



Civil Rights Law Section
WASHINGTON STATE BAR ASSOCIATION
Executive Committee Meeting
March 19, 2019, 11:00 AM to 12:30 PM
Minutes

Present:

Sarah Derry, Chair

Molly Matter, Chair-Elect

Anne Paxton, Secretary

Fred Diamondstone, At-Large Member

Kathleen Kline, At-Large Member

Kristi Cruz, At-Large Member

Gloria Ochoa-Bruch, At-Large Member

Eleen Trang, WSBA liaison

The WSBA Civil Rights Section Executive Committee met by phone March 19, 2019. A quorum was in attendance and members voted to approve the January and February meeting minutes. Eleen will post final copies of the minutes on the committee website

STATE LEGISLATIVE UPDATE

Thanks to all who drafted and reviewed draft statements of positions on current bills in the state legislature.

New Hope Act

A substitute version of the New Hope Act, providing a little less relief than the original bill, has passed the House and is pending in the Senate where it is set for a hearing before the Law and Justice Committee. Fred reported that we did get letter out on it to House Public Safety Committee and that letter will be in the files available for other legislators to view. Our section is one of the most active in conducting legislative work and Sarah invited committee members to volunteer to garner further support for the bill.

Native American Voting Rights Act

This bill, which the committee voted to support, has been passed and signed by the governor. Sarah suggested sending an update to the listserv about the bill.

HB 1924, Automatic Restoration of Voting rights

Fred reported that this bill passed out of the House Government Relations Committee. It was referred to Rules February 22 and there has been no action. The bill is dead for this session.

Washington Law Against Discrimination

A bill amending this statute is pending. It would add citizenship status and immigration status to the list of prohibited categories of discrimination. The Executive Committee voted in February to approve a GR 12 statement supporting the bill. Fred agreed to draft a letter of support to be circulated to Executive Committee members, then sent to the House Judiciary

Committee as soon as possible. The House Judiciary Committee is scheduled to review the bill March 22.

Sarah explained that the Executive Committee gets an email from Sanjay Walvekar, the WSBA Outreach and Legislative Affairs Manager, with bills they think might be of interest. We chime in if we want to take a position or wish for them to track a bill. Committee members may suggest other bills they wish the section to take a position on.

Harassment and Bullying Bill

The former chair of the Executive Committee has written about a bill concerning harassment, bullying, and intimidation in public schools. The committee can decide to take a position on the bill, which will require writing a GR12 statement, or decline to take a position.

Federal Civil Rights Legislation

Molly noted there is still a question whether the section should support federal legislation, the Dream and Promise Act, introduced March 12. The Board of Governors would have to approve this at the next meeting in the middle of May. Because we are having similar legislation in our state to the Dream Act plus automatic voter registration, we have already written a justification that we can adapt to federal law. The BOG must approve a statement before we sign off on it. In previous years, the BOG had a separate approval process for federal legislation that is basically the same as state legislation.

The State Bar Act

House Substitute Bill 1788 would do away with the State Bar Act, transferring to the state Supreme Court the regulation of the practice of law, eliminating the Board of Governors, and transferring everything WSBA does to a new organization. It has passed the House 96 to 1 and is pending in the Senate. Alec Stephens is currently in Olympia dealing with BOG issues regarding the State Bar Act.

Eleen said there is some concern that an integrated bar structure may be attacked, and there has been support in the past for restricting political positions and reducing costs. Relevant cases are posted on the WSBA website. Fred said WSBA internal housekeeping has contributed to support for the bill, but two Supreme Court decisions on antitrust and First Amendment rights of members who disagree with positions are major drivers.

Some opponents suggest it is better to wait for a challenge than to throw out the structure now in existence. The BOG voted last week to appoint four governors to testify against the current bill. The WSBA is holding meetings and conference calls to consider next steps. There is concern that the group appointed to consider the structure of the bar should be allowed to continue its work.

Gloria reported that the BOG sent a letter from the Technology Section on repealing the State Bar Act, asking the legislature to hold off. They are recommending that the Civil Rights section take a similar position.

Commenting on the potential impact and unintended consequences of the bill, Eleen noted that similar legislation regarding the state bar act has been instructed in the past, but it was unusual for a bill to get this far this quickly and by a wide margin.

Sarah said the bill obviously does have some civil rights implications, and we could think whether we as the Executive Committee have a position we want to share with our members.

Fred said we could educate and send links to section membership but he is reluctant to advocate that, given our knowledge relative to that of the BOG and its members who are more thoroughly versed. A position by us might not be consistent with whatever messaging Alec and others on the BOG are voicing in the legislature.

The WSBA home page contains legislative affairs information and discussion, and there are links to the legislative bill finder and various bill reports, the original bill, and the engrossed substitute bill, to ease tracking the legislation. Individuals may also write on their own to their legislators. Sarah noted everyone including members has listserv posting privileges and should be encouraged to express their opinions about the bill there.

Molly supported Fred's request that the Executive Committee wait for Alec to educate us on the bill, because it is such a complicated issue and we may want to be on same page with all people really doing the work before sending out a notice to the membership.

Molly pointed out that the Executive Committee can take positions as long as we give the statement in writing to the BOG. Sarah suggested we may want something we can keep in our back pocket for the future but there are no immediate plans to take a position on any aspect of bar structure right now.

Spring CLE Plans

Molly and Kristi are handling our spring CLE on implicit bias training, a half day, 3.75 ethics credit CLE that is set for Friday, May 24. They plan to meet April 1 with Just Lead, which does leadership training for lawyers and will facilitate an implicit bias training. Because the CLE will take place just before a holiday weekend, they will aim to get people out as early as possible. Joy Williams, who has spoken to the BOG in the past, is the tentative leader. She will discuss power and positionality in the context of diversity, equity, and inclusion.

Sarah said we can allocate an honorarium for the CLE speaker from the Executive Committee reserves and can also try to seek sponsorships. At previous CLEs, we have had a reception afterwards, sponsored by firms that can supply catering or alcohol, and we may want to have a mini-reception for this CLE. However, there was some feeling that this may be a good CLE not to include a reception.

Not paying an honorarium limits our speakers to the wealthy, Molly noted. These trainers have been working on undoing institutional bias and racism and looking at privilege for decades. That leads to a different kind of training than a presentation by an employment lawyer discussing some cases. It was moved and seconded to approve \$1 k from reserves for the spring CLE speaker.

Sarah said the section usually offers a CLE in September but does not currently have a plan to do so this year.

Promoting Civil Rights

Molly proposed that the section consider a program of mentoring youth over next year or two in hopes of encouraging people to become civil rights attorneys and promoting diversification

within the profession. She plans to check with the WSBA about the legality of conducting such a program. Fred is interested in the section's doing some educational work in schools and will follow up with Molly.

Section Elections

Eleen announced that nominations for the executive committees are due March 8. She requested that committee members help recruit candidates. There was discussion about promoting the election on the listserv and reaching out to alumni networks at UW and SU.

Annual Meeting and Awards

An annual face to face meeting of the section is required. Sarah requested that committee members consider the possibility of making awards this year too. Molly agreed to help with this.

April 16 meeting

Sarah requested that the April 16 meeting time be pushed to an 11:30 a.m. start time due to her responsibility for conducting a CLE that morning.

Respectfully submitted,

Anne Paxton
Secretary