



April 27, 2021

Justice Charles Johnson, Chair, Supreme Court Rules Committee  
Justice Mary Yu, Vice Chair, Supreme Court Rules Committee  
Washington Supreme Court  
P.O. Box 40929  
Olympia, Washington 98504-0929

RE: *Suggested Amendment to Admission and Practice Rule (APR) 11*

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

We write on behalf of QLaw Association, QLaw Foundation, and Legal Voice, and the many diverse individuals in the State of Washington in need of unbiased, equitable and inclusive legal representation. The QLaw Association serves as a voice of LGBTQ+ lawyers and other legal professionals in the State of Washington on issues relating to diversity and equality in the legal profession, in the courts, and under the law. QLaw Foundation of Washington promotes the dignity and respect of LGBTQ+ Washingtonians within the legal system through advocacy, education, and legal assistance. Legal Voice seeks to advance the rights of women and LGBTQ+ people in the Pacific Northwest.

We are strongly in favor of the suggested amendment to APR 11, which would require that each licensed legal professional complete at least one (1) ethics credit in the topic of equity, inclusion and the mitigation of bias per each three-year MCLE reporting period. By completing this one ethics credit, Washington attorneys will be more able to effectively advocate for marginalized people, and more importantly, will improve the experiences of marginalized people as they access justice.

LGBTQ+ individuals represent 5.2% of Washington State's population.<sup>1</sup> More than half of LGBTQ+ adults surveyed in the Washington State LGBTQ+ Equity and Health Report 2020 experienced discrimination or victimization in the previous year.<sup>2</sup> Nearly half of those surveyed had been verbally insulted, 21% had been physically threatened, and 8 out of 10 experience microaggressions against LGBTQ+ people in their daily lives.

Instead of being able to remedy those harms in the legal system, LGBTQ+ individuals face disproportionate discrimination in courts. A 2012 survey of the LGBTQ+ community by Lambda Legal found that 43% of respondents reported a negative experience in the court system, including (i) a judge, attorney, or other court employee make negative comments about a person's sexual orientation, gender identity, or gender expression, and (ii) having their own sexual orientation, gender identity, or HIV status raised by an attorney or judge when it was not relevant.<sup>3</sup> Respondents with multiple

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<sup>1</sup> LGBT Demographic Data Interactive (January 2019), Los Angeles, CA: The Williams Institute, UCLA School of Law, *available at* <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=53#density>

<sup>2</sup> Washington State LGBTQ+ Equity and Health Report 2020 (November 2020), Goldsen, Kim, Emlet, *et. al.*, *available at* <https://age-pride.org/wp-content/uploads/2020/11/WA-State-LGBTQ-Equity-and-Health-Report-FINAL.pdf>

<sup>3</sup> Protected and Served? Lambda Legal Survey (2012), *available at* [https://www.lambdalegal.org/sites/default/files/publications/downloads/ps\\_executive-summary.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf)

marginalized identities (e.g. BIPOC, LGBTQ+, and low-income) were more likely to report misconduct experienced within the legal system – the highest rates being experienced by transgender women of color, with more than 50% reporting they experienced discrimination in court.<sup>4</sup>

RPC 8.4(g) prohibits attorneys from committing discriminatory acts in connection with their professional activities on the basis of sex, race, age, creed, religion, color national origin, disability, sexual orientation, honorably discharged veteran or military status, or marital status.<sup>5</sup> But there is no current requirement for attorneys to examine our own biases, learn about the communities most impacted by injustice, or even learn what acts might be violations of the RPCs. In June 2020, the Washington Supreme Court called Washington’s legal community to “recognize that we all bear responsibility for this on-going injustice.”<sup>6</sup> While many Washington attorneys have gladly received the Supreme Court’s invitation, there are many who have not. Because Washington’s marginalized communities often cannot choose the attorney who represents them, this Court must set anti-bias training as an expectation of practice.

Given the size of the population the LGBTQ+ community represents, and the discrimination we face, we do not find it unreasonable for Washington attorneys to spend one hour learning to mitigate bias in each three-year period, when, as shown above, individuals affected by such bias experience inconveniences far greater than this. Additionally, we find that the suggested amendment does not place an undue burden on Washington attorneys, as it would not increase the total number of ethics hours required. Attorneys who are properly trained will not only better serve their diverse clients, they will be more likely to interrupt discrimination when they see it occur.

While the suggested amendment is but a small step in the right direction, it will help ensure that Washington’s legal counsel give the state’s residents equal protection under the law. It will help ensure that a diverse individual has a better chance of being understood, and better represented, by Washington attorneys as our legal community works to bend our legal system towards justice.

Respectfully,

/s/Kellen Hade/  
Kellen Hade  
President  
QLaw Association of Washington

/s/J. Denise Diskin/  
J. Denise Diskin  
Executive Director  
QLaw Foundation of Washington

/s/Ada Danelo/  
Ada Danelo  
Vice President, Issues & Advocacy  
QLaw Association of Washington

/s/Catherine West/  
Catherine West  
Attorney  
Legal Voice

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<sup>4</sup> *Id.*

<sup>5</sup> RPC 8.4, Rules of Professional Conduct, Washington Courts, *available at* [https://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=rpc&ruleid=garpc8.4](https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=rpc&ruleid=garpc8.4)

<sup>6</sup> Letter (June 4, 2020), Washington Supreme Court, *available at* <https://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf>

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**From:** Ada Danelo [mailto:[adad@summitlaw.com](mailto:adad@summitlaw.com)]  
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Hello,

Please find attached a letter in support of the proposed amendment to APR 11, which I send on behalf of the QLaw Association of Washington, the QLaw Foundation of Washington, and Legal Voice.

Thank you,

Ada Danelo  
VP of Issues and Advocacy  
QLaw Association of Washington

 **Ada Danelo** • Partner

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