



Civil Rights Law Section

WASHINGTON STATE BAR ASSOCIATION

Executive Committee Meeting

MEETING MINUTES WSBA – Civil Rights Law Section October 17, 2020

PRESENT: Tobin Klusty, Sarah Derry, Laura Sierra, Chalia Stallings-Ala'ilima, Jamie Hawk, Molly Matter, Stephan Yhann, Mickey Moritz, Meha Goyal, Tim Brooks, Alec Stephens

- 1. Approval of Minutes.** The September minutes were approved.
- 2. Approval of Agenda.** Sarah moved to amend the agenda to include an invitation for members to raise additional topics “for the good of the order.”
- 3. Introductions.**
- 4. Approval of appointment of Chair-Elect (Laura Sierra) and Secretary (Cameron Sheldon).** Chair-Elect appointment approved. Secretary appointment approved.
- 5. Legislative Research Standing Committee.** Tim and Meha would be appointed as WSBA intermediaries to receive bills from BOG and review for the purpose of CRLS taking a position on this. Specifically, they would act as filter for bills we monitor or decide to make a statement on. They would report back to Cameron.

Sarah notes that, several years ago, EC struggled to vote and make quorum on taking a position. Sarah notes that it is important to build consensus. Sarah further notes that EC members must make quorum on taking a position. However, simply monitoring does not require quorum.

Molly notes that several veterans could help create a fluid process/baseline to pass on to the junior members of the legislative committee (Cameron, Tim, Meha).

Alec notes that something the EC may want to consider is developing a process for vetting/reacting to bills. In addition, EC may want to prioritize qualified immunity given the impact of BLM, George Floyd, and the racial justice movement. The death penalty is an area that CRLS has focused on, too. A list of priorities may be helpful to produce the GR-12 analysis and get ahead of the game. If we know that certain bills are going to drop, that could help direct our focus.

Stephan agrees that it is important to “get ahead of the game.” Perhaps in the next session we can discuss how we set up priorities and what the members find important.

Jaime notes that CRLS recently wrote a letter on voting rights restoration. There will be other bills like that. Might discuss these bills during our December retreat. This legislative session will be different because it will be entirely remote. The House will be entirely virtual. The Senate is trying some hybrid approach.

Legislative Research Committee (LRC) is approved and created.

Appointment of Tim and Meha to the LRC.

- 6. Video for WSBA/REJI Commitments.** Chalia had conversation with Diana Singleton. Diana leads diversity and equity work for WSBA. They need to create a new video for their volunteer attorneys, and would like to use it as a “positive” tool. WSBA has started thinking about individuals who are hopeful and would be a good example to others. WSBA reached out to Molly, in particular, as someone who would be a good person in the video. Molly, in turn, invited others. So the question is whether we do a group recording, etc. In speaking with Diana, Chalia’s concern is that this could be a WSBA puff piece to signal that “everything is fine” when that’s really not the case. Diana says the idea of the video is to use as an anti-puff piece and cancel the noise of the haters. They want to inspire volunteers who want to volunteer with WSBA, participate in programs, and ignore the noise from some WSBA members statewide.

Also relevant, BOG adopted Race and Equal Justice Initiative (REJI). The videos would offer a way of embracing the REJI commitments. So CRLS could offer some statements indicating measures we are implementing in that regard. The video would start with Chief Justice Stephens expressly endorsing REJI. Chalia still believes that this is a puff piece. The question for CRLS is whether we endorse REJI or not, and do so through WSBA. For more on REJI: <https://wareji.org/commitments/>

Alec notes if you think about it from the posture that this is a good thing, and then we don’t hear from the haters, there is always a question of whether we walk our talk. To be clear, BOG is a policy adopting body and at times they forget what they’ve adopted. Alex would rather be a position of having the talk and then walking, as opposed to not talking at all. Alex sees this as an opportunity for CRLS to promote its work. In responding or being a part of this, it also is an opportunity for CRLS to say what we have done. When you talk about the haters, some of our CLEs on white supremacy have been critical. The legislation and stances we take are all in alignment. This is a way to remind our members of where we are.

Molly thinks it’s a difficult decision. We can’t walk the walk without talking the talk. The legal institution is racist, and the WSBA is not where we need it to be. If we can do this in a way so as to ensure that WSBA is accountable to REJI, that is what must happen. But it would be problematic if there is no follow up and in depth work as to the REJI commitments.

Chalia notes there is an outline with potential talking points. Part of our work is challenging our organization.

Alec notes that if we participate, there should be a lot of eyes looking at what we say in our message. We could take the posture that the whole structure we entered into was racist. But the relevancy for us is why do we do this work. We do this work, he believes, because we are dedicated to pushing our fellow members to get on board and be a part of it. There is a way we can recognize our members and the work they do, and the work of sister orgs and entities (e.g., Access to Justice Board). Without saying that WSBA itself is all that and a bag of chips.

Chalia notes we are not on a time crunch. Perhaps we can take an informal vote. If we are generally okay with this, we can take a stab at drafting to indicate how we feel. Chalia is willing to work on it and invites others to participate with her.

Molly would participate. And Tobin would be willing to help in any capacity.

Tobin notes that we need to hold WSBA accountable to REJI.

Motion approved.

7. **State Representative Thai.** Would like to speak to members about qualified immunity and private right of action legislation. Fred Diamonstone was the Secretary last year and an abundant wealth of knowledge on this topic. Fred volunteered to speak with Rep. Thai. Unfortunately, the day Tobin and Fred were supposed to meet with her, they were informed that the meeting had to be cancelled. Fred subsequently reached out, and Sanjay reached out. But they were told that now is not a good time to reschedule given other pressing matters.
8. **Equity and Diversity Taskforce.** Chalia and Molly volunteered to be co-representatives on this task force led by Alec. Laura is also on it, but not with her Section hat. The Section will be well represented and meeting soon.
9. **Retreat.** We need to do is discuss some retreat ideas and dates. The pandemic is still with us and this will likely have to be a virtual experience. Molly can probably speak more to this.

We have credit with JustLead during the treat and Molly will be in correspondence with Tobin as to their availability to be “on a retreat.”

Tobin’s preference is to have a meeting sooner than later. We have a lot of important things to discuss and the retreat is an ideal forum for that. A potential idea is a half-day CLE co-produced with World Peace in Law.

Laura and Sarah agree that sooner than later.

Molly will reach out to JustLead. Tobin will send out a Doodle. Chalia notes that her Saturdays are open.

Tobin notes we have a meeting in November, but we can wait to finish the 2021 schedule until then. It would be a good idea to potentially plan for a full day. Tobin notes a full day meeting might be best.

Alec notes that it is better to plan for a full day and end early as opposed to planning for a half day and going late.

10. BOG Special Meeting. EC found out about this at the very last minute which is why we rescheduled our meeting.

Molly reviewed the MBA's requests. Governor Higginson reached out to one MBA president, and she apparently had some conversations with him, but no one else. She finally wrote a letter of apology in October. She wants to highlight the requirement that BOG discusses diversity and inclusion efforts at each board meeting. Molly notes that Governor Higginson was not there.

Chalia was shocked to see Governor Higginson was not there. MBAs comments and Professor Chang's comments were very valuable. It was an hour-long and they cut it off at that point. The president of the WSBA asked for public comment but then ended it anyway. It seems like window dressing. They are afraid to have these conversations because they don't want to include the naysayers. Chalia stated that CRLS is supportive. Turnout was good with over 100 people in attendance.

Laura attended as well.

Meeting adjourned.