



TACOMA-PIERCE COUNTY BAR ASSOCIATION

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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.

The Honorable Steven C. Gonzalez
Washington Supreme Court
PO Box 40929
Olympia, WA 98504

Dear Chief Justice Gonzalez,

On behalf of the Tacoma Pierce County Bar Association, I write this letter to address concerns regarding the proposed new procedures for lawyer discipline currently pending before the Supreme Court. Of particular concern are the development of rules that may impact lawyers in small or solo practices disproportionately, and which may have the unintended effect of disproportionately impacting attorneys of color. Of additional concern are proposed rules permitting a lawyer to be removed from practice based on an allegation of incapacity, and potential issues that may arise under the Americans with Disabilities Act.

The Tacoma-Pierce County Bar Association is committed to supporting diversity, equity and inclusion among its members, particularly those in underrepresented, underserved and historically disadvantaged groups. In doing so, we are committed to supporting initiatives that are free from bias, systemic unfairness and oppression, where every member is treated with dignity and respect. We do not condone or support any laws, rules or norms that reflect, produce, and maintain racialized or other inequitable outcomes. The effects of these efforts damage not only the social fabric of our democracy but also weakens the ability of the legal profession to safeguard equity and justice under the rule of law.

It is the Board's understanding that, while no official statistical studies have been done, an unscientific review of Washington public discipline from 2020 shows a possible disproportionate number of non-white attorneys subject to discipline. While the Tacoma-Pierce County Bar Association is not commenting on specific proposed rules, we nevertheless urge the Court in its review of these rules, to consider which groups of lawyers may most likely be affected by these new procedures, and whether those groups are comprised of historically disadvantaged groups.

In addition, the Board urges the Court to carefully review proposed rules regarding incapacity that may place an unfair burden on those with disabilities or mental illness.

The proposed rules regarding discipline and incapacity have an extraordinary impact on TPCBA members. We stand with other members of the legal community who express concerns regarding the implications these rules may have on historically underrepresented and underserved groups. We respectfully request that the Court take these concerns under advisement.

Sincerely,

Amanda Searle, President
Tacoma-Pierce County Bar Association

cc: TPCBA Board of Trustees
KKJ