

## Linford, Tera

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**From:** OFFICE RECEPTIONIST, CLERK  
**Sent:** Monday, March 8, 2021 8:14 AM  
**To:** Linford, Tera  
**Cc:** Tracy, Mary  
**Subject:** FW: Comment in support of proposed APR 11 - Mandatory Continuing Legal Education (MCLE)

**Categories:** Rule Comments

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**From:** Darryl Colman [mailto:darryl.colman@gmail.com]  
**Sent:** Saturday, March 6, 2021 12:52 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Subject:** Comment in support of proposed APR 11 - Mandatory Continuing Legal Education (MCLE)

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To the Supreme Court of the State of Washington:

I am writing in strong support of the proposed amendment to APR 11, which is essential, timely, and minimally burdensome. I have personally observed the need for the proposed training in my time in private practice as well as during my current service in state government, in which I manage a team of staff attorneys.

Diversity, equity, and inclusion (DEI) is essential to the health of any business or profession. The business importance of DEI is obvious. When the people making decisions have diverse and varied backgrounds and experiences, this dynamic promotes innovation and helps avoid the groupthink and lack of creativity that a homogenous group often demonstrates. It allows those making decisions or providing services to have increased empathy for their clientele. It assists them in providing better, more competent services, which in turn builds trust in the profession, business, or institution.

The legal profession is in particular need of DEI. I have personally observed that the legal profession is dominated by a homogenous culture that favors whiteness. The result is that the bar can often demonstrate stale, limited thinking while effectively excluding other backgrounds and cultures. As a result, This tracks with the history of the legal profession, as well of America itself.

Unfortunately, many in the legal profession are so used to this system that they are unable to see their own cultural blindness. As a result, people of color, women, and others within the legal profession are excluded, patronized, and marginalized, as well as subject to casual mistreatment in their day-to-day work as attorneys and other legal professionals. Further, clients are served poorly, receiving worse outcomes and communication from their attorneys when they don't share a white or other dominant culture background.

This past summer, large portions of America began to reckon for the first time with our nation's unresolved legacy of racial injustice. While long overdue, we are beginning to see some notable changes as new legislation affects policing and the criminal justice system. In our own state, the passage of I-940 in 2018 followed a belated recognition that the standards governing policing needed to change in ways that were hard for some at first but are now widely accepted and emulated in other states.

The big takeaway from these efforts is that society recognized that change was needed, and also that change would not occur unless it were required, not voluntary. Compared to the legislative reform of policing, a single hour of required ethics training on DEI is a very small change, but an important one. Requiring this training will expose attorneys to DEI concepts that are important to competent client representation and appropriately interacting with other attorneys and the courts.

There is no credible suggestion that attorneys, who must complete 45 credits of continuing education every three years, including 6 ethics credits, cannot work one specified credit into their busy schedules in that time. The real reason must be that attorneys protesting this rule change simply do not want to take the single hour of training, and will not unless they are required to. Unless Your Honors make this ethics training mandatory, the attorneys that need it most will not take it and DEI deficiencies in the profession will continue. I respectfully urge the Court to adopt APR 11 as proposed by the MCLE Board.

Sincerely,

Darryl E. Colman  
WSBA #42954