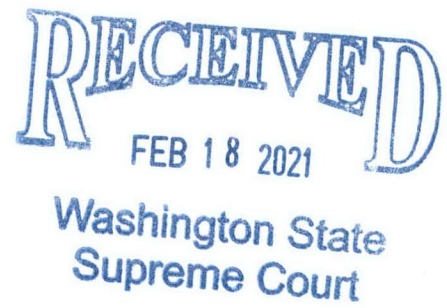


2/14/21

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929



RE: Required ethics credits for equity, inclusion, and mitigation of bias. (hereinafter social justice CLE's)

Dear Honorable Justices of the Washington Supreme Court:

I would prefer the Washington State Bar prioritize teaching substantive and procedural law on civil rights issues, so we have the necessary tools to effectively litigate civil rights lawsuits for clients, as opposed to prioritizing teaching civil rights values, contrary to the values of many world religions.

Individual courses should be taught from the perspective of each side, such as Plaintiff and Defendant. However, if an entire course teaches an area of law from one side, such as the petitioner; another course, should teach the course from the respondent's perspective. Regardless of which side I am representing, I need to understand the case from multiple perspectives to figure out the best strategy for my client.

Substantive Legal Education Please

I remember when Oregon started the Access to Justice program under a different name. I was doing my first discrimination case for a person with disabilities. After visiting the OSB headquarters, I could find no CLE's on enforcing the laws for those with disabilities. As a new lawyer, I almost declined the case due to a lack of resources. My hourly rate on that contingency fee case was abysmal, due to the voluminous research required to prevail. When lawyers do not receive the needed legal resources, they often must decline civil rights cases because they have difficulty making themselves qualified to accept the case without reducing their hourly rate to something less than a livable wage. The elimination of bias courses, while enlightening, did not provide the education necessary to litigate a disability discrimination case and there were no other resources available at that time.

Many years later when I was trying to bring a transgender discrimination lawsuit in Oregon, I could find no CLE materials on how to bring transgender lawsuits, only CLE's, on the use of language in relation to transgender issues. The Washington State Bar should prioritize CLE's on substantive law and civil procedure on various civil rights issues, so lawyers can litigate civil rights issues. Teaching civil rights values and teaching us how to use language in relation to transgender issues is helpful, but not essential for litigation. We went to laws school to be lawyers not linguists. I usually ask my clients what words to use when describing the person's gender and sexual orientation and that seems to resolve any language issues.

As lawyers, we need support and training from the WSB to help us bring civil rights lawsuits. Multimillion dollar wins against those who illegally discriminate inspire businesses to upgrade their policies to treat their customers and employees with greater professionalism. Myriads of smaller lawsuit settlements and wins also have a collective effect to inspire businesses to upgrade their professionalism standards.

Voluntary Social Justice CLE's

Those who hold religious views contrary to WSB values, may not consider it social justice to be forced to attend "indoctrination seminars," or CLE's teaching values akin to another religion, so they can continue earning a living. These seminars may create resentment and fuel conspiracy thinking for some of those forced to attend.

Provided there are substantive law classes available for enforcing existing discrimination laws, I am fine with voluntary CLE's emphasizing inclusion and mitigating bias, as I believe some courses facilitate equal protection of all citizens under the U.S. constitution. If someone does not want to attend a seminar that is not in alignment with the person's values, they should not be required to attend. If a person with bigoted religious views **voluntarily** attends a social justice CLE, the person may be more receptive to the contents of the CLE than if the person is **forced** to attend the CLE.

Since people have the right to their beliefs, we should focus on enforcing laws in alignment with the equal protection clause and teach lawyers to win discrimination lawsuits. People should be held accountable for their actions, not their beliefs. Enforced indoctrination of political views on race, gender, sexual orientation, etcetera could be interpreted as a violation of the establishment clause under the U.S. constitution, as many social justice views contradict the bigoted views of many religious faiths. Teaching CLE courses on the elimination of gender discrimination is free speech and in accordance with the Washington Constitution. Unfortunately, anti-gender discrimination courses are not in alignment with the U.S. Constitution, as the U.S. Constitution clearly discriminates against women by not recognizing women as full human beings with equal rights, treating women like children who only need protection.

Critical Race Theory, Capitalism, and the U.S. Constitution

While many Elimination of Bias CLE's are good, some I do not align with. My views are not in alignment with critical race theory which holds that the law and legal institutions are inherently racist.¹

I believe the problems of the constitution can be remedied by adding an equal rights amendment and eliminating qualified immunity and other civil procedure laws which accord governmental workers privileged civil procedures when defending accusations for abuses of power. We need to hold governmental workers accountable for their civil rights abuses using the same rules of civil procedure as everyone else.

Critical race theorists believe in the "co-institutive nature of racism and capitalism."² Capitalism is equated as the root of racism, sexism, and homophobia. They have a utopian dream for which there is no real-world example. Realistically, communism and socialism lean toward governmental corruption and "unity" via censorship, totalitarianism, authoritarianism, shunning, and human rights abuses as seen in many countries such as Venezuela, China, Cuba and North Korea.

I disagree with blaming capitalism for racism, sexism, and homophobia. Bashing in every business in Portland and Seattle to eliminate capitalism has a direct correlation in decreasing opportunities for small

¹ <https://www.britannica.com/topic/critical-race-theory>

² <https://its.law.nyu.edu/eventcalendar/index.cfm?fuseaction=main.detail&id=78784>

business owners and their staff. Many small businesses, like mine, are owned by women and/or minorities who started their own business to escape discrimination. I do not want the WSB promoting CLE courses against capitalism and indirectly inciting violence against small businesses and hatred against business owners by teaching an ideology that capitalism and business owners are evil. Most small business owners do not want the government to confiscate their business for centralized planning under a socialist or communist regime. Instead of denigrating capitalism, the WSB should celebrate when attorneys start their own businesses and create jobs, such as jobs suing governmental workers who abuse their power.

To be admitted to the Washington bar we swore to uphold the U.S. and Washington constitutions. We should not be required to take classes teaching the constitution is racist beyond repair and that capitalism is evil to maintain good standing with the Washington State Bar, so we can earn a living.

Equity (Loaded Word)


My main objection is the requirement for CLE courses in **equity**, as this could be interpreted as forcing us to adopt political opinions of communism and/or socialism. Some people regard equity as meaning everybody receives the same regardless of how hard or intelligently a person has worked or how much one has invested. The notion that some people should receive the same regardless of how hard they work violates basic notions of fairness for some and religious views of others, as many world religions value a strong work ethic.^{3 4}

Those of us who wish to keep our economic political views supporting a predominantly capitalistic system with appropriate regulations should not be forced to be indoctrinated with the latest WSB version of socialism or communism. Communism threatens all small business owners who have invested their life into a business with having their business confiscated by the government or smashed in by "social justice warriors" who believe in literally smashing in small businesses to destroy them, as part of a greater effort to destroy the entire capitalistic system.^{5 6}

Anti-capitalist violence is a realistic threat toward businesses like mine, as businesses on the same street of both my law firm and home have been vandalized. The windows of the three banks closest to my office and home have been smashed in by anti-capitalists during the nightly riots, as both my home and business are near downtown Portland. All three banks nearest to me have been boarded up and closed.

Issues of capitalism, socialism, communism, etcetera should be open for public political debate, not part of a WSB political indoctrination agenda, which threatens a reverse form of McCarthyism against

³ 2 Thessalonians 3:10 "The one who is unwilling to work shall not eat."

⁴ <https://productivemuslim.com/the-different-masks-of-laziness-part-1/> Prophet Muhammad  said, "By Him in Whose Hand my life is, it is better for anyone of you to take a rope and cut the wood (from the forest) and carry it over his back and sell it (as a means of earning his living) rather than to ask a person for something and that person may give him or not." (Bukhari, Book #24, Hadith #549).

⁵ https://www.kptv.com/news/downtown-portland-businesses-targeted-by-self-described-antifa-group-in-wednesday-night-riot/article_6bda4df6-1fd2-11eb-947f-afe7c5354a08.html

⁶ <https://www.dailymail.co.uk/news/article-9170237/Protesters-gather-damage-Democratic-headquarters-Oregon.html>

capitalists and business owners. On the flip side, it should not be the role of the WSB to indoctrinate or intimidate with people who believe in communism either.

Constitutional Equality

If the goal is for everyone to be treated equally under the constitution, I fully agree we need an equal rights amendment to give all U.S. citizens equal rights under the U.S. constitution. Currently, slightly more than half of the U.S. population are not accorded equal rights under the U.S. constitution.⁷

Police Misconduct and Disparate Impact on Minorities

When governmental workers are sued, their case is litigated under privileged civil procedure laws allowing civil rights abusers to escape accountability. It is kind of like George Orwell's *Animal Farm* where everyone is equal. But the pigs are more equal than everyone else. In the United States, governmental workers who violate human rights are "more equal" than average citizens because of the double standards in our rules of civil procedure. The act of giving governmental workers civil procedural advantages in the litigation process undoubtedly has a disparate impact on those in some protected classes who seek legal redress for police brutality.

Pierson v. Ray, 386 U. S. 547, 557 (1967) in which qualified immunity for police officers was introduced needs to be overturned. The Supreme Court justices were racist when they invented the qualified immunity doctrine to allow cops to get away with violating peoples constitutional rights by arresting Black people for peacefully eating in "Whites Only" restaurants. The doctrine of qualified immunity continues to diminish the ability of citizens to bring 1983 claims, substantially gutting the ability for citizens to seek redress for governmental abuses of power. When double standards of civil procedure systemically block access to the courts by those who have been victims of police abuse, it is not surprising when we see mass protests across our nation.

I agree with Justice Thomas' dissent in *Baxter v Bracey*⁸ in which he dissented from the U.S. Supreme Court's decision to continue to uphold qualified immunity as late as 2020 as demonstrations against police misconduct soared across the nation. Justice Thomas stated in his dissent:

The text of §1983 "ma[kes] no mention of defenses or immunities."⁹ Instead, it applies categorically to the deprivation of constitutional rights under color of state law. For the first century of the law's existence, the Court did not recognize an immunity under §1983 for good-faith official conduct.

We all have a duty to uphold the U.S. constitution. If the U.S. Supreme Court continues to uphold the fabricated, unconstitutional, racist doctrine of qualified immunity, so cops can get away with continued civil rights abuses, then it is our collective duty to do what we can to counteract the effects of qualified

⁷ [Women Outnumber Men in All But Nine States | CSG Knowledge Center](#)

⁸ In the 2020 *Baxter v. Bracy* case, a homeless man alleged that the cops caught him burglarizing a home and that even though he held his hands up in surrender, the police ordered their police dogs to attack him, requiring him to be hospitalized. The courts held that even if the homeless man could prove his case, it did not matter because the police were granted qualified immunity.

⁹ Ziglar, *supra*, at ____ (opinion of Thomas, J.) (slip op., at 2).

immunity. We need to eliminate tort claim requirements and enact a Washington State version of 1983 and eliminate the doctrine of qualified immunity and any other double standard of civil procedure.

Limited Access of Attorneys to Washington Federal Courts Hurts Clients Seeking Justice for Civil Rights Abuses

Although I have 21 years of experience and employ 7 attorneys, I am unable to become a member of the federal bar in Washington State no matter how qualified I might be because I do not have two recommendations from two Washington members of the Federal bar. Since I do not have any social connections to any Washington State Federal bar members, I would be happy to see Washington state adopt its own version of 1983, so I could accept Washington State police misconduct cases. I feel that the requirement of having two recommendations from Washington Federal Bar members, while not facially discriminatory, has a discriminatory effect on women who are not part of the good-old-boy network. Membership in the Washington Federal bar is not about an attorney's experience or qualifications but about the attorney's social connections to the older white male establishment. My firm turns down at least one or two cases a month from people in Washington State so desperate for an attorney to accept their police misconduct case, that they resort to calling attorneys in Oregon. The fact that I cannot get accepted as a member of the Federal Bar in Washington deprives many prospective clients from receiving legal assistance to address violations of their civil rights.

The Washington State Bar Has no Substantive Courses on Civil Rights Litigation Currently Available

After looking at the WSB website to see the courses available, I see no substantive courses on litigating police misconduct or public accommodation discrimination cases. There are only 1-3 credit on-demand courses that only touch on subjects and do not get into the level of depth necessary to teach someone to litigate. There are no live seminars available on civil rights issues.

Conclusion Failure to Educate on Civil Rights Litigation

In my view, both the Oregon State Bar and Washington State Bar have failed those of us who litigate civil rights cases by failing to provide the necessary substantive education to assist us in bringing civil rights lawsuits. Substantive law courses on civil rights courses should be prioritized over courses that teach a civil rights value system, which runs contrary to the traditions of many world religions. We need more in-depth (8 to 16 hours) Washington CLE courses on police misconduct to address police brutality and other in-depth CLE's to teach us how to litigate discrimination suits.

Respectfully,



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Note: None of the views expressed above, are intended to reflect the views of my staff. I almost did not send this letter out of fear of retaliation, but I feel I need to speak up.

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16 FEB 2021 PM 2 L



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A photograph of the Statue of Liberty at night, illuminated against a dark sky. The statue is shown from the waist up, holding a torch aloft. The base of the statue is lit up, and the surrounding area is dark. The image is partially obscured by a white envelope flap on the right side.

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