



ACLU OF WASHINGTON AMICUS DOCKET

2020-2021 Open Cases

A huge THANKS to all involved with the amicus briefs listed here. They are cases where ACLU-WA participated as amicus, but we rarely do so alone. We want to acknowledge that each case is very much a team effort with much credit due to so many others (legal organizations and community groups, and many departments at ACLU-WA) who led or joined or who assisted in reaching out to others. We want to specifically acknowledge the organizations led by people directly impacted by the issues before the court, whose perspectives are critical to the court's analysis. The strength and impact of the briefs would not be the same without the teamwork behind them!

AIMS v US DEA – 2021

Case Description: Supports the right of terminally ill patients to try psilocybin to treat certain medical conditions.

Links to briefs and Court Opinion:

Briefs available on PACER, Ninth Circuit Case No. 21-70544, filed 5/21/21

Opinion: <https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/31/21-70544.pdf>

City of Kent v Jenkins – 2020

Case Description: Argues Washington's obstruction law should be interpreted to not apply to a person's asserting their right to not consent to a police warrantless search of their home.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](https://www.aclu-wa.org/legal-cases)

No court opinion because prosecution conceded error.

City of Seattle v Long – 2020

Case Description: Amicus brief arguing that impounding a vehicle home is an unconstitutional seizure, excessive punishment, and continues the legacy of policing and displacing communities.

Links to briefs and Court Opinion:

Briefs: [988242 Amicus ACLU of WA et al.pdf](#)

[988242 Memorandum of Amici Brief.pdf \(wa.gov\)](#)

Opinion: [988242.pdf \(wa.gov\)](#)

* Case statuses are current as of July 21, 2022.

Civil Survival v. State of WA – 2021

Case Description: Proposed class action seeking refund of fines and fees paid by people convicted of drug offenses that were invalidated by State v Blake.

Links to briefs and Court Opinion: Pending COA Div I decision

Colvin v. Inslee and Sinclair - 2020

Case Description: Challenge to COVID conditions in WA's prisons.

Links to briefs and Court Opinion:

Brief:

[Microsoft Word - Korematsu Center ACLU WashIP PDA Amicus Brief - Colvin v Inslee - final.docx](#)

Opinion: [Colvin v. Inslee :: 2020 :: Washington Supreme Court Decisions :: Washington Case Law :: Washington Law :: US Law :: Justia](#)

Dep of AK – 2020

Case Description: Indian Child Welfare Act's requirement of "active efforts" to assist parent.

Links to briefs and Court Opinion:

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [984875.pdf \(wa.gov\)](#)

Dependency of AMS – 2020

Case Description: Parent's rights regarding self-incrimination when court ordered to undergo an evaluation.

Links to briefs and Court Opinion:

Brief: [980942 Amicus - ACLU.pdf \(wa.gov\)](#)

Opinion: [980942.pdf \(wa.gov\)](#)

Dep of EM – 2020

Case Description: A child's right to retain their own attorney of choice if they are unrepresented in dependency proceedings.

Brief: [985961 Amicus - WA Defender Assoc, et al.pdf](#)

Opinion: [WA Reports Public Access Cui | PAW Document Page \(lexis.com\)](#)

Dep of KD – 2021

Case Description: Whether court should use parent's initials or name in title of case.

Links to briefs and Court Opinion:

Brief: [Microsoft Word - Final Brief of Amici Curiae KD 03292021 1415pm \(wa.gov\)](#)

Opinion: [989656.pdf \(wa.gov\)](#)

Dependency of KW – 2020

Case Description: Racial bias in removing a Black child from his grandmother's home and placing him with white strangers.

Links to briefs and Court Opinion:

Briefs: [Microsoft Word - In Re KW-Final Amici Brief SCOW 08112021 \(wa.gov\)](#)
[993017 Amicus WDA NAACP-Seattle King County et al.pdf \(wa.gov\)](#)

Opinion: [993017.pdf \(wa.gov\)](#)

Dep of MASC – 2021

Case Description: Rights of parents with intellectual disabilities.

Links to briefs and Court Opinion:

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [989052.pdf \(wa.gov\)](#)

Dependency of MD/PD – 2021

Case Description: Transgender rights - child's motion to use name consistent with gender identity.

Links to briefs and Court Opinion:

Brief and ruling: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Earl v City of Tacoma – 2021

Case Description: Amicus brief supporting a reasonable exception to the Public Records Act statute of limitations in a police accountability case where officers shot and killed a pregnant, unarmed Indigenous woman.

Links to briefs and Court Opinion:

Brief: [561603-Amicus Brief1.pdf \(wa.gov\)](#)

Opinion: Pending

El Papel v Inslee – 2020

Case Description: Amicus brief supporting state level eviction protections.

Links to briefs and Court Opinion:

Briefs and rulings on PACER, WD WA Case No. 2:20-cv-01323-RAJ

Family of Damarius Butts v Dow Constantine – 2020

Case Description: King County inquest procedures for examining police-involved deaths.

Links to briefs and Court Opinion:

Brief: [Amicus Brief.pdf \(wa.gov\)](#)

Opinion: [989851.pdf \(wa.gov\)](#)

Geo Group v Inslee – 2021

Case Description: Opposes GEO's challenge to HB 1090's prohibition against private companies operating detention centers in WA.

Links to briefs and Court Opinion: Briefs and court rulings can be found on PACER under WD WA Case No. 3:21-cv-05313.

Hanley v Nyman – 2021

Case Description: Amicus brief discussing the importance of the eviction moratorium's protections in preventing homelessness and other harmful outcomes if such protections are not upheld.

Links to briefs and Court Opinion:

Brief: [992495 Amicus Eastside Legal Assist Program et al.pdf \(wa.gov\)](#)

Opinion: [992495.pdf \(wa.gov\)](#)

Henderson v Thompson – 2020

Case Description: Whether new trial should be granted regarding racial bias in civil jury trial.

Links to briefs and Court Opinion:

<https://www.courts.wa.gov/content/Briefs/A08/976724%20Amicus%20ACLU%20WA%20DRW%20and%20NLG.pdf>

Opinion: Pending

In re Keenan – 2021

Case Description: Judge's free speech rights regarding ad in support of community college education.

Links to briefs and Court Opinion:

Brief:

<https://www.courts.wa.gov/content/Briefs/A08/2019960%20Amicus%20ACLU%20of%20WA%20Foundation%20et%20al.pdf>

Opinion: [2019960.pdf \(wa.gov\)](#)

In re Z.G. and M.G. – 2020

Case Description: Requirements of Indian Child Welfare Act and WA Indian Child Welfare Act.

Links to briefs and Court Opinion:

Brief: [Microsoft Word - law prof amicus sct stage - final.docx \(wa.gov\)](#)

Opinion: [980039 rev.pdf \(wa.gov\)](#)

In re Z Stevens Bar admission case – 2021

Case Description: Denial of Bar admission based on past criminal conviction.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: Pending

In re the Welfare of J.M.W. – 2021

Case Description: Department of Children Youth and Families must make active efforts to prevent the breakup of Indigenous families at any hearings or proceedings that seek the removal of an Indigenous child from their family and if the child is removed, the court is required to ensure that the department continue to actively support the family to determine whether the separation continues to be necessary.

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [994811.pdf \(wa.gov\)](#)

Landis v. Seattle Mariners – 2020

Case Description: Alleged violation of Americans with Disabilities Act by baseball stadium.

Links to briefs and Court Opinion:

Brief: available on PACER, Ninth Circuit case No. 19-36075

Opinion: [19-36075.pdf \(uscourts.gov\)](#)

Leishman v. Ogden Murphy – 2020

Case Description: Challenge to law firm being held immune from suit under WA anti-SLAPP law.

Links to briefs and Court Opinion:

Brief: [977348 Amicus - ACLU.pdf \(wa.gov\)](#)

Opinion: [977348.pdf \(wa.gov\)](#)

Mancini v City of Tacoma – 2020

Case Description: Whether police can be sued for breaking into innocent person's home based on search warrant.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/975833%20Amicus%20-%20ACLU%20of%20WA.pdf>

Opinion: [975833.pdf \(wa.gov\)](#)

OneAmerica Votes v. State – 2021

Case Description: Argues a WA law that bars non-citizens from participating in local election campaign contributions "in any way" goes too far and is unconstitutional.

Brief: [Microsoft Word - 667650_3 \(wa.gov\)](#)

Opinion: Pending

Pimentel v King County – 2020

Case Description: Challenge to King County Superior Court bail procedure.

Links to briefs and Court Opinion:

Brief: [Amicus - WACDL, et al](#)

Opinion: [981540.pdf \(wa.gov\)](#)

Potter v City of Lacey – 2020

Case Description: Amicus brief highlighting the unconstitutionality of criminalizing living in one's vehicle, and how such policies and practices only exacerbate homelessness.

Links to briefs and Court Opinion:

Briefs and rulings available on PACER, Ninth Circuit Case No. 21-35259

PRP of Ali – 2019/2020

Case Description: Requiring consideration of youth as a mitigating factor in sentencing a person for a crime committed when under age 18.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/955786%20Corrected%20Amicus%20-%20Fred%20T.%20Korematsu%20Center,%20et%20al.pdf>

Opinion: [955786.pdf \(wa.gov\)](#)

PRP of Brooks – 2020

Case Description: Whether the statute requiring consideration of youth as a mitigating factor applied to a pre-SRA life equivalent prison sentence for a crime committed when under age 18.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/976899%20Amicus%20-%20ACLU%20of%20WA,%20et%20al.pdf>

Opinion: [976899.pdf \(wa.gov\)](#)

PRP of Carter Vincent – 2021

Case Description: Challenge to constitutionality of a “harsh” adult sentence for 16 year old convicted of crimes when age was not considered as a mitigating factor.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/954399%20Amicus%20-%20Fred%20T.%20Korematsu%20Center%20et%20al.pdf>

No court opinion because the prosecutor agreed to resentencing before oral argument occurred.

PRP of Domingo Cornelio – 2019/2020

Case Description: Requiring consideration of youth as a mitigating factor in sentencing a person for a crime committed when under age 18.

Links to briefs and Court Opinion:

Brief: [Microsoft Word - Domingo Cornelio Amicus FINAL - corrected.docx \(wa.gov\)](#)

Opinion: [972052.pdf \(wa.gov\)](#)

PRP of Gallegos – 2021

Case Description: Court asks whether In re Powell's ex post facto ruling should be reconsidered. After briefing and argument decides nah, never mind.

Links to briefs and Court Opinion: There is no court opinion; they dismissed the case without ruling.

* Case statuses are current as of July 21, 2022.

PRP of Garcia Mendoza – 2020

Case Description: Attorney's duty to advise client about immigration consequences prior to guilty plea.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/980268%20Amicus%20-%20WA%20Asso%20Criminal%20Defense%20Lawyers,%20et%20al.pdf>

Opinion: [980268.pdf \(wa.gov\)](#)

PRPs of Lewis and Ayerst – 2021

Case Description: Personal restraint petitions seeking vacation of convictions obtained with a defense lawyer who was not licensed in the State of Washington.

Links to briefs and Court Opinion:

<https://www.courts.wa.gov/content/Briefs/A08/999392%20Motion%20for%20Discretionary%20Review%20of%20PRP.pdf>

PRP of Raymond Williams – 2020

Case Description: Argues it is unconstitutional to use conviction committed when under age 18 as a "strike" supporting a life without possibility of parole prison sentence.

Links to briefs and Court Opinion:

Briefs: <https://www.courts.wa.gov/content/Briefs/A02/538792%20Amicus%20Brief.pdf> and available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review.

PRP of Robert Williams – 2020

Case Description: Challenge to COVID conditions in WA prisons.

Links to briefs and Court Opinion:

Briefs:

<https://www.courts.wa.gov/content/Briefs/A08/993441%20Memorandum%20Amicus%20-%20Fred%20T.%20Korematsu%20Center.pdf>

<https://www.courts.wa.gov/content/Briefs/A08/993441%20Amicus%20-%20ACLU%20of%20WA%20et%20al.pdf>

Opinion: [993441.pdf \(wa.gov\)](#)

RHA v City of Seattle – 2020

Case Description: Amicus brief supporting a number of recently passed eviction protection measures and affirming their constitutionality.

Links to briefs and Court Opinion:

Brief and rulings available in King County Superior Court file, Case No. 20-2-13969-6 SEA

COA Div I Opinion: <https://www.courts.wa.gov/opinions/pdf/824694.pdf>

RW v. Columbia Basin College – 2020

Case Description: Free speech/1st Amendment challenge to student being banned from college campus due to statements made to a doctor.

Links to briefs and Court Opinion:

Brief and opinion available on PACER under Ninth Circuit Case No. 19-35849

Rush v Inslee and Sinclair – 2021

Case Description: Challenge to COVID conditions in WA prisons.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review.

Spokane County v State – 2020

Case Description: Discusses validity of the Washington Voting Rights Act.

Links to briefs and Court Opinion:

Brief: [Amicus - ACLU](#)

Opinion: [977399.pdf \(wa.gov\)](#)

State v. Blake – 2020

Case Description: Challenge to WA drug possession law for failure to require prosecution to prove knowing possession.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/968730%20Amicus%20-%20WACDL%20and%20ACLU.pdf>

Opinion: [968730.pdf \(wa.gov\)](#)

State v Bowman – 2021

Case Description: Expectation of privacy in text messages.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/990620%20Amicus%20-%20WACDL%20ACLU-WA%20King%20County%20DPD.pdf>

Opinion: [990620.pdf \(wa.gov\)](#)

State v Denham – 2020

Case Description: Privacy issues when cell phone data is searched by police.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/985910%20Amicus%20-%20WA%20Assoc%20Criminal%20Defense%20Lawyers,%20et%20al.pdf>

Opinion: [985910.pdf \(wa.gov\)](#)

State v Farr – 2020

Case Description: Challenge to forced drug testing of civil commitment patients.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A03/371409%20Amicus%20Curiae.pdf>

Opinion: [371409 unp.pdf \(wa.gov\)](#)

State v. Garza – 2021

Case Description: Allowing vacating and sealing of juvenile court records to reduce later negative consequences.

Links to briefs and Court Opinion:

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: pending

State v. GEO Group – 2019

Case description: Whether detainees at the immigration detention center should be paid minimum wage.

Brief and court rulings available on PACER under WD WA Case No. 3:17-cv-05806-RJB

State v. Hale – 2021

Case Description: Challenges constitutionality of juvenile sex offender registry.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: pending

State v Hawkins – 2021

Case Description: Challenges court's refusal to vacate conviction record despite the requirements for it having been satisfied; discusses racial bias.

Links to briefs and Court Opinion:

Brief: [100060-0 WA Defender Assoc., et al - Amicus Brief.pdf](#)

Opinion: pending

State v. Jackson – 2020

Case Description: Challenge to in-court shackling of litigant without proof of individualized need for it; history of racial bias related to shackling.

Links to briefs and Court Opinion:

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Opinion: [976813.pdf \(wa.gov\)](#)

State v Jenks – 2020

Case Description: Whether law that stopped making second degree robbery a “strike” offense was retroactive; WA’s three strikes law imposes life in prison without possibility of parole.

Links to briefs and Court Opinion:

Brief: [984964 Amicus - Fred T. Korematsu, et al.pdf \(wa.gov\)](#)

Opinion: [984964.pdf \(wa.gov\)](#)

State v Jeremiah Smith – 2021

Case Description: Argues it is unconstitutional to use conviction committed when under age 18 as a “strike” supporting a life without possibility of parole prison sentence.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/petitions/99744-6%20Fred%20T.%20Korematsu%20Center%20for%20Law%20and%20Equality,%20et%20al.%20Amicus%20Brief.pdf>

Opinion: WA Supreme Court denied review.

State v. M.S., and State v. D.L. – 2020

Case Description: The Court use of “manifest injustice” sentencing to lengthen a juvenile’s time in incarceration disproportionately punishes Black, Indigenous youth and other youth of color and courts must disclose to children any factors that may increase their sentence before a child agrees to a plea or alternative disposition.

Brief: [Microsoft Word - DOCS-#1332710-v1-M S Amicus Brief 08-06-2020 \(Tonie Davis\).docx \(wa.gov\)](#)

Court Opinion: [WA Reports Public Access Cui | PAW Document Page \(lexis.com\)](#)

State v M.Y.G. and I.A.S – 2021

Case Description: Amicus brief arguing against the intrusive practice of collecting DNA from youth prior to being officially sentenced.

Brief: [Supreme Court Disc rev \(wa.gov\)](#)

Court Opinion: [993742.pdf \(wa.gov\)](#)

State v Meredith – 2020

Case Description: Amicus brief highlighting the impacts of punitive fare enforcement policies on low-income communities of color.

Brief: [1001355 Amicus - ACLU of WA.pdf](#)

Opinion: pending

State v Peterson – 2020

Case Description: Challenge to conviction for “sale of heroin” as opposed to ordinary drug distribution offense.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/982015%20Amicus%20-%20WACDL,%20ACLU-WA%20and%20WDA.pdf>

Opinion: [982015.pdf \(wa.gov\)](#)

State v Putnam – 2020

Case Description: Challenge to COVID conditions in WA’s prisons.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A03/375889%20Amicus%20Curiae.pdf>

Opinion: [375889 unp.pdf \(wa.gov\)](#)

State v Reisert – 2021

Case Description: Challenge to King County Superior Court procedure for challenging bail amount.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/petitions/99664-4%20Brief%20of%20Amicus%20-%20WA%20Defender%20Association,%20et%20al.pdf>

Opinion: WA Supreme Court denied review.

State v Slater – 2020

Case Description: Challenge to prosecutor arguing that bail jumping charge was evidence of “consciousness of guilt.”

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/987955%20Joint%20Amicus%20-%20WA%20Assoc%20Criminal%20Defense.pdf>

Opinion: [987955.pdf \(wa.gov\)](#)

State v Solis Diaz – 2020

Case Description: Challenge to disproportionately long prison sentence.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: WA Supreme Court denied review.

State v Taylor – 2020

Case Description: Supports ability to raise necessity defense at criminal trial regarding climate activist protest.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/987190%20Amicus%20-%20ACLU%20of%20WA%20et%20al.pdf>

Opinion: [987190.pdf \(wa.gov\)](#)

* Case statuses are current as of July 21, 2022.

State v Tesfasilasye – 2021

Case Description: Argues prosecutor’s peremptory challenges striking potential jurors of color violated GR 37.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/petitions/100166-5%20King%20Co%20Dept%20of%20Public%20Defense,%20et%20al%20-%20Amicus%20Brief.pdf>

Opinion: pending

State v Thomason – 2021

Case Description: Supports “minor nature of offense” as a mitigating factor in sentencing.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/998655%20Amicus%20-The%20Way%20to%20Justice%20and%20ACLU.pdf>

Opinion: pending

State v US DHS (public charge case) – 2019

Case Description: Discusses how the “public charge” rule violates Sec. 504 of the Rehabilitation Act and harms people with disabilities.

Links to briefs and Court Opinion: Brief and court rulings available on PACER under ED WA Case No. 4:19-cv-05210-RMP

State v US DHS (courthouse arrest case) – 2020

Case Description: Discusses how federal immigration enforcement at courthouses in WA harms access to justice.

Links to briefs and Court Opinion: Briefs and court rulings available on PACER under WD WA Case No. 2:19-cv-02043

State v Wright – 2021

Case Description: Supports “extraordinary rehabilitation” as a mitigating factor in sentencing.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/petitions/100239-4%20WA%20Assoc.%20of%20Criminal%20Defense%20Lawyers,%20et%20al%20-%20Amicus%20Brief.pdf>

Opinion: WA Supreme Court denied review.

State v. Zamora – 2021

Case Description: Discusses racial bias in questions prosecutor asked potential jurors, and the standard that should be applied regarding prejudice requiring reversal of conviction.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/999597%20Amicus%20-%20Fred%20T%20Korematsu%20Center.pdf>

Opinion: [999597.pdf \(wa.gov\)](https://www.courts.wa.gov/content/Opinions/A08/999597.pdf)

* Case statuses are current as of July 21, 2022.

Tingley v. Ferguson – 2021

Case Description: Supports the constitutionality of the WA law banning conversion therapy for minors.

Links to briefs and Court Opinion:

Brief available on PACER under Ninth Circuit Case No. 21-35815 and 21-35856

Ninth Circuit Opinion: pending

Woods v Union Gospel Mission – 2019

Case Description: The case involves the exemption from WA's discrimination statute for religious nonprofit employers, as applied to an attorney denied a job because of his sexual orientation; the amicus brief discusses why further factual development in the trial court was necessary.

Links to briefs and Court Opinion:

Brief: <https://www.courts.wa.gov/content/Briefs/A08/961328%20Amicus%20-%20American%20Civil%20Liberties%20Union%20of%20WA.pdf>

WA Supreme Court Opinion: [961328.pdf \(wa.gov\)](#)

SCOTUS Opinion: https://www.supremecourt.gov/opinions/21pdf/21-144_7l48.pdf

Yim v. Seattle – 2018

Case Description: Constitutionality of Seattle's Fair Chance Housing Ordinance, limiting consideration of criminal record in denying rental housing.

Links to briefs and Court Opinion:

Briefs available on PACER under Ninth Circuit Case No. 21-35567

Opinion: pending