

WASHINGTON STATE BAR ASSOCIATION

Office of the President

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, President
DATE: June 8, 2020
RE: WSBA's Equity and Disparity Work Group

ACTION/DISCUSSION : A 2 year charter for WSBA's Equity and Disparity Work Group – a group empowered to look at concrete solutions through changes in court rules and laws.
GR 12.2 (2, 6)

Dear Board,

You have all read my [message to the membership](#). The response from the members has been overwhelming positive, with people asking what the next step our WSBA is going to take and how they can help.

The killing of George Floyd at the hands of Minneapolis police officers—who have now been charged with murder or aiding and abetting the same—has stirred all too familiar unresolved tensions and conflict in our society over racism and the use of violence. Faced with weeks of isolation at home due to the coronavirus, a potential economic downturn, rapidly rising unemployment rates, and mistrust and misinformation about legal rights, many people in our country are left feeling hopeless, powerless, and fearful of speaking up. The result is a continued cycle of violence and defensiveness, ever more fraying the fabric of our society.

There is no equity without access to the justice our legal system can provide, and there is no access to justice without our profession doing its part to solve problems. It is up to each one of us to stand up and speak for others who cannot so that we may substitute true dialogue and good policy for violence in our society. That is the very point of an effective legal system, and as officers of that system we bear a large share of the burden in its failures if each of us do not work to ever reform it.

For years, attorneys and other members of the legal community have complained about injustice in our profession and the unequal application of laws to minority members of our community. Although dialogue itself has value, they have not moved the needle from injustice to justice. Therefore, it is time to act. Act in a way that lawyers are best suited to do- with review and analysis.

The action I am recommending is that a special task force to be formed with the specific task to review the rules, regulations, and laws related to the practice of law and the administration of justice, and identify the ones that facilitate injustice and propose remedies that the WSBA can advance pursuant to our mandate in GR 12.2. The goal is to list laws with recommended changes to reduce injustice. The reason for reviewing the laws and recommending changes is that we do not, as a legal community, fall into the trap of recommending that the courts simply ignore or not enforce laws which most people may no longer support. Rather, to move towards real reform it is necessary to identify rules, regulations, and laws creating injustice, and either ensure such laws are repealed by the correct body or rewritten to remove the injustice as it relates to the practice of law or the administration of justice.

The task force could begin with the rules of our own profession, such as the Rules of Professional Conduct, Admission and Practice Rules, and the Court Rules which the Bar Association can recommend that the Supreme Court change.

If this proves successful in advancing equitable reform, then the task force could expand to the examination of the Revised Code of Washington, expressly to make suggestions to the Legislature, of changes needed to ensure justice.

This approach would be substantially similar to the recent Covid-19 task force, which came together quickly to address issues created by the pandemic, but due to the nature of rule and law change is not expected to be rushed work product. Tragedy in George Floyd's death, and our trauma as a people from the resulting debate, does not need to result in inaction.

My intention, with your authority to proceed, would be to create a roster with a chairperson, our At-Large Governors, and then delegates skilled in technical review: five at-large delegates, a delegate from the Civil Rights Section, a delegate from the Committee on Professional Ethics, a delegate from the Court Rules and Procedures Committee, a delegate from the Access to Justice Board, a delegate from the Practice of Law Board, and invite our listed partners in the private minority bar associations to send Delegates:

1. Asian Bar Association of Washington
2. Northwest Indian Bar Association
3. The Cardozo Society
4. Filipino Lawyers of Washington
5. Slavic Bar Association of Washington
6. QLaw – The LGBT Bar Association
7. South Asian Bar Association of Washington
8. Korean American Bar Association
9. Latina/Latino Bar Association of Washington
10. Vietnamese American Bar Association of Washington
11. Loren Miller Bar Association
12. Washington Attorneys with Disabilities Association
13. Middle Eastern Legal Association of Washington
14. Washington Women Lawyers

If this seems like a large body for a committee, it is. I intend for this to be in fact be a convention of underrepresented perspectives. I believe at this juncture in history it will be incredibly important to have many voices and perspectives from underrepresented communities represented, and for those voices to guide us in making our rules and laws more equitable.

The Committee would operate on Robert's Rules of Order and will issue reports with both majority and dissent opinions being moved forward together to advise the BoG. I would expect the Committee to Report to the BoG *at least* once every six months for two years, which I believe is sufficient time for thoughtful and continued work over a range of our wide bodies of laws.

I would like to thank former Governors Michael Cherry and James Doane for continuing to engage on these issues and help form this idea in my mind of a concrete response appropriate for our WSBA to take so that we are better educated and informed on what actions we should take. Special thanks also to our Diversity Committee Co-Chairs Laura Wulf and Governor Jean Kang for their review.

In Service,



Rajeev D. Majumdar