

Supreme Court No. 75934-1
Consolidated with No. 75956-1

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

HEATHER ANDERSEN and LESLIE CHRISTIAN *et al.*, Respondents,

v.

KING COUNTY *et al.*, Appellants.

Appeal from the Superior Court of King County
The Honorable William L. Downing

CELIA CASTLE and BRENDA BAUER *et al.*, Respondents,

v.

STATE OF WASHINGTON, Appellant.

Appeal from the Superior Court of Thurston County
The Honorable Richard D. Hicks

MOTION TO FILE BRIEF OF *AMICI CURIAE*

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Legislators Representative Fred
Jarrett, Representative Jim Moeller,
Representative Edward Murray,
Representative Dave Upthegrove,
Senator Debbie Regala and Senator
Pat Thibaudeau

I. MOTION

State Legislators Representative Fred Jarrett, Representative Jim Moeller, Representative Edward Murray, Representative Dave Upthegrove, Senator Debbie Regala, and Senator Pat Thibaudeau (collectively “State Legislators”) move this Court for leave to file a Brief Amicus Curiae in the above referenced matter.

II. STATEMENT OF INTEREST AND FAMILIARITY

State Legislators have a unique and special interest in understanding the scope of the Article I, section 12 of the Washington Constitution, the “privileges and immunities clause” (the “Clause”) because they desire to enact statutes that are constitutional. They also have a special duty to understand the rights and duties entrenched in provisions of our constitution and to protect those provisions.

In addition, the State Legislators are familiar with the issues presented in this case. The Legislators’ counsel has reviewed all briefs submitted in this case and read the decisions of the trial courts. He is familiar with the issues involved in the case and the scope of the arguments presented by the parties.

III. ISSUES TO BE ADDRESSED

The State Legislators intend to provide a scholarly analysis of several interpretative methodologies the Court could adopt for the Clause and an analysis of how Washington’s current marriage statute, RCW 26.04.010, should be evaluated under each of those methodologies.

IV. REASON FOR ADDITIONAL ARGUMENT

The jurisprudential standard created in this case will not only create a better understanding that the Clause has an independent and broader meaning than the federal equal protection clause, but it will set the jurisprudential standard by which all further legislation will be evaluated.

Amici seek to assist the Court by focusing on what the Privileges and Immunities Clause means by analyzing how courts can, and do, interpret constitutional provisions. The various parties' briefs in these cases argue from one interpretive perspective or another (and sometimes from more than one). Judges should be conscious of these perspectives because deciding to apply a single approach – to the exclusion of the others – might box them into decisions that do not intuitively make sense.

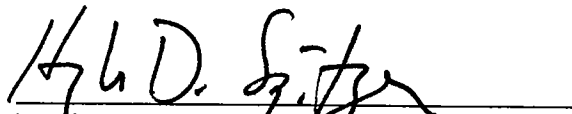
The parties' briefs will not provide a thorough analysis of all interpretive perspectives. The State Legislators are in a position to help to educate the Court on potential jurisprudential standards for the determining the meaning of the Clause and the effect of each standard.

V. CONCLUSION

The State Legislators request leave of the Court to file a Brief Amicus Curiae in the above-referenced matter.

RESPECTFULLY SUBMITTED this 4th day of February, 2005.

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