

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  
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Filipino Lawyers of Washington

Chrystina Solum, President  
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Samir Junejo, President  
South Asian Bar Association of Washington

Omar Nur, President  
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