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**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164  
FAX (360) 586-8165

April 12, 2021

Justice Charles Johnson, Chair, Supreme Court Rules Committee  
Justice Mary Yu, Vice Chair, Supreme Court Rules Committee  
Washington Supreme Court  
PO Box 40929  
Olympia, WA 98504-0929

RE: OPD Comments on Proposed Amendments to APR 11

Dear Justices Johnson and Yu, and members of the Rules Committee:

The Washington State Office of Public Defense (OPD) supports the proposed amendments to APR 11 that would require attorneys to earn one ethics credit in the topic of equity, inclusion, and mitigation of bias in the legal profession and the practice of law.

In this time of national conversations about racism, equality and standing up for justice, the legal profession has a duty to set a good example for the communities we serve as well as for society in general. When attorneys counsel clients or interact with their colleagues and their employees, it is imperative that the necessary respect is demonstrated. Starting in Fiscal Year 2022, OPD's contracts for indigent representation will include an anti-racism clause, and the proposed amendments to APR 11 will further that progress. Requiring at least one credit of continuing legal education in equity, inclusion and mitigation of both implicit and explicit bias reflects on our values as a profession.

As society and the legal profession continue to progress, we acknowledge that even as lawyers we make mistakes in sometimes failing to understand the many deep-rooted feelings and harms that remain as a result of the longstanding inequities that plague our legal system. We have the ability and the obligation to advance efforts that impact racial injustice and to work towards eliminating racial inequality and disproportionate inequitable outcomes in the legal system.

We have to remember that in the wake of the most recent Black Lives Matter protests nationwide, the legal profession still faces a lack of diversity in its ranks, particularly as reflected in the highest levels of law firms and in the judiciary. While significant strides have been made, it is important to understand that this lack of diversity is not only bad for individual attorneys and the legal profession, but it also has been linked to worse legal outcomes for people of color.

The proposed amendments to APR 11 will allow the legal profession as a whole to become more aware of unconscious bias and to reveal blind spots that feed into systemic racial discrimination.

711 Capitol Way South • Suite 106 • P.O. Box 40957 • Olympia, Washington 98504-0957

The proposed amendments provide accountability. Sustained training requirements will result in attorneys developing skills and mindsets that impact social injustices and racism in ways that contribute to the elimination of these prolonged societal ills.

As a profession we have to be able to shift viewpoints and to think about the perspective of the other side. We as attorneys have an obligation to think about what another person's beliefs may be, and why they feel that way. Overcoming bias in the profession as a whole is a long-term commitment, and it is important that we continue to work to counter those things that erode fairness in our legal system.

It is important that our legal profession begin to reflect the changes we want to see in the legal system. Demographics continue to rapidly change and clients from all backgrounds will seek out a vast array of legal services across the many sectors in the practice of law. Clients will want to find those firms and attorneys relatable in order to have comfort that their interests will be represented. The proposed amendments will foster dialogue and will require us as lawyers to participate in difficult conversations. Our tools, our privilege, and our power as attorneys impose on us the obligation to lead by example.

Best regards,



Sophia Byrd McSherry  
Deputy Director



Barbara Harris  
Disproportionality Legal Training Coordinator

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Good afternoon –

Attached is a comment letter on the proposed amendments to APR 11.

Thank you.

*Sophia Byrd McSherry* (she, her)  
Deputy Director  
Washington State Office of Public Defense  
360-878-0550 (work cell)