

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
3/16/2018 12:49 PM  
BY SUSAN L. CARLSON  
CLERK

NO. 94955-7

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**IN THE SUPREME COURT OF THE STATE OF  
WASHINGTON**

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NICOLE BEDNARCZYK and CATHERINE SELIN, individually  
and on behalf of all others similarly situated,

Appellants/Plaintiffs,

v.

KING COUNTY,

Respondent/Defendant.

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**MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF ON BEHALF OF  
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON**

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*ACLU-WA Cooperating Attorney*

Pursuant to RAP 10.6(b), the American Civil Liberties Union of Washington (“ACLU”) respectfully moves for leave to file an amicus brief in *Bednarczyk v. King County*, No. 94955-7.

### **I. IDENTITY AND INTEREST OF AMICI CURIAE**

The ACLU is a statewide, nonpartisan, nonprofit organization with over 80,000 members and supporters dedicated to the constitutional principles of liberty and equality. The ACLU has long been dedicated to protecting the constitutional right to a trial by a jury selected free of racial bias and representative of a fair cross-section of the community. Additionally, it has proposed a court rule to reduce racial bias in peremptory challenges in Washington, and serving seat on the Minority and Justice Commission’s Jury Diversity Task Force. The ACLU has submitted amicus briefs in numerous cases where these rights are at stake.

### **II. FAMILIARITY WITH ISSUES AND RECORD**

The undersigned counsel has read the parties’ briefs and is familiar with the parties’ arguments, and has not unduly repeated them.

### **III. ISSUES ADDRESSED BY AMICUS**

1. Why is juror diversity significant in civil and criminal trials?
2. Does low juror compensation present a practical bar to achieving more representative, and thus, diverse juries?

3. Is jury compensation a neglected issue in Washington, because the very low rate of compensation has not changed in decades?
4. Does case law support compensating jurors as employees for the time they spend doing work for the government?

#### **IV. WHY AMICUS BRIEFING WILL ASSIST THE COURT**

This Court recognized in *State v. Saintcalle*, 178 Wn.2d 34, 309 P.3d 326 (2013), abrogated by *City of Seattle v. Erickson*, 188 Wn.2d 721, 398 P.3d 1124, (2017), that diverse juries carry important constitutional value. In addition to the constitutional implications and the support under the law for finding that the Washington Minimum Wage Act covers jurors, the ACLU's brief provides a wider perspective than the parties on the significant policy gains achieved by removing low juror compensation as a practical barrier to serving the justice system for many low-income and African American and other people of color.

#### **V. CONCLUSION**

Since the requirements of RAP 10.6 are satisfied, the ACLU respectfully requests that the Court grant leave to file the amicus brief filed with this motion.

DATED this 16th day of March, 2018.

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## Transmittal Information

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 94955-7  
**Appellate Court Case Title:** Ryan Rocha et al v. King County  
**Superior Court Case Number:** 16-2-10105-0

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