

ANDREA S. JARMON

andrea@jarmonlawgroup.com

253.457.3117

Washington State Supreme Court
P.O. BOX 40929
Olympia, Washington 98504

Submitted via email: supreme@courts.wa.gov

RE : APR 11 Mandatory Continuing Legal Education

Dear Clerk of the Supreme Court:

I write to express support for the proposed amendment to APR 11 that would require legal practitioners to have one (1) credit in the topic of equity, inclusion, and the mitigation of bias.

I was admitted to practice in 2005. I attended a law school in what is perceived to be a progressive state. The law school itself promoted ideals of diversity and inclusion. Yet, it would be during my first year of law school that I encountered what would be my first of many experiences that would require I reconcile racist acts with benevolent intentions. My white law school professor invited me to office hours. The professor expressed to me that upon review of my writing, it was apparent that I, like many African American students, had a “phobia” when it came to writing; that I should not feel compelled to write with such formality or “old white legalise,” and that I should be encouraged to find my “natural voice.”

Last year, I entered a courtroom, professionally dressed, engaged with counsel at counsel’s table, and checked in with the judicial assistant. When my matter was called, I motioned to my client to come from the gallery and approach the bench. The judge asked opposing counsel, a white male to introduce himself and his client, after which I did the same, saying, “Good Morning, your Honor. Andrea Jarmon, court appointed counsel appearing on behalf of X.” The judge then paused awkwardly and asked me if I was a lawyer.

On another occasion, I was representing a young Black mother in a dependency matter. Her child had been removed from her care just three days after delivery. Neither she nor her baby had tested positive for drugs or alcohol. The contested shelter care hearing we sought was being set several weeks out, during which time her newborn baby would be with strangers in foster care, despite the ready availability of her relatives. In the middle of arguments, the judge kept interrupting me, telling me that I needed to calm down and ultimately that I needed to “tone it down.” At one point, the court reporter threw her hands in the air and declared she was simply going to stop typing because she could not understand me. I wrote a general post on social media about the experience. In that post, I shared my appreciation for allyship. For, in addition to my young African American intern, several of my white colleagues who had been present, all expressed utter disbelief at the differential manner in which I had been treated, sharing my confusion as to the basis and appropriateness of me being asked to “tone it down.”

ANDREA S. JARMON

andrea@jarmonlawgroup.com

253.457.3117

Unfortunately, the story does not conclude there. The post was shared with the judicial member and the following day, counsel for all parties were requested to appear in court, at which time, I was reprimanded for accusing the judge of being racist.

In another instance, I was presiding as a Pro-Tem over a matter. The proposed order did not reflect specific findings that I made related in issuing my ruling. Upon being presented with the order to sign, counsel who had been unsuccessful in defeating the motion, refused to sign the order, telling the judicial assistant “Well, it’s not my order anymore. Now, it’s the court’s order.”

These experiences are not unique. In my prior defense practice, other attorneys and I would often discuss how we were constantly grappling with the disparities in charges, placement of children, and consequences. And yet, our legal system is not just comprised of just dependency and criminal law. The issues surrounding equity and bias are pervasive, present in every aspect of our legal system and often at work even in the facts and circumstances that gave rise to the cases being brought before the court.

These experiences illuminate a number of things relevant to the discussion about APR 11. Inequality and inequity remain in our system and both continue to impact everything from legal education, to how attorneys of color are treated in court; to how cases for clients of color are handled and decided. Yet, implicit bias, microaggressions, and even well-intended but inherently racist presumptions are not just reflective of systems and historical patterns of behavior and policies. They are specific individual acts. Each individual is accountable and therefore should be given the tools and knowledge to know and do better.

Addressing systematic issues requires education of our legal profession, meaning every individual who plays a role in that system. We have an obligation to ensure that our legal system operates with equity and justice for all. That requires specific deliberate measures that allow us to be informed about how to recognize and interrupt biases and acts of microaggressions.

One specific deliberate measure that ensures individuals are both informed and accountable is requiring an ethic credits in equity and the mitigation of bias as suggested by the proposed amendment.

This Court just recently constructed a taskforce wherein it looked at the structure of the Washington State Bar Association. During those discussions, several examples were provided of how this State, this Court has declared that diversity matters; that a credible commitment to service of the public and seeking justice reflects a commitment to diversity.

The language of GR 12 provides as follows:

The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system.

Additionally, GR 12.1 specifies as one of its objectives:

ANDREA S. JARMON

andrea@jarmonlawgroup.com

253.457.3117

Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

The Washington State Minority and Justice Commission has as a part of its mission, “to foster and support a fair and bias-free system of justice in the Washington State Courts and judicial systems.”

This Court, in its open letter to the legal community, expressed that racial injustice “is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day.”

With this proposed amendment, this Court has the opportunity to provide a specific deliberate means by which each individual who is a part of the legal profession can be exposed to education on equity and the mitigation of bias. Achieving justice by ending racism is indeed our moral imperative. This rule gives that moral imperative armor by making it required education.

Doing so not only improves the quality of the required education for legal professions, but it also improves the quality of representation we provide to clients and the public.

Respectfully submitted,



ANDREA S. JARMON

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: APR 11-PROPOSED MCLE AMENDMENT-COMMENTS
Date: Monday, May 3, 2021 8:17:26 AM
Attachments: [LTR-CLERK-APR 11.pdf](#)

From: Andrea Jarmon [mailto:andrea@jarmonlawgroup.com]
Sent: Friday, April 30, 2021 8:42 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: APR 11-PROPOSED MCLE AMENDMENT-COMMENTS

External Email Warning! This email has originated from outside of the Washington State Courts Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, **DO NOT DO SO!** Instead, report the incident.

Dear Clerk of the Supreme Court:

Attached, please find a letter of comment for submission to the Court in regards to APR 11.

Thank you.

Andrea Jarmon