



April 29, 2021

Clerk of the Washington Supreme Court  
P.O. Box 40929  
Olympia, Washington 98504-0929  
*Submitted electronically: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)*

RE: Comment to Washington State Supreme Court in Support of MCLE Board's Suggested Amendments to Admission to Practice Rule 11

To Whom It May Concern,

Recognizing the parallel crises of a global pandemic and the ongoing movement for racial justice, that have jointly had inequitable personal, legal, and financial consequences for communities of color, Communities Rise believes adoption of the proposed amendment to APR 11 has never been more urgent. The relentless harm of our current legal system on Black bodies has been on full display and it is long overdue for the legal system to make changes. The moment for the legal system to start supporting the lives of those most impacted is now and the proposed amendment to APR 11 is a small and necessary step towards rectifying the systemic injustice in the legal system. We understand growth does not happen all at once. It will take time, commitment and many steps to move towards justice for Black, Indigenous and people of color. The amendments to APR 11 are an opportunity for the legal community to move towards repairing the long standing harm done to communities of color.

It is with compassion and care for a future vision of equity that Communities Rise urges the MCLE Board to adopt the amendments to APR 11 and mandate more racial equity training for all Washington Legal Professionals. Racial equity training is an essential for legal professionals to be able to relate and communicate with clients in an effective and respectful way. Learning how to recognize the ways race plays into our legal system is not an innate skill, it must be learned. The overwhelmingly white majority of legal professionals must be supported in their understanding of how race and bias affect and play out in their work and we believe it is the responsibility of the MCLE Board to ensure legal professionals are supported with developing these skills.

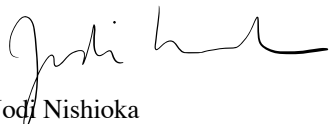
As a Qualified Legal Services Provider, we provide pro bono legal services to nonprofit organizations and small businesses, who cannot otherwise afford legal services. Our model relies on attorneys from the private bar to volunteer their time to provide pro bono business legal services to our nonprofit and small business clients. Our clients are often people of color who represent refugee, immigrant, Black and Indigenous communities. They have made clear to us their preference for attorneys who look like them, share common experiences, have empathy for the barriers they face, are safe and approachable. They are seeking attorneys who are committed to dismantling the systems that have harmed them. While our volunteer attorneys are highly skilled and come from many backgrounds, it cannot be denied that the majority of those volunteers are white, come from privileged backgrounds and often, do not bring an understanding of race equity to their pro bono service, in part, because they're not required to. The lack of attorneys with these skills means that it is difficult for us to staff cases and can result in attorneys causing harm to their clients and missing opportunities to grow their professional skills. It also results in relying on the same few attorneys who have an understanding of privilege, bias and systemic racism, often attorneys of color, which contributes to their burnout. This pattern is indicative of larger disparities in our legal system that perpetuate longstanding and continuing systematic denials of access and justice to a significant portion of our society.

As we commented in December 2020, we are committed to providing high quality legal services to our clients and believe providing competent legal services includes having an understanding of racial equity and cultural competency, particularly when attorneys are serving clients who come from a different racial and cultural background than their own. When providing legal services to clients who have a different racial or cultural background, attorneys have to navigate the complex dynamics of race, culture, class, privilege, and bias, to be able to relate and communicate effectively with their clients, without causing harm or misunderstanding. In the case of the pro bono attorney-client relationship, there already exists an inequitable power dynamic due to the attorney providing the services for free, the differential in education and expertise and the economic status differential that is likely to exist in pro bono representation. Since most law schools do not teach law students how to navigate the pro bono attorney-client relationship where these dynamics exist, most attorneys do not understand these power dynamics and thus are not set up for success in serving clients who come from different racial and cultural backgrounds than themselves.

At Communities Rise, we have unfortunately seen harm done to our clients by our volunteer attorneys, due to a lack of understanding of race, equity, and implicit and explicit bias. Building trust with the diverse clients and communities we work with is key to the continued success of our pro bono legal services and should be a longstanding goal for all legal professionals. When any of our volunteer attorneys cause harm due to their own implicit or explicit bias, or a lack of understanding of how racial, cultural or power dynamics impact their relationship and communication with their clients, this damages the trust communities of color have in our program, in pro bono legal services and the larger legal system.

We have been fortunate to see joyful and satisfactory client-attorney relationships when attorneys actively engage in learning about racial equity. In these situations, both our clients and volunteers report greater satisfaction in their interactions with each other. We believe the amendments to APR 11 will support the momentum of change, trust building and harm reduction the legal field so desperately needs. We believe approval of APR 11 will raise the competency of the legal community, lead to a higher quality legal services for clients of color, greater satisfaction by both the clients and attorneys, and prevent harm from being caused.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodi Nishioka". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jodi Nishioka  
Executive Director  
Communities Rise

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
**To:** [Linford, Tera](#)  
**Subject:** FW: APR 11 Amendment  
**Date:** Friday, April 30, 2021 8:07:21 AM  
**Attachments:** [Letter to WA Supreme Court re APR 11 4.29.21.pdf](#)

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**From:** Jodi Nishioka [mailto:jodi@communities-rise.org]  
**Sent:** Thursday, April 29, 2021 9:11 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** APR 11 Amendment

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Dear Clerk of the Washington Supreme Court,

Please find our attached letter in support of Amendments to Admission to Practice Rule 11.

Thank you,

Jodi Nishioka

she | her | hers

Executive Director



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