



Washington Defender Association
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Honorable Susan Carlson
Washington State Supreme Court
P. O. Box 40929
Olympia, WA 98504-0929

Re: Comment to proposed amendment to GR 36 – Jury Selection

Dear Justice Johnson and Honorable Supreme Court Justices,

The Washington Defender Association (WDA) strongly urges you to support the proposed amendments to GR 36 as written. WDA is a professional association and resource center for public defenders with over 1400 members statewide. Racial justice and equity issues are a primary focus and concern for our members and this rule is an important step in ensuring that as a state we provide more than lip service to the notion of true access to justice.

Despite the *Batson* ruling, racial disparity in jury pools and jury selection continues to be a serious problem that interferes with the administration of justice in Washington. This change to the rule will demonstrate our state's commitment to fairness in jury selection and is a critical action in trying to address bias in our court system, whether conscious or implicit. Too many times, the defendant is the only person of color in the courtroom and the integrity of the justice system as a whole is called into question every time that happens.

WDA is opposed to discrimination of any kind in our justice system and would suggest that concerns about potential discrimination in the jury selection process against other classes of people, whether gender, gender orientation, or other groups, be referred for further study by the Gender and Justice Commission. Studies and data have clearly shown the outcomes and challenges faced with disproportionately smaller numbers of people of color in the jury pool and subsequent diminishing numbers during jury selection. We have not seen similar outcome data for other groups and our members' experiences have not suggested widespread problems, for example, with the selection of women in domestic violence or sexual assault cases. Depending upon the theory of the case, women may be sought for selection. In any case, the proportion of women in jury pools is not a barrier, unlike the general lack of presence of people of color in our current jury pools and the resulting failure of juries to be reflective of the communities they represent.

Thank you for your consideration. Please let us know if you have any questions or if we can provide you with further information.

Sincerely,

Harry Gasnick
Chair, WDA Court Rules Committee

Christie Hedman
Executive Director