakima Counties. TeamChild's mission is to uphold the rights of youth involved or at risk of involvement in the juvenile justice system to help them secure the education, healthcare, housing, and other support they need to achieve positive outcomes in their lives. TeamChild draws on multiple strategies to advance this mission with an emphasis on direct civil legal representation and advocacy. Many TeamChild clients are youth and young adults experiencing barriers as they re-enter their communities following incarceration. Eliminating barriers to employment, housing, education, financial aid, and professional licensure aids in successful transition and reduces the likelihood that our clients will reoffend. TeamChild has participated as amicus in many cases to advocate for access to justice for youth and children in Washington State and nationally.

Washington Appleseed is a non-profit organization that works to address social and economic problems in our state by developing new public policy initiatives, challenging unjust laws and helping people better understand and fully exercise their rights. By engaging volunteer lawyers and community partners, it identifies systemic problems, outlines potential solutions, and achieves effective and lasting social change. Washington Appleseed will soon publish a comprehensive 'Reentry Guide' for people leaving prison, designed to help them navigate the many barriers they will encounter upon being released, including finding employment, securing housing, obtaining healthcare, paying off legal financial obligations, addressing outstanding warrants, and managing child custody and child support, among many other topics.

The **Washington Association of Criminal Defense Lawyers** is an association made up of attorneys practicing criminal defense law in Washington State. It was formed in 1987 to improve the quality and administration of justice. Its objectives include creating a meaningful chance for those with criminal history who have paid their debt to society and shown rehabilitation to contribute, as well, to the quality and administration of justice.

The **Washington Defender Association** (WDA) is a non-profit association representing over 1,300 public defenders and 30 defender offices, including criminal defense attorneys, investigators, and others throughout the State of Washington. The WDA and its members are committed to supporting and improving indigent defense. A primary purpose of WDA is to improve the administration of justice and stimulate efforts to remedy inadequacies in substantive and procedural law that contribute to injustice. For many years, WDA has been involved in issues related to reducing the impact of conviction on individuals and their families and improving policy and systems to support individuals going through reentry.

What's Next Washington is an organization founded and led by formerly incarcerated individuals who use a structured, collaborative process to measurably reduce recidivism and divert people from prison. It believes that individuals who have “done their time” and have shown they are ready to contribute to society should be given the opportunity to do so. If people are given the opportunities they deserve, it is less likely that they will recidivate.

YWCA Kitsap County is one of the YWCAs across the country with a proud history of “eliminating racism and empowering women.” They have worked to change history – from ending child labor to pushing for a 40-hour work week, from civil rights to women’s rights, from advocacy for women’s health care to an end to violence against women and girls. In Kitsap County, they are dedicated to ensuring the personal safety, rights, welfare, and dignity of those who experience domestic abuse, while building partnerships and increasing community awareness to create positive social change. As domestic violence service providers, they are critically aware of the intersecting oppressions facing survivors who have a criminal history.

B. ATTORNEYS

The following attorneys (members of the Washington State Bar Association) seek leave to file this amicus brief:

Francis Adewale, public defender representative member on the Statewide Reentry Council

Deno Alo-Colbeck

Emma Aubrey

Phil Brenneman

Elise Buie

John Cain

Patrick Carter

Marsha Chien, Assistant Attorney General, Wing Luke Civil Rights Unit,
Attorney General of Washington (in her personal capacity)

Catherine N.L. Connell

Boris Davidoskiy

Jessica Elekes

J. Engels

Jessica Fleming

Veronica Freitas

Maria Fujiye

Emily Gause

Anthony Gipe

Mary Hammerly

John Hardie

Lillian Hewko, former attorney with and co-founder of the Incarcerated
Parents Project at the Washington Defender Association, and co-founder
of the Incarcerated Mothers Advocacy Project

Sonja Jacobsen, King County Department of Public Defense

David LaCross

Erin Lecocq

Ken Masters, former WSBA Governor and Treasurer

Megan McCloskey, former officer of the King County Bar Association Young Lawyers Division, the King County Bar Foundation, and the Future of the Law Institute

Colleen Melody, Chief, Wing Luke Civil Rights Unit, Attorney General of Washington (in her personal capacity)

Kelley Ann Orr

Kristin Relyea, Deputy Prosecuting Attorney for King County

Charlie Robbins

Daryl Rodrigues, Vice Chair of the WSBA Council on Public Defense and Immediate Past President of the Washington Defender Association (in his personal capacity)

Jennifer Smith, Co-Executive Director, Seattle Clemency Project

Adrienne Stuart

Josh Treybig, Collateral Consequences Civil Attorney, King County Department of Public Defense, Associated Counsel of the Accused

Brent Williams-Ruth

C. AFFILIATED WITH LAW SCHOOLS

The following individuals on the faculty of, or otherwise affiliated with law schools or other academic institutions, whose interests include teaching professional responsibility to law students and criminal justice policy:

Janet Ainsworth, Professor of Law, Seattle University School of Law

Kimberly D. Ambrose (in her personal capacity), Senior Lecturer
Director, Race and Justice Clinic, University of Washington School of
Law

Steven Bender, Professor and Associate Dean for Planning and Strategic
Initiatives, Seattle University School of Law

Lisa Brodoff, Associate Professor of Law, Director of the Clinical Law
Program, Seattle University School of Law

Mark A. Chinen, Professor of Law, Seattle University School of Law and
chair of its Ad Hoc Committee on Bar Success

Margaret Chon, Donald and Lynda Horowitz Professor for the Pursuit of
Justice, Seattle University School of Law

Annette Clark, Dean and Professor of Law, Seattle University School of
Law (in her individual capacity)

Brooke D. Coleman, William C. Oltman Professor of Teaching
Excellence & Associate Professor of Law, Seattle University School of
Law

Janet K.G. Dickson, Associate Professor of Legal Writing, Seattle
University School of Law

Charlotte Garden, Co-Associate Dean for Research & Faculty
Development & Associate Professor, Seattle University School of Law

Paul Holland, Vice Dean and Associate Professor of Law, Seattle
University School of Law

John B. Kirkwood, Professor of Law, Seattle University School of Law

Jackie McMurtrie, University of Washington School of Law Professor
(in her personal capacity)

Daniel Medwed, Professor of Law and Criminal Justice, Northeastern
University in Boston, Massachusetts

Anna Roberts, Associate Professor of Law, Seattle University School of
Law

Mimi Samuel, Associate Professor of Lawyering Skills and Associate Director of the Legal Writing program, Seattle University School of Law

Julie Shapiro, Professor of Law and Faculty Fellow, Fred T. Korematsu Center for Law and Equality, Seattle University School of Law

Andrew Siegel, Associate Professor of Law, Seattle University School of Law, until recently Associate Dean for Planning and Strategic Initiatives

Ronald C. Slye, Professor of Law, Seattle University School of Law

Dean Spade, Associate Professor of Law, Seattle University School of Law

VI. CONCLUSION

For the foregoing reasons, Amici respectfully request that the Court grant leave to file the Brief of Amici Curiae filed concurrently with this Motion.

DATED this 7th day of August, 2017.

KELLER ROHRBACK L.L.P.

By: s/ T. David Copley

T. David Copley, WSBA #19379

Laura R. Gerber, WSBA #34981

Tana Lin, WSBA #35271

1201 Third Avenue, Suite 3200

Seattle, WA 98101-3052

T: (206) 623-1900

F: (206) 623-3384

Prachi Dave, WSBA #50498
AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON
901 Fifth Avenue, Suite 630
Seattle, WA 98164
T: (206) 624-2184
F: (206) 624-2190

Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I, T. David Copley, declare under penalty of perjury under the laws of the State of Washington that I am employed by the law firm of Keller Rohrbach, L.L.P., at all times hereinafter mentioned, I was and am a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On this 7th day of August, 2017, I caused copies of the following documents to be served on the following individuals via U.S. Mail and E-mail:

Kevin Bank, WSBA Assistant General Counsel and
Counsel to the Character and Fitness Board

Prof. John A. Strait, counsel for the Applicant

DATED this 7th day of August, 2017.

s/ T. David Copley

KELLER ROHRBACK L.L.P.

August 07, 2017 - 3:24 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 201,671-5
Appellate Court Case Title: Access to case information is limited

The following documents have been uploaded:

- 2016715_Briefs_20170807151906SC769491_2971.pdf
This File Contains:
Briefs - Amicus Curiae
The Original File Name was FINAL ACLU Simmons Brief.pdf
- 2016715_Motion_20170807151906SC769491_6980.pdf
This File Contains:
Motion 1 - Amicus Curiae Brief
The Original File Name was FINAL ACLU Simmons Motion for Leave to Appear as Amicus.pdf

A copy of the uploaded files will be sent to:

- catherineb@wsba.org
- dcopley@kellerrohrback.com
- kevinb@wsba.org
- lgerber@kellerrohrback.com
- straitj@seattleu.edu
- tlin@kellerrohrback.com

Comments:

Sender Name: Kris Bartlett - Email: kbartlett@kellerrohrback.com

Filing on Behalf of: T. David Copley - Email: dcopley@kellerrohrback.com (Alternate Email:)

Address:
1201 3rd Ave
Ste 3200
Seattle, WA, 98101
Phone: (206) 623-1900

Note: The Filing Id is 20170807151906SC769491