



ACLU OF WASHINGTON AMICUS DOCKET

2023 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!

Brackeen v. Haaland

Case Description: Amicus brief filed with the United States Supreme Court urging the court to uphold the constitutionality of the Indian Child Welfare Act in *Brackeen v. Haaland*.

Brief: [Brackeen v. Haaland Supreme Court amicus brief | American Civil Liberties Union \(aclu.org\)](#)

Opinion: <https://aclu-wa.org/docs/scotus-decision-brackeen-v-haaland>

Cousins v. State of WA

Case Description: Case involving the PRA statute of limitations

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/cousins-v-state-washington-department-corrections>

Freedom Foundation v. WA Federation of State Employees

Case Description: Due process right to privacy of records of WA state employees

Brief and Opinion: Available on ACLU-WA website - [Freedom Foundation v. WA Federation of State Employees | ACLU of Washington](#)

Human Rights Defense Commission (HRDC) v Uttecht

Case Description: Issue concerning DOC's policies denying incarcerated folks access to external resources.

Briefs and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/hrdc-v-uttecht>

* Case statuses are current as of October 30, 2024.

In re Dependency of A.M.F.

Case Description: Court's negative inference from parent's invocation of the 5th Amendment in dependency case.

Briefs and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/re-dependency-amf>

In re Custody of A.N.D.M.

Case Description: Issue regarding whether a Superior Court can refuse to hear motions for Special Immigrant Juvenile Status (SIJS) findings.

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

Opinion: <https://www.courts.wa.gov/opinions/pdf/827791.pdf>

In re Detentions of A.C. and D.H.

Case description: Amicus briefs filed in WA Supreme Court pertaining to the Involuntary Treatment Act (ITA) detailing the historical context of involuntary commitment nationally, the racial and socioeconomic disparities existent in the ITA system in Washington and examined how the continued expansion of the ITA further strips Washingtonians of their civil liberties.

Briefs: As the cases were filed under seal, the amicus briefs are not publicly available.

L.B. v. U.S.A.

Case Description: US government liability for actions of law enforcement officer.

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/lb-v-usa>

Opinion: Pending

M.G. v. Yakima School District No. 7

Case Description: Exclusion of a student of color from school; constitutional right to access education for all children and prevent discrimination on the basis of gender, sex, or race.

Brief: Available on ACLU-WA website - [M.G. v. Yakima School District No. 7 | ACLU of Washington](#)

Opinion: https://www.courts.wa.gov/opinions/pdf/381650_ord.pdf

Marquez-Reyes v. Garland

Case Description: First Amendment issue in immigration proceedings

Brief: Available on ACLU-WA website - [Marquez-Reyes v. Garland | ACLU of Washington \(aclu-wa.org\)](#)

Opinion: Pending

Mejia v. Miller

Case Description: Case of alleged use of excessive force by Bureau of Land Management officer.

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

Mendoza v. Strickler

Case Description: Amicus brief seeking reconsideration of Ninth Circuit decision that says ability to pay inquiry is only required in those contexts in which additional punishment results in incarceration, not driver's license suspensions, impacting our work to dismantle the discriminatory effects of LFOs.

Briefs available on ACLU-WA website - [Legal Cases | ACLU of Washington \(aclu-wa.org\)](#) and on PACER, Ninth Circuit Case No. 19-35506

Opinion: Ninth Circuit denied reconsideration.

Personal Restraint Petitions of Lewis and Ayerst

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:

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/prps-lewis-and-ayerst>

Opinion: [999392.pdf \(wa.gov\)](#)

Personal Restraint Petition of Rhone

Case Description: Amicus brief addressing the discriminatory use of peremptory challenges to strike the only or last remaining member of a cognizable racial group in jury trials resulting in the race-based discrimination that remains pervasive in the criminal legal system.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/prp-rhone>

Opinion: [1012047.pdf \(wa.gov\)](#)

Portugal v. Franklin County

Case Description: Issue regarding a claim that the WVRA creates an unconstitutional racial preference that harms majority voters, violating the WA Const. Art 1 sec. 12 and the 14th Am.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/portugal-v-franklin-county>

Potter v. City of Lacey

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

Brief and Opinion available on ACLU-WA website - [Potter v. City of Lacey | ACLU of Washington \(aclu-wa.org\)](#)

Snaza v. State of Washington

Case Description: brief addressing the harmful effects of tear gas and its chilling effects on our rights.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/snaza-v-state-washington>

Spokane County v. Meneses

Case Description: Issue concerning DSHS' nondiscretionary legal duty, actionable through mandamus in favor of a county, to perform expedient competency evaluations and restorations of criminal defendants in custody pending trial.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/spokane-county-v-meneses>

State v. Charlton

Case Description: Amicus brief involving the right to counsel at court hearings where decisions are made about bail.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-v-charlton>

State v. Heng

Case Description: Amicus brief involving the right to counsel at court hearings where decisions are made about bail.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-v-heng>

State v. Jarvis

Case Description: Amicus brief that discusses in detail the racialized history of the use of shackling and the implicit bias it creates in the criminal legal system for judges, juries and others in the courtroom to the detriment and infringement of the rights of defendants, particularly and disproportionately Black, brown and people of color.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-washington-v-jarvis>

Opinion: [D2 56086-1-II Published Opinion.pdf \(wa.gov\)](#)

State v. J.W.M.

Case Description: Amicus brief that discusses the harm in the criminal legal system caused by the “adultification bias” of Black youth versus white youth as well as harm done by prolonged incarceration in juvenile prison.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-washington-v-jwm>

Opinion: [1008945.pdf \(wa.gov\)](#)

State v. Meredith

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

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-washington-v-meredith>

Opinion: [1001355.pdf \(wa.gov\)](#)

State v. Reynolds

Case Description: Challenge to the use of juvenile felony strikes in calculation of life sentence under the Persistent Offender Accountability Act. ACLU with Korematsu Center, King County

Department of Public Defense, Washington Association of Criminal Defense Lawyers, and Washington Defender Association filed an amicus memorandum in support of review.

Links to briefs and Court Opinion:

Brief: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-v-reynolds>

Opinion: [1008732.pdf \(wa.gov\)](#)

State v. Rivers

Case Description: Paul Rivers, a Black man charged in a criminal case, was convicted at trial following the empanelling of a jury panel without any Black potential jurors. Mr. Rivers offered evidence of historic exclusion and consistent underrepresentation of Black jurors in King County. This amicus brief argues that under the Washington Constitution, which affords greater protection of the right to a jury trial than the Sixth Amendment, evidence of underrepresentation of a distinctive group in the jury pool sufficiently establishes a fair cross section claim.

Brief and Opinion: Available on ACLU-WA website - [State v. Rivers | ACLU of Washington \(aclu-wa.org\)](#)

State v. City of Sunnyside

Case Description: Amicus brief addressing issues related to due process and racial bias in housing and policing.

Links to briefs and Court Opinion:

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/state-v-city-sunnyside>

State v. The GEO Group

Case Description: Amicus brief supporting the right to minimum wage for detainees at Northwest ICE Processing Center.

Brief: Available on ACLU-WA website - [State of Washington v. GEO Group | ACLU of Washington](#)

Opinion: Pending

Tucson v. City of Seattle

Case Description: Amicus issued in support of Plaintiff Protesters arrested for exercising First Amendment rights of protest critical of the Seattle Police Department and discriminatory policing, written in charcoal on a wall temporarily erected outside of the precinct.

Brief: Available on ACLU-WA website - [Tucson v. City of Seattle | ACLU of Washington](#)

Opinion: Pending

United States v. J Holcomb

Case Description: Criminal case where the charge is based on material the police found in searching a person's home computer, far beyond the scope of the search authorized by the search warrant. The ACLU-WA amicus brief discusses the importance of the privacy rights people have in their home computers.

* Case statuses are current as of October 30, 2024.

Brief and Opinion: Available on ACLU-WA website - <https://aclu-wa.org/cases/united-states-v-holcomb>

USA v. City of Seattle

Case Description: 2012 Seattle Police Department Consent Decree case

Brief and Opinion: Available on ACLU-WA website - [United States v. City of Seattle | ACLU of Washington](#)

Yim v. Seattle

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

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

Ninth Circuit Opinion: [21-35567.pdf \(uscourts.gov\)](#)