

WASHINGTON STATE
B A R A S S O C I A T I O N

Board of Governors Special Meeting
Late Late Materials

October 20, 2020
Zoom Conferencing and Teleconference

WASHINGTON STATE
BAR ASSOCIATION

Board of Governors

BOARD OF GOVERNORS SPECIAL MEETING Late Late Materials October 20, 2020 Seattle, WA	
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October 19, 2020

Dear Board of Governors:

When the Board of Governors met in June of 2020, at the social backdrop was a national outcry in response to the tragic death of George Floyd, a Black man who died after eight (8) long painful minutes during which a white officer held him to the ground, with a knee upon his neck; his arms cuffed behind his back; his face to the pavement as he cried for his dead mother and pleaded that he could not breathe. Protests that had begun in Minneapolis on May 26, 2020 quickly spread nationwide, occurring in over thousands of cities and towns and globally, with demonstrations in more than sixty countries. The protests and civil unrest for George Floyd would later bring attention to the tragedy of Manuel Ellis, another Black man who died in the custody of law enforcement locally.

The tragedy and trauma associated with experiences around and perspectives of our criminal and social justice systems seemed to explode. We had approached a powerful moment wherein the collective calls from around the nation and the world demanded that we evaluate systematic and institutional racism and its impact upon the lives of people of color and marginalized communities. Silence and even advocacy from the periphery were no longer enough or acceptable. Even our Washington State Supreme Court would issue an open letter confronting racial injustice and declaring there to be a “moral imperative” to acknowledge the systematic oppression of Black Americans and work towards achieving justice by ending racism. See attached.

The Diversity Committee received this open letter from the Supreme Court as not only confirmation of its purpose but also as an affirmative mandate to freshly reexamine our purpose and our commitments around issues of racial justice, diversity, equity and inclusion.

The Diversity Committee has the stated purpose of implementing the Washington State Bar Association’s Diversity and Inclusion Plan. As its central function, the Committee provides guidance and recommendations to the Board of Governors on diversity, equity, and inclusion issues. WSBA leaders and staff have long asserted that its credibility in leading on these critical issues lays in its fundamental philosophy of “leading from the inside out.”

Because the WSBA is uniquely positioned to lead on diversity training, there is an inherent recognition that to do so with authenticity, the WSBA must not only promote but also model the principles and practices of equity and inclusion. We must commit to our own culture of inclusion and cultural competence because that provides the best foundation for meaningful progress. It allows us to have both credibility and integrity when we speak to these issues.

It is in this spirit of adhering to principles of credibility and integrity that the Diversity Committee now comes before the Washington State Bar Association’s Board of Governors to express, in unanimous voice, our

outrage at the disparagement and minimization of the Minority Bar Associations that occurred at the behest of this Board during the June 26-27, 2020 meeting. It is in this spirit, that we, raise a collective unanimous voice to unequivocally express our support of the local Minority Bar Associations across the state who have shared similar outrage and demanded specific actions in response.

We do not opine on any particular requested action, but we do assert that there must be some response. That response must be conveyed in the same open forum in which the egregious and hurtful conduct occurred. Again, we are in a moment and time, where we recognize that silence is no longer acceptable. We are in a moment and time where we recognize that peripheral responses to acts of implicit and explicit bias only result in leaving those impacted to languish in the margins while the center is absolved of accountability.

As our Washington State Supreme Court Justices so eloquently and poignantly wrote when speaking to the need for the legal community to recognize how we all bear responsibility for the on-going injustices in our systems and society:

“We are capable of taking steps to address it, if only we have the courage and the will.”

The Diversity Committee humbly submits that this Board of Governors has not only the capacity of courage and will, but an obligation. Indeed, a commitment.

That commitment is expressed in many affirmations and documents, but it is also expressed in our mission statement which reads:

The mission of the Washington State Bar Association is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

That commitment is also expressed in GR 12 (a) (6) which states:

The Washington State Bar Association strives to promote diversity and equality in the courts and the legal profession.

That commitment is expressed in the support of the proposed amendment to APR 11, which would make mandatory one credit in a CLE for education on equity, inclusion, and the mitigation of implicit and explicit bias.

That commitment is expressed by the Washington State Race and Equity and Justice Initiative which the Washington State Bar Association has joined as a partner. Specifically, [commitment](#) #7 reads:

Ensure our organizations invest in active, ongoing learning that will teach us to see, reveal, and transform structures that create racialized outcomes and push communities of color outside the circle of human concern. This commitment requires that we help members of our organizations and communities to actively and expressly challenge the use of racist language and behaviors, openly listen when we ourselves are challenged, and learn techniques and tools for reducing and eliminating implicit and explicit bias.

In writing to the Board of Governors, the Diversity Committee seeks to model what it purports to do. We have before us a monumental opportunity to lead from the inside out by challenging problematic language and behaviors and affirming that we openly listen when we are ourselves are challenged.

Our members have spoken. This Board of Governors has heard voices from nearly every Minority Bar Association in the State of Washington. We cannot allow their voices to go unheard; we cannot let their concerns languish in the periphery. We cannot absolve ourselves of our obligation to our commitments and our purpose.

Now is the time for us to have the difficult conversations so that we can then do the work to be and do better. This is how we are responsive to the internal commitments we have made around issues of equity, diversity and inclusion. This is how we serve the public and our members. This is how we acknowledge in a meaningful way the backdrop of a national and local collective call for systematic change. And this is how we respond with credibility and integrity to the moral and legal imperative to work towards social and racial justice for all.

Respectfully submitted,



Sunitha Anjilvel
Co-Chair
Diversity Committee



Andrea S. Jarmon
Co-Chair
Diversity Committee

The Supreme Court
State of Washington



June 4, 2020

Dear Members of the Judiciary and the Legal Community:

We are compelled by recent events to join other state supreme courts around the nation in addressing our legal community.

The devaluation and degradation of black lives is not a recent event. It is a persistent and systemic injustice that predates this nation's founding. But recent events have brought to the forefront of our collective consciousness a painful fact that is, for too many of our citizens, common knowledge: the injustices faced by black Americans are not relics of the past. We continue to see racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.

The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.

As judges, we must recognize the role we have played in devaluing black lives. This very court once held that a cemetery could lawfully deny grieving black parents the right to bury their infant. We cannot undo this wrong—but we can recognize our ability to do better in the future. We can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole.

As lawyers and members of the bar, we must recognize the harms that are caused when meritorious claims go unaddressed due to systemic inequities or the lack of financial, personal, or systemic support. And we must also recognize that this is not how a *justice* system must operate. Too often in the legal profession, we feel bound by tradition and the way things have “always” been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful. The systemic oppression of black Americans is not merely incorrect and harmful; it is shameful and deadly.

Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

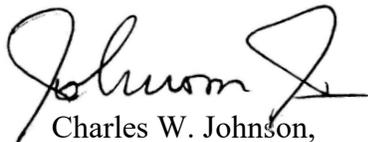
As we lean in to do this hard and necessary work, may we also remember to support our black colleagues by lifting their voices. Listening to and acknowledging their experiences will enrich and inform our shared cause of dismantling systemic racism.

We go by the title of “Justice” and we reaffirm our deepest level of commitment to achieving justice by ending racism. We urge you to join us in these efforts. This is our moral imperative.

Sincerely,



Debra L. Stephens,
Chief Justice



Charles W. Johnson,
Justice



Barbara A. Madsen,
Justice



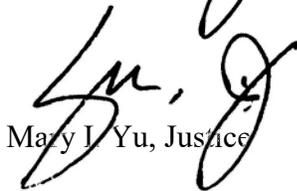
Susan Owens, Justice



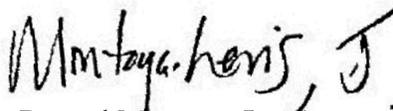
Steven C. González,
Justice



Sheryl Gordon McCloud,
Justice



Mary J. Yu, Justice



Raquel Montoya-Lewis,
Justice



G. Helen Whitener, Justice