

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

Board of Governors Special Meeting
Meeting Materials

October 20, 2020
Zoom Conferencing and Teleconference

July 23, 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 – Updated

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

Samir Junejo, President
South Asian Bar Association of Washington

Omar Nur, President
Middle Eastern Law Association of Washington

Dear President Majumdar and the WSBA Board of Governors,

I write on behalf of the Asian Bar Association of Washington to respectfully request that WSBA take immediate and appropriate action to address the deeply offensive and racially biased remarks made by Governor Higginson at the Board of Governor's June 26, 2020 meeting. Governor Higginson's remarks are yet another example of hostility against diversity and inclusion within the bar. It underscores the urgent need for WSBA to educate its leaders and members on the ways in which bias can infect our work as lawyers and effective measures we can take toward eliminating it.

At the June 26th meeting, Governor Higginson objected to ensuring that the minority bar associations (MBAs) receive notice of the proposed amendment to the WSBA Mission Statement because, according to the Governor, there is not a similar organization for "dumb white folks" and because of fear that MBAs would have an outsized influence on the proposal.¹ The Governor's derogatory statements disparaged MBAs, showing a fundamental lack of understanding of their purpose and work (not to mention, her comments also disparaged White bar members). More than that, however, they repeat, at the highest level of governance of our state bar, the harmful trope that organizations representing the interests of historically marginalized communities threaten the majority.

First, the statement fails to recognize why MBAs exist when it characterizes MBAs as "special interest groups" that organize to "stack the deck"² against certain proposals advanced by the Board of Governors. ABAW formed and exists to act as a resource for its members and to promote "justice, equity and opportunity for Asian Americans."³ Asian Pacific Americans have experienced a long history of discrimination in this country similar to other groups of color. Viewed as unclean, distrusted "others" and an encroaching horde that threatened the "American" way of life⁴, they were subject to discriminatory laws that barred them from, among other things, citizenship, voting, land ownership, intermarrying with whites, acting as witnesses, and admission to the bar.⁵ One need look no further than

¹ Comments by Governor Carla J. Higginson, WSBA Board of Governors meeting, June 26, 2020, morning session, *available at* <http://link.videoplatform.limelight.com/media/?channelListId=34d9718a114a453fa4067f9dad13df94&width=960&height=360&playerForm=WidescreenTabbedPlayer>, (within the section of the video entitled "The WSBA Response to Our National Dialogue," 19:01.

² *Id.*

³ ABAW Mission Statement, <https://www.abaw.org/>.

⁴ *See, e.g., Chae Chan Ping v. United States*, 130 U.S. 581, 606 (1889) [hereinafter "Chinese Exclusion Case"] (upholding the exclusion of Chinese Americans from immigration, reasoning that the government possessed inherent power to protect the security of the country from the purported "vast hordes crowding in upon us") and headlines that greeted Japanese Americans when they arrived in this country. "The Yellow Peril - How Japanese Crowd Out the White Race." S.F. CHRON., Feb. 23-Mar. 13, 1905.

⁵ For a discussion of the history of discriminatory laws against Asian Americans, see Eric Yamamoto *et al.*, *Race, Rights and Reparation*, 2nd ed. (WOLTERS KLUWER LAW & BUSINESS, 2013), 23-81. In 1902, the Washington Supreme Court denied Takuji Yamashita admission to the bar because he was not a member of "any branch of the white or whitish race." He was granted post-humous admission in 2001. Sam Howe Verhovek, *Justice Prevails for Law Graduate, 99 Years Late*, <https://www.nytimes.com/2001/03/11/us/justice-prevails-for-law-graduate-99-years-late.html>.

current headlines to see harassment and assaults based on blaming Asian Americans for the “Chinese virus” and the “kung flu” that reflect the same deeply-embedded animosity towards Asian Americans.⁶

Second, the statement that MBAs would stack the deck against the proposal is deeply offensive because it assumes, without any basis in fact, that they would necessarily act in their self-interest, contrary to the best interests of WSBA. In this regard, it is essential that the Board of Governors recognize that addressing issues of bias, diversity, and inclusion are not the realm of “special interest groups” and are not counter to the WSBA’s goals. Instead, MBAs work to ensure that lawyers recognize and work to avoid bias, both explicit and implicit—an essential professional skill that enables lawyers to communicate and work effectively and professionally with clients, colleagues, opposing counsel, judges, and others. Governor Higginson’s comments are concerning because they illustrate how deep-seated biases poison judgment and professional relationships.

Finally, it shocks the conscience that a member of the Board would seek to exclude MBAs from the distribution of notice of the Board’s proposal. To ask that members of MBAs not receive notice, while, we assume, informing other constituencies such as the bar’s sections, appears discriminatory on its face.

In closing, while we expect that the proposed mission statement at issue during the June 26th meeting will be distributed for comment, ABAW would like to take this opportunity to voice our position that the Board should not delete from the mission statement the very important goal that WSBA serves “to champion justice.” The present mission statement views WSBA as an institution that not only serves its members, but also serves the public and acts to secure justice. WSBA is more than a mere trade organization. Recognizing that lawyers have “a special responsibility for the quality of justice”⁷ and that lawyers have special knowledge of, and access to, the legal system, WSBA should explicitly state that it affirmatively *acts* to ensure that the law and legal system are fair, inclusive, and accessible,

⁶ On March 9, 2020, 26-year-old Yuanyuan Zhu was walking to her gym in San Francisco, California, when she saw a man yell an expletive about China and then scream at a passing bus to “run them over.” He then spit on her. After hiding herself in a corner, she quietly cried. Sabrina Tavernise and Richard A. Oppel Jr., *Spit On, Yelled At, Attacked: Chinese-Americans Fear for Their Safety*, N.Y. TIMES (Mar. 23, 2020), <https://www.nytimes.com/2020/03/23/us/chinese-coronavirus-racist-attacks.html>. In late March, Tony Yan and his wife Lisa Li found their Yakima, Washington, restaurant vandalized. Spray-painted outside was, “Take the corona Back you chink.” Sheng Peng, *Smashed windows and racist graffiti: Vandals target Asian Americans amid coronavirus*, NBC NEWS (Apr. 10, 2020), <https://www.nbcnews.com/news/asian-america/smashed-windows-racist-graffiti-vandals-target-asian-americans-amid-coronavirus-n1180556>. Grace Kao, Ph.D., Chair and IBM Professor of Sociology at Yale University, observed, “With something like COVID-19, where everyone is scared of catching it, Asian Americans become the physical embodiment of disease, so we’re seen with great suspicion. I’m a little scared to go outside, frankly, especially if I start coughing.” Austa Somvichian-Clausen, *Trump’s use of the term “Chinese Virus” for coronavirus hurts Asian Americans, says expert*, THE HILL (Mar. 25, 2020), <https://thehill.com/changing-america/respect/diversity-inclusion/489464-trumps-use-of-the-term-chinese-virus-for>.

⁷ A Lawyer’s Responsibilities, Washington Rules of Professional Conduct, Preamble [1], *available at* https://www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_PREAMBLEANDSCOPE.pdf.

especially to underserved communities less able to avail themselves of the legal system's protections.

We understand the Korean American Bar Association ("KABA") has also submitted a letter on this matter. For the above reasons, we support KABA's demands for (1) a written censure of Governor Higginson; (2) an apology from Governor Higginson; (3) mandatory diversity, equity, and inclusion (DEI) training for the Board of Governors; (4) creation and implementation of DEI priorities; and (5) support of mandatory ethics credit on implicit and explicit bias in the legal profession. To ensure these proposed changes are meaningful and effective, we also encourage the Board to actively engage with members of MBAs to listen to, and hopefully learn from, their diverse perspectives. Toward that end, ABAW welcomes opportunities to meet with the Board to facilitate constructive dialogue and to work together in achieving the goals outlined above.



Serin Ngai
ABAW President



Alice Truong
ABAW Student Scholarship Foundation President



July 16, 2020

Rajeev D. Majumdar
President, Washington State Bar Association
1325 Fourth Ave, Suite 600
Seattle, WA 98101-2539

Dear President Majumdar:

The Washington State Association for Justice is a statewide organization of approximately 2,400 trial attorneys dedicated to protecting access to justice and equal treatment under the law.

We stand in support of the many specialty bar groups who collectively have become known as Minority Bar Associations (MBA's). We stand firmly against derision of their role and purpose. There is important value and need for these organizations which has only increased in recent weeks. They can help move WSBA and all of its many thousands of individual lawyers toward greater real diversity in our profession.

These past several weeks of unrest and introspection lead to a single conclusion that our nation generally – and attorneys sworn to uphold the law in particular – still have an unacceptably far distance to travel before true diversity and inclusion can be claimed or celebrated.

Like many organizations, WSAJ is being compelled to recognize the need to do more to ensure action is happening alongside aspiration. We are committing to real progress and WSBA must as well.

We believe the many and varied MBA's in Washington state should be supported and celebrated for the important role they can continue to play within our bar and help us to be a shining example for the entire country.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Allison".

John D. Allison
President, Washington State Association for Justice

July 2, 2020

Mr. Rajeev Majumdar
WSBA President
Washington State Bar Association
1325 Fourth Ave., Suite 600
Seattle, WA 98101-2539

RE: WSBA Governor Carla Higginson

Dear President Majumdar:

As a Past-President of the WSBA, I write to express the outrage and concern shared by the attorneys in our firm about Governor Carla Higginson's conduct in the most recent Board of Governors meeting.

In a discussion about how to best communicate issues to WSBA membership, including sections, committees and various Bar associations, Governor Higginson argued that messages applicable to all WSBA members should not be sent to minority bar associations, which she described as "special interest groups." She asserted that doing so would "stack the deck" against white people, because "we dumb white folks" don't have a special interest group. When graciously given the opportunity to clarify her beliefs, Governor Higginson further argued that the minority bar associations, and issues surrounding race in general, are becoming so divisive that it undermines the profession, the public, and the Board. She reiterated that she doesn't like the divisiveness, which makes it too difficult to focus on the practice of law.

Our firm categorically disagrees with each one of these assertions for the following reasons:

1. Refusing to communicate WSBA business to minority bar associations is patently discriminatory, particularly when based on the false premise that those bar associations are only for minorities who may "stack the deck" against white people.
2. Minority bar associations operate around a principle of inclusion, and include many white supporters. The premise of Governor Higginson's assertion is unfounded.
3. Governor Higginson's bemoaning of the lack of a white special interest group ignores substantial underrepresentation of minorities in Bar membership and implies that "white" perspectives – whatever those might be – cannot be adequately and fairly considered just because the WSBA publicizes information not only to the general membership but also to minority interest bar groups. This promotes an "us vs. them" belief system, which is fundamentally wrong.

4. Governor Higginson's complaints over the "divisiveness" of race, and her request that the issue be quashed, would not only generally inhibit airing and dialogue on these important issues, but may silence minority members of the Bar and so perpetuate the inequality that has continued to exist in our country. Civil rights in this country are guarded by lawyers. The job of lawyers is to address divisiveness in a civil and productive way. No such concerns should be off limits to professional discussion among WSBA leadership or its members.
5. Calling the issue of race divisive and unnecessary dismisses the life experiences and identities of minorities, who are a part of the communities in which we all serve and work. Governor Higginson's assertion that discussing race does not serve the profession, the public, or the board, contravenes the core principles of the WSBA, the Supreme Court, and our ethics rules.
6. Governor Higginson's assertion that race prevents lawyers from focusing on the practice of law should be condemned. Race is a part of our society, and therefore a part of the practice of law. Issues of race and racial inequities are very much a part of the practice of law. This is not just because race is part of our society. But specifically because race is intertwined with the law resulting in unequal access to justice, disparate treatment, disproportionate exclusion from jury service and far too many other inequalities.

Everyone in the legal community should be able to recognize what many people of color have always known: that we are not entitled to the status quo, and we are not entitled to be comfortable at all times. These are privileges we must all reject in a truly fair and open society.

This is especially true right now. Our entire country is looking to see how we can change the status quo. Everyone is being asked to act in a positive way to face these issues and move ourselves toward a more just society. And there is no group that knows and understands these issues better than the membership of the various bar associations in this state and around the country. We are the keys to the system of justice in this country. We have a special obligation to see that the justice system works, and that it works to help create a more just society.

Less than a month ago, our State Supreme Court sent a letter to all members of the judiciary and the legal community about the devaluation and degradation of black lives in our society. The court stated, "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.... 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.... We call

Mr. Rajeev Majumdar
WSBA President
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on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.”

We do not question the right of Governor Higginson to express her ideas and opinions. We do, however, object to the use of her position and platform to espouse racist ideologies. She should be mandated to receive diversity training.

We also believe that there is no way that the views expressed by Governor Higginson are supported by her constituents nor the general membership of the WSBA. We have read many, many e-mails denouncing her comments. In our firm meeting this week, the comments of Governor Higginson were roundly condemned. It would seem that she should be recalled from her position by her constituents as a member of the governing board of the WSBA.

We strongly request that you give this matter your highest attention. And that you engage in transparency with your membership regarding any further action taken on this matter.

Thank you for considering our position.

Very Truly Yours,

A handwritten signature in blue ink that reads "Paul L. Stritmatter". The signature is written in a cursive style.

Paul L. Stritmatter

PLS:klf

Cc: Governor Carla Higginson

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:

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- 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]



TACOMA-PIERCE COUNTY BAR ASSOCIATION

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Fax: (253) 627-4718 • Email: director@tpcba.com

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TPCBA Board of Trustees:

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Judge David B. Ladenburg*
*Tacoma Municipal Court
Judicial Liaison*

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Carly Roberts, Cassidy Ingram*
WA Women Lawyers Liaisons

Judge Brian Tollefson, ret.*
WSBA Liaison, 6th District

Leslie Bottimore*
Collaborative Law Liaison

Lisa H. Mansfield*
*Pierce County Minority Bar
Association Liaison*

Jennifer Ammons*
Tacomaprobono Liaison

Professor John Weaver, ret.*
Law School Liaison

*indicates non-voting member

The mission of the Tacoma-Pierce County Bar Association is to serve the members of the Pierce County community by promoting professionalism, community service and collegiality among lawyers; improving access to justice; increasing the awareness of the role that the law plays in people's lives; offering programs, benefits and services to its members; supporting diversity and inclusion within the legal profession; and by enhancing and supporting the judicial system.

July 23, 2020

VIA EMAIL

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

Re: Open Letter of the TPCBA Board of Trustees to the WSBA Board of Governors

Dear President Majumdar, the WSBA Board of Governors, the Tacoma-Pierce County Minority Bar Association, and the Minority Bars Associations of the State of Washington:

The membership of the Tacoma-Pierce County Bar Association (TPCBA) includes over 1,400 attorneys who practice in the South Sound, one of the most racially diverse regions of our state. The TPCBA Board of Trustees believes that justice is the core of our mission as legal professionals, and the racism inherent in our legal system impedes that mission. We believe that Black lives matter, and we celebrate the work of the Tacoma-Pierce County Minority Bar Association, the WSBA Diversity Committee, and Washington's statewide Minority Bar Associations. We unequivocally support and endorse the June 18, 2020, Proposal for the Board of Governors presented by the WSBA Diversity Committee (the Diversity Proposal), which is enclosed here.

Accordingly, the TPCBA Board of Trustees was distressed to learn that WSBA Carla Higginson recently opposed the fair and reasonable requests presented in the Diversity Proposal with racist comments at the June 26, 2020, meeting of the Board of Governors. We write to express our disapproval of her statements: they were inappropriate, and they uphold and maintain racist systems which we as a legal profession are called to dismantle and correct. In response to Governor Higginson's remarks, the Tacoma-Pierce County Bar Association Board of Trustees passed the following resolutions on June 21, 2020:

1. **Black lives matter.** The TPCBA Board of Trustees resolves and affirms that Black lives matter.
2. **Open Letter of Minority Bar Associations.** The Tacoma-Pierce County Bar Association Board of Trustees endorses the Open Letter to the WSBA Board of Governors written by the Korean Bar Association and Washington Women Lawyers dated July 9, 2020, and enclosed with this letter. The TPCBA adopts the letter in form and substance as our own statement.
3. **Encouraging Adoption of Diversity Proposal.** If the WSBA Board of Governors has not yet adopted every provision of the June 18, 2020, Proposal for the Board of

Governors presented by the WSBA Diversity Committee, the TPCBA Board of Trustees encourages the Board of Governors to adopt the proposal in its entirety. Adoption in its entirety would include adopting the Diversity Committees recommendation that the Board of Governors fully support efforts to require licensed legal professionals to complete at least one ethics credit in the topic of equity, inclusion and the mitigation of bias per each three year MCLE reporting period.

4. **We Adopt the Diversity Proposal.** To hold ourselves accountable and to model the behavior we wish to see at the WSBA Board of Governors, the TPCBA Board of Trustees has adopted the Diversity Proposal – to the extent possible for a local bar association – as if it had been presented to us. Recognizing we have no authority to impose CLE requirements on our members, the TPCBA BOT encourages all TPCBA members to complete at least one ethics credit in the topic of equity, inclusion and the mitigation of bias per each three year MCLE reporting period.
5. **Commitment and Accountability to the Work.** The TPCBA Board of Trustees commits itself to meaningfully pursuing anti-racist work as individuals and as a Board of Trustees. To hold ourselves accountable to this commitment, we have resolved to express this commitment in this open letter to the Tacoma-Pierce County Bar Association and to the Minority Bar Associations of the State of Washington. The TPCBA Board of Trustees thanks those groups for their commitment to dismantling systemic oppression. We support you, we see you, and we thank you.

These resolutions do not complete the work of the TPCBA Board of Trustees – they begin it. We embark on a long overdue journey toward making our local bar more diverse, equitable, and inclusive. The work is hard but necessary, and we are ready to embrace the discomfort that comes with it.

What happened on June 26, 2020, disregarded the tireless and dedicated work of legal professionals committed to the true work of justice. It was a problematic moment for our profession. But in all problematic moments, we believe there is hope for growth and change. We urge the Board of Governors to see this moment as an opportunity to do meaningful work to make our profession more Equitable, Diverse, and Inclusive.

Sincerely,



James W. McCormick
TPCBA President

Amanda M. Searle
TPCBA Vice-President

Heather M. Young
TPBCA Secretary-Treasurer

Kenneth W. Blanford
TPCBA Immediate Past
President

Josh Brumley, President
Young Lawyers Section

Gina Auter, Past President
Family Law Section

Jennifer Andrews
TPCBA Trustee

John C. Cain
TPCBA Trustee

John Cummings
TPCBA Trustee

Judge Ronald E. Culpepper, ret.
TPCBA Trustee

Heather L. Swann
TPCBA Trustee

André M. Peñalver
TPCBA Trustee

Encl: Proposal for the Board of Governors dates June 18, 2020
Open Letter to the WSBA Board of Governors, dated July 9, 2020

CC: Tacoma-Pierce County Bar Association Membership
Open Distribution

JWM/kk

MEMO

To:	President Rajeev Majumdar and the WSBA Board of Governors
From:	WSBA Diversity Committee
Date:	June 18, 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](#), of which WSBA is a member:

- 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; and
- Fully support efforts to require licensed legal professionals to complete at least one ethics credit in the topic of equity, inclusion and the mitigation of bias per each three year MCLE reporting period.

Further, as this memo has been developed, the Board of Governors is in the process of electing a person to be At-Large Governor for a 3-year term beginning in late September 2020. It is important that the person elected is from a historically underrepresented group who has faced legal and social exclusion in our State and Nation’s history. That person should also be best suited to not only represent, but report back to Diversity Stakeholders, most of whom are representatives of Minority Bar Associations. We encourage the members of the BOG to give serious consideration and elect someone who can best work with their colleagues on the BOG and with the stakeholders from diverse and historically underrepresented people and groups.

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 demonstrate the WSBA’s inside-out approach and ultimately make our rules, courts, laws and profession more equitable.

From: [Rajeev Majumdar](#)
To: [Terra Nevitt](#)
Subject: FW: Gov Higginson's comments at the WSBA BOV meeting
Date: Monday, July 20, 2020 4:09:51 PM

From: Eva Leon <infinity.er@gmail.com>
Sent: Sunday, July 05, 2020 1:49 PM
To: Rajeev Majumdar <rajeev@whatcomlaw.com>
Subject: Gov Higginson's comments at the WSBA BOV meeting

Governor Rajeev Majumdar,

My name is Eva Leon and I am writing to you because of a disturbing clip I saw of Governor Higginson making disparaging remarks related to the Minority Bar Association in a recent Washington State Bar Association Board of Governors meeting. Her comments show a troubling lack of understanding, especially coming from someone in a position of high visibility and authority. They also seem to be at odds with WSBA's statements of support issued for minority/specialty bar associations and for equity and inclusion under the law.

Due to these remarks, I have serious concern about her bias and her complicity in perpetuating a racist system. Her statements have certainly reduced my faith in the Washington State Judiciary System. Going forward, I ask that your Governors comply with the Open Meetings Act so that we have public oversight and transparency as is mandated by [Wash. Rev. Code § 42.30.030](#). I am also requesting that the Office of Disciplinary Council review her recent statements.

Thank you for your time and consideration,

Eva Leon

4030 21st Ave SW
Seattle, Wa 98106
305 709 9899

From: [Rajeev Majumdar](#)
To: [Terra Nevitt](#)
Subject: FW: I object to the statements of Gov. Higginson
Date: Monday, July 20, 2020 3:59:02 PM

From: Meredith Long <attorney.m.long@gmail.com>
Sent: Friday, July 03, 2020 11:07 AM
To: jordan@palacelaw.com; Rajeev Majumdar <rajeev@whatcomlaw.com>
Subject: I object to the statements of Gov. Higginson

As a member of the WSBA and a former member of the WYLC, I am writing to express my outrage at the remarks of Gov. Higginson. The re-emergence of the BLM movement into the national spotlight has caused many to show their true colors. I would like to see her removed from all positions of leadership within the WSBA.

Best,
Meredith

From: [Rajeev Majumdar](#)
To: [Terra Nevitt](#)
Subject: FW: resignation from WSBA BOG
Date: Monday, July 20, 2020 4:02:45 PM

-----Original Message-----

From: Courtney Lyon <courtney.lyon@gmail.com>
Sent: Wednesday, July 01, 2020 12:43 PM
To: carla@higginsonbeyer.com
Cc: Rajeev Majumdar <rajeev@whatcomlaw.com>; tomamcbride@gmail.com
Subject: resignation from WSBA BOG

Dear Gov. Higginson,

I recently watched a video of a WSBA BOG meeting. Your comments during this meeting were racist and harmful, including statements such as “we dumb white folks don’t have our own special interest group.” Moreover, your desire to exclude minority bar associations’ specific input further perpetuates systemic racism.

I demand your resignation. WSBA leadership should be an example of anti-racism, diversity, and inclusion; you possess none of these qualifications.

Thank you,
Courtney Lyon
Tumwater, WA

Sent from my iPhone