

## Response by the Washington State Bar Association's Council on Public Defense to the Supreme Court's Call to Action after the Death of George Floyd

On June 4, 2020, Washington's Supreme Court called on the legal community to recognize that we all bear responsibility for the continuing injustices faced by Black Americans. The Council on Public Defense stands with the Supreme Court and acknowledges the unique role public defenders play in eradicating injustice. We agree with the Supreme Court that it is our moral imperative to join in the efforts to eliminate systemic racism from our courts. We also recognize all the public defenders who took collective action on June 8, 2020, who stated that "Black Lives Matter to Public Defenders."

Public defenders have the honor and the obligation to provide representation to those accused of crimes, at risk of losing their families, or otherwise held against their will. Like the Supreme Court, we believe unambiguously "the systemic oppression of Black Americans is not merely incorrect and harmful; it is shameful and deadly." We recognize that our clients are disproportionately persons of color. And while injustice may happen on the street when our clients are wrongfully or unnecessarily arrested or when children are unjustly taken from their parents, it is amplified in the courtroom when judges, public defenders, and prosecutors fail to recognize the role race plays in the prosecution of Black and Brown people.

Public defenders must work to change these wrongs. Our offices must be committed to diversity, equity, and inclusion. Persons of color must be recruited, retained, and elevated to leadership positions. Justice cannot happen until our offices reflect our communities and those we represent.

As the Supreme Court stated, all those involved in the courts must recognize their role in devaluing Black lives. All members of the legal community, including public defenders, have been complicit in where the legal system is today. Defenders have led efforts to challenge racial bias but must continue to commit to embracing anti-racism, eliminating explicit and implicit biases, and advocating to dismantle white supremacy in the legal system. We must examine our own biases and blind spots and create opportunities for others to do the same. As the Supreme Court held in *State v. Berhe*, "racial bias is a common and pervasive evil that causes systemic harm to the administration of justice." As defenders, we must face those biases and declare that enough is enough. Change is long past due.

This call is collective and individual. Public defense must recognize the role it plays in perpetuating a system of injustice but also embrace its ability to provide the leadership necessary to make change, not only in this moment but also in establishing sustained and meaningful progress toward equality and humanity.