



WSBA

Diversity Committee Meeting Agenda

July 15, 2020

12 PM – 1:30 PM

Conference Call 1-866-577-9294 | Access Code 52680

The Washington State Bar Association's Diversity Committee is dedicated to implementing WSBA's Diversity and Inclusion Plan. The work of the committee promotes historically underrepresented groups to enter and stay in the profession of law. The Diversity Committee does this through collaborative relationships and community building activities, which highlight the numerous societal benefits of a diverse law profession.

Members: Chelsea Brisbois, Gov. Alec Stephens, Allison Ross, Laura Wulf, Yuping Wang, Serena Sayani, Nam Nguyen, Gov. Jean Kang, Andrea Jarmon, Gov. Hunter Abell, Laura Johnson, Carly Summers, Gov. Sunitha Anjilvel, Lisa Mansfield

Staff: Dana Barnett, Diana Singleton

1. **Call to Order, Welcome and Approval of Minutes**– Laura Wulf, Co-Chair

2. **BOG Report** – Jean Kang, Co-Chair

- a. WSBA mission statement
 - i. Comments made by Governor Higginson

https://www.youtube.com/watch?v=cxRjeOL9Y-A&feature=share&fbclid=IwAR3scv0zJMDbUB1V7ZEH41YT1hd_7mUbOK_yV2mE0eRQIIsIXL2C3g-vUqAk

- ii. MBA Letter to the BOG
- b. Diversity Committee's memo to the BOG
- c. BOG At-Large Seat

- i. Reflections on BOG discussion and vote

<https://www.youtube.com/watch?v=vBTBpl9rTWg&feature=share&fbclid=IwAR3xedFvybhqssDF-SFVBtCLBATQModRTmQEKqCS6W1xuFlv1Dq8hmjh52M>

- ii. Bylaw definition of diversity
 - iii. Proposal of responsibilities of the At-Large seat
- d. WSBA's Equity and Disparity Work Group

3. **September Meeting Date** – Dana

4. **Updates and Reports** - Dana

- a. MCLE rule change (new proposal by MCLE Board) -
- b. Beyond the Dialogue
- c. Legal Lunchbox

- d. ARC Reception
- e. MBA Scholarship Grants

5. MBA Updates and Reports – All

6. Announcements



WSBA

Diversity Committee Meeting Minutes

June 17, 2020
12 PM – 1:30 PM
Conference Call 1-866-577-9294 | Access Code 52680

The Washington State Bar Association's Diversity Committee is dedicated to implementing WSBA's Diversity and Inclusion Plan. The work of the committee promotes historically underrepresented groups to enter and stay in the profession of law. The Diversity Committee does this through collaborative relationships and community building activities, which highlight the numerous societal benefits of a diverse law profession.

Members present: Laura Johnson, Nam Nguyen, Gov. Jean Kang, Allison Ross, Gov. Alec Stephens, Laura Wulf, Yuping Wang, Andrea Jarmon, Lisa Mansfield, Gov. Sunitha Anjilvel, Serena Sayani, Carly Summers

Members absent: Gov. Hunter Abell, Chelsea Brisbois,

Guest: Leslie Ashly

Staff: Dana Barnett, Diana Singleton

1. Call to Order, Welcome and Approval of Minutes–

Laura Wulf called the meeting to order at 12:05 PM. Allison Ross moved to approve the February minutes. Lisa Mansfield seconded. The committee unanimously approved the minutes

2. BOG Report (LLLT, BOG At-large) – Jean Kang, Co-Chair

Jean Kang shared information with the committee on the highlights of the April, and May BOG meetings. On April 3rd the Supreme Court approved a group of bylaw amendments put forward by the Board, a Covid-19 response group was approved, MCLE credit reporting was extended for one year, Supreme Court granted Diploma Privilege, and the Supreme Court voted to sunset the LLLT program.

Jean shared that at the upcoming June meeting the Board will vote on a new BOG at-Large member, to take the place of Governor Alec Stephens. The committee discussed the importance of having the seat, which is supposed to promote diversity, equity, and inclusion be filled by someone who promotes racial equity and shifts the racial composition of the board. The committee discussed many reasons for this, particularly in this moment when the country is overtly struggling with issues of historic and systemic racism, and state sanctioned violence against Black people. Committee members raised the importance that the person in this seat is willing to reach out the Minority Bar Associations and represent their interests. It was also pointed out that there is a burden of being a person of color on the board, that the person who sits on the board needs to both be committed to the values of equity and inclusion, but also willing to speak up for them.

Alec will write something explicit to this point which will be added as a bullet point in the committee's memo to the Board of Governors.

3. Responding to the moment – in support of Black lives -

Laura Wulf led a conversation about a proposal / memo from the Diversity Committee to the Board of Governors. The memo shares the committee's support for the task force that President Majumdar is proposing, and goes further asking the Board to make specific commitments to promote racial equity on the Board and within the WSBA. The memo was read aloud and approved unanimously by the committee, with the addition of Alec's paragraph about the BOG At-large seat.

Commented [WL(1)]: Do you have the info about who moved to accept the memo and who was the second? If so, would add it.

4. MBA Scholarship Grants –

Dana shared that the budget for the Diversity programs is underspent due to cancelled in-person events and programs. After speaking with three MBA leaders, Dana and Diana are proposing that the money, which would have gone to MBA banquet tickets and events with the MBAs, be transferred into a fund to support MBA scholarships for law students and recent graduates. A majority of the committee voted to support this proposal, with Governor Alec Stephens abstaining.

Commented [WL(2)]: Can you add in who moved and who seconded?

5. MCLE rule change (new proposal by MCLE Board) –

The committee chairs shared that they met with the Chair of the MCLE board. The MCLE board is planning to propose to the board of Governors to reconsider the mandatory Ethics credit in diversity and elimination of bias, this time as a standalone proposal, without the additional two credits for technology and mental health. The committee added a bullet with support for this proposal in its memo to the BOG.

The below topics were tabled for the July meeting:

- a. Beyond the Dialogue – Postponed to August 13th Transphobia and Trans inclusion in the legal profession. Dana
- b. Legal Lunchbox – March program on Hate Groups, June program deferred, September program still on topic for discussion - Dana
- c. ARC Reception, canceled for this July, considering folding into potential fall programming with SU – Need to think through student programs during Covid-19 and beyond - Dana

6. MBA Updates and Reports – Tabled for July meeting

7. Announcements – Tabled for the July meeting

8. Meeting was adjourned at 1:30 PM

Next Meeting: July 15, 2020 Conference call

July 9, 2020

Via Email Only

Washington State Bar Association
Board of Governors
1325 Fourth Ave, Suite 600
Seattle, WA 98101-2539

Re: Open Letter to the WSBA Board of Governors

Dear President Majumdar and the WSBA Board of Governors,

We are writing you to express our anger, frustration, and deep disappointment at racist comments made by Governor Carla Higginson at the Board of Governors' meeting on Friday June 26, 2020 as they pertain to the minority bar associations (MBAs).

Specifically, Governor Carla Higginson made the following racist comments:

“I feel that it is not appropriate to send it out to specific special interest groups and I am just going to say it really bluntly that the minority bar associations have various specialty groups for their own purposes and that is supported by the Bar Association but we dumb white folks don't have our own special interest group so we're going to now promote contact with specific groups against others.”

The MBAs are not a “special interest group.” We are organizations intentionally created as spaces for marginalized attorneys in a predominantly white profession and culture. To date, the demographics of lawyers continue to be majority white. According to the [2012 demographic survey](#) conducted by the WSBA, the WSBA membership has only 12% racially diverse members. Lack of racial diversity and inclusion is a pervasive issue in our profession and in the WSBA membership. The MBAs exist not only to provide a safe space for under-represented attorneys, but also to lead and demand progress in including and amplifying the voices of minority attorneys.

Although Governor Higginson's comments were particularly offensive, this incident cannot be viewed in isolation. In recent years, we have noticed a trend of white Board Governors and Board leadership speaking derisively about diversity and access to justice programs at the Bar. These comments indicate a lack of empathy or understanding of the challenges faced by attorneys of color in the legal profession and everyday life. As elected leaders, the Governors have a responsibility to all members of the Bar.

In the same meeting, during the Board's conversation about a new taskforce in light of the murder of George Floyd by the Minneapolis police department, Governors downplayed the historic significance of the Black Lives Matter movement. George Floyd's death is just one recent example of a long history of Black individuals murdered at the hands of law enforcement. This incident is part of the systemic and racialized oppression that is endemic in our society at every level of our

legal system, including the WSBA. The legal system is long overdue for a reckoning with this history and it can begin with our profession. In the [words of our highest court](#), this is our moral imperative.

During the Board's discussion about an at-large position the following day, several white Governors and at-large hopefuls demonstrated both a lack of understanding of equity principles and open hostility against people of color for the position. Instead of recognizing the significance of reserving a seat for legal professionals of color, Governors accused their colleagues of color of divisiveness for bringing up issues of race and diverse representation. These comments dismiss the lived realities of marginalized members. The Governors have shown a fundamental lack of understanding and defensiveness in their positions as "leaders" in the profession that has the real consequence of creating a board that is unwelcoming and harmful.

If the Board of Governors is sincerely committed to its Diversity and Inclusion plan, it is imperative that the Board implement changes to ensure that the Board will hold itself accountable to its asserted values. We demand the following measures to be put in place:

- Written censure of Governor Higginson and her divisive remarks.
- Formal written apology from Governor Higginson, outlining a clear understanding of why her comments were harmful and action steps she will take to rebuild trust.
- Mandatory and intensive diversity, equity, and inclusion (DEI) training for all members of the Board in the immediate future, along with annual trainings henceforth.
- Creation and implementation of DEI priorities by the Board before the end of this fiscal year (2020) that are in compliance with the [Race Equity and Justice Initiative's Acknowledgements and Commitments](#), which the Board has signed.
- Support the MCLE Board's proposal regarding a mandatory ethics credit on implicit and explicit bias in the legal profession.

If the Board of Governors is unwilling to address and take accountability for the harm caused by their comments via tangible actions, as identified above, we demand the removal of Governor Higginson and all other Governors who not only fail to reflect the WSBA's values, but also wholly fail to serve our legal profession and community.

We remain committed to making this profession as equitable and inclusive as possible for attorneys of color. We invite the Board of Governors to challenge their implicit and explicit biases as their decisions on the Board impact the profession as a whole. We hold this Board accountable for its words, behaviors, and actions moving forward and demand the same.

[Signatories on Following Page]

With Respect,

Michelle Su, President
Korean American Bar Association of Washington

Jonathan Ko, President
Washington Attorneys with Disabilities Association

Vanessa Arno Martinez, President
Latina/o Bar Association of Washington

Joshua Treybig, President
QLaw Bar Association

Denise Diskin, Executive Director
QLaw Foundation of Washington

Nancy Pham, President
Vietnamese-American Bar Association of Washington

James F. Johnson, President
Loren Miller Bar Association

Lori Hurl, Vice President
MAMA Seattle

Gail R Manuguid, President
Filipino Lawyers of Washington

Chrystina Solum, President
Washington Women Lawyers

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: President Rajeev Majumdar and the Board of Governors

From: Jean Kang and Laura Wulf, WSBA Diversity Committee Co-Chairs

Date: June 17, 2020

Re: Proposal for the Board of Governors

In the wake of the recent events around racial injustice and in an effort to respond to the WA Supreme Court's recent call to action, the Diversity Committee respectfully submits this proposal to the Board of Governors (BOG).

The Diversity Committee's primary purpose is to implement the [WSBA Diversity and Inclusion Plan](#), which outlines the WSBA's inside-out approach to equity in the profession. The inside-out philosophy holds that a significant inward focus is the best foundation for impacting diversity, inclusion, and equity in the legal profession. Investing in the BOG's development of cultural competency and awareness of disparities in the communities we serve, directly impacts how decision making, member engagement, and bar services are approached and implemented.

The inside-out approach is consistent with the Supreme Court's call to action in its [recent letter](#):

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.

It is with this hope that the Diversity Committee respectfully requests that the BOG publicly recommit to the inside-out approach to diversity, equity and inclusion to create a more diverse and equitable legal profession to fight against continued racial injustices in our society. Specifically, we request that the BOG take the following actions which are consistent with the WSBA Diversity and Inclusion Plan, the Board of Governors WSBA Values, and the commitments made by the [WA Race Equity and Justice Initiative](#), which WSBA is a member of:

- Commit to ensuring that race equity is reflected in policies and practices for BOG recruitment, selection, priority-setting, governance, organizational culture, and communications; understanding that diversity builds strength and prevents blind spots created by homogenous leadership organizations

- Learn techniques and tools for reducing and eliminating implicit and explicit bias, and invest in meaningful training to understand the importance of recognizing our own biases and moving forward to fight against systemic injustice.
- Ensure that the BOG is inclusive to the entire legal profession, including voices from marginalized communities;
- Approve and fully support President Majumdar’s proposal to create WSBA’s George Floyd Equity and Disparity Work Group.

As President Majumdar stated in his proposal: *“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...”*

We hope that the BOG will take this opportunity to recommit to its stated diversity, inclusion and equity values and take the next steps needed to make our rules, courts, laws more equitable.