
SUPREME COURT OF THE STATE OF WASHINGTON

JANE ROE,

Petitioner,

v.

TELETECH CUSTOMER
CARE MANAGEMENT
(COLORADO), LLC,

Petitioner.

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE*
MEMORANDUM OF THE AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON IN SUPPORT OF PETITION FOR
REVIEW**

Alison C. Holcomb, WSBA No. 23303
Mark M. Cooke, WSBA No. 40155
ACLU of Washington Foundation
705 2nd Ave, Suite 300
Seattle, WA 98104
(206) 624-2184

Attorneys for *Amici Curiae*
American Civil Liberties Union of Washington

1. Identity and Interest of Applicant

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, non-partisan, non-profit organization with more than 20, 000 members dedicated to the preservation and defense of civil liberties. The ACLU moves the Court for leave to file an amicus curiae memorandum in support of the petition for review pursuant to RAP 10.6 and 13.4(h).

The ACLU has been involved in the development of Washington’s body of law regarding the medical use of marijuana since the mid-1990s. The organization endorsed the Medical Use of Marijuana Act,¹ participated in the drafting of Engrossed Substitute Senate Bill 6032 that amended the Act in 2007,² and provided written comment to the Department of Health during the development of WAC 246-75-010, the rule defining a presumptive “sixty-day supply” of medical marijuana. This Court has accepted amicus curiae briefs and memoranda from the ACLU in a number of other medical marijuana cases: *Seeley v. State*, Cause No. 63534-0; *State v. Shepherd*, Cause No. 72521-7; *State v. Ackerson*, Cause No. 76152-3; *State v. Tracy*, Cause No. 77534-6 (joint amicus curiae brief filed with the Washington Association of Criminal Defense Lawyers (WACDL)); and *State v. Fry*, Cause. No. 81210-1 (joint amicus curiae brief filed with WACDL). The ACLU also provides the

¹ The Act is codified at Chapter 69.51A RCW.

² 2007 Wash. Laws ch. 371 § 1.

public with information regarding the Act in its brochure entitled “Washington’s Medical Use of Marijuana Act: A Guide for Patients, Providers, Physicians, Law Enforcement, and the Public,”³ presents on the topic at Continuing Legal Education seminars, and regularly consults with patients, providers, government agency staff and elected officials concerning medical marijuana issues.

2. Familiarity with Issues and Scope of Argument

Attorneys for the ACLU have reviewed all of the briefs of the parties filed with the Court and the arguments presented therein.

3. Issue to Which the ACLU’s Brief Will Be Directed

Did TeleTech’s termination of Roe’s employment solely for her medical use of marijuana in compliance with state law violate the public policy mandate to respect patients’ right of medical self-determination?

4. Belief That Additional Argument Is Necessary on These Issues

As described in section 1 above, the ACLU is uniquely positioned to address the issues in this case, which are not addressed in detail in the

³ Available for download at http://www.aclu-wa.org/library_files/Medical%20marijuana%20brochure%2011_08.pdf.

briefs filed by the parties.

DATED this 14 day of December, 2009.

AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON FOUNDATION

By 

Alison C. Holcomb, WSBA No. 23303
Mark M. Cooke, WSBA No. 40155

Attorneys for *Amicus Curiae*
ACLU of Washington