

WASHINGTON STATE
B A R A S S O C I A T I O N

Board of Governors Meeting
Meeting Materials

March 18-19, 2021
Zoom, Webcast and Teleconference



**Board of Governors Meeting
Held Virtually due to Public Health Crisis
March 18-19, 2021**

WSBA Mission: To serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS

To participate remotely:

To participate remotely: Join via Zoom or Call 1.888.788.0099

Thursday Mar. 18th – Meeting ID: 948 0037 5686 Passcode: 716194

<https://wsba.zoom.us/j/94800375686?pwd=MVhTYUFTVDBqRTIEaEFiMG1sempyUT09>

Friday Mar. 19th – Meeting ID: 970 1530 7369 Passcode: 623363

<https://wsba.zoom.us/j/97015307369?pwd=K04ycFM5Myt3REhNaVdzeWtmaWRvQT09>

THURSDAY, MARCH 18, 2021

9:00 AM – CALL TO ORDER

EXECUTIVE SESSION

CONSENT CALENDAR & STANDING REPORTS

CONSENT CALENDAR

A governor may request that an item be removed from the consent calendar without providing a reason and it will be discussed immediately after the consent calendar. The remaining items will be voted on *en bloc*.

- Review & Approval of January 14-15, 2021 BOG Meeting Minutes..... 6
- Review & Approval of March 3, 2021 BOG Special Meeting Minutes..... 15
- Review & Approval of Client Protection Board Recommendations 17

PRESIDENT’S REPORT

PRESENTATION OF LOCAL HERO AWARDS 18

EXECUTIVE DIRECTOR’S REPORT 21

MEMBER AND PUBLIC COMMENTS (30 minutes reserved)

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. The President will provide an opportunity for public comment for those in the room and participating remotely. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion

REPORTS OF STANDING OR ONGOING BOG COMMITTEES

Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Executive Committee, Pres. Kyle Sciuchetti, Chair
- APEX Awards Committee, Gov. Russell Knight, Chair
- Personnel Committee, Gov. Jean Kang, Chair
- Legislative Committee, Gov. PJ Grabicki, Chair
- Nominations Review Committee, Gov. Jean Kang & Pres-elect Brian Tollefson, Co-Chairs
- Diversity Committee, Gov. Sunitha Anjilvel, Co-Chair
- Long-Range Planning Committee, Pres. Kyle Sciuchetti, Chair
- Member Engagement Workgroup, Gov. Bryn Peterson, Co-Chair
- Budget & Audit Committee, Treas. Dan Clark, Chair 50

AGENDA ITEMS & UNFINISHED BUSINESS

- BUDGET & AUDIT COMMITTEE ITEMS**, Treas. Dan Clark and CFO Jorge Perez
 - Fiscal Year 2020 Audit Results & Financial Statements 52
 - Limited License Legal Technician License Fee Proposal 102

12:00PM – RECESS FOR LUNCH

AGENDA ITEMS & UNFINISHED BUSINESS

- DISCUSSION & RESOLUTION REGARDING THE BAR EXAM IN WASHINGTON STATE**, Gov. Russell Knight 103
- SECOND READ: PROPOSED AMENDMENTS TO WSBA BYLAWS ARTICLE III RE INACTIVE TO ACTIVE APPLICATION FEES AS RECOMMENDED BY THE LPO BOARD**, LPO Board Chair Bill Ronhar and Chief Regulatory Counsel Renata Garcia 122

SPECIAL REPORTS

- CLIENT PROTECTION BOARD ANNUAL REPORT**, Board Chair Carrie Umland 127
- LEGISLATIVE SESSION REPORT**, Gov. PJ Grabicki and Chief Communications Officer Sara Niegowski

5:00 PM – RECESS

EXECUTIVE SESSION

11:30 AM – RESUME MEETING

AGENDA ITEMS & UNFINISHED BUSINESS

- SECOND READ: WSBA BYLAW AMENDMENTS, ARTICLE VI. RE GOVERNOR ELECTIONS**, Volunteer Engagement Advisor Paris Eriksen..... 156

12:00 PM – RECESS FOR LUNCH

- VICE COMMITTEE COMMENT ON THE MCLE BOARD’S SUGGESTED AMENDMENT TO APR 11**, Pro Bono and Public Service Committee Co-chair Bonnie Rosinbum..... 169
- CREATION OF TECHNOLOGY COMMITTEE**, Gov. Matthew Dresden and IT Director Jon Dawson

SPECIAL REPORTS

- UPDATE ON THE FUTURE OF WORK AT WSBA**, Terra Nevitt, Executive Director
- ABA MID-YEAR MEETING REPORT**, ABA Delegates Jamie Hawk, Maggie Smith and Immediate Past President Rajeev Majumdar 172
- GOVERNOR LIAISON REPORTS**
- GOVERNOR EQUITY, DIVERSITY, AND INCLUSION REPORTS**

NEW BUSINESS

- GOVERNOR ROUNDTABLE** (Governors’ issues of interest)

5:00 PM - Adjourn

INFORMATION

- General Information 211
- Financial Reports..... 227
- Committee on Professional Ethics Advisory Opinion No. 202101..... 270

2020-2021 Board of Governors Meeting Issues

APRIL (Spokane)

Standing Agenda Items:

- FY2021 Budget Reforecast
- Financials (Information)

MAY (Seattle)

Standing Agenda Items:

- Legislative Report/Wrap-up
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)

JULY (Portland, OR)

Standing Agenda Items:

- Draft WSBA FY2022 Budget
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)

AUGUST (Bosie, ID)

Standing Agenda Items:

- WSBA Treasurer Election
- Financials (Information)

SEPTEMBER (Seattle)

Standing Agenda Items:

- Final FY2022 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Supreme Court Meeting
- Financials (Information)

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS MEETING

Minutes

Held Virtually

January 14-15, 2021

Call to Order and Welcome ([link](#))

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Kyle Sciuchetti on Thursday, January 14, 2021 at 9:06AM. Governors in attendance were:

Hunter Abell
Sunitha Anjilvel
Lauren Boyd
Treas. Daniel D. Clark
Matthew Dresden
Peter J. Grabicki
Carla Higginson
Russell Knight
Tom McBride
Bryn Peterson
Brett Purtzer
Alec Stephens
Brent Williams-Ruth

Also in attendance were President-Elect Brian Tollefson, Immediate Past President Rajeev Majumdar, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Director of Advancement Kevin Plachy, Equity & Justice Manager Diana Singleton, Chief Financial Officer Jorge Perez, Chief Regulatory Counsel Renata Garcia, Executive Administrator Shelly Bynum, Chief Communications and Outreach Officer Sara Niegowski, Betsylew Miale-Gix (WSAJ), Nancy Hawkins (Family Law Section), and Ken Henrikson.

Pres. Sciuchetti conducted a roll call to confirm a quorum.

Pres. Sciuchetti began the meeting with a moment of silence to honor the passing of former WSBA Executive Director Paula Littlewood and Judge Charles Smith.

Building a Diversity Training Plan & Follow-Up on Community Agreements ([link](#))

ChrisTiana ObeySumner, CEO and Principal Consultant at Epiphanies of Equity, outlined the process and next steps for the Board's equity training, including a survey to shape the direction of the three trainings the Board is currently planning for the remainder of this year. Discussion followed about how each person can be supported and affirmed in their equity journey, and about Dr. Martin Luther King, Jr's *Letter from a Birmingham Jail* and its relevance today.

Consent Calendar ([link](#))

Pres. Sciuchetti asked if there were any comments or questions related to the consent calendar. There were none. Treas. Clark moved for approval. Motion passed unanimously. Govs. Anjilvel, Higginson, and McBride were not present for the vote.

President's Report ([link](#))

Pres. Sciuchetti reported on the WSBA APEX Awards, transitions in the Washington Supreme Court, proposals before the Court regarding malpractice insurance for lawyers, and action on 2022 license fees, noting that the Court rejected the license fee increase for Limited License Legal Technicians and that the matter will go back to the Budget and Audit Committee for further discussion.

Executive Director's Report ([link](#))

Interim Executive Director Nevitt reported on the February Bar Exam and the recent cyber incident involving mywsba.org, provided an update on licensing, and reflected on the impact of former Executive Director Littlewood's passing on the WSBA staff. Discussion followed regarding whether diploma privilege was under consideration.

Member & Public Comments ([link](#))

The Board heard public comment from Nancy Hawkins regarding the minutes, announcements relating to executive session, and requests for information related to the cyber incident. Interim Executive Director Nevitt responded.

Proposed Resolution Regarding Rule of Law & Peaceful Transitions of Power ([link](#))

Gov. Abell spoke to the purpose and intent of his resolution. Discussion followed about the characterization of the deaths resulting from events at the U.S. capital on January 6, use of the term "political violence," whether the resolution is consistent with GR 12.2, whether the language asking legislators to "do their duty as they see fit" weakens the intent of the resolution, and the timing of taking a position. Gov. Clark moved to amend the resolution as outlined by Past Pres. Majumdar by striking the penultimate paragraph and modifying the second-to-last paragraph on the first page to reference the death of U.S. Capitol Police Officer Brian D. Sicknick only. Discussion followed, including a suggestion to remove the language "as they see fit." Gov. Clark indicated he would accept the suggestion as a friendly amendment. Motion to amend the resolution passed unanimously. Govs. Higginson and McBride were not present for the vote.

Gov. Clark moved for approval of the resolution as amended. Discussion followed, including the use of the term "political violence" and whether it's stronger or weaker than "violence," the history of violence in our country, the Washington Supreme Courts call to action to address systemic racism, the lack of a reference to racism as the root of the violence, whether more time should be taken with the resolution, whether the resolution is consistent with GR 12.2, whether the term "insurrection" should be used, and whether the language should include a condemnation of the symbols of white supremacy on display. The discussion included reading public comments from Tyler Washington, Diana Singleton, and Betsylew Miale-Gix. The motion to approve the resolution carried 9-1. Govs. Higginson and McBride were not present for the vote.

Reports of Standing or Ongoing Board of Governors Committees ([link](#))

Executive Committee. Pres. Sciuchetti reported that after discussing the practice over a few meetings, the Committee will continue to invite each WSBA entity to have annual dialogue with the Executive Committee.

APEX Awards Committee. Gov. Knight reported that 775 people have viewed the YouTube recording of the APEX Awards and noted that we are accepting nominations for the 2021 awards.

Personnel Committee. Gov. Anjilvel reported that the Personnel Committee has reviewed and will put forth the Executive Director contract this afternoon.

Legislative Committee. Pres. Sciuchetti noted that the Board will receive a legislative session report tomorrow and introduced Interim Legislative Affairs Specialist Russell Johnson, who will serve in that position following the departure of Legislative Affairs Manager Sanjay Walvekar. Pres. Sciuchetti expressed his appreciation for Mr. Walvekar's work. He reported that we will also be working with contract lobbyist Mike Shaw during the legislative session.

Nominations Review Committee. Pres-Elect Tollefson reported that the Committee's work was disrupted last month due to mywsba.org being down and that they will meet again next month.

Diversity Committee. Gov. Anjilvel reported that the Committee is looking forward to working with the soon-to-be-elected at-large governor. The Committee's priorities are increasing its presence in NWSidebar and *Bar News*, developing a pipeline program, and developing a CLE course for ethics credit in the topic of equity, inclusion, and the mitigation of bias—this is a CLE the WSBA will offer free annually, and the Court is currently considering a rule that would make an ethics credit in this topic mandatory.

Long-Range Planning Committee. Pres. Sciuchetti reported that last month the Committee formed three subcommittees to focus its work, including revising the charter, refining the strategic goals, and outreach.

Member Engagement Workgroup. Gov. Peterson reported that the Committee is focusing on engaging with county bar Zoom meetings and developing a member survey to assess WSBA's voluntary services and programs.

Budget & Audit Committee. Chief Financial Officer Perez reported that WSBA is currently \$403,000 above budgeted expectations, despite projecting a loss for the year, while noting that it is early in the year and some of the budgeted expenses may still materialize.

Approve Executive Director Contract ([link](#))

Gov. Anjilvel introduced the contract as unanimously approved by those present at the last Personnel Committee meeting. Gov. Williams-Ruth moved for approval of the contract as presented by the Personnel Committee. Discussion followed, including a request to post the approved contract on the website, a provision that the job description cannot be amended except by mutual agreement, a provision that provides 6 month of severance in the event that the Executive Director becomes disabled, a provision that provides severance to her estate in the event that the Executive Director dies, and the level of compensation. Gov. Higginson moved to amend the contract to provide that the job description may change from time to time as the employer may direct or determine and that 6 months of severance is not available upon death or disability. Motion failed for lack of a second.

Discussion continued on the underlying motion, including the level of compensation. Gov. Clark moved to amend the motion so that when the contract is signed by all, it be placed, unredacted, on the website. Discussion followed. Gov. Clark accepted a restatement of the amendment by Pres. Sciuchetti to allow for the redaction of the provision relating to notice. Discussion continued, including public comment by Nancy Hawkins and former Gov. Alec Stephens. The motion to amend, as restated, was approved 9-1. Govs. Grabicki and McBride were not present for the vote. The underlying motion passed 8-2. Govs. Grabicki and McBride were not present for the vote.

First Read: Proposed Amendments to WSBA Bylaws Article III Re Inactive to Active Application Fees as Recommended by the LPO and LLLT Boards ([link](#))

Chief Regulatory Counsel Renata Garcia presented the proposed change and its purpose. Discussion followed regarding the purpose of the fee; the rationale for treating attorneys, LPOs, and LLLTs differently; whether a change to the APRs would be preferable to addressing the underlying issue; and the reasons LPOs and LLLTs may need to go inactive. Discussion included public comment from Nancy Hawkins.

Second Read: Conforming Amendments to WSBA Bylaws Articles III, IX, and XI Re Pro Bono Licensure Status ([link](#))

Chief Garcia presented the conforming amendments for second read. Gov. Peterson moved for approval. Motion passed unanimously. Gov. McBride was not present for the vote.

Second Read: WSBA Bylaw Amendment, Article V Re Budget & Audit Committee Class Representation Clarification ([link](#))

Executive Director Nevitt presented the proposed amendment for second read. Gov. Peterson moved for approval. Director Nevitt clarified that the proposed amendment will require that each class have at least two representatives, but can have more, and that the maximum member count is eight, which includes the Treasurer. Motion was approved unanimously. Govs. Knight and McBride were not present for the vote.

Approve Letter in Support of the Office of Public Defense Budget Request as Proposed by the WSBA Council on Public Defense ([link](#))

Chair Travis Stearns presented the Council's request and provided in the materials. Gov. Higginson moved for approval. Gov. Purtzer seconded. Motion passed unanimously.

Governor Liaison Reports & Governor Roundtable ([link](#))

Gov. Abell provided updates on his engagement with the Washington Military Veterans Association. He also expressed appreciation for the work of Julianne Unite and Kevin Plachy on the Rural Practice Project. Gov. Anjilvel reported on work of the Practice of Law Board. Gov. Clark reported on his work with the Law Clerk Board. Gov. Grabicki noted that the LLLT Board is working on helping those in the pipeline to get licensed before the sunset date. Gov. Higginson sought an update on codifying Board policies and suggested a book that tracked historical changes. Gov. Williams-Ruth provided updates on his engagement with the World Peace through Law Section and made remarks in honor of retiring Dean of Student Affairs at Seattle University School of Law Donna Claxton Deming. Gov. Williams-Ruth also shared comments about sexual harassment and assault and the lack of seriousness with which we treat it in the profession. Gov. Peterson reported on his engagement with the sections and minority bar associations he liaises to, including attending an event by the Vietnamese Bar Association. Gov. Dresden reported on his engagement with the sections and the Board of Bar Examiners, which is interested in being involved in the Equity & Disparity Work Group. Former Gov. Stephens and Chair of the Equity and Disparity Work Group reported that the next meeting will be January 25. The Group has met three times and has a number of areas to examine that they will be working to prioritize at the next meeting. Pres-Elect Tollefson reported on his engagement with the Superior Court Judges Association.

Update from the COVID-19 External Task Force ([link](#))

Co-Chairs Kevin Plachy and Michael Cherry provided an update on the work of the External COVID-19 Task Force, specifically the results of the Task Force's member survey. They noted that continuing to provide CLEs will be appreciated and valued and that we should also think about connecting members to the Court and programs that support their physical and mental health.

Legislative Session Report ([link](#))

Gov. Grabicki provided an update on the Legislative Committee and the current session, noting that WSBA has two bar-request pieces of legislation, both brought by the Business Law Section, and is also tracking and monitoring over 160 bills.

Swearing In of At Large Governor ([link](#))

Pres. Sciuchetti made remarks about the at-large election certification process and welcomed Chief Justice Steven González to administer the oath of office to Alec Stephens.

Employee Climate Survey ([link](#))

Pres. Sciuchetti introduced the employee climate survey. He expressed appreciation for the development of the survey and input provided. He noted that the survey summary is a public document and discussed next steps. Discussion followed including the need to take the results seriously, past missteps, interest in engaging in listening sessions and/or facilitated dialogue with employees, tension between the executive team and the staff, the impact that comments by policy makers can have on employees, ownership of the challenge by new Board members, a recommendation to have newer governors, as well as more senior governors, participating in dialogue, and bright spots in the data.

Future of Work at WSBA Report & Executive Director Recommendations ([link](#))

Executive Director Nevitt presented the results of the employee "pulse survey" on the future of work at WSBA. Pres. Sciuchetti deferred discussion to the afternoon to accommodate guest presenters.

Approve Comment to RPC 6.5 as Proposed by Washington's Pro Bono Council ([link](#))

Co-Chair of the WSBA Pro Bono & Public Service Committee Bonnie Rosinbum, Pro Bono Manager Michael Terasaki, and LAW Advocates Executive Director Michael Heatherly presented in support of a suggested amendment to RPC 6.5. Co-Chair Rosinbum provided background on the purpose of the amendment, which is to increase access to justice by allowing eligible programs and participating attorneys some flexibility in navigating conflicts of interest where there is no ongoing attorney-client relationship. Director Heatherly presented on how conflicts can arise in delivering limited-scope pro bono legal services. Pro Bono Council Manager described the proponent's stakeholder engagement, citing wide support from the Access the Justice Board, members of its Delivery Systems Committee, and members of the Pro Bono Council. Chair of the

Committee on Professional Ethics Pam Anderson noted the support of the Committee on the proposed amendments.

Discussion followed, including a concern that this change would cause more harm than it helps; the distinction between the notice provision under RPC 6.5 and informed consent under RPC 1.0A; the extent of the change, which is how and when notice is provided; and the serious impact that notice of a conflict can have on victims of domestic violence. The Board heard public comment from Nancy Hawkins about her experience with these issues as a coordinator of legal clinic in King County and expressing support for the change. Gov. Clark moved for approval of the comment. Motion passed unanimously. Govs. Abell, Higginson, Knight, and McBride were not present for the vote.

American Bar Association Mid-Year Meeting Preview ([link](#))

Past Pres. and ABA Delegate Majumdar presented an overview of the structure of the ABA, described some of the issues that will be presented at the mid-year meeting, and invited input on the issues.

Request to Make Public Comment Supporting a Resolution of the Center for Human Rights and Constitutional Law Concerning the Detention of Immigrant Children ([link](#))

Civil Rights Section Past Chair Molly Matter presented the request to sign on to the resolution on behalf of the Civil Right Section, including background on the resolution, its importance, and the application of GR 12 and the *Keller* case. World Peace Through Law Section Chair Anne Watanabe presented the request to sign on to the resolution on behalf of the World Peace Through Law Section, as well as summarizing the resolution, addressing its importance, and explaining the application of GR 12.2. Gov. Grabicki moved that the BOG support the resolution. Discussion followed about the application of GR 12. Motion passed unanimously. Govs. Abell, Higginson, Knight, and McBride were not present for the vote.

Judicial Information Systems Committee Report ([link](#))

WSBA Judicial Information Systems Committee (JISC) Representative Bob Taylor presented. He discussed funding for the court computer systems, noting that the source – traffic citations – is declining and they are exploring other funding sources. He reported that in terms of existing operations, the JISC is in good budgetary shape. He discussed the growing and urgent needs of individual courts that cannot always be met by JISC’s statewide efforts. He discussed current projects including the Courts of Limited Jurisdiction system project which is now on track and the creation of a charging system to pay for an e-filing system. Discussion followed, including the prospect for coordinating with neighboring states and the lack of a unified court system.

Presentation on WSBA's Member Wellness Program ([link](#))

Member Wellness Manager Dan Crystal presented an overview of the need to focus on member wellness, WSBA programming, and national efforts, including a request that the Board considering the creation of a task force. Discussion followed, including a suggestion to consider the growth of this program during the budget development for next year and the potential use of reserve funds, support for growth of the program, and the shrinking nature of the program over the years.

Access to Justice Board Annual Report ([link](#))

Chair Frances Adewale and Board Members Esperanza Borboa, Terry Price, and Judge Fred Corbit presented an overview of the ATJ Board's mission and work, including its emphasis on race equity, the Access to Justice Conference, the creation of a community advisory group that was compensated for its time, creation of a checklist for working with those impacted by the pandemic, the updated ATJ Technology principles and the need to address technology barriers for those that need to access justice, Equal Justice Lobby Day (which will be virtual this year), and the Goldmark Lunch (which will also be remote) to raise money for civil legal aid in our state. Discussion followed including awareness of the WSBA Equity & Disparity Work Group, curiosity about the populations most impacted by the digital divide, language access, and challenges with disparate court systems and data.

Future of Work at WSBA Report & Executive Director Recommendations Continued ([link](#))

Discussion continued about the future of work at WSBA, including a proposal by Gov. Grabicki for Director Nevitt to assess and create a budget for the needs and exploration of moving WSBA closer to Sea-Tac Airport with light rail access; surveying the membership about their preference for the WSBA office; a proposal by Treas. Clark to reduce the footprint at the current location and to work with the Budget and Audit Committee initially to develop revisions to the current year and next year's budget; the fact that we have more analysis to do before making decisions; suggestion for a joint committee of Personnel, Long Range Planning, and Budget & Audit; the need to start with these decisions now; and whether subletting is realistic. The Board heard public comment by Nancy Hawkins. Gov. Higginson moved to contract with JLL to list the space for sublease. Gov. Purtzer seconded. Governors emphasized that WSBA should start assessing the space for potential sublease now. It was noted that the Executive Director should have the authority to lease it however she sees fit. Discussion ensued about the intent of the motion and the scope of authorization the Executive Director will have. Gov. Grabicki moved to amend to authorize the Executive Director to explore listing all or a part of the space for sublease and that if she determines it is appropriate to enter into a listing with JLL and pursue negotiations but that any actual sublease would be brought back to the Board for approval. Discussion followed about the need for the amendment and its distinction from the original. The motion to amend failed 8-3. Gov. McBride abstained. Gov. Knight was not present for the vote. The underlying motion passed unanimously. Gov. Knight was not present for the vote. Discussion followed.

Remarks on At-Large Election ([link](#))

Pres. Sciuchetti and Gov. Stephens made closing remarks about the impressive slate of candidates for the at-large position. Gov. Stephens noted that this was the first statewide election and thanked Paris Eriksen for her work managing that. He also thanked Hon. Paul Bastine, ret.; Chris Meserve; Bill Pickett; Paul Swegle; and Ron Ward for their support. Gov. Stephens also reflected on the passing of former Executive Director Paula Littlewood and Judge Charles V. Johnson.

ADJOURNMENT

There being no further business, Pres. Sciuchetti adjourned the meeting at 3:52 PM on Friday, January 15, 2021.

Respectfully submitted,

Terra Nevitt
WSBA Executive Director & Secretary

WASHINGTON STATE BAR ASSOCIATION

BOARD OF GOVERNORS SPECIAL MEETING

Minutes

Held Virtually

March 3, 2021

Call to Order

The special meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Kyle Sciuchetti on Wednesday, March 3, 2021 at 3:04PM. Governors in attendance were:

Hunter Abell
Sunitha Anjilvel
Lauren Boyd
Treas. Daniel D. Clark
Matthew Dresden
Peter J. Grabicki
Carla Higginson
Russell Knight
Tom McBride
Bryn Peterson
Brett Purtzer
Alec Stephens
Brent Williams-Ruth

Also in attendance were President-Elect Brian Tollefson, Immediate Past President Rajeev Majumdar, Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Executive Administrator Shelly Bynum, and Dale Kingman.

Pres. Sciuchetti announced the basis for moving into Executive Session under the WSBA Bylaws Article VII.B.7.a.4 to discuss with legal counsel representing the Bar in litigation or potential litigation to which the Bar, the Bar entity, or an employee or officer of the Bar or member of the Bar entity is or is likely to become a party, or to have other privileged or confidential communications with legal counsel representing the Bar.

The Board moved into Executive Session at 3:05 PM. Pres. Sciuchetti returned to public session to announce that executive session would be extended to 4:30PM and again to 4:45PM.

The Board returned to public session at 4:45PM.

ADJOURNMENT

There being no further business, Pres. Sciuchetti adjourned the meeting at 4:45PM on Wednesday, March 3, 2021.

Respectfully submitted,

Terra Nevitt
WSBA Executive Director & Secretary

DRAFT

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

Nicole Gustine, Assistant General Counsel

TO: WSBA Board of Governors
FROM: Nicole Gustine, Assistant General Counsel
DATE: March 3, 2021
RE: Confidentiality of Client Protection Board Recommendations

Previously, Client Protection Board (CPB) recommendations have been provided to the Board of Governors (BOG) for consideration and action during executive session. Since the requirements of the Open Public Meetings Act will not allow for CPB recommendations to be considered in executive session going forward, the BOG will consider and act on the recommendations in public session. However, per Court Rule, all of the materials, reports, and deliberations shall not be public. (APR 15 Procedural Regulations, Regulation 13(b)).

APR 15 CLIENT PROTECTION FUND PROCEDURAL REGULATIONS REGULATION 13. CONFIDENTIALITY

(a) Matters Which Are Public. On approved applications, the facts and circumstances which generated the loss, the Client Protection Board's recommendations to the Trustees with respect to payment of a claim, the amount of claim, the amount of loss as determined by the Client Protection Board, the name of the lawyer, LLLT, or LPO causing the loss, and the amount of payment authorized and made, shall be public.

(b) Matters Which Are Not Public. The Client Protection Board's file, including the application and response, supporting documentation, and staff investigative report, and deliberations of any application; the name of the applicant, unless the applicant consents; and the name of the lawyer, LLLT, or LPO unless the lawyer, LLLT, or LPO consents or unless the lawyer's, LLLT's, or LPO's name is made public pursuant to these rules and regulations, shall not be public.

The following report of CPB recommendations contains only pre-approved applications, and is therefore provided to you as a Trustee, confidentially. The report will not appear in the BOG meeting's public session materials. Please take the time to review the materials thoroughly prior to the BOG public session meeting. **Please do not discuss any details regarding the matters, including the names or amounts related to the matter, at the public session meeting.** If you have questions about the recommendations that you wish to bring up during public session, please use anonymous identifiers (i.e., use "Client A," etc., or refer to the matter by number). If you have in depth questions that cannot be addressed without referring to a specific client or gift amount, or you wish to act other than as recommended by the Client Protection Board, you may individually contact the Secretary of the CPB (Nicole Gustine) prior to the meeting, and, if necessary, the matter will be brought back for action at a subsequent BOG meeting.



TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
DATE: March 10, 2021
RE: Honoring local heroes

INFORMATION: Honoring local heroes selected by the Thurston County Bar and the Government Lawyers Bar.

As you know, we have traditionally honored local heroes selected by their local county bar association in the communities that we travel to for Board of Governor meetings. Historically our March meeting has been held in Olympia where we have the honor of recognizing two local heroes as selected by the Thurston County Bar and the Government Lawyers Bar, respectively.

This year, we will not be traveling to Olympia due to the COVID19 pandemic, however we still have two impressive women to honor: Meredith Gerhart and Emily Nelson. Attached, please find information about the accomplishments and service that make them heroes to their colleagues and community.



Contact: Jennifer Olegario, WSBA Communications Manager
206-727-8212; jennifero@wsba.org

Meredith Gerhart Receives Washington State Bar Association Local Hero Award

Family law practitioner and dedicated child advocate lauded by her colleagues

OLYMPIA, WA, MARCH 18, 2021 — The Washington State Bar Association (WSBA) presented family law attorney Meredith Gerhart with the Local Hero Award in recognition of her extensive advocacy for children and volunteerism in the community.

The Local Hero Award is given to those who have made noteworthy contributions to their communities. **WSBA President Kyle Sciuchetti will present the award during the virtual Board of Governors meeting on March 18.** Gerhart was nominated by the Thurston County Bar Association.

Since arriving in Thurston County in 2013, Gerhart has helped the community through her private practice work, extensive volunteerism, and dedication to her clients, all while maintaining a professional demeanor for which she is often commended by colleagues, judges, and even opposing counsel.

“She is always cheerful, professional, courteous, respectful to parties, the court, and all staff and community stakeholders, and everyone else with whom she interacts,” said Thurston County Family and Juvenile Court Chief Judge Anne Hirsch.

Gerhart has been appointed by the court over 50 times to represent children who are involved in dependency actions brought by the state—she has remained on some of those cases for multiple years. A judge has said of Gerhart that when she is asked for help the answer is always “yes.” Gerhart has given tens of thousands of hours of her time to help children and her community members in need. She has been named to the Washington State Supreme Court Pro Bono Publico Honor Roll for the last seven years.

Since law school, Gerhart knew she wanted to practice in family law to minimize the potential collateral damage to children involved in any court proceeding, whether directly or indirectly. She is the go-to attorney when the court needs to appoint a lawyer on behalf of an individual who is incapacitated, due to age or mental illness, and strives to proactively engage in child-centered and trauma-focused representation of some of the most vulnerable members of the community.

Gerhart is the current chair of the county bar’s Family Law Section. She is a member of myriad groups and organizations such as the Dependency Transformation Project, Self-Represented Parties Workgroup at Family & Juvenile Court, Pretrial Process Workgroup at Family & Juvenile Court, Family & Juvenile Court Improvement Project, Child Family Welfare Services hiring committee, and Washington Women Lawyers.

Gerhart earned a bachelor’s from Vanderbilt University and a J.D. from Gonzaga University School of Law. She began practicing family law as a Rule 9 intern and has been an active Title 26 Guardian ad Litem for the last eight years, as well as serving as both a Litigation Guardian ad Litem and Litigation Attorney for alleged incapacitated persons and minors involved in family court proceedings and dependency proceedings.

About the Washington State Bar Association

The WSBA operates under the delegated authority of the Washington Supreme Court to license the state’s nearly 40,000 lawyers and other legal professionals. In furtherance of its obligation to protect and serve the public, the WSBA both regulates lawyers and other legal professionals and serves its members as a professional association — all without public funding. The WSBA’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice. For more information, visit www.wsba.org.

Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539



Contact: Jennifer Olegario, WSBA Communications Manager
206-727-8212; jennifero@wsba.org

Emily Nelson Receives Washington State Bar Association Local Hero Award

Prolific volunteer praised for extensive dedication to public service

OLYMPIA, WA, MARCH 18, 2021 — The Washington State Bar Association (WSBA) presented Emily Nelson with the Local Hero Award to recognize her extensive volunteerism and community service.

The Local Hero Award is given to those who have made noteworthy contributions to their communities. **WSBA President Kyle Sciuchetti will present the award during the virtual Board of Governors meeting on March 18.** Nelson was nominated by the Government Lawyers Bar Association.

Nelson was already engaged in human rights advocacy before she entered the legal profession, serving with Peace Brigades International's Colombia Project both in Bogotá, Colombia and in Washington, D.C. Nelson has been a vital asset to the Washington Office of the Attorney General, which she joined in 2016. She is known by colleagues for devoting extensive time to help those in need, recently volunteering to assist tenants who are being evicted during the COVID-19 crisis and mentoring attorneys who are starting in the tenant assistance program. Nelson also volunteers on the office's committees to develop and implement diversity, equity and inclusion goals. Such service earned her a Tanner award for outstanding attorneys with less than seven years experience, STAR award for her pro bono work, and the employee excellence award.

"I am grateful for Emily's work ethic, service heart, and sense of humor," said Civil Rights Division Chief Colleen Melody. "She sets an example for all of us for what it means to serve the public as a government attorney."

Nelson's volunteerism is both extensive and varied. She has donated her time and expertise to Thurston County Volunteer Legal Services both as a pro bono attorney and board member, Kids in Need of Defense, Washington Women Lawyers Judicial Evaluation Committee, Spokane County Bar Association Volunteer Lawyers Program (she received the Women's Health Advice Clinic Attorney of the Year award), Chelan Douglas County Volunteer Attorney Services in 2013, and the WSBA Pro Bono Public Service Committee.

Outside of volunteering, in her professional capacity Nelson is the lead attorney for the state fighting against rollbacks of environmental regulations. She has represented the Washington State Department of Ecology in litigation before state environmental hearings boards, in superior court, and in federal court and advised on rulemaking and legislation related to combating climate change.

Nelson earned her B.A., magna cum laude, from Bradley University and a J.D. at the University of Washington School of Law. As a law student, she clerked at Columbia Legal Services where she worked on farmworker employment rights, and as a student law clerk at the University of Washington Workers Rights Clinic. In 2014, the university recognized her tireless work by presenting her with the Charles Z. Smith Award for Public Service.

About the Washington State Bar Association

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###

TO: WSBA Board of Governors
FROM: Executive Director Terra Nevitt
DATE: March 10, 2021
RE: Executive Director's Report

COVID19 Response

The WSBA Coronavirus Internal Task Force (“Internal Task Force”) has continued working to deliver resources and programs to support WSBA members and the public during these unprecedented times. Please review WSBA’s COVID19 Resource Page at <https://www.wsba.org/for-legal-professionals/member-support/covid-19> for complete information.

The External Task Force, with support from the Internal Task Force, distributed a survey to all WSBA members and over the past couple of months has collaborated with the internal task force in analyzing the data. The purpose of the survey is to better inform WSBA on the impact of the pandemic on the legal profession. The task force has worked with WSBA Communications and Outreach Department to have the survey results published in the upcoming issue of The Bar News. An infographic that will be included in The Bar News is included in the materials. The task force is also working to publish the results on the WSBA COVID Resource Page and will be considering ways in which WSBA can further assist members in light of the data from the survey.

February Bar Exam Update & Beyond

As I previously reported, on December 3, 2020, the Supreme Court of Washington issued an order authorizing WSBA to conduct the February bar exam remotely. They also lowered the cut score from 270 to 266 as they did for the summer exams. This past month, WSBA carried out that order. Conducting a remote exam gave rise to novel issues, questions, and concerns specifically relating to equity and privacy. Chief Regulatory Counsel Renata Garcia, Admissions Manager Gus Quinones, and their team took these concern seriously and provided a thoughtful approach to administering the exam to the best of our abilities. Overall, the exam appears to have gone smoothly, though we will have a deeper understanding once we have completed the grading in April.

In response to our request for guidance as to the July exam, the Washington Supreme Court has entered the attached order authorizing us to administer the July 2021 exam remotely. The Court also maintained the temporarily lowered UBE cut score of 266.

October Remote Exam Score Transfer

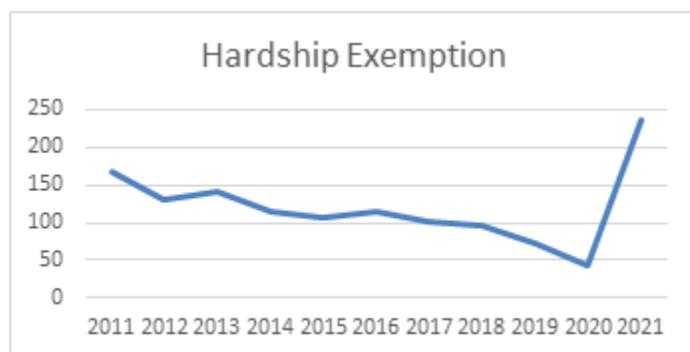
Also attached is a Court order authorizing the WSBA to accept October 2020 remote exam scores from UBE jurisdictions for purpose of admission to Washington. The transfer is limited to those who received a JD from an ABA approved law school and UBE jurisdictions at that time.

2021 Licensing Update

Online licensing opened on November 2 with a deadline to renew by February 1, 2021. We mailed 19,281 license renewal packets and 21,940 licensed legal professionals are signed up for paperless renewal—totaling 41,221. Although this year’s licensing process was impacted by myWSBA being offline for four weeks, our overall licensing

numbers do not appear to be negatively impacted. On March 5 we mailed 1,330 certified pre-suspension notices to licensed legal professionals who have not completed their 2021 license renewal including non-payment of license fees, not answering questions about professional liability insurance, and/or not answering questions about trust accounts. For comparison, we mailed 1,473 certified notices of pre-suspension last year. This pre-suspension notice provides members another 60 days to complete their license renewal putting the next deadline at May 4. In the last two weeks of March we will attempt to call and email each person on the list. We will send another email at the end of April before submitting suspension recommendations to the Court in early May.

In September the WSBA Bylaws were amended to allow qualifying active members to obtain a hardship exemption up to two times. As you can see below, there was a significant increase in exemption requests, with 54% coming from members who were using the exemption for the second time.



Here are some comments from members who received the exemption:

- Greatly appreciated at this difficult time.
- This is a huge help to me this year.
- I am grateful!!
- I greatly appreciate the Bar's kindness in these hard times.
- Discovering this program was a huge relief. Thank you so much for this assistance at this time.

Additionally, in October the Bylaws and APR 3 were amended to changing the name of emeritus pro bono status to pro bono status and to waive the license fee for those who completed at least 30 hours of pro bono service with a qualified legal services provider in the prior year. The license fee was waived for 22 members.

2021 Board of Governor Elections Update

Congratulations to Serena Sayani, who has been declared the winner of District 7-South! Elections in Congressional Districts 1, 4, and 5 will begin Monday, March 15. The candidates are listed below. [Click here to Meet the Candidates](#), including new candidate videos. All eligible voters in these districts will receive an electronic ballot. Voting closes at 5:00 p.m. on April 1. If a member contacts you regarding their ballot, please forward their email to parise@wsba.org.

District 1: Sunitha Anjilvel, G. Kim Risenmay, Paul Spatafore and Paul Taylor

District 4: Daniel D. Clark and Alan Tindell

District 5: Francis Adewale, Michael Cressey, Sarah El Ebiary and Stephen Eugster

Application deadline for the At-Large Young Lawyer seat is April 20. Application materials should be emailed to barleaders@wsba.org. All applicants will be interviewed by the Washington Young Lawyers Committee (WYLC) on

Saturday, May 8. The WYLC will forward at least three candidates for inclusion on the ballot. The election for the At-Large Young Lawyer seat is June 1 – June 15. [Click here to learn more.](#)

Application deadline for President-elect is April 20. Application materials should be emailed to barleaders@wsba.org. Candidates will be interviewed by the full Board at the May Board meeting. President-elect is determined by a vote of the Board. [Click here to learn more.](#)

Welcome Glynnis Klinefelter Sio, Director of Human Resources & Chief Culture Officer

I am pleased to introduce and welcome Glynnis to WSBA's Executive Leadership Team as our Director Human Resources and Chief Culture Officer. Glynnis brings 20 years of human resources experiences, primarily in the non-profit and public sector. In addition to leading our Human Resources team and working with the Board of Governors Personnel Committee, as Chief Culture Officer, Glynnis will partner with me in driving a workplace culture that inspires and supports everyone to fulfill the WSBA mission with excellence, integrity, and joy.

Legal Research Tools

As I previously reported, in January we were notified by LawWriter, which owns the Fastcase legal research tool, that it is merging with Casemaker. We requested that as they move along with the merger and begin to make decisions about whether they intend to keep both tools as separate brands or merge them into one to let us know. We are continuing to work closely with them as they move through the merger process. WSBA currently offers free access to both Casemaker and Fastcase as member benefits.

Casemaker Libra Data Incident

Anyone who is a Casemaker Libra subscriber received a notification on Friday, February 26 about a data security incident. Please note that Casemaker Libra is a separate platform from the Casemaker research tool WSBA provides for free to all members; members must pay to access products, such as our WSBA deskbooks, via Libra. The security incident involves only information members provided on the Libra platform to purchase and access those products. It does not involve member information from the Casemaker research platform. Our Service Center team is prepared to handle inquiries from members and to direct them to Casemaker as appropriate.

Attachments

Order Authorizing Remote Examinations for the July 2021 Legal Licensing Examinations
Order Regarding Transfer of October 2020 Remote Bar Examination Scores to Washington
COVID19 Member Survey Infographic
Judicial Information Systems Committee Update
FY20 Fourth Quarter Discipline Report
Litigation Update
Media Contacts Report
WSBA Demographics Report

1. The WSBA is authorized to conduct the July 2021 administration of legal licensing exams for admission using remote testing software. Because the examinations are being administered remotely, examinees will not be permitted to handwrite the exam except in cases where handwriting is granted as a reasonable accommodation due to a disability.
2. The WSBA has the discretion to require an applicant to take an in-person exam in the unusual and rare circumstances that remote testing would be impractical or unreasonable.
3. Any applicant for a July 2021 examination may request to transfer their application to the Winter 2022 administration of that examination without the need to pay additional application fees. The WSBA has the discretion to determine the timeline for applicants to request the transfer of their application to the Winter 2022 administration of the examination.
4. The WSBA will provide reasonable and necessary accommodations for applicants taking the examinations in July 2021 in accordance with the Admissions Policies of the Washington State Bar Association, and will provide applicants in Washington who do not have a reliable internet connection or a suitable place for taking an exam with location assistance as needed to take an examination using remote testing software. The WSBA has the discretion to determine the timeline for applicants to request location assistance.
5. APR 4(d)(1) is temporarily modified for the lawyer bar examination to be administered in Washington State in July 2021, to allow for a UBE minimum passing score of 266; the UBE minimum passing score of 266 also applies to applicants transferring a July 2021 UBE score from another jurisdiction.

This order applies to all lawyer, LLLT and LPO applicants who have already timely submitted an application for Washington admission by examination for the July 2021

administration, or who submit a subsequent timely application, or an application under the late filing rules.

DATED at Olympia, Washington this 5th day of March, 2021.


CHIEF JUSTICE

applicants note that they took the examination in a UBE jurisdiction expecting to be able to transfer their UBE score after the exam; and

WHEREAS, the Court granted diploma privilege by order dated June 12, 2020, for applicants who, at that time, were registered for the July and September 2020 bar exams and who had received a juris doctorate degree (J.D.) from an ABA approved law school. For diploma privilege, no other qualifications were considered, including whether the person had previously failed the bar exam. In comparison, transferring a score from an October remote exam, even one that is only half of the UBE, may provide more assurance that the individual is minimally competent to practice law; and

WHEREAS, the NCBE has stated that the October remote exam scores are not UBE scores, that jurisdictions were instructed to inform their applicants of such information, and there is no provision in the APR for the transfer of any other scores besides UBE scores, the WSBA has denied all requests to transfer an October remote bar exam score in lieu of a UBE score; and

WHEREAS, in light of the factors referenced above, the WSBA has requested that the Court consider allowing the October 2020 remote exam scores to be accepted for admission in Washington;

Now, therefore, it is hereby

ORDERED:

The WSBA is authorized to accept transfer of the October 2020 remote exam scores for the purpose of admission in Washington. The transfer is limited to those applicants who earned a J.D. from an ABA law school. In addition, because UBE score transfers can only come from UBE jurisdictions, the transfer of an October 2020 remote bar exam score shall be limited to

scores originating from jurisdictions that were UBE jurisdictions at the time of the October exam.

DATED at Olympia, Washington this 5th day of March, 2021.


CHIEF JUSTICE

Impacts Felt by WSBA Members

ABOUT THE NOVEMBER 2020 MEMBERSHIP SURVEY

After taking initial actions to support WSBA members during the COVID-19 pandemic, the COVID-19 Internal task force (CITF) and External task force (CETF) wanted to learn how best to continue supporting members. After reviewing the survey data, the CITF and CETF recommended continuing actions already taken—such as providing relevant CLEs—and planning ways to keep members connected with each other and the courts as the pandemic continues.

START



Q. Since Gov. Inslee's first "Stay Home — Stay Healthy" proclamation in March 2020, choose the statement that best describes any change in your business volume:

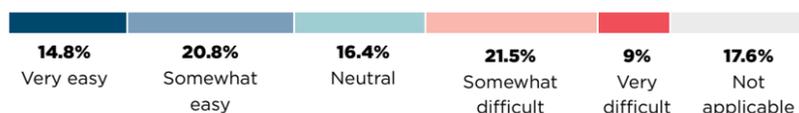
- 18.6% Has substantially decreased
- 26.1% Has somewhat decreased
- 21.8% Has stayed the same
- 15.9% Has somewhat increased
- 7% Has substantially increased
- 10.6% Not applicable



Q. Since the first "Stay Home — Stay Healthy" proclamation, choose the statement that best describes any change in your income:

- 21.9% Has substantially decreased
- 25.7% Has somewhat decreased
- 40.7% Has stayed the same
- 8.8% Has somewhat increased
- 2.9% Has substantially increased

Q. During the pandemic, how easy is it for you to get information about hearings, trials, or court operations where you regularly practice?



44%

of respondents would not make any professional changes.

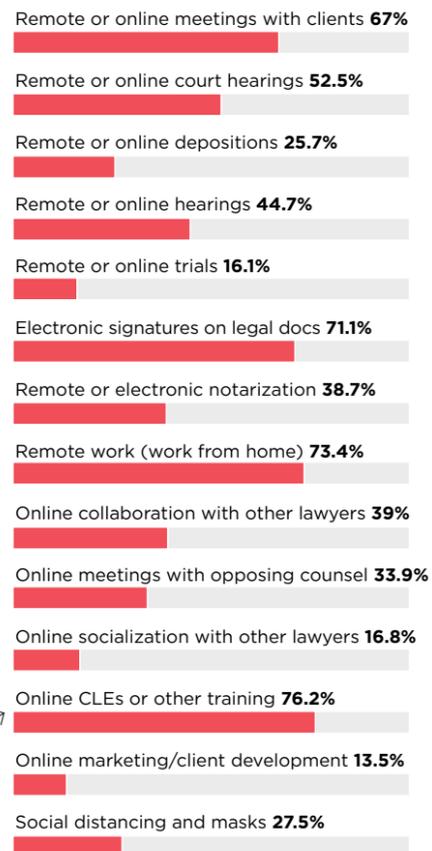
Q. As a result of the pandemic, I am considering the following professional changes: (Select all that apply)



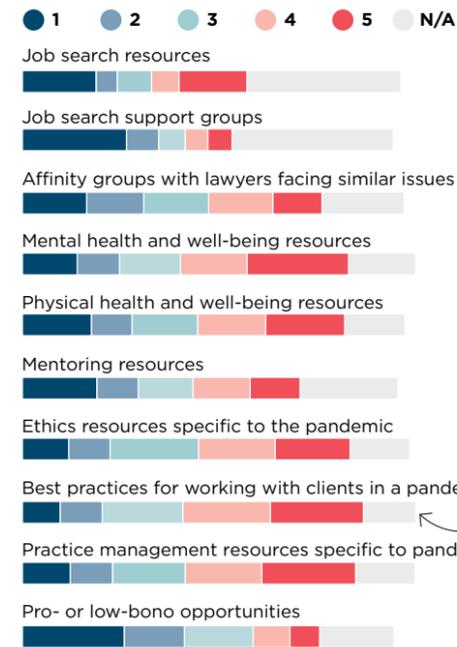
76%

would like to see online CLEs continue in the future.

Q. What changes to your practice brought on by the pandemic would you like to continue in the future: (Select all that apply)



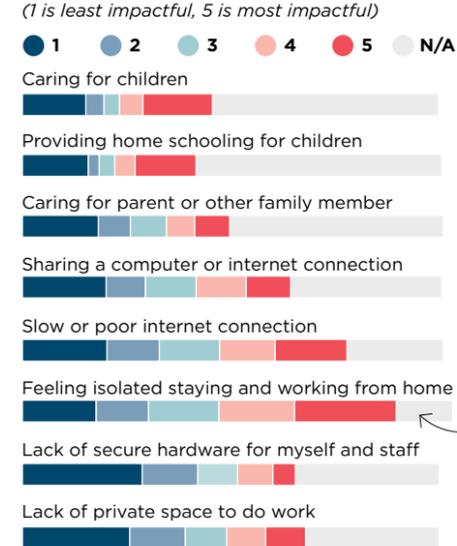
Q. Rate the following ways in which the WSBA could support you (and/or your practice) as the pandemic continues: (1 is least impactful, 5 is most impactful)



37%

felt that best practices advice was the most/somewhat impactful WSBA support.

Q. Rate the impact of the following factors on your ability to provide legal services during the pandemic?: (1 is least impactful, 5 is most impactful)



41%

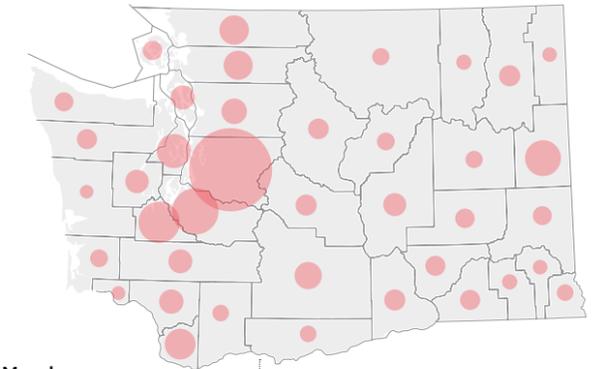
said that feeling isolated was the most/somewhat impactful factor.

When asked to choose one remote or online solution to communicate with courts, clients, and other attorneys during the pandemic, 47% of respondents said Zoom (followed by phone at 27%).

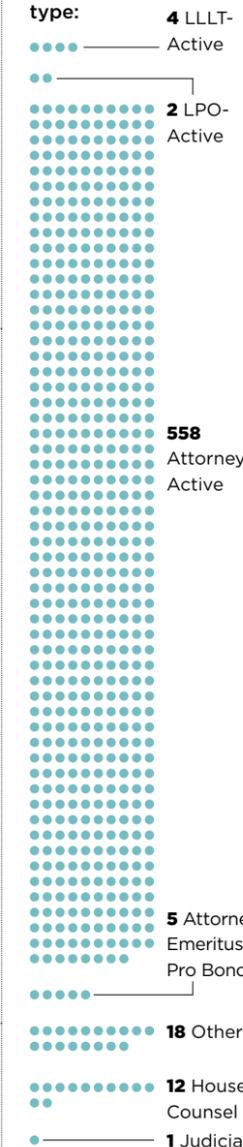


SURVEY PARTICIPANT INFORMATION

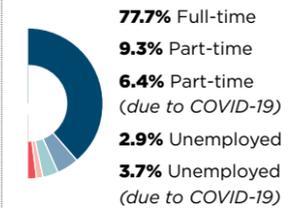
Where respondents practice in the state:



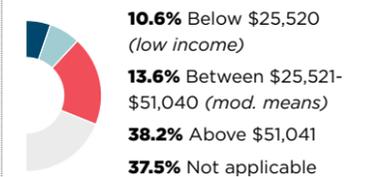
Member type:



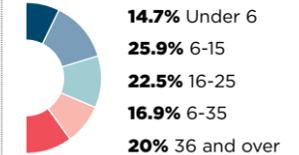
Current employment status:



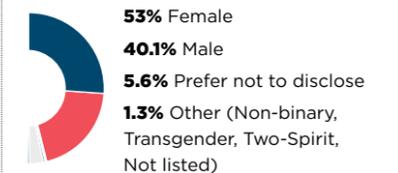
If you work with individual clients, please select the annual income group that best applies to most of your clients:



Years licensed:



Gender identity:



NOTE: The survey was sent to all active members of the WSBA at the beginning of November, and people took the survey throughout the month of November. 616 people responded, which represents approximately 1.5% of the total membership.

From: [Robert Taylor](#)
To: [Sciuchetti, Kyle](#); [Terra Nevitt](#); [Brian Tollefson](#); [Carla J. Higginson](#); [danclarkbog@yahoo.com](#); [pjj@randalldanskin.com](#)
Cc: [Doug Ende](#); [Diana Singleton](#); [Renata Garcia](#); [Rajeev Majumdar](#); [Kim@khunterlaw.com](#)
Subject: JISC Meeting Update for February
Date: Tuesday, March 2, 2021 10:55:28 AM

Folks, the JISC meet on Friday and here are the highlights.

State revenue projections continue to climb with the next forecast coming on March 17. 7 weeks into the session AOC is feeling pretty good that they will get the funding needed for current projects. On the legislative side there are several bills moving through the legislature that will require AOC resources to assure compliance. AOC staff are working with the legislature to make sure they understand the impact and any future costs they will need to plan for.

A dozen years ago a protocol to help establish project priorities and an approval process was created. The protocol set fairly low limits of authority thus requiring many projects to obtain approval at several levels before ultimately getting JISC approval. With the passage of time, the growing experience within AOC and inflation it was time for a change. A motion was heard and passed that streamlined the process and moved the approval levels up so projects below \$500k would only need AOC CIO approval, projects under \$1M would need State Court Administrator approval and projects over \$1M would go the full JISC for approval.

An update on the CLJ case management system reminded us that the project is pursuing two simultaneous work streams, one to launch EFiling and the other to get the case management system built and launched.

Pilot courts kicking off the EFiling program include Pierce District, Tacoma Municipal, Gig Harbor Municipal and Fircrest/Ruston Municipal courts. The informational sessions started on 2/26 for the pilot courts and will run through early April for others around the state. Notices have gone out through local bar associations inviting members of the bar to attend these on line information sessions. EFiling will be voluntary for bar members using the system at first but in early fall bar members will be required to conduct all their filing business via EFiling. It will remain optional for non represented litigants. Expect to see more notifications about these sessions and the launch deadlines.

One CMS side the project is on track wrapping up the gap analysis and moving on with Management and Operational plans being crafted.

At the last meeting the JISC voted on a proposed change to JISC Rule 13 (having to do with courts that wanted to use outside vendors instead of using the statewide systems). The proposal came from a subcommittee that had representation from all the stakeholders and the WSBA wrote in support of this rule change. Apparently some were still not happy with some of the provisions, particularly with the penalties being proposed for failure to comply, and drafted their own version of the rule and sent it on to the Supreme Court for simultaneous consideration. The JISC Chair, Justice Madsen, ultimately decided to pull the proposed rule change from consideration. Future plans for the rule change are unsettled at the moment.

Please let me know if you have questions and feel free to share this with those you think may be interested.

Bob Taylor
WSBA Representative to the JISC

CAUTION: This is an EXTERNAL email. DO NOT open attachments or click links from UNKNOWN senders or in UNEXPECTED emails.

MEMO

To: Terra Nevitt, WSBA Interim Executive Director

From: Douglas J. Ende, WSBA Chief Disciplinary Counsel & Director of the Office of Disciplinary Counsel

Date: March 3, 2021

Re: Quarterly Discipline Report, 4th Quarter (October - December 2020)

A. Introduction

The Washington Supreme Court’s exclusive responsibility to administer the systems for discipline of licensed legal professionals (including disability systems) is delegated by court rule to WSBA. See GR 12.2(b)(6). Staff and volunteers carrying out the functions delegated by the Rules for Enforcement of Lawyer Conduct (ELC) act under the Supreme Court’s authority. The investigative and prosecutorial function is discharged by the employees in the Office of Disciplinary Counsel (ODC), which is responsible for investigating allegations and evidence of professional misconduct and incapacity and prosecuting violations of the Washington Supreme Court’s Rules of Professional Conduct.

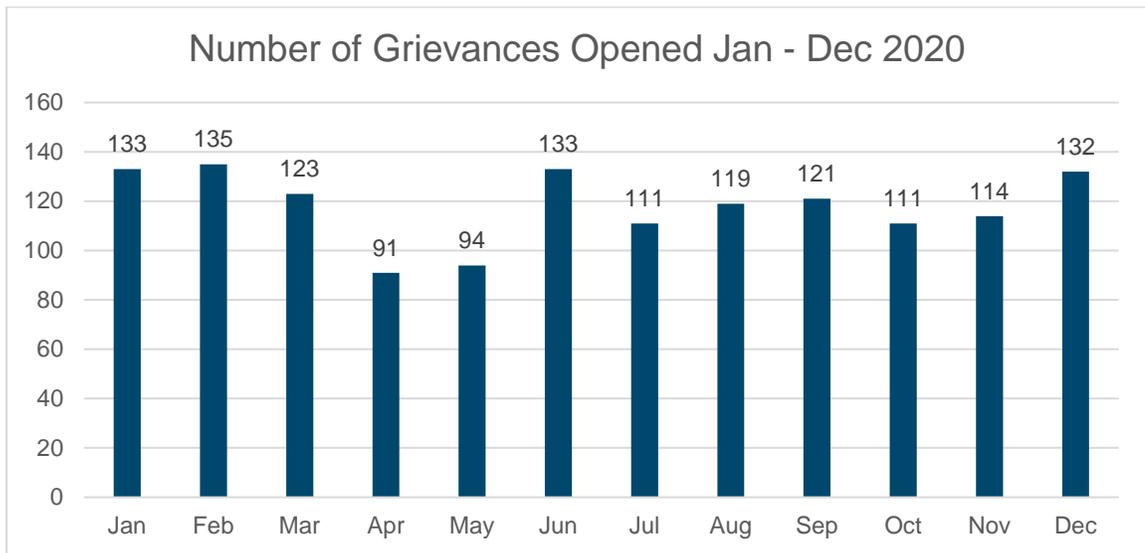
The Quarterly Discipline Report provides a periodic overview of the functioning of the Office of Disciplinary Counsel. The report graphically depicts key discipline-system indicators for 4th Quarter 2020. Note that all numbers and statistics herein are considered tentative/approximate. Final figures will be issued in the 2020 Discipline System Annual Report.

B. Recent Supreme Court Opinions & Other Information

- **Annual Summary of Speaking Engagements.** Attached to this report as Appendix 1 is ODC’s annual summary of speaking engagements. In 2020, ODC lawyers and auditors started the year by appearing in person for three programs in Washington and one at the National Organization of Bar Counsel Mid-Year Meeting in Austin, Texas. As the profession transitioned to a remote environment, staff modified these programs and presented eight programs via webinars and webcasts. In total, approximately 770 lawyers, law students, and legal professionals attended these programs on a variety of ethics and regulatory topics, including trust account recordkeeping and compliance, the lawyer discipline system, women in law, ethics in the time of COVID-19, and the impact of COVID-19 on proceedings. One “silver lining” of the COVID-19 era is that it has become apparent that ODC training and outreach has the potential to reach many more individuals conveniently through remote learning technologies and platforms. Although the number of event appearances dropped in 2020 for obvious reasons, the approximate figure of 770 individual attendees served is doubtless lower than the number actually educated because it does not include rebroadcasts of recorded sessions, which has become the norm. As remote learning in the realm of professional educations settles in as the new

normal (and with the potential for some in-person events to resurface in 2021), we expect the reach and impact of ODC’s commitment to CLE, law school, and peer training and education to reach new heights.

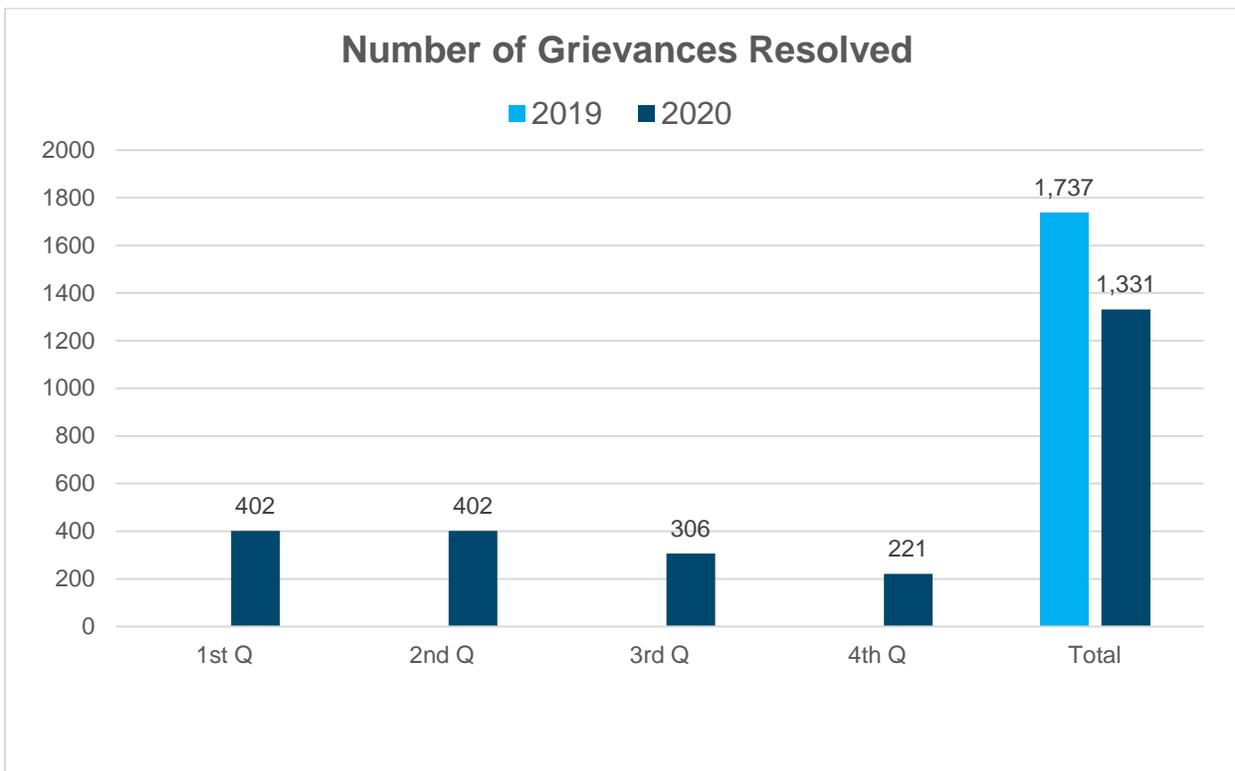
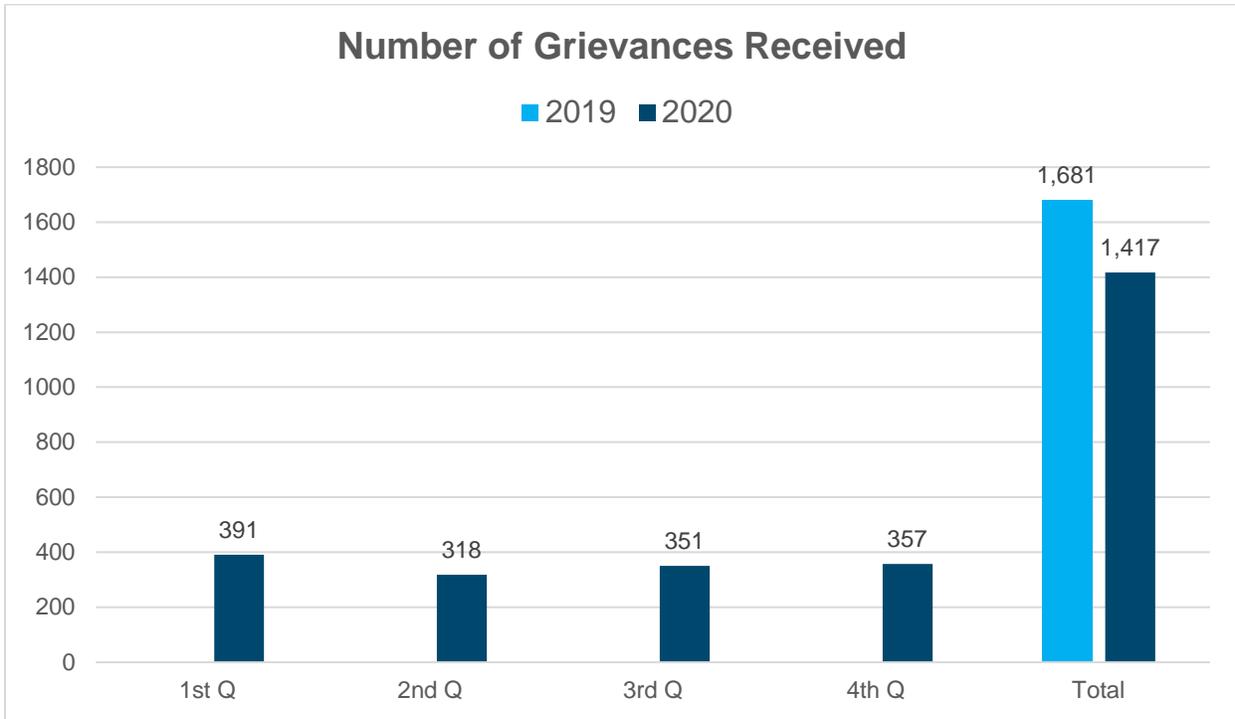
- **COVID-19 Update.** As had been the case in the second and third quarters of calendar year 2020, the COVID-19 crisis continued to affect the number of grievances filed with ODC. Since April 2020, ODC has seen material fluctuations in grievance filing numbers. The following chart details the variations month-by-month in the number of grievance files opened. Notably, in April and May, grievance numbers dropped significantly, but then rebounded in June, and by December the filings appeared to have returned to the pre-COVID-19 volume.



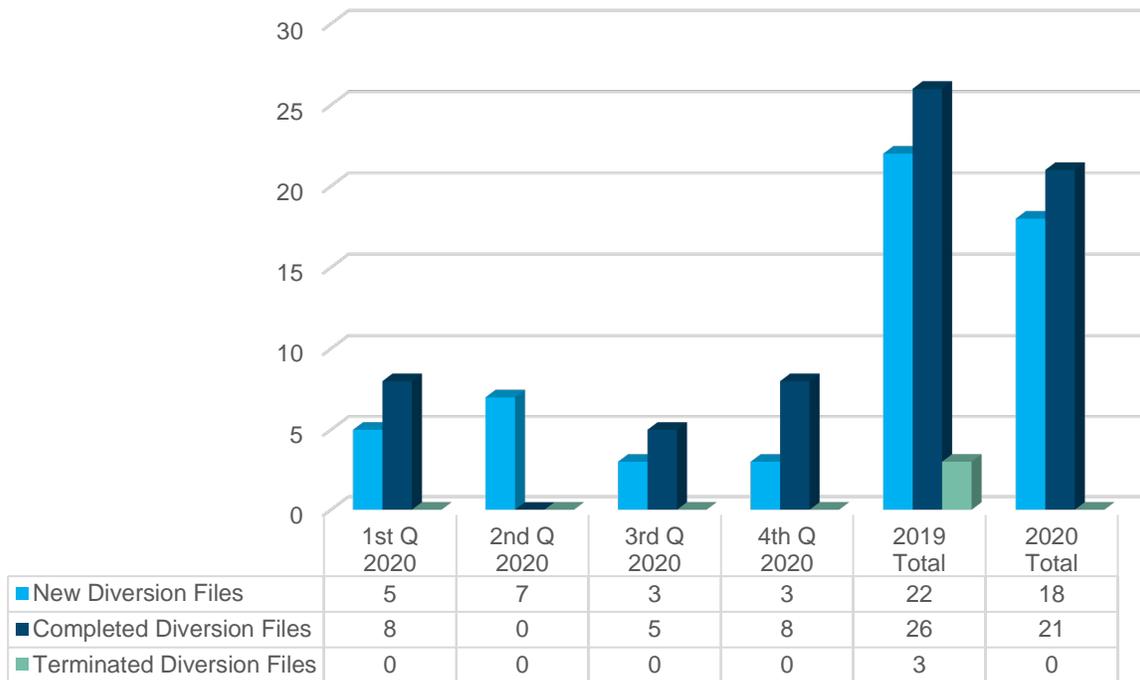
The vast majority of the ODC staff continues to work 100% remotely, and the random trust account examination program remains in abeyance. Since March, there have been two default disciplinary hearings, but otherwise no disciplinary hearings have been held. Several respondents have objected to the scheduling of either in-person or remote hearings and sought continuances for the duration of the public health emergency, and in some cases these objections have extended to the scheduling of depositions. While the parties awaited further adjudicative guidance and decision-making on this issue, several remote depositions and settlement conferences took place, and a number of matters have been resolved by stipulation or resignation in lieu of discipline. There were no remote hearings in 2020. The good news is that on February 2, 2021, the discipline system’s Chief Hearing Officer issued formal guidance for remote disciplinary proceedings, together with a form remote scheduling order. In the wake of that development, discipline-system hearing officers began entering scheduling orders for remote hearings, and, although motions for continuance persist, several hearings are currently scheduled for the second quarter of 2021. Internal teams have been focused on preparing systems and processes to ensure that remote hearings are as seamless, fair, and effective as possible. Calendar year 2021 is expected to be a busy one for adjudicated

proceedings as the system gets out from under the 2020 hearing “backlog.” Review and investigation of new and pending grievances continues apace.

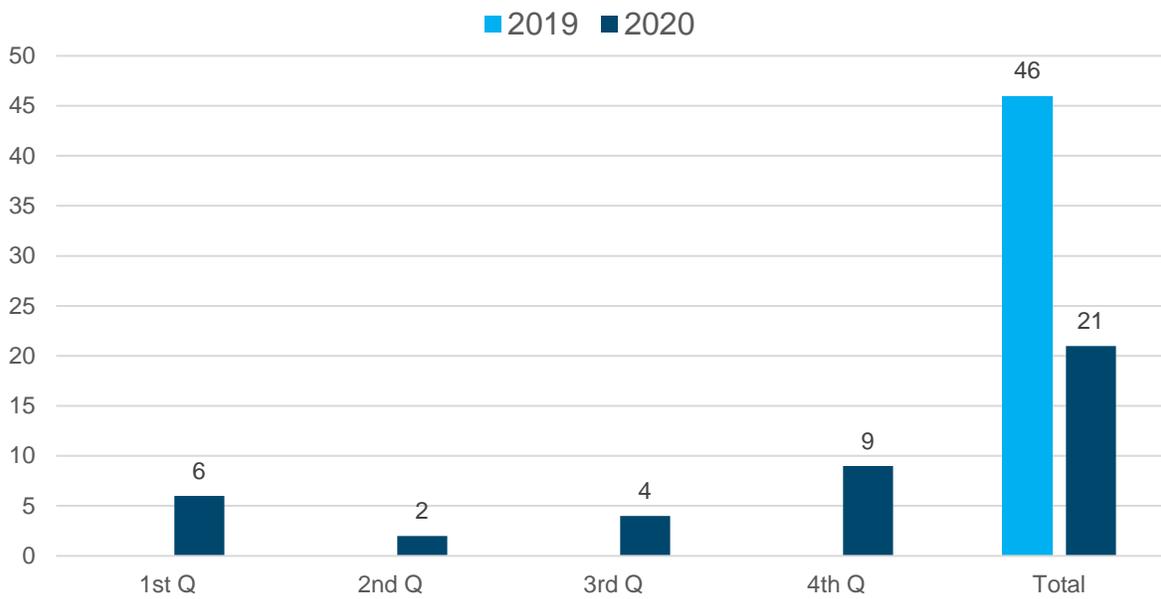
C. Grievances and Dispositions

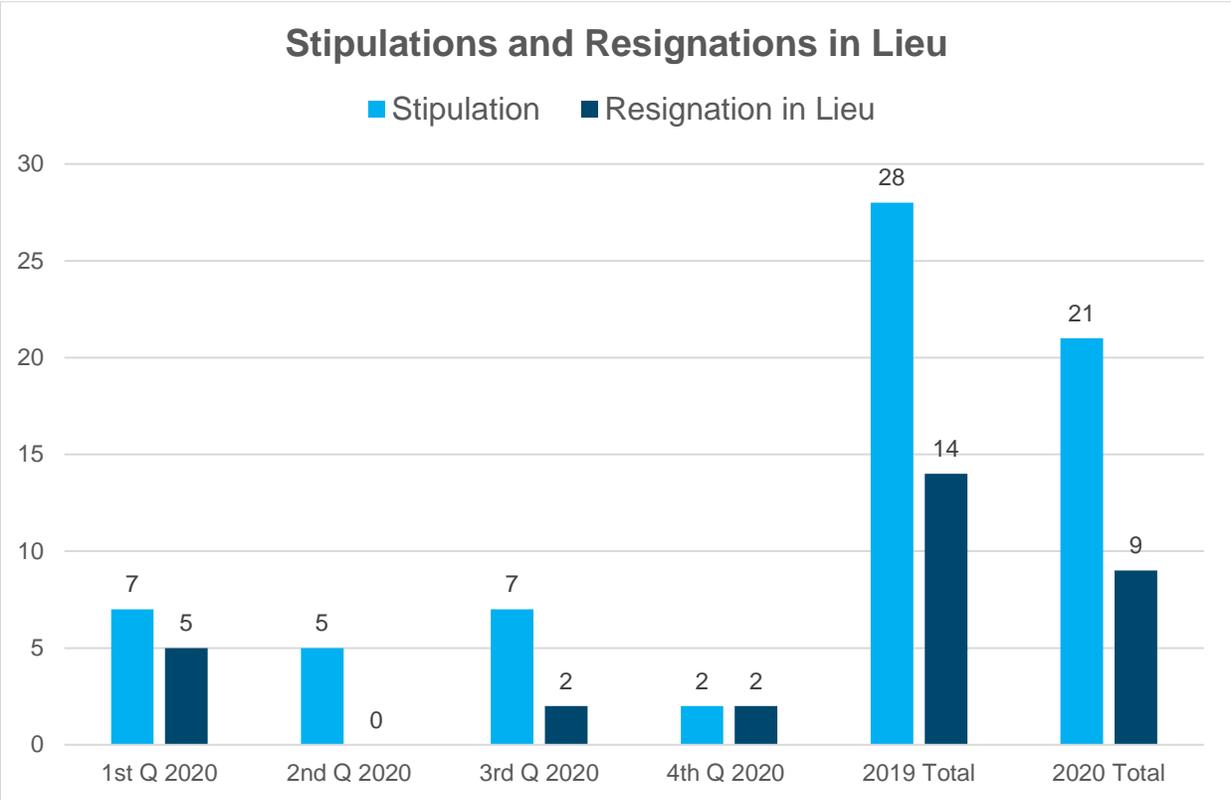
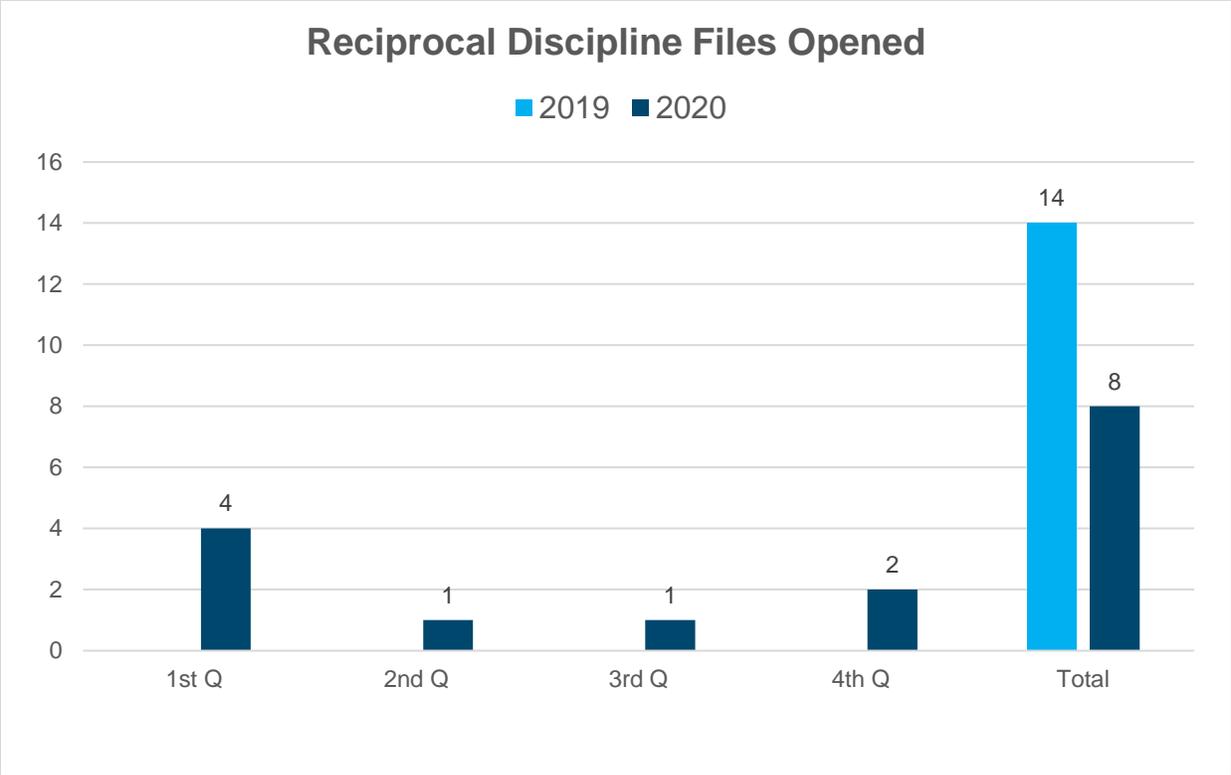


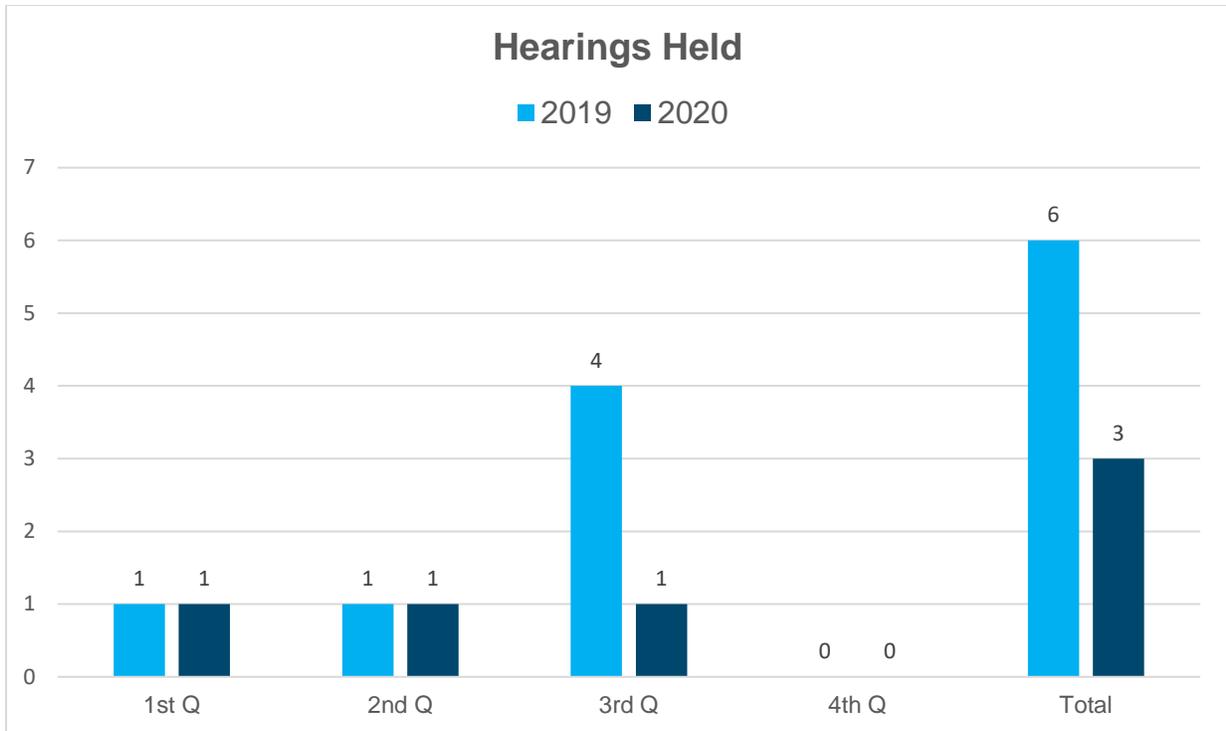
Diversion Statistics



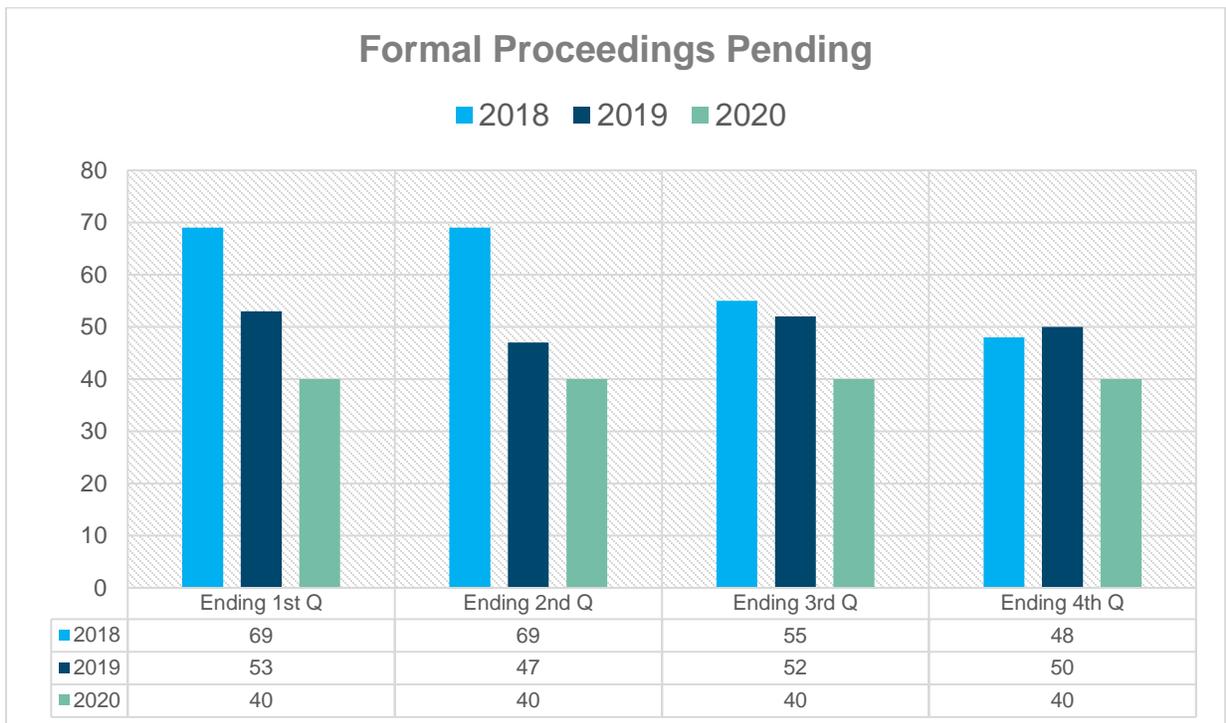
Formal Complaints Filed







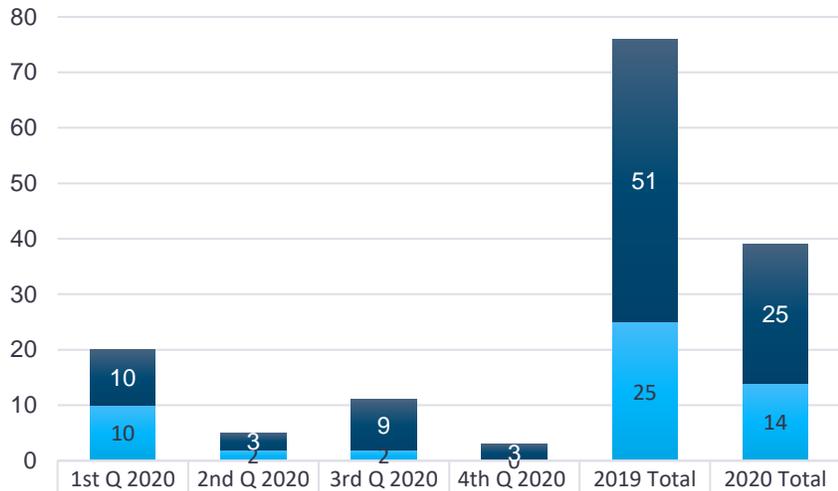
D. Pending Proceedings¹



¹ In the second table in this section, the Disciplinary Board numbers reflect Board orders on stipulations and following review after an appeal of a hearing officer’s findings.

Matters Acted on by Reviewing Bodies

■ Disciplinary Board Matters Acted on
 ■ Supreme Court Matters Acted On

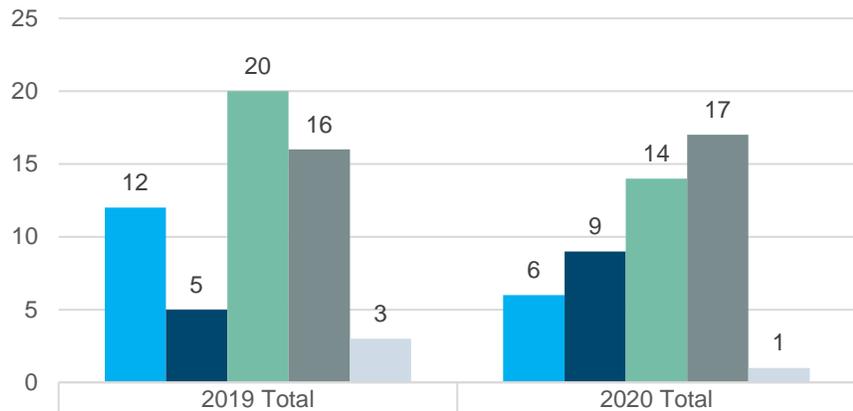


■ Supreme Court Matters Acted On	10	3	9	3	51	25
■ Disciplinary Board Matters Acted on	10	2	2	0	25	14

E. Final Disciplinary Actions

Final Disciplinary Actions

■ Disbarment
 ■ Resignation in Lieu of Discipline
 ■ Suspensions
 ■ Reprimands
 ■ Admonitions



■ Disbarment	12	6
■ Resignation in Lieu of Discipline	5	9
■ Suspensions	20	14
■ Reprimands	16	17
■ Admonitions	3	1

F. Disability Inactive Transfers

Disability Inactive Transfers	Quarter Total
1st Quarter 2020	4
2nd Quarter 2020	2
3rd Quarter 2020	0
4th Quarter 2020	1
2019 Total	5
2020 Total	7

G. Discipline Costs²

Quarterly Discipline Costs Collected	Total
1st Quarter 2020	\$23,989.09
2nd Quarter 2020	\$13,381.02
3rd Quarter 2020	\$27,096.20
4th Quarter 2020	\$29,046.13
2019 Total	\$93,491.21
2020 Total	\$93,512.44

² The cost figures may vary from amounts indicated in previous quarterly reports, statistical summaries, and annual reports, owing to discrepancies in the data available at the time of issuance of these quarterly reports and the final cost figures available after Accounting closes the monthly books.

**2020 QUARTERLY DISCIPLINE
REPORT
APPENDIX 1**

ODC 2020 Law-Related Speaking Engagements (Excluding Internal Presentations/Trainings)

#	2020 Date	Presenter	Location	Approx. Audience Size	Sponsor	Name of Program	Topic
1.	2/13/2020	Kathy Jo Blake	Olympia	20	OSPI (Office of Superintendent of Public Instruction)	Overview of Discipline System	Focus on diversion, disciplinary actions and sanctions
2.	2/15/2020	Doug Ende	Austin, TX & rebroadcast via Webinar	120+	National Organization of Bar Counsel	Annual Meeting of NOBC	Wimpicus Maximus: Coping with Querulants, Handling Hostiles, and Vying with Vexatious Complainants in the Information Age
3.	2/21/20	Doug Ende	Seattle	50	Seattle University School of Law & Seattle University Law Review	Cannabis and People: Impacts Now in the New World of Marijuana and CBD, and What is Coming	State-Legal Marijuana: Ethics and Moral Anxiety
4.	3/3/2020	Tracy Sambrano /Mary Wells	Seattle University School of Law	6	Access to Justice	Incubator Program	Trust Accounts: Getting Your Ducks in a Row
5.	4/7/2020	Francesca D'Angelo	UW (via Zoom)	78	Professor Ambrose	Professional Responsibility Class	Overview of the Discipline System
6.	8/26/2020	Cheryl Heuett / Mary Wells	state-wide (via Zoom)	30	WSBA	Reinstatement	Trust Accounts
7.	10/6/2020	Doug Ende	Seattle (remote)	50	U.W. School of Law (Prof. Spitzer)	Professional Responsibility Class	Overview of Discipline System
8.	10/21/2020	Doug Ende	Hanford (remote)	20	Desert Bar Association	Monthly meeting	Best Practices When Respondent to a Grievance
9.	11/13/2020	Doug Ende	Statewide (remote)	190	Washington Foundation for Criminal Justice	Ethics in the Time of COVID-19	Chief Disciplinary Counsel Perspectives on the Discipline System
10.	11/12/2020	Doug Ende	Statewide (remote)	30	Washington Defense Trial Lawyers	2020 Annual Ethics Seminar	A Day in the Life of a Defense Litigator (panel discussion of hypotheticals)
11.	11/13/20	Joanne Abelson	National (remote)	75	NOBC	NOBC Diversity Equity & Inclusion Forum	Women in Law: The Challenges and Triumphs from a Historical Perspective and Within the Field of Attorney Discipline
12.	12/10/2020	Craig Bray	National (remote)	100+	NOBC	Quasi-Criminal, Quasi-Schriminal	Impact of COVID-19 on proceedings, trend toward remote hearings, and response to due process objections to remote disciplinary hearings.

WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Julie Shankland, General Counsel
 Lisa Amatangel, Associate Director, OGC
 Date: March 3, 2021
 Re: Litigation Update

No.	Name	Brief Description	Status
1.	<i>Kaiser v. WSBA, et al</i> , No. 2:20-cv-01544-TLF (W.D. Wash.)	Plaintiff, a 2007 law school graduate, seeks an order from the Washington Supreme Court admitting him to the bar without taking the bar exam.	Complaint filed 10/22/20; WSBA's motion to dismiss fully briefed as of 12/18/20. On 01/21/21 plaintiff voluntarily dismissed this matter. This matter is now closed.
2.	<i>Block v. Scott et al</i> , No. 20-2-07931-1 (Pierce Sup. Ct.)	Alleges civil rights and public records violations.	Complaint filed 10/07/20.
3.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Former employee alleges discrimination and failure to accommodate disability.	On 07/17/19, WSBA filed an answer. Discovery is complete. On 10/02/20 WSBA filed a motion for summary judgment; on 10/20/20 this motion was denied in part and granted in part. On 11/09/20 WSBA filed a motion for reconsideration of the court's order on summary judgment. On 03/03/21 the parties will engage in mandatory Alternative Dispute Resolution. Trial is set for 03/22/21.
4.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B "Open Meetings Policy") and Open Public Meetings Act; challenges termination of former ED.	On 04/11/19, the King County Superior Court entered an Order on Motion for Preliminary Injunction stating that the WSBA was subject to the OPMA. On 08/27/19, the Washington Supreme Court granted direct discretionary review. On 09/26/19, WSBA filed a Designation of Clerk's Papers with the Superior Court, and a Statement of Arrangements with the Supreme Court. WSBA filed a report of proceedings with the Supreme Court on 11/25/19. WSBA filed its opening brief on 02/10/20. Respondent filed his response on 02/28/20; WSBA filed its reply brief on



			04/01/20. On 05/15/20, the Supreme Court appointed Judges Korsmo and Bjorgen as Justices Pro Tem in this matter. On 05/28/20, the Supreme Court denied Respondent's motion to supplement the record. Oral argument was held 06/23/20. On 02/11/21 the Washington Supreme Court vacated the preliminary injunction and ruled that the WSBA is not subject to the OPMA. On 02/22/21 the parties filed a Joint Motion for Immediate Return of Mandate to Superior Court. As of 03/02/21, the parties submitted to the Superior Court a Stipulation and Order Dismissing Complaint. On 3/03/21, the case was dismissed.
5.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (" <i>Block I</i> ")	See <i>Block I</i> (below).	On 03/21/19, the Ninth Circuit stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> . On 12/17/19, Block filed a status report with the Ninth Circuit informing the Court of the Block I Court's reimposition of the vexatious litigant pre-filing order against Block. On 06/18/20, the Ninth Circuit lifted the stay order and ordered the appellees who have not yet filed their answering briefs to do so by 08/17/20 (WSBA filed its answer brief before the stay order was entered). Block's reply was due 10/09/20, then extended to 12/28/20.
6.	<i>Eugster v. WSBA, et al.</i> , No. 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Dismissal order signed 01/06/20. On 01/16/20, WSBA filed a supplemental brief on fees under CR 11 and RCW 4.84.185. Fee award of \$28,586 granted on 02/14/20; Eugster filed a notice of appeal on 03/02/20. WSBA filed its response brief on 12/14/20. Appeals briefing is complete; fees on appeal requested.
7.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (" <i>Block I</i> ")	Alleges conspiracy among WSBA and others to deprive plaintiff of	On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also

		<p>law license and retaliate for exercising 1st Amendment rights.</p>	<p>vacated the pre-filing order and remanded this issue to the District Court.</p> <p>On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20. Block filed an opening brief on 11/06/20; WSBA filed its answering brief on 01/07/21. Block's optional Reply Brief was due on 01/28/21.</p> <p>On 09/10/20, Block moved to vacate the vexatious litigant order; WSBA opposed the motion and it was denied.</p> <p>In response to the district court's denial of Block's motion to vacate, on 10/01/20, Block filed a motion for an indicative ruling on whether the district court would vacate the vexatious litigant order if the appellate court remanded the case for that purpose. WSBA opposed the motion. Block filed a reply on 10/16/20. This motion is pending.</p>
8.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy) and \$58,114.50 in fees awarded; Eugster appealed. Merits and fee appeal briefing completed. Matter transferred to Division I and set for panel consideration on 09/25/20 without oral argument. Dismissal and fee award affirmed on 10/05/20. Eugster's motion for reconsideration was denied on 11/05/20. Mandate issued 02/03/21. \$438.51 in costs awarded.
9.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso v. Washington State Bar</i>	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and

		<i>Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.)	cross-appeal on fees. Case transferred to Division II. Oral argument heard on 10/22/19. On 01/07/20, the Court affirmed dismissal and reversed fee denial. Eugster filed a petition for review with the Washington Supreme Court; petition denied on 07/08/20. Case remanded to determine fee award. On 11/30/20 the superior court granted defendants' fee request in full (\$27,380.50). No appeal was filed.
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WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Jennifer Olegario, Communication Strategies Manager

CC: Sara Niegowski, Chief Communications and Outreach Officer

Date: March 11, 2021

RE: **Summary of Media Contacts**, Jan. 8 – March 5, 2021

Date	Journalist and Media Outlet	Inquiry
Feb. 3	Kip Hill, <i>Spokesman-Review</i>	Inquired about attorney discipline process for In re: Marcia M. Meade, #11122.
Feb. 5	Caroline Spezio, Reuters	Sought comment regarding diploma privilege for Feb. 2021 bar exam candidates.
Feb. 5	Jim Brunner, <i>Seattle Times</i>	Sought contact information for Danica Noble, Antitrust section chair.
Feb. 10	Siemny Kim, KIRO-TV	For a profile on King County District Court Judge Fa'amomoi Masaniai, first judge of Samoan heritage in the state, inquired he was the only judge to graduate from the Rule 6 Law Clerk program.
Feb. 11	Maya Leshikar, <i>Seattle Times</i>	Requested comment re: WA Supreme Court's OPMA ruling. Sent media statement.
Feb. 26	Zachariah Bryan, <i>Everett Herald</i>	Sought guidance regarding Brady violations -- specifically concerning when prosecutors fail to disclose evidence to the defense in a timely manner.

Media Coverage

February Bar Exam and Diploma Privilege

- Above the Law: [State retreats from diploma privilege policy despite everything worse now](#)
- KNKX 88.5 FM (NPR affiliate): [Washington bar exam will happen this month despite push for diploma privilege](#)

Open Public Meetings Act

- Seattle Times: [Washington Supreme Court: Open Public Meetings Act does not apply to bar association](#)
- Centralia Chronicle: [Washington Supreme Court: Open Public Meetings Act does not apply to bar association](#)

Other Coverage

- Eastern Washington Statesman Examiner: [Bar association dismisses complaint against Stevens County Prosecutor Tim Rasmussen](#)
- Spokesman-Review: [Spokane attorney who represented clients alleging medical malpractice for 40 years resigns amid investigation](#)
- Daily Herald (Everett): [Excoriated by judge, prosecutor not punished by boss or bar](#)
- KIRO-TV (Seattle): [Profile of First Samoan Judge Masaniai](#)

WSBA Member* Licensing Counts 3/1/21 10:30:14 AM GMT-08:00

Member Type	In WA State	All
Attorney - Active	26,475	33,306
Attorney - Emeritus	114	121
Attorney - Honorary	330	377
Attorney - Inactive	2,611	5,757
Judicial	627	657
LLLT - Active	46	46
LLLT - Inactive	3	3
LPO - Active	798	810
LPO - Inactive	142	160
	31,146	41,237

By District		
	All	Active
0	5,274	4,256
1	2,844	2,344
2	2,082	1,663
3	2,066	1,717
4	1,355	1,151
5	3,174	2,569
6	3,299	2,757
7N	4,938	4,203
7S	6,344	5,218
8	2,197	1,856
9	4,813	4,051
10	2,851	2,377
	41,237	34,162

By State and Province	
Alabama	28
Alaska	207
Alberta	11
Arizona	356
Arkansas	17
Armed Forces Americas	2
Armed Forces Europe, Middle East	27
Armed Forces Pacific	13
British Columbia	101
California	1,856
Colorado	256
Connecticut	49
Delaware	7
District of Columbia	334
Florida	270
Georgia	88
Guam	13
Hawaii	139
Idaho	472
Illinois	170
Indiana	39
Iowa	29
Kansas	27
Kentucky	28
Louisiana	46
Maine	13
Maryland	117
Massachusetts	86
Michigan	74
Minnesota	101
Mississippi	6
Missouri	65
Montana	162
Nebraska	18
Nevada	155
New Hampshire	13
New Jersey	64
New Mexico	74
New York	252
North Carolina	84
North Dakota	9
Northern Mariana Islands	5
Nova Scotia	1
Ohio	76
Oklahoma	28
Ontario	16
Oregon	2,714
Pennsylvania	81
Puerto Rico	5
Quebec	1
Rhode Island	12
South Carolina	28
South Dakota	10
Tennessee	55
Texas	385
Utah	180
Vermont	16
Virginia	278
Virgin Islands	2
Washington	31,146
Washington Limited License	1
West Virginia	6
Wisconsin	48
Wyoming	21

By WA County	
Adams	15
Asotin	26
Benton	408
Chelan	259
Clallam	162
Clark	965
Columbia	8
Cowlitz	156
Douglas	44
Ferry	12
Franklin	60
Garfield	3
Grant	137
Grays Harbor	113
Island	170
Jefferson	118
King	17,480
KING	1
Kitsap	842
Kititas	94
Klickitat	27
Lewis	121
Lincoln	14
Mason	105
Okanogan	96
Pacific	29
Pend Oreille	15
Pierce	2,452
San Juan	91
Skagit	289
Skamania	19
Snohomish	1,695
Spokane	2,043
Stevens	60
Thurston	1,690
Wahkiakum	12
Walla Walla	120
Whatcom	607
Whitman	78
Yakima	450

By Admit Yr	
1946	1
1947	2
1948	2
1949	2
1950	5
1951	15
1952	19
1953	16
1954	21
1955	10
1956	33
1957	22
1958	26
1959	28
1960	28
1961	23
1962	32
1963	30
1964	33
1965	47
1966	57
1967	56
1968	82
1969	89
1970	95
1971	98
1972	157
1973	237
1974	230
1975	292
1976	350
1977	353
1978	392
1979	418
1980	443
1981	481
1982	462
1983	501
1984	1,098
1985	562
1986	760
1987	731
1988	641
1989	696
1990	872
1991	844
1992	821
1993	919
1994	878
1995	823
1996	804
1997	912
1998	893
1999	909
2000	905
2001	912
2002	1,001
2003	1,057
2004	1,085
2005	1,119
2006	1,189
2007	1,271
2008	1,102
2009	981
2010	1,077
2011	1,064
2012	1,091
2013	1,233
2014	1,362
2015	1,606
2016	1,323
2017	1,402
2018	1,323
2019	1,373
2020	1,568
2021	184

Misc Counts	
All License Types **	41,590
All WSBA Members	41,237
Members in Washington	31,146
Members in western Washington	27,117
Members in King County	17,481
Members in eastern Washington	3,969
Active Attorneys in western Washington	23,117
Active Attorneys in King County	15,324
Active Attorneys in eastern Washington	3,311
New/Young Lawyers	6,539
MCLE Reporting Group 1	10,958
MCLE Reporting Group 2	11,691
MCLE Reporting Group 3	11,119
Foreign Law Consultant	19
House Counsel	324
Indigent Representative	10

By Section ***	All	Previous Year
Administrative Law Section	228	232
Alternative Dispute Resolution Section	307	318
Animal Law Section	75	89
Antitrust, Consumer Protection and Unfair Business Practice	184	199
Business Law Section	1,193	1,238
Cannabis Law Section	77	109
Civil Rights Law Section	165	165
Construction Law Section	504	513
Corporate Counsel Section	1,049	1,095
Creditor Debtor Rights Section	448	452
Criminal Law Section	365	372
Elder Law Section	602	644
Environmental and Land Use Law Section	758	768
Family Law Section	928	966
Health Law Section	377	393
Indian Law Section	307	322
Intellectual Property Section	806	873
International Practice Section	206	244
Juvenile Law Section	136	138
Labor and Employment Law Section	953	983
Legal Assistance to Military Personnel Section	64	67
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	97	116
Litigation Section	996	1,008
Low Bono Section	77	120
Real Property Probate and Trust Section	2,246	2,276
Senior Lawyers Section	230	240
Solo and Small Practice Section	844	897
Taxation Section	599	619
World Peace Through Law Section	136	130

* Per WSBA Bylaws 'Members' include active attorney, emeritus pro-bono, honorary, inactive attorney, judicial, limited license legal technician (LLLT), and limited practice officer (LPO) license types.

** All license types include active attorney, emeritus pro-bono, foreign law consultant, honorary, house counsel, inactive attorney, indigent representative, judicial, LPO, and LLLT.

*** The values in the All column are reset to zero at the beginning of the year (Jan 1). The Previous Year column is the total from the last day of the prior year (Dec 31). WSBA staff with complimentary membership are not included in the counts.

By Years Licensed	
Under 6	8,452
6 to 10	5,986
11 to 15	5,518
16 to 20	4,836
21 to 25	4,049
26 to 30	3,759
31 to 35	2,823
36 to 40	2,495
41 and Over	3,319
Total:	41,237

By Age	All	Active
21 to 30	1,882	1,813
31 to 40	9,202	8,275
41 to 50	10,083	8,408
51 to 60	8,923	7,058
61 to 70	7,584	5,635
71 to 80	2,994	1,965
Over 80	569	152
Total:	41,237	33,306

By Gender	
Female	12,336
Male	16,542
Non-Binary	21
Not Listed	25
Selected Mult Gender	26
Transgender	1
Two-spirit	4
Respondents	28,955
No Response	12,282
All Member Types	41,237

By Disability	
Yes	1,240
No	20,019
Respondents	21,259
No Response	19,978
All Member Types	41,237

By Sexual Orientation	
Asexual	22
Gay, Lesbian, Bisexual, Pansexual, or Queer	523
Heterosexual	4,847
Not Listed	111
Selected multiple orientations	20
Two-spirit	5
Respondents	5,528
No Response	35,709
All Member Types	41,237

By Ethnicity	
American Indian / Native American / Alaskan Native	235
Asian-Central Asian	26
Asian-East Asian	256
Asian-South Asian	65
Asian-Southeast Asian	74
Asian—unspecified	1,069
Black / African American / African Descent	661
Hispanic / Latinx	703
Middle Eastern Descent	21
Multi Racial / Bi Racial	1,041
Not Listed	217
Pacific Islander / Native Hawaiian	63
White / European Descent	23,265
Respondents	27,696
No Response	13,541
All Member Types	41,237

Members in Firm Type	
Bank	31
Escrow Company	57
Government/ Public Sector	5,075
House Counsel	3,089
Non-profit	429
Title Company	118
Solo	5,064
Solo In Shared Office Or	1,271
2-5 Members in Firm	4,184
6-10 Members in Firm	1,630
11-20 Members in Firm	1,240
21-35 Members in Firm	747
36-50 Members In Firm	542
51-100 Members in Firm	595
100+ Members in Firm	1,834
Not Actively Practicing	1,825
Respondents	27,731
No Response	13,506
All Member Types	41,237

By Practice Area	
Administrative-regulator	2,216
Agricultural	239
Animal Law	112
Antitrust	311
Appellate	1,632
Aviation	176
Banking	429
Bankruptcy	861
Business-commercial	5,200
Cannabis	118
Civil Litigation	521
Civil Rights	1,067
Collections	497
Communications	211
Constitutional	651
Construction	1,348
Consumer	741
Contracts	4,232
Corporate	3,546
Criminal	3,705
Debtor-creditor	902
Disability	589
Dispute Resolution	1,248
Education	471
Elder	846
Employment	2,782
Entertainment	311
Environmental	1,249
Estate Planning-probate	3,302
Family	2,594
Foreclosure	450
Forfeiture	100
General	2,552
Government	2,824
Guardianships	794
Health	935
Housing	308
Human Rights	303
Immigration-naturaliza	996
Indian	575
Insurance	1,637
Intellectual Property	2,286
International	887
Judicial Officer	415
Juvenile	805
Labor	1,119
Landlord-tenant	1,217
Land Use	858
Legal Ethics	279
Legal Research-writing	805
Legislation	423
Lgbtq	82
Litigation	4,689
Lobbying	168
Malpractice	735
Maritime	311
Military	380
Municipal	891
Non-profit-tax Exempt	623
Not Actively Practicing	2,054
Oil-gas-energy	238
Patent-trademark-copyr	1,319
Personal Injury	3,206
Privacy And Data Securit	332
Real Property	2,630
Real Property-land Use	2,094
Securities	767
Sports	172
Subrogation	123
Tax	1,281
Torts	2,051
Traffic Offenses	584
Workers Compensation	697

By Languages Spoken	
Afrikaans	5
Akan /twi	5
Albanian	2
American Sign Language	18
Amharic	21
Arabic	50
Armenian	7
Bengali	12
Bosnian	14
Bulgarian	12
Burmese	2
Cambodian	5
Cantonese	106
Cebuano	7
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	20
Czech	7
Danish	19
Dari	4
Dutch	23
Egyptian	3
Farsi/persian	66
Finnish	8
French	694
French Creole	1
Fukienese	3
Ga/kwa	2
German	411
Gikuyu/kikuyu	1
Greek	31
Gujarati	14
Haitian Creole	3
Hebrew	40
Hindi	102
Hmong	1
Hungarian	18
Ibo	4
Icelandic	2
Ilocano	9
Indonesian	12
Italian	165
Japanese	208
Javanese	1
Kannada/canares	4
Kapampangan	1
Khmer	2
Korean	236
Lao	5
Latvian	6
Lithuanian	3
Malay	4
Malayalam	8
Mandarin	386
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	5
Norwegian	35
Not_listed	45
Oromo	4
Persian	20
Polish	33
Portuguese	125
Portuguese Creole	1
Punjabi	68
Romanian	22
Russian	234
Samoan	7
Serbian	17
Serbo-croatian	13
Sign Language	20
Singhalese	2
Slovak	3
Spanish	1,835
Spanish Creole	4
Swahili	7
Swedish	52
Tagalog	72
Taishanese	4
Taiwanese	21
Tamil	11
Telugu	4
Thai	10
Tigrinya	4
Tongan	1
Turkish	14
Ukrainian	46
Urdu	46
Vietnamese	89
Yoruba	10
Yugoslavian	4

* Includes active attorneys, emeritus pro-bono, honorary, inactive attorneys, judicial, limited license legal technician (LLLT), and limited practice officer (LPO).

TO: WSBA Board of Governors

FROM: Daniel D. Clark, WSBA Treasurer and District 4 Governor

DATE: March 10, 2021

RE: **WSBA TREASURER FINANCIAL UPDATE Through January 31, 2021**

ACTION/DISCUSSION: Provide Board of Governors and WSBA Membership with written update on WSBA Financial update through January 31, 2021 or 4/12 of FY 2021 Budget.

FY 2021 Budget:

WSBA's latest financial statements run through January 31, 2021. With the latest best available data regarding WSBA's revenue and expenses, I'm happy to report that 33.33 percent through the FY 2021 year which runs October 1 through September 30th, and net profits are running over 1 million dollars over what we had budgeted! If you will remember, we budgeted an overall net loss of approx. \$202k for FY 2021 which would have resulted in use of WSBA's unrestricted General Fund. Instead, early into FY 2021, we are running way ahead of schedule as far as much less expenditures than anticipated. Most of these are due to Covid-19, and the use of electronic meetings and reductions in travel expenses and volunteer reimbursements. **The end result though is for FY 2021, so far we have generated a net increase to the WSBA Funds of \$825,648.01 through January 31, 2021. The majority of this will go increasing the unrestricted General Fund.**

When we combine the year-to-date total with what we were able to accomplish last year in a net gain to the FY 2020 unrestricted General fund, we are looking at **\$1,568,343.01** million dollars in net increase to the unrestricted General Fund since October 1, 2019.

This figure is even more impressive, when you factor in what we had anticipated we would have to use in unrestricted general fund reserves. **When factoring in the (\$594,000) for FY 2020 and (\$202,000) for FY 21, we currently have an actual positive financial balance swing impacting the WSBA Funds of \$2,364,343.01 since October 1, 2019!**

It should be noted that we are still very early in the year. These numbers may change, but so far 1/3 through the fiscal year, we are seeing very positive results despite us not generating very much revenue from investment earnings due to the down market.

Court Approved B & A Bylaw:

The Washington State Supreme Court approved the bylaw change that changed the composition of the Budget and Audit committee from 7 members to 8. As a result, President Sciuchetti has re-appointed Governor Carla Higginson to the Committee. I'd like to welcome back Governor Higginson who served on the committee during the 2019-20 FY 2020 BOG year.

LLLT License Fee Recommendation:

You will see a 2022 license fee recommendation agenda item for the LLLT member license type of \$229.00 for active regular members and it reduced accordingly for new members. In November 2020, the BOG voted to increase the fee from \$229.00 to \$240.00. This was consistent with a business plan that the LLLT Board had drafted and approved. The Supreme Court rejected this license fee increase on the grounds that we had not increased other license types. The license fee proposed increase was made in good faith consistent with the business plan of the LLLT Board. The revised recommendation is that we recommend the \$229.00 rate, which is the same as the 2021 license year for FY 2022. This recommendation was unanimously approved by the Budget and Audit committee at its February 24, 2021 meeting.

FY 2020 WSBA Audit:

We have successfully completed our WSBA Audit for FY 2020. You will be hearing a presentation from the accounting firm of Clark Nuber at this meeting. I would like to personally thank Jorge Perez, and his hard-working financial staff for working with Clark Nuber and I to provide another successful audit of WSBA's finances. It is important that we do this to ensure adequate internal controls for the organization, and that member license fee revenue is being spent accurately and prudently.

WSBA Investment Policy:

The Budget and Audit Committee is discussing making recommendations to the current WSBA investment philosophy. Currently we have WSBA funds in various money market accounts. These accounts currently are not early a very high yield on rate of return. The funds are safe from potential loss of principle, but they are not keeping up with inflation at all.

The committee is examining various alternatives to investing solely in money market accounts. The committee met February 24, and March 10, 2021 to discuss this issue. The committee will continue to discuss this issue and potentially a proposal we be in front of the full BOG at the April 2021 BOG meeting.

It remains a true honor to continue to serve as the WSBA Treasurer. I have a little more than six months remaining. I'm very hopeful that we will continue to enjoy financial successes the remaining months of FY 2021. Thank you and please contact me if you have any questions regarding this update.

Respectfully,

Dan Clark
WSBA Treasurer & District 4 Governor

TO: WSBA Board of Governors
FROM: Daniel D. Clark, WSBA Treasurer & 4th District Governor
DATE: March 18, 2021
RE: WSBA FY 2020 Financial Audit

ACTION/DISCUSSION : Discussion of completion of FY 2020 WSBA Financial Audit by Clark Nuber

The independent accounting firm of Clark Number performed the annual independent financial audit of the Washington State Bar Association (WSBA) for Fiscal Year 2020.

The report resulted in the following:

- **Unmodified opinion issued**

Indicates the financial statements are materially correct and there was no reason to modify our opinion

- **Audit adjustments**

No auditor-proposed adjustments or uncorrected misstatements were identified

- **Uncorrected adjustments**

Proposed adjustment to present net assets with donor restrictions for approximately \$29,000

Proposed adjustment to increase accrued liabilities and payroll expenses for accumulated compensated absences of approximately \$103,000

- **Internal control deficiencies**

No material weaknesses in accounting controls or information systems noted

A hard copy of the report is available for Board Members upon request. Soft copies of the report can be obtained from CFO Jorge Perez upon request at jorgep@wsba.org.

Respectfully,

Dan Clark
WSBA Treasurer/4th District Governor
DanClarkBoG@yahoo.com
(509) 574-1207 (office)
(509) 969-4731 (cell)

Clark Nuber PS

Presentation to the Audit Committee of



January 27, 2021

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Service Scope & Deliverables for the Year Ended September 30, 2020

Consolidated Financial
Statement Audit for the
Year Ended September 30,
2020

Agreed-upon procedures
over the Special Report on
Budget Summary

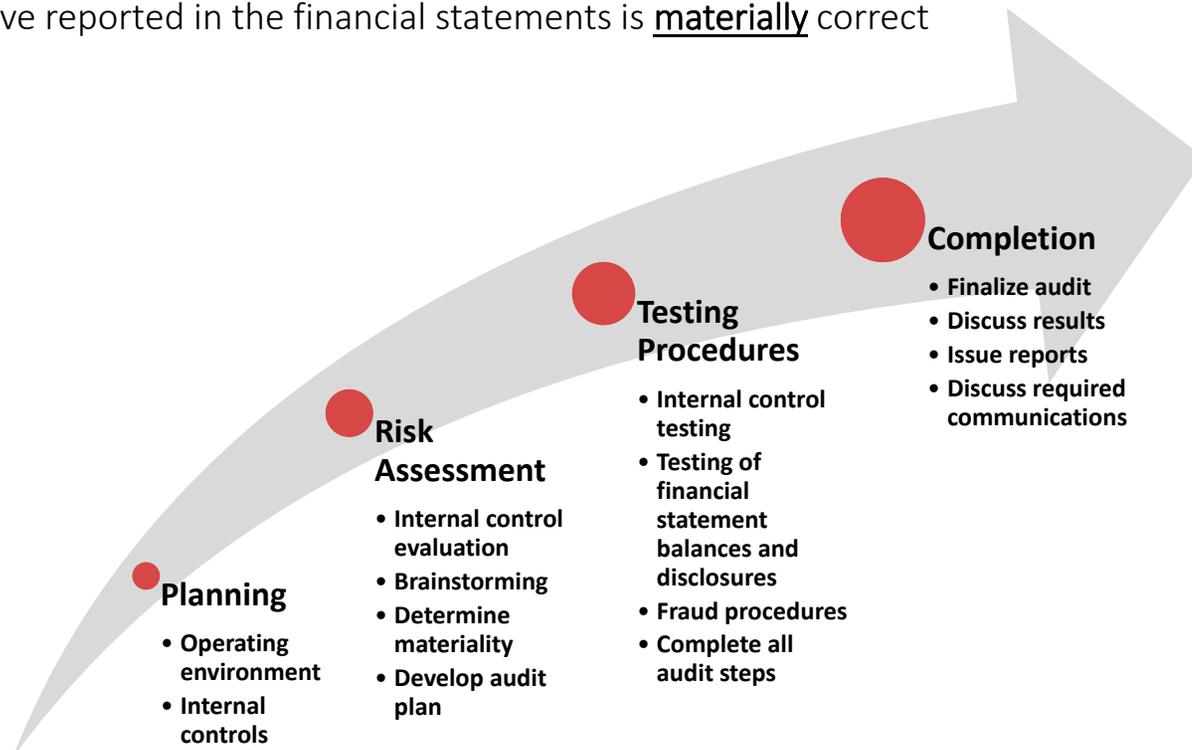
Other Services

- Preparation of draft financial statements in conjunction with the audit
- Routine management advice, as requested

Financial Statement Audit

Purpose

- Issue an opinion (“*audit report*”) that accompanies your annual financial statements
- Gives assurance to users of the financial statements (*lenders, funders, Board of Directors, etc.*) that the information you have reported in the financial statements is materially correct



Areas of Financial Statement Audit Emphasis



Critical Audit Areas

Revenue recognition
COVID-19 unique revenues and expenditures
Contingent liabilities



Financial Statement Estimates

Fixed assets lives
Functional allocation of expenses

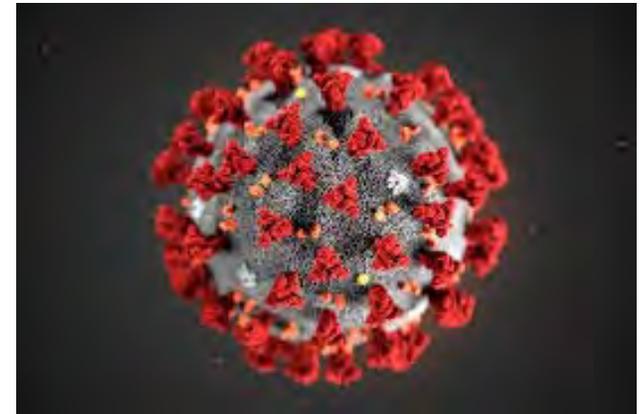


Internal Controls in the Following Areas:

Service Revenue, receivables, and cash receipts
Accounts payable, payroll, and related disbursements
Information technology
Financial reporting and closing
Entity level controls

COVID-19 Financial Statement Disclosure Considerations

- **Government assistance received under the CARES Act**
 - Material terms and conditions, impact on liquidity, and uncertainties involved in applying accounting guidance
- **Business disruption**
 - Reduction in activities and impact on operations
- **Asset impairment**
 - Financing receivables, inventories, intangibles
- **Loss contingencies**
 - A reasonable possibility
- **Going concern**
 - One year after the financial statements are issued



Financial Statement Audit Results This Year

- Unmodified opinion issued
 - Indicates the financial statements are materially correct and we did not find any reason to modify our opinion
- Audit adjustments
 - No auditor-proposed adjustments or uncorrected misstatements
- Uncorrected adjustments
 - Proposed adjustment to present net assets with donor restrictions for approximately \$29,000
 - Proposed adjustment to increase accrued liabilities and payroll expenses for accumulated compensated absences of approximately \$103,000
- Internal control deficiencies
 - No material weaknesses in accounting controls or information systems noted

Other Required Communications

Professional standards established by the AICPA require independent auditors to communicate certain matters directly to those charged with governance. This report presents a brief explanation of each of the communication requirements and our response as it relates to your organization.

Items to be Communicated	Auditor's Response
Auditor's responsibility under U.S. Auditing Standards.	Communicated in engagement letter.
Representations requested from management.	Communicated in representation letter.
Significant difficulties encountered during audit.	None.
Disagreements with management.	None.
Major issues discussed prior to retention.	None.
Consultation with other accountants.	None we are aware of.
Fraud or noncompliance with laws and regulations.	No such matters came to our attention.
Consideration of entity's ability to continue as a going concern.	No such matters require disclosure.
Other information in documents containing audited financial statements.	We are not aware of any plans to include the audited financial statements in other documents.
Qualitative aspects of accounting practices.	Policies and procedures and estimates are consistent with prior years and with practices we see at similar organizations.
Significant audit issues.	No matters were discussed.
Significant audit adjustments or uncorrected misstatements	See uncorrected misstatements identified in "Financial Statement Audit Results This year" slide.

Key Internal Controls in a Remote Work Environment

- Protect your systems while staff work remotely; for example:
 - Keeping corporate data on corporate-owned or approved devices
 - Using a VPN to encrypt traffic when working remotely
 - Using Multi-factor authentication (MFA) when accessing resources from outside of the corporate network
- Hard copy confidential documents are cross-shredded or stored in secure location
- Regular education and reminders to staff on cyber risks and required practices; increases in risk from:
 - Email attacks utilizing macro-enabled Office files
 - Phishing attacks, particularly for disbursement of funds (wire transfers, gift cards, etc.)

Looking Ahead: New FASB Standards

Revenue Recognition
of Contracts with
Customers – effective
calendar year ending
2020 (FY 2021)

- Applies to contracts with customers.
- Recognizes revenue when (or as) the entity satisfies a performance obligation in the contract.

Leases – effective
calendar year ending
2022 (FY 2023)

- Lessees to recognize all leases as liabilities on the balance sheet.
- Expense recognition to remain the same for operating and financing (capital) leases.

Network Penetration Testing



What is it?

Simulation of a real-world cyber attack



What is the benefit?

Awareness of hidden security holes that could result in cyber breach

Recommendations to resolve the root cause (not just the symptoms)

According to CSO Online, [“A Pen test a day keeps hackers away”](#)



What is the scope?

Phishing exercises, reconnaissance, scanning and other leading practice techniques

Final report on findings and recommendations

Did you know?

Penetration testing is now required for many federal government entities. In addition, many cyber insurance carriers are beginning to require penetration testing. Why? Because penetration testing may be the fastest way to understand your security.

Your Engagement Team

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About Clark Nuber



Located in Bellevue, WA



65+ Years in Existence



200+ Employees



Named one of the best places to work, Locally & Nationally



25 Shareholders



“Inside Public Accounting” top 100 accounting firm in the nation



Services: Audits, Reviews, & Compilations; Tax Compliance & Planning; International, State, & Local Tax Services; CFO, Bookkeeping, & Accounting Services; IT audits and more.



Serve: Not-for-Profit & Public Sector, Privately Held & Family Owned Businesses, and High Net Worth Individuals



WASHINGTON STATE BAR ASSOCIATION

Consolidated Financial Statements

For the Years Ended September 30, 2019 and 2018

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Independent Auditor's Report

**To the Board of Governors
Washington State Bar Association
Seattle, Washington**

We have audited the accompanying consolidated financial statements of Washington State Bar Association and Affiliated Foundation (Collectively, the WSBA), which comprise the consolidated statements of financial position as of September 30, 2019 and 2018, and the related consolidated statements of activities, changes in net assets, functional expenses and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



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Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the WSBA as of September 30, 2019 and 2018, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Effect of Adopting New Accounting Standard

As discussed in Note 1, WSBA adopted the Financial Accounting Standards Board's Accounting Standards Update ("ASU") 2016-14, *Not-for-Profit Entities (Topic 958) - Presentation of Financial Statements of Not-for-Profit Entities* as of and for the year ended September 30, 2019. Our opinion is not modified with respect to this matter.

Report on Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The Washington State Bar Foundation statement of activities on page 18 and the consolidating information in the consolidated statements of financial position and the consolidated statements of activities are presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.



Certified Public Accountants
January 27, 2020

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statement of Financial Position
September 30, 2019

	Washington State Bar Association	Washington State Bar Foundation	Subtotal	Eliminations	Total
Assets:					
Cash and cash equivalents	\$ 9,373,905	\$ 301,238	\$ 9,675,143	\$ -	\$ 9,675,143
Restricted cash and cash equivalents	4,415,790		4,415,790		4,415,790
Receivables, net	81,040		81,040		81,040
Prepaid expenses	424,394		424,394		424,394
Desk and course books	271,953		271,953		271,953
Investments	990,000		990,000		990,000
Property and equipment, net	1,301,842	14,400	1,316,242		1,316,242
Total Assets	\$ 16,858,924	\$ 315,638	\$ 17,174,562	\$ -	\$ 17,174,562
Liabilities and Net Assets					
Liabilities:					
Accounts payable	\$ 634,611	\$ -	\$ 634,611	\$ -	\$ 634,611
Accrued expenses	532,726		532,726		532,726
Client Protection Fund, committed gifts	291,399		291,399		291,399
Deferred licensing fees	3,937,476		3,937,476		3,937,476
Deferred lease obligation and incentive	1,088,106		1,088,106		1,088,106
Other deferred revenue	174,416		174,416		174,416
Total Liabilities	6,658,734		6,658,734		6,658,734
Net Assets:					
Without donor restrictions-					
General	4,736,538		4,736,538		4,736,538
Continuing Legal Education	526,285		526,285		526,285
Sections Operations	1,121,224		1,121,224		1,121,224
Western States Bar Conference					
Client Protection Fund	3,816,143		3,816,143		3,816,143
Washington State Bar Foundation		315,638	315,638		315,638
Total Net Assets	10,200,190	315,638	10,515,828		10,515,828
Total Liabilities and Net Assets	\$ 16,858,924	\$ 315,638	\$ 17,174,562	\$ -	\$ 17,174,562

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statement of Financial Position
September 30, 2018

	Washington State Bar Association	Washington State Bar Foundation	Subtotal	Eliminations	Total
Assets:					
Cash and cash equivalents	\$ 5,432,344	\$ 345,135	\$ 5,777,479	\$ -	\$ 5,777,479
Restricted cash and cash equivalents	4,208,343		4,208,343		4,208,343
Receivables, net	148,219		148,219		148,219
Prepaid expenses	345,240		345,240		345,240
Desk and course books	387,539		387,539		387,539
Investments	3,764,336		3,764,336		3,764,336
Property and equipment, net	1,620,164	14,400	1,634,564		1,634,564
Total Assets	\$ 15,906,185	\$ 359,535	\$ 16,265,720	\$ -	\$ 16,265,720
Liabilities and Net Assets					
Liabilities:					
Accounts payable	\$ 715,702	\$ -	\$ 715,702	\$ -	\$ 715,702
Accrued expenses	563,012		563,012		563,012
Client Protection Fund, committed gifts	802,490		802,490		802,490
Deferred licensing fees	3,861,423		3,861,423		3,861,423
Deferred lease obligation and incentive	1,029,869		1,029,869		1,029,869
Other deferred revenue	137,030		137,030		137,030
Total Liabilities	7,109,526		7,109,526		7,109,526
Net Assets:					
Without donor restrictions-					
General	3,795,860		3,795,860		3,795,860
Continuing Legal Education	604,126		604,126		604,126
Sections Operations	1,160,343		1,160,343		1,160,343
Western States Bar Conference	8,340		8,340		8,340
Client Protection Fund	3,227,990		3,227,990		3,227,990
Washington State Bar Foundation		359,535	359,535		359,535
Total Net Assets	8,796,659	359,535	9,156,194		9,156,194
Total Liabilities and Net Assets	\$ 15,906,185	\$ 359,535	\$ 16,265,720	\$ -	\$ 16,265,720

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statements of Activities
For the Years Ended September 30, 2019 and 2018

	2019			2018		
	Revenues	Expenses	Revenues Over (Under) Expenses	Revenues	Expenses	Revenues Over (Under) Expenses
Without Donor Restriction Activities						
General						
Access to justice board	\$ 7,500	\$ 316,068	\$ (308,568)	\$ -	\$ 296,174	\$ (296,174)
Administration	329,633	1,121,711	(792,078)	133,785	1,079,971	(946,186)
Admissions/bar exam	1,332,120	1,234,053	98,067	1,304,910	1,169,013	135,897
Board of governors and office of the executive director		861,652	(861,652)		814,691	(814,691)
Communications strategies	25,318	646,811	(621,493)	34,219	614,288	(580,069)
Conference and broadcast services		810,316	(810,316)		751,699	(751,699)
Discipline	90,087	5,731,477	(5,641,390)	104,920	5,607,782	(5,502,862)
Diversity	143,774	564,348	(420,574)	105,564	433,705	(328,141)
Foundation		155,523	(155,523)		155,075	(155,075)
Human resources		391,398	(391,398)		380,715	(380,715)
Law clerk program	168,403	143,734	24,669	128,150	117,045	11,105
Law office management assistance program				12,595		12,595
Lawyer assistance program				41,304		41,304
Legislative		151,200	(151,200)		89,300	(89,300)
Licensing fees	16,217,283		16,217,283	15,409,137		15,409,137
Licensing and membership records	404,990	671,534	(266,544)	375,221	703,888	(328,667)
Limited license legal technician	25,508	238,650	(213,142)		255,129	(255,129)
Limited practice officers		161,672	(161,672)		160,090	(160,090)
Mandatory continuing legal education administration	1,186,632	875,796	310,836	820,413	778,516	41,897
Member assistance program	12,719	141,795	(129,076)		128,392	(128,392)
Member benefits	20,249	250,200	(229,951)	11,115	157,767	(146,652)
Member services and engagement Mentorship program	168,117	517,406	(349,289)		109,855	(109,855)
New lawyer education				143,118		143,118
New member programs					277,621	(277,621)
NW Lawyer	561,142	744,322	(183,180)	577,759	594,721	(16,962)
Office of general counsel	342	798,253	(797,911)	520	714,276	(713,756)
Office of general counsel disciplinary board		249,394	(249,394)		275,803	(275,803)
Outreach and engagement		397,645	(397,645)		385,481	(385,481)
Practice management assistance					203,305	(203,305)
Practice of law board		59,672	(59,672)		119,606	(119,606)
Professional responsibility program		268,132	(268,132)		268,644	(268,644)
Public service programs	139,504	365,302	(225,798)	106,141	399,849	(293,708)
Publication and design services		151,045	(151,045)		163,127	(163,127)
Sections administration	294,638	526,293	(231,655)	305,719	449,916	(144,197)
Technology		1,641,879	(1,641,879)		1,527,036	(1,527,036)
Total General	\$ 21,127,959	\$ 20,187,281	\$ 940,678	\$ 19,614,590	\$ 19,182,480	\$ 432,110

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statements of Activities (Continued)
For the Years Ended September 30, 2019 and 2018

	2019			2018		
	Revenues	Expenses	Revenues Over (Under) Expenses	Revenues	Expenses	Revenues Over (Under) Expenses
Continuing Legal Education:						
Products	\$ 921,793	\$ 246,672	\$ 675,121	\$ 960,963	\$ 232,807	\$ 728,156
Seminars	878,683	1,341,746	(463,063)	960,236	1,387,654	(427,418)
Deskbooks	157,844	447,743	(289,899)	129,246	311,441	(182,195)
Total Continuing Legal Education	\$ 1,958,320	\$ 2,036,161	\$ (77,841)	\$ 2,050,445	\$ 1,931,902	\$ 118,543
Sections Operations	\$ 548,382	\$ 587,501	\$ (39,119)	\$ 618,165	\$ 655,549	\$ (37,384)
Western States Bar Conference	\$ 67,858	\$ 76,198	\$ (8,340)	\$ 43,050	\$ 54,342	\$ (11,292)
Client Protection Fund	\$ 1,119,308	\$ 531,155	\$ 588,153	\$ 1,068,753	\$ 1,083,063	\$ (14,310)
Washington State Bar Foundation	\$ 474,058	\$ 517,955	\$ (43,897)	\$ 449,917	\$ 369,460	\$ 80,457
Eliminations	\$ (435,809)	\$ (435,809)	\$ -	\$ (357,270)	\$ (357,270)	\$ -
General	\$ 21,127,959	\$ 20,187,281	\$ 940,678	\$ 19,614,590	\$ 19,182,480	\$ 432,110
Continuing Legal Education	1,958,320	2,036,161	(77,841)	2,050,445	1,931,902	118,543
	23,086,279	22,223,442	862,837	21,665,035	21,114,382	550,653
Sections Operations	548,382	587,501	(39,119)	618,165	655,549	(37,384)
Western States Bar Conference	67,858	76,198	(8,340)	43,050	54,342	(11,292)
Client Protection Fund	1,119,308	531,155	588,153	1,068,753	1,083,063	(14,310)
Washington State Bar Foundation	474,058	517,955	(43,897)	449,917	369,460	80,457
Eliminations	(435,809)	(435,809)		(357,270)	(357,270)	
Total Change in Net Assets - All Activities	\$ 24,860,076	\$ 23,500,442	\$ 1,359,634	\$ 23,487,650	\$ 22,919,526	\$ 568,124

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

**Consolidated Statements of Changes in Net Assets
For the Years Ended September 30, 2019 and 2018**

	Without Donor Restrictions						Total
	General	Continuing Legal Education	Sections Operations	Western States Bar Conference	Client Protection Fund	Washington State Bar Foundation	
Balance, September 30, 2017	\$ 3,363,750	485,583	\$ 1,197,727	\$ 19,632	\$ 3,242,300	\$ 279,078	\$ 8,588,070
Without donor restrictions change in net assets	432,110	118,543	(37,384)	(11,292)	(14,310)	80,457	568,124
Balance, September 30, 2018	3,795,860	604,126	1,160,343	8,340	3,227,990	359,535	9,156,194
Without donor restrictions change in net assets	940,678	(77,841)	(39,119)	(8,340)	588,153	(43,897)	1,359,634
Balance, September 30, 2019	\$ 4,736,538	526,285	\$ 1,121,224	\$ -	\$ 3,816,143	\$ 315,638	\$ 10,515,828

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statement of Functional Expenses
For the Year Ended September 30, 2019
(With Comparative Totals for 2018)

	Program										Management and General	Fundraising	2019 Total	2018 Total
	Discipline	Client Protection Fund	BOG/OED	Regulatory Services	Communications	Advancement	Foundation	Sections	Western States Bar Conference	Total Program				
Salaries, benefits and payroll taxes	\$ 4,643,911	\$ 116,707	\$ 539,701	\$ 2,136,279	\$ 1,828,903	\$ 2,927,078	\$ -	\$ -	\$ -	\$ 12,192,579	\$ 3,532,068	\$ 123,349	\$ 15,847,996	\$ 15,495,824
Occupancy	492,145	16,681	147,047	346,912	335,744	608,154		49,561		1,996,244	413,947	15,346	2,425,537	2,113,447
Professional services	182,050	5,403	8,328	163,742	72,885	122,462				554,870	200,256	5,909	761,035	509,582
Technology	166,576	5,646	11,066	87,488	86,133	133,513				490,422	140,108	5,194	635,724	609,914
Sections events							587,501	6,952		594,453			594,453	658,661
Supplies	38,542	1,196	2,602	44,263	363,606	74,496	12,716			537,421	28,216	1,857	567,494	509,662
Depreciation and amortization	64,367	1,922	3,768	293,530	29,327	52,306				445,220	47,705	1,769	494,694	445,731
Other			1,125	13,847	96,856	309,991			19,183	441,002	4,130		445,132	196,034
Gifts to injured clients		382,228						1		382,229	33		382,262	929,298
Grants, sponsorships and donations						275,506	69,430			344,936			344,936	296,115
Meetings and travel	31,920		56,035	54,850	46,085	116,788		501		306,179	3,605	836	310,620	486,863
Examination fees				163,024	4,157					167,181			167,181	177,461
Insurance	40,467	1,372	2,688	21,254	20,925	32,435				119,141	34,037	1,262	154,440	139,621
Subscriptions	71,499			250	20,874	54,170				146,793			146,793	188,444
Conferences			89,292			24,578				113,870			113,870	105,364
CLE production						108,275				108,275			108,275	57,505
Total Expenses - 2019	\$ 5,731,477	\$ 531,155	\$ 861,652	\$ 3,325,439	\$ 2,901,338	\$ 4,843,909	\$ 82,146	\$ 587,501	\$ 76,198	\$ 18,940,815	\$ 4,404,105	\$ 155,522	\$ 23,500,442	
Total Expenses - 2018										\$ 18,538,655	\$ 4,225,797	\$ 155,074		\$ 22,919,526

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Statements of Cash Flows
For the Years Ended September 30, 2019 and 2018

	<u>2019</u>	<u>2018</u>
Cash Flows From Operating Activities:		
Cash received from licensing fees	\$ 16,293,336	\$ 15,966,511
Cash received from CLE products and seminars	1,991,860	2,028,708
Cash received from other activities	6,428,614	5,675,541
Cash paid to employees	(11,744,319)	(11,416,322)
Cash paid to vendors	(11,795,185)	(10,425,879)
Interest received	326,884	184,856
	<u>1,501,190</u>	<u>2,013,415</u>
Cash Flows From Investing Activities:		
Change in restricted cash and cash equivalents	(207,447)	(434,654)
Proceeds from sale of investments	7,260,293	4,779,545
Purchase of investments	(4,480,000)	(4,337,885)
Acquisition of property and equipment	(176,372)	(312,575)
	<u>2,396,474</u>	<u>(305,569)</u>
Net Cash Provided by (Used in) Investing Activities	2,396,474	(305,569)
Net Change in Cash and Cash Equivalents	3,897,664	1,707,846
Cash and cash equivalents, beginning of year	5,777,479	4,069,633
Cash and Cash Equivalents, End of Year	<u>\$ 9,675,143</u>	<u>\$ 5,777,479</u>

See accompanying notes.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements For the Years Ended September 30, 2019 and 2018

Note 1 - Nature of Operations and Significant Accounting Policies

Nature of Operations - The Washington State Bar Association (“WSBA”) is an instrumentality of the Supreme Court of the State of Washington operating under the supervisory authority of the Washington Supreme Court. Operations consist of regulating the practice of law in the state under delegated authority of the Washington Supreme Court, and providing various law-related services to the members and public. Lawyers, Limited License Legal Technicians, and Limited Practice Officers must be active members of the WSBA in order to practice law in Washington State. A primary source of revenues of the WSBA is license fees, which members must pay in order to maintain their licenses. License fees follow a pro-rated schedule based on the attorney member’s years of practice. For 2019, the license fee was set at \$453 for all attorneys in practice for three years or more, and a pro-rated lower fee for those in practice for fewer than three years. For 2018, the license fee was set at \$449 for all attorneys in practice for three years or more, and a pro-rated lower fee for those in practice for fewer than three years. The WSBA members are primarily Washington State residents.

Principles of Consolidation - These consolidated financial statements consolidate the statements of Washington State Bar Association and Washington State Bar Foundation (collectively, “the WSBA”). Inter-organization accounts and transactions have been eliminated in the consolidation. The Washington State Bar Foundation is a separate legal entity from the Washington State Bar Association and is tax-exempt under section 501(c)(3) of the Internal Revenue Code.

Basis of Presentation - Net assets, revenues, gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, the net assets of the WSBA and changes therein are classified and reported as follows:

Net Assets Without Donor Restrictions - Net assets that are not subject to donor-imposed stipulations.

Net Assets With Donor Restrictions - Net assets whose use is limited by donor-imposed time and/or purpose restrictions. As of September 30, 2019, and 2018, WSBA had no net assets with donor restrictions.

Revenues are reported as increases in net assets without donor restrictions unless use of the related asset is limited by donor-imposed restrictions. Expenses are reported as decreases in net assets without donor restrictions. Gains and losses on investments and other assets or liabilities are reported as increases or decreases in net assets without donor restrictions unless their use is restricted by explicit donor stipulation or by law. Expirations of donor restrictions on net assets (i.e., the donor stipulated purpose has been fulfilled or the stipulated time period has lapsed) are reported as net assets released from restriction.

Cash and Cash Equivalents and Investments - Cash and cash equivalents include money market funds and bank deposits. Bank deposits are maintained for ongoing operating expenses and are sometimes in excess of federally insured limits. Certificates of deposit are all federally insured. The WSBA has not experienced any losses in these accounts.

Unrealized gains and losses, if any, are reported in the statements of activities as increases or decreases in net assets. Investment balances include federally insured certificates of deposit, corporate bonds, municipal bonds and bond mutual funds.

Restricted cash and cash equivalents relate to funds restricted for the Western States Bar Conference and for the Client Protection Fund (see Note 2). Part of the restricted cash and cash equivalents are amounts paid into the Client Protection Fund.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 1 - Continued

The composition of cash balances and investments are included in Notes 3 and 4, respectively.

Receivables - Receivables are generally from members and result from *NW Lawyer* advertising, consulting fees, and unpaid fees related to continuing legal education programs. Receivables are unsecured and do not bear interest. Management reviews receivables on a periodic basis and determines the amount estimated to be uncollectible. A reserve for doubtful accounts is then established. Accounts that are determined to be uncollectible are written off against this reserve.

Desk and Course Books - Inventory of desk books is stated at lower of cost (first-in, first-out method) or market.

Property and Equipment - Property and equipment is stated at cost. Depreciation and amortization is computed over the estimated useful lives of the assets, using the straight-line method. The capitalization policy threshold is \$2,500.

Leasehold improvements	Life of lease
Equipment, furniture, software and fixtures	1 to 10 years

The WSBA follows the provisions outlined by accounting standards to account for costs of computer software developed or obtained for internal use. The WSBA capitalizes certain direct costs incurred in developing internal use software.

Deferred Licensing Fees - Licensing fees are recognized ratably over the applicable calendar year period. Accordingly, fees collected during the WSBA's fiscal year that relate to the fourth quarter of the calendar membership period are included as deferred revenue in these financial statements.

Contributions - All contributions are considered to be without donor restriction unless specifically restricted by the donor. Noncash contributions are reflected in the accompanying consolidated financial statements at the estimated fair value at the date of receipt.

Income Taxes - The WSBA is an organization exempt from federal income taxes because it is an instrumentality of the Supreme Court of the State of Washington exercising a governmental function. Washington State Bar Foundation has been notified by the Internal Revenue Service that it is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Classification of Expenses - The financial statements report certain categories of expenses that are attributable to programs and supporting services of WSBA. Those expenses include employee benefits and taxes, occupancy, indirect professional services, depreciation and amortization and technology expenses. These expenses are allocated based on the number of full time equivalents included in each program or supporting service.

Net Assets - The WSBA Board of Governors has directed that portions of the WSBA's net assets without donor restrictions be designated for Sections Operations and Continuing Legal Education. The total of revenues over expenses for all sections (which represent specialized legal interests) is included in the Sections Operations designated balance. The difference between revenues and expenses for Continuing Legal Education products and seminars is included in the Continuing Legal Education designated balance.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 1 - Continued

The WSBA has also designated a portion of its net assets without donor restrictions at September 30 as follows:

	<u>2019</u>	<u>2018</u>
Operating reserve fund	\$ 1,500,000	\$ 1,500,000
Facilities reserve fund	550,000	450,000
General fund	<u>2,686,538</u>	<u>1,845,860</u>
	<u><u>\$ 4,736,538</u></u>	<u><u>\$ 3,795,860</u></u>

The Operating Reserve Fund provides unrestricted funds for any general, unanticipated, but necessary, expenses that may be incurred throughout the year. The goal is to ensure that funds are available in the event of an emergency or an unanticipated decline in revenue.

The Facilities Reserve Fund is used for refurbishment of existing leased space or costs to move to another space after the current lease ends in December 2026. In 2019, the board designated an additional \$100,000 of reserves to this fund to total \$550,000.

The General Fund was established to accumulate net reserves above the Operating Reserve Fund and Facilities Reserve Fund.

Use of Estimates - The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

New Accounting Pronouncement - For the year ended September 30, 2019, WSBA adopted the Financial Accounting Standards Board's Accounting Standards Update (ASU) No. 2016-14 - *Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities*. This update addresses the complexity and understandability of net asset classification, liquidity and availability of resources, and the type of information provided about expenses and investment return between not-for-profit entities. The changes required by the update have been applied retrospectively to all periods presented. A key change required by ASU 2016-14 are the net asset classes used in these financial statements. Amounts previously reported as unrestricted net assets are now reported as net assets without donor restrictions and amounts previously reported as temporarily restricted net assets and permanently restricted net assets, if applicable, are now reported as net assets with donor restrictions. The changes required by the update have been applied retrospectively to all periods presented except for the omission of a prior year statement of functional expenses as permitted by the ASU.

Subsequent Events - The WSBA has evaluated subsequent events through January 27, 2020, the date on which the financial statements were available to be issued.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 2 - Client Protection Fund

In 1995, the Washington Supreme Court and the WSBA created the Client Protection Fund (“the Fund”). In fiscal year 2018, as in prior years, the Fund received a \$30 mandatory annual assessment per individual required to pay into the fund (including all active attorney members, pro hac vice applicants, etc.). The Fund may be used only for the purpose of relieving or mitigating a loss sustained by any person due to the dishonesty of, or failure to account for money or property entrusted to, any attorney member of the WSBA in connection with the member’s practice of law, or while acting as a fiduciary in a matter related to the member’s practice of law. As the WSBA’s use of the funds is restricted as described above, it is shown as restricted cash and cash equivalents in the assets section of the statements of financial position.

Note 3 - Cash and Cash Equivalents

Cash and cash equivalents consist of the following at September 30:

	<u>2019</u>	<u>2018</u>
Unrestricted Cash and Cash Equivalents:		
Bank deposits	\$ 1,084,555	\$ 887,719
Money market funds	<u>8,590,588</u>	<u>4,889,760</u>
	<u>\$ 9,675,143</u>	<u>\$ 5,777,479</u>
Restricted Cash and Cash Equivalents:		
Bank deposits	\$ 348,164	\$ 817,787
Money market funds	<u>4,067,626</u>	<u>3,390,556</u>
	<u>\$ 4,415,790</u>	<u>\$ 4,208,343</u>

Note 4 - Investments

Investments consist of the following at September 30:

	<u>2019</u>	<u>2018</u>
Certificates of deposit	\$ 990,000	\$ 500,000
Bonds		300,836
Mutual bond funds		<u>2,963,500</u>
	<u>\$ 990,000</u>	<u>\$ 3,764,336</u>

The following schedule summarizes the returns from investments (and cash balances):

	<u>2019</u>	<u>2018</u>
Interest income - unrestricted	\$ 257,879	\$ 137,348
Interest income - restricted	79,981	45,162
Realized and unrealized gains	<u>98,447</u>	<u>16,275</u>
Total Investment Return	<u>\$ 436,307</u>	<u>\$ 198,785</u>

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 4 - Continued

Investment income is included as revenue in the following categories in the statements of activities:

	<u>2019</u>	<u>2018</u>
Administration	\$ 329,633	\$ 117,509
Sections operations	26,693	19,838
Client Protection Fund	<u>79,981</u>	<u>45,162</u>
	<u>\$ 436,307</u>	<u>\$ 182,509</u>

Note 5 - Property and Equipment

Property and equipment consist of the following at September 30:

	<u>2019</u>	<u>2018</u>
Leasehold improvements	\$ 728,967	\$ 728,967
Furniture	1,049,101	1,049,101
Office equipment	1,617,468	1,561,505
Software	<u>3,671,749</u>	<u>3,604,876</u>
	7,067,285	6,944,449
Less accumulated depreciation and amortization	(5,851,294)	(5,356,600)
Projects in process	<u>100,251</u>	<u>46,715</u>
	<u>\$ 1,316,242</u>	<u>\$ 1,634,564</u>

Note 6 - Qualified Employee Benefit Plan

The WSBA participates in the Washington State Public Employees' Retirement System ("PERS"), a series of defined benefit/defined contribution employee benefit plans sponsored and managed by the State of Washington Department of Retirement Systems ("DRS"). The funding of the plan is analyzed and rates are proposed by the Office of the State Actuary ("OSA") per RCW, Chapter 41.45, and all rates are approved by the legislature. There is a pension funding council that consults with the economic and revenue forecast supervisor and the executive director of the state investment board, for guidance on long-term economic assumptions that are proposed by the OSA. In accordance with PERS, the WSBA and the WSBA's employees make contributions to the plan based on rates established by DRS. Employer contributions for the years ended September 30, 2019 and 2018, were \$1,439,570 and \$1,396,556, respectively.

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 7 - Fair Value Measurements

Accounting standards establish a framework for measuring fair value. That framework provides a fair value hierarchy that prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1) and the lowest priority to unobservable inputs (Level 3).

The three levels of the fair value hierarchy are described as follows:

Level 1 - Unadjusted quoted prices available in active markets for identical assets or liabilities;

Level 2 - Inputs other than Level 1 that are observable, either directly or indirectly, such as quoted prices in active markets for similar assets or liabilities, quoted prices for identical or similar assets or liabilities in markets that are not active, or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities; or

Level 3 - Unobservable inputs that are significant to the fair value measurement.

A financial instrument's level within the fair value hierarchy is based upon the lowest level of any input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Following is a description of the valuation methodologies used for assets and liabilities measured at fair value. There have been no changes in the methodologies used at September 30, 2019 and 2018.

Mutual Bond Funds - Mutual bonds are valued at closing prices in active markets, which represent the net asset value of shares held by the WSBA at year end.

Bonds - Bonds are valued using bid evaluations from similar instruments in actively quoted markets.

Fair Values Measured on a Recurring Basis - There were no investments measured at fair value at September 30, 2019.

Fair values of assets measured on a recurring basis at September 30, 2018 were as follows:

	Fair Value Measurements at September 30, 2018			
	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Total</u>
Mutual bond funds	\$ 2,963,500	\$ -	\$ -	\$ 2,963,500
Bonds		300,836		300,836
	<u>\$ 2,963,500</u>	<u>\$ 300,836</u>	<u>\$ -</u>	<u>\$ 3,264,336</u>

WASHINGTON STATE BAR ASSOCIATION

Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018

Note 7 - Continued

A reconciliation of the investment assets measured at fair value on a recurring basis to total investments follows as of September 30:

	<u>2019</u>	<u>2018</u>
Investments recorded at fair value on a recurring basis	\$ -	\$ 3,264,336
Investments recorded at cost	<u>990,000</u>	<u>500,000</u>
Total Investments	<u>\$ 990,000</u>	<u>\$ 3,764,336</u>

Note 8 - Lease Commitments

The WSBA signed a lease extension for office space effective March 1, 2015. The lease is an operating lease agreement expiring during the year ending September 30, 2027. The lease calls for escalating rent payments each year, resulting in a liability for the differences between the rent payments and rent calculated on a straight-line basis.

Future minimum rental payments under noncancelable operating leases are as follows:

For the Years Ended September 30,

2020	\$ 1,655,759
2021	1,698,981
2022	1,749,571
2023	1,800,161
2024	1,850,751
Thereafter	<u>5,944,325</u>
Total Minimum Rental Payments	<u>\$ 14,699,548</u>

Rent expense (net of amortization of deferred lease incentive) under all lease agreements totaled \$1,944,492 and \$1,823,881 for the years ended September 30, 2019 and 2018, respectively.

Note 9 - Commitments and Contingencies

Contingencies - The WSBA is subject to various legal proceedings and claims which arise in the ordinary course of its business. Management believes that the final disposition of such matters will not have a material adverse effect on the financial position or results of operations of the WSBA.

Commitments - The WSBA is obligated to provide counsel for respondents in disability proceedings, pursuant to the Rule for Enforcement of Lawyer Conduct (ELC) 8.3. Legal fees are incurred as a result of this obligation. In fiscal years 2019 and 2018, the WSBA paid a total of \$40,000 and \$39,750, respectively, for outside counsel to represent various respondents in disability proceedings. The WSBA has liability for future legal fees related to ongoing and new disability proceedings, but the future cost is not determinable due to the nature of the proceedings. However, the liability is significant enough to mention in the Notes to Financial Statements.

WASHINGTON STATE BAR ASSOCIATION

**Consolidated Notes to Financial Statements
For the Years Ended September 30, 2019 and 2018**

Note 9 - Continued

As of September 30, 2019, approximately \$289,00 has been budgeted for fiscal year 2020 as grants payable to various organizations, including approximately \$209,000 to Gonzaga University School of Law, Seattle University School of Law, and University of Washington for the Moderate Means Program, and \$80,000 for Washington Leadership Institute.

Note 10 - Liquidity and Availability of Financial Assets

As part of WSBA's liquidity management, it has a policy to structure its financial assets to be available as its general expenditures, liabilities, and other obligations come due. In addition, the WSBA has an operating reserve that had a balance of \$1.5 million at September 30, 2019 and 2018. This is a governing board-designated reserve with the objective of setting funds aside to be drawn upon in the event of financial distress or an immediate liquidity need resulting from events outside the typical life cycle of converting financial assets to cash or settling financial liabilities. The operating reserve funds are held in lower-risk cash and fixed-income securities. The operating reserve balance is included in the cash and cash equivalents and investments lines on the statement of financial position.

The following reflects the WSBA's financial assets as of the statement of financial position date, reduced by amounts not available for general use within one year of the statement of financial position date because of contractual or donor-imposed restrictions or internal designations. Amounts not available include amounts set aside for long-term investing in the operating and facilities reserve funds that could be drawn upon if the governing board approves that action.

	<u>2019</u>	<u>2018</u>
Cash and cash equivalents-	\$ 14,090,933	\$ 9,985,822
Receivables	81,040	148,219
Investments	<u>990,000</u>	<u>3,764,336</u>
Total financial assets	15,161,973	13,898,377
Contractual restrictions-		
Cash held restricted for Client Protection Fund	(4,415,790)	(4,188,711)
Cash held restricted for Western States Bar Conference		(19,632)
Board designations-		
Facilities reserve fund	(550,000)	(450,000)
Operating reserve fund	<u>(1,500,000)</u>	<u>(1,500,000)</u>
Financial Assets Available to Meet Cash Needs for General Expenditures Within One Year	<u><u>\$ 8,696,183</u></u>	<u><u>\$ 7,740,034</u></u>

SUPPLEMENTARY INFORMATION

WASHINGTON STATE BAR ASSOCIATION

Washington State Bar Foundation Statement of Activities
For the Year Ended September 30, 2019

Without Donor Restrictions Activities

Revenue:

Contributions	\$ 309,243
In-kind revenue from WSBA	160,809
Miscellaneous income	<u>4,006</u>

Total Revenue **474,058**

Expenses:

Program expenses	357,145
In-kind expenses from WSBA	<u>160,810</u>

Total Expenses **517,955**

Change in Net Assets Without Donor Restrictions **(43,897)**

Net assets without donor restrictions, beginning of year 359,535

Net Assets Without Donor Restrictions, End of Year **\$ 315,638**

WASHINGTON STATE BAR ASSOCIATION

Special Report on the Fiscal Year 2021 Budget Summary

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Independent Accountant’s Report on Applying Agreed-Upon Procedures

**To the Board of Governors
Washington State Bar Association
Seattle, Washington**

At your request, we have performed certain agreed-upon procedures, as enumerated below, with respect to the Washington State Bar Association (WSBA) Fiscal Year 2021 Budget Summary for the year ending September 30, 2021. These procedures, which were agreed to by management of the WSBA, were performed solely to assist you in evaluating the consistency of the presentation of the Fiscal Year 2021 Budget Summary of revenues and expenses by budget category (2021 Budget) included in Exhibit A, with presentation of the Fiscal Year 2020 Budget Summary of revenues and expenses for the fiscal year ended September 30, 2020 (2020 Budget) included in Exhibit B, and the presentation of revenues and expenses in the audited Statement of Activities for the fiscal year ended September 30, 2019 (2019 Statement of Activities) included in Exhibit C. This report is prepared to comply with Keller vs. State Bar of California, 496 U.S. 1 (1990), which prohibits using compulsory fees of any member who objects to that use for political or ideological activities that are not germane, or reasonably related, to regulating the legal profession or improving the quality of legal services (“nonchargeable” activities). Objecting members are offered a “Keller deduction” that represents the estimated portion of fees that is used for “nonchargeable” activities. The Keller deduction is calculated prospectively based on the coming year’s budget and the previous year’s political activity. The Special Report on the Budget Summary reports on the presentation of the coming year’s budget, which is used to compute the Keller deduction, with the previous year’s financial statements and current year budget by explaining differences in categories, budgeting methodologies, and significant revenues and expenses. The WSBA’s management is responsible for the 2021 and 2020 Budgets and the 2019 Statement of Activities.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of the WSBA. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

1. We totaled all columns and rows of the 2021 and 2020 Budgets and the 2019 Statement of Activities to verify the mathematical accuracy.

Findings

None

2. We compared the 2021 Budget category descriptions to the 2020 Budget and the 2019 Statement of Activities category descriptions and explained differences.

Findings

The WSBA changed the following categories in the 2021 Budget compared to the 2020 Budget:

Advancement, Communications and Regulatory Services - These are new Cost Centers established to accumulate the management and directors time allocated to meetings and trainings for the respective departments.

Bar News - The NW Lawyer cost center was renamed to Bar News.

Service Center - This Cost Center replaced the Conference and Broadcast Services Cost Center.

The WSBA changed the following categories in the 2021 Budget compared to the 2019 Statement of Activities:

Board of Governors and Office of the Executive Director - In the September 2019 Board of Governors meeting, it was approved to separate the Board of Governors and Office of Executive Director into two distinct cost centers beginning in fiscal year 2020.

3. We inquired of management if there were any differences in the methodology used to budget for revenue and expense amounts for each category for the 2021 Budget as compared to the methodology used to budget for revenue and expense amounts for each category for the 2020 Budget and to account for revenue and expenses in the 2019 Statement of Activities.

Findings

The WSBA noted no differences in the methodology used to budget for revenue or expense amounts for each category for the 2021 Budget as compared to the methodology used to budget for revenue and expense amounts for each category for the 2020 Budget and to account for revenues and expenses in the 2019 Statement of Activities.

4. We compared total revenues and total expenses by category in the 2021 Budget to the total revenues and total expenses by category in the 2020 Budget and noted differences in amounts both greater than \$100,000 and 20%. We also compared the total revenues and total expenses by category in the 2021 Budget to total revenues and total expenses by category reported on the 2019 Statement of Activities and noted differences in amounts both greater than \$100,000 and 20%. We inquired of management for an explanation of those differences.

Findings

The following categories showed differences greater than \$100,000 and 20%:

Comparison of 2021 Budget to 2020 Budget

	2021 Budget	2020 Budget	Differences	
			Amount	Percentage
Communications Strategies				
a. Expense	\$ 529,932	\$ 667,155	\$ (137,223)	-21%
Conference and Broadcast Services				
b. Expense	\$ -	\$ 825,263	\$ (825,263)	-100%
Diversity				
c. Expense	\$ 352,230	\$ 596,488	\$ (244,258)	-41%
Human Resources				
d. Expense	\$ 458,623	\$ 229,115	\$ 229,508	100%
Limited Practice Officers				
e. Expense	\$ 78,015	\$ 179,287	\$ (101,272)	-56%
Mandatory CLE Administration				
f. Revenue	\$ 767,950	\$ 1,042,800	\$ (274,850)	-26%
g. Expense	\$ 621,839	\$ 936,467	\$ (314,628)	-34%
Office of the Executive Director				
h. Expense	\$ 715,909	\$ 373,441	\$ 342,468	92%
Outreach and Engagement				
i. Expense	\$ 289,235	\$ 423,554	\$ (134,319)	-32%
Sections Administration				
j. Expense	\$ 298,790	\$ 549,309	\$ (250,519)	-46%
Regulatory Services				
k. Expense	\$ 506,486	\$ -	\$ 506,486	100%
Communications				
l. Expense	\$ 222,622	\$ -	\$ 222,622	100%
Advancement				
m. Expense	\$ 235,893	\$ -	\$ 235,893	100%
Service Center				
n. Expense	\$ 745,843	\$ -	\$ 745,843	100%

Management's explanations for the differences are as follows:

- a. The decrease in the Communication and Strategies expense is due to the Apex dinner not occurring in FY2021, therefore there will be a reduction of direct expenses. In FY20, there was \$70,000 budgeted to this dinner.
- b. The Conference and Broadcast Services Cost Center has been eliminated. The expenses relating to this are now in the Service Center Cost Center.
- c. Diversity expenses decreased as a result of an overall reduction in indirect expenses, leading to lower salary expense as well as a reduction of 0.18 FTE's.
- d. The increase in Human Resources is due to an increase in staff training. In addition, there was an allowance of \$200,000 that was moved from this Cost Center and allocated among all Cost Centers in FY2020.
- e. Limited Practice Officers expense decreased as a result of a reduction of .59 FTE's, leading to lower salary expense, as well as an overall decrease in indirect expenses.
- f. Mandatory CLE Administration revenue decreased due to the WA State Supreme Court extending the deadline for completing MCLE's to 12/31/2021 for earning the credits and 2/1/22 for certifying the credits, therefore less are expected to occur in FY2021.
- g. The decrease in Mandatory CLE Administration expense is due to a reduction in direct expenses due to the WA State Supreme Court extending the deadline for MCLE completion (12/31/2021 for earning the credits and 2/1/2022 for certifying the credits).
- h. Office of the Executive Director expense increased as a result of an increase of 0.63 FTE's, leading to higher salary expense, as well as an overall increase in indirect expenses.
- i. The decrease in Outreach and Engagement expense is due to a reduction of 0.73 FTE's leading to lower salary expense, as well as an overall decrease in indirect expenses.
- j. The decrease in Sections Administration expense is due to a reduction of 1.56 FTE's leading to a lower salary expense, as well as an overall decrease in indirect expenses.
- k. The increase in the Regulatory Services expense Cost Center is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for management and director's time allocated to meetings and trainings for the Regulatory Service Department. These expenses are not associated with any other Cost Center.
- l. The increase in the Communications expense is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for management and

director’s time allocated to meetings and trainings for the Communications Department. These expenses are not associated with any other Cost Center.

- m. The increase in the Advancement expense is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for management and director’s time allocated to meetings and trainings for the Advancement Department. These expenses are not associated with any other Cost Center.
- n. The Service Center increase is due to the Cost Center being new in FY2021 and the expenses from the Conference and Broadcast Services Cost Center being relocated here.

Comparison of 2021 Budget to 2019 Statement of Activities

	2021 Budget	2019 SOA	Difference	
			Amount	Percentage
Administration				
a. Revenue	\$ 100,000	\$ 329,633	\$ (229,633)	-70%
Board of Governors				
b. Expense	\$ 617,037	\$ 861,652	\$ (244,615)	-28%
Client Protection Fund				
c. Revenue	\$ 529,540	\$ 1,119,308	\$ (589,768)	-53%
d. Expense	\$ 658,099	\$ 531,155	\$ 126,944	24%
Conference and Broadcast Services				
e. Expense	\$ -	\$ 810,316	\$ (810,316)	-100%
Deskbooks				
f. Expense	\$ 327,149	\$ 447,743	\$ (120,594)	-27%
Diversity				
g. Expense	\$ 352,230	\$ 564,348	\$ (212,118)	-38%

	2021 Budget	2019 SOA	Difference	
			Amount	Percentage
Limited License Legal Technician h. Expense	\$ 124,048	\$ 238,650	\$ (114,602)	-48%
Limited Practice Officers i. Revenue	\$ 195,300	\$ -	\$ 195,300	100%
Mandatory CLE Administration j. Revenue	\$ 767,950	\$ 1,186,632	\$ (418,682)	-35%
k. Expense	\$ 621,839	\$ 875,796	\$ (253,957)	-29%
Office of the Executive Director l. Expense	\$ 715,909	\$ -	\$ 715,909	100%
Office of General Counsel m. Expense	\$ 971,131	\$ 798,253	\$ 172,878	22%
Outreach and Engagement n. Expense	\$ 289,235	\$ 397,645	\$ (108,410)	-27%
Sections Administration o. Expense	\$ 298,790	\$ 526,293	\$ (227,503)	-43%
Regulatory Services p. Expense	\$ 506,486	\$ -	\$ 506,486	100%
Communications q. Expense	\$ 222,622	\$ -	\$ 222,622	100%
Advancement r. Expense	\$ 235,893	\$ -	\$ 235,893	100%
Sections Operations s. Expense	\$ 865,167	\$ 587,501	\$ 277,666	47%
Service Center t. Expense	\$ 745,843	\$ -	\$ 745,843	100%

Management's explanations for the differences are as follows:

- a. The decrease in Administration revenue is due to interest rates significantly dropping in FY2020 and are expected to remain low in FY2021.
- b. The Board of Governors expense decrease is due to a reorganization of the Cost Center in FY20. Expenses relating to the Executive Director are now in its own Cost Center titled Office of the Executive Director. The cost center includes the full cost of the position of Executive Director, travel, outreach, and other related expenses, which were previously included in the Board of Governors and Office of the Executive Director cost center.
- c. For FY2021, the Client Protection Fund member assessment fee was reduced from \$30 down to \$10 for the year.

- d. The Client Protection Fund's largest expense is for "Gifts to Injured Clients." This expense varies each year as it is depending on the number and type of applications received and approved by the Client Protection Fund Board and the WSBA Board of Governors. Over the past few years, the WSBA has budgeted \$400,000 to \$700,000 for this expense when actual gifts have ranged from \$200,000 to over \$900,000 so a variance is to be expected.
- e. The decrease in Conference and Broadcast Services is due to Conference and Broadcast Services Cost Center being eliminated. The associated costs are now included in the Service Center Cost Center.
- f. The Deskbooks expense decreased due to a reduction of 0.53 FTE's.
- g. The diversity expense decreased due to a reduction of 1.59 FTE's as well as the Diversity & Public Service Programs Manager position being eliminated. WSBA budgeted \$95,000 to this position historically.
- h. The Limited License Legal Technician expense decreased due to in FY2020, the WA Supreme Court voting to eliminate this program effective 7/31/2021. The budget has been significantly reduced to only support the program until its end date.
- i. The increase in the revenue is due to the approval of a separate Limited Practice Officers cost center beginning in fiscal year 2020. Those revenues were previously budgeted for in the Licensing cost center.
- j. The Mandatory CLE Administration revenue decreased due to the WA State Supreme Court extending the deadline for completing MCLE's to 12/31/2021 for earning credits, 2/1/2022 for certifying the credits, therefore less are expected to occur in FY2021.
- k. The Mandatory CLE Administration expense decreased expense is due to a reduction in direct expenses due to the WA State Supreme Court extending the deadline for MCLE completion (12/31/2021 for earning the credits and 2/1/2022 for certifying the credits), as well as an overall reduction in indirect expenses.
- l. The Office of the Executive Director expense increased due to it being a new Cost Center in FY2020. The expenses were previously in the Board of Governors Cost Center.
- m. The increase of the Office of General Counsel expense is due to an increase of 0.63 FTE's.
- n. The decrease in Outreach and Engagement expense is due to a decrease of 0.73 FTE's.
- o. The decrease in Sections Administration expense is due to a decrease of 1.57 FTE's.

- p. The increase in the Regulatory Services expense is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for management and director's time allocated to meetings and trainings for the Regulatory Service Department. These expenses are not associated with any other Cost Center.
- q. The increase in the Communications expense is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for management and director's time allocated to meetings and trainings for the Communications Department. These expenses are not associated with any other Cost Center.
- r. The increase in the Advancement expense Cost Center is due to the Cost Center being new in FY2021. The expenses associated with this Cost Center are for Management and Director's time allocated to meetings and trainings for the Advancement Department. These expenses are not associated with any other Cost Center.
- s. The Sections Operations expense increased due to the spending down of excess fund balances in order to comply with WSBA's Fiscal Policies. According to the WSBA fiscal policies, each section shall maintain a fund balance equal to at least 6 months of expenses but no more than 2 years of expenses. As a large number of the 29 sections funds have more than 2 years of expenses, they were asked to budget FY2021 with a plan for spending down these funds.
- t. The Service Center expense increase is due to the Cost Center being new in FY2021 and the expenses from the Conference and Broadcast Services Cost Center being relocated here.

We were not engaged to and did not conduct an examination; the objective of which would be the expression of an opinion on the accompanying 2021 and 2020 Budgets. Accordingly, we do not express an opinion on whether the budgets are presented in conformity with AICPA presentation guidelines or on whether the underlying assumptions provide a reasonable basis for the presentation. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you. Furthermore, there will usually be differences between the budgets and actual results as events and circumstances frequently do not occur as expected and those differences may be material. We expressed an unmodified opinion on the WSBA's financial statements as of and for the year ended September 30, 2019. We have no responsibility to update this report for events and circumstances occurring after the date of this report.

This report is intended solely for the information and use of management and members of the WSBA and is not intended to be and should not be used by anyone other than these specified parties.

EXHIBIT A

WASHINGTON STATE BAR ASSOCIATION

Fiscal Year 2021 Budget Summary

<u>Cost Centers</u>	<u>Revenue</u>	<u>Expense</u>	<u>Net</u>
Access to Justice	\$ -	\$ 262,789	\$ (262,789)
Administration	100,000	1,085,404	(985,404)
Admissions / Bar Exam	1,134,375	1,166,506	(32,131)
Advancement		235,893	(235,893)
Bar News	468,350	795,164	(326,814)
Board of Governors		617,037	(617,037)
Communications Strategies		529,932	(529,932)
Communications		222,622	(222,622)
Discipline	97,500	6,020,854	(5,923,354)
Diversity	135,374	352,230	(216,856)
Foundation		134,526	(134,526)
Human Resources		458,623	(458,623)
Law Clerk Program	193,000	105,778	87,222
Legislative		159,159	(159,159)
Licensing	16,531,113		16,531,113
Licensing and Membership Records	336,450	605,700	(269,250)
Limited License Legal Technician	23,267	124,048	(100,781)
Limited Practice Officers	195,300	78,015	117,285
Mandatory CLE Administration	767,950	621,839	146,111
Member Assistance Program	8,000	92,913	(84,913)
Member Benefits	28,000	323,286	(295,286)
Member Services and Engagement	154,250	539,733	(385,483)
Office of the Executive Director		715,909	(715,909)
Office of General Counsel		971,131	(971,131)
Office of General Counsel Disciplinary Board		256,294	(256,294)
Outreach and Engagement		289,235	(289,235)
Practice of Law Board		45,875	(45,875)
Professional Responsibility Program		283,834	(283,834)
Public Service Programs	130,200	396,414	(266,214)
Publication and Design Services		104,573	(104,573)
Regulatory Services		506,486	(506,486)
Sections Administration	300,000	298,790	1,210
Service Center		745,843	(745,843)
Technology		1,659,474	(1,659,474)
Total General Fund	20,603,129	20,805,909	(202,780)
Operating Loss for FY 2021			(202,780)
Percent Change From FY 2020 Budget	-1%	-3%	
Depreciation			408,234
Straight Line Rent			1,951,000
Capital Labor			(160,000)
Net Cash Flow From FY 2021 Operations			1,996,454
Continuing Legal Education	1,682,000	1,575,010	106,990
Deskbooks	158,000	327,149	(169,149)
Continuing Legal Education	1,840,000	1,902,159	(62,159)
Operating Loss for FY 2021			(62,159)
Percent Change From FY 2020 Budget	-8%	-5%	
Sections Operations	585,779	865,167	(279,388)
Client Protection Fund	529,540	658,099	(128,559)
	\$ 23,558,448	\$ 24,231,334	\$ (672,886)

EXHIBIT B

WASHINGTON STATE BAR ASSOCIATION

Fiscal Year 2020 Budget Summary - Original

<u>Cost Centers</u>	<u>Revenue</u>	<u>Expense</u>	<u>Net</u>
Access to Justice	\$ 2,100	\$ 308,421	\$ (306,321)
Administration	100,000	1,205,747	(1,105,747)
Admissions / Bar Exam	1,407,000	1,378,230	28,770
Board of Governors		565,062	(565,062)
Communications Strategies	40,000	667,155	(627,155)
Conference and Broadcast Services		825,263	(825,263)
Discipline	110,500	6,127,687	(6,017,187)
Diversity	135,374	596,488	(461,114)
Foundation		165,232	(165,232)
Human Resources		229,115	(229,115)
Law Clerk Program	174,700	176,429	(1,729)
Legislative		160,404	(160,404)
Licensing	16,200,000		16,200,000
Licensing and Membership Records	325,000	673,627	(348,627)
Limited License Legal Technician	27,605	221,630	(194,025)
Limited Practice Officers	212,390	179,287	33,103
Mandatory CLE Administration	1,042,800	936,467	106,333
Member Assistance Program	6,750	149,931	(143,181)
Member Services and Engagement	138,300	610,356	(472,056)
Member Benefits	21,000	279,008	(258,008)
NW Lawyer	461,350	717,494	(256,144)
Office of the Executive Director		373,441	(373,441)
Office of General Counsel		991,073	(991,073)
Office of General Counsel Disciplinary Board		293,824	(293,824)
Outreach and Engagement		423,554	(423,554)
Practice of Law Board		79,261	(79,261)
Professional Responsibility Program		271,171	(271,171)
Public Service Programs	128,100	454,630	(326,530)
Publication and Design Services		140,741	(140,741)
Sections Administration	300,000	549,309	(249,309)
Technology		1,674,849	(1,674,849)
Total General Fund	20,832,969	21,424,886	(591,917)
Operating Loss for FY 2020			(591,917)
Percent Change From FY 2019 Budget	3%	5%	
Depreciation			4,750
Straight Line Rent			42,455
Capital Labor			141,000
Net Cash Flow From FY 2020 Operations			(403,712)
Continuing Legal Education	1,824,000	1,659,116	164,884
Deskbooks	165,500	353,698	(188,198)
Continuing Legal Education	1,989,500	2,012,814	(23,314)
Operating Loss for FY 2020			(23,314)
Percent Change From FY 2019 Budget	-2%	10%	
Sections Operations	606,544	843,966	(237,422)
Client Protection Fund	1,023,000	648,686	374,314
	\$ 24,452,013	\$ 24,930,352	\$ (478,339)

EXHIBIT C

WASHINGTON STATE BAR ASSOCIATION

**Statement of Activities
For the Year Ended September 30, 2019**

	2019		Revenues Over (Under) Expenses
	Revenues	Expenses	
Without Donor Restriction Activities General:			
Access to justice board	\$ 7,500	\$ 316,068	\$ (308,568)
Administration	329,633	1,121,711	(792,078)
Admissions / bar exam	1,332,120	1,234,053	98,067
Board of governors and office of the executive director		861,652	(861,652)
Communications strategies	25,318	646,811	(621,493)
Conference and broadcast services		810,316	(810,316)
Discipline	90,087	5,731,477	(5,641,390)
Diversity	143,774	564,348	(420,574)
Foundation		155,523	(155,523)
Human resources		391,398	(391,398)
Law clerk program	168,403	143,734	24,669
Legislative		151,200	(151,200)
Licensing	16,217,283		16,217,283
Licensing and membership records	404,990	671,534	(266,544)
Limited license legal technician	25,508	238,650	(213,142)
Limited practice officers		161,672	(161,672)
Mandatory continuing legal education administration	1,186,632	875,796	310,836
Member assistance program	12,719	141,795	(129,076)
Member benefits	20,249	250,200	(229,951)
Member services and engagement	168,117	517,406	(349,289)
NW Lawyer	561,142	744,322	(183,180)
Office of general counsel	342	798,253	(797,911)
Office of general counsel disciplinary board		249,394	(249,394)
Outreach and engagement		397,645	(397,645)
Practice of law board		59,672	(59,672)
Professional Responsibility Program		268,132	(268,132)
Public service programs	139,504	365,302	(225,798)
Publication and design services		151,045	(151,045)
Sections administration	294,638	526,293	(231,655)
Technology		1,641,879	(1,641,879)
Total General	\$ 21,127,959	\$ 20,187,281	\$ 940,678
Continuing Legal Education:			
Products	\$ 921,793	\$ 246,672	\$ 675,121
Seminars	878,683	1,341,746	(463,063)
Deskbooks	157,844	447,743	(289,899)
Total Continuing Legal Education	\$ 1,958,320	\$ 2,036,161	\$ (77,841)
Sections Operations	\$ 548,382	\$ 587,501	\$ (39,119)
Western States Bar Conference	\$ 67,858	\$ 76,198	\$ (8,340)
Client Protection Fund	\$ 1,119,308	\$ 531,155	\$ 588,153

TO: Board of Governors
FROM: Governor Daniel Clark, Treasurer
DATE: March 18th, 2021
RE: 2022 License Fee recommendation re: Limited License Legal Technician (LLLT) License Fee Recommendation

ACTION/DISCUSSION : For the Board of Governors to approve the 2022 WSBA License fee

The Budget and Audit Committee based upon the recommendation and prior business plan drafted and submitted to the Supreme Court and Budget and Audit Committee in May 2020, had recommended to the full Board of Governors for adoption of a 2022 license fee for the LLLT active members of \$240.00. This fee was based directly on the business plan of the LLLT which had been approved and drafted by the LLLT Board. The fee proposal was an increase of \$11 dollars from the previous \$229.00 rate which had been in place the last few years which represented half of the active license fee for an active attorney rate.

The Washington State Supreme Court approved all of the Budget and Audit recommendations which were approved by the Full Board in November 2020 with the exception of the LLLT license fee which was rejected.

Given there are a total of 49 LLLT members and 45 active, the amount of difference in total license fees, in question is approximately only \$495 dollars in total extra license fee revenue. Thus, given the Court's decision to reject an increase, it is my strong recommendation for 2022 that the Budget and Audit committee submit a revised recommended 2022 license fee recommendation for the LLLT's at \$229 dollars which would be the same license fee that they paid from 2019-2021 I believe and certainly seem like it would be reasonable and likely approved by the Supreme Court. It would also be parity with the other license types which remained the same for 2022. The Budget and Audit Committee voted unanimously to approve the recommendation to the full BOG at the February 24, 2021 meeting.

Treasurer Recommendation: For the Board of Governors to approve the 2022 WSBA License fee recommendation of the LLLT license type at March 2021 meeting of \$229.00 for Active members, and according reductions for inactive set the same as they were for 2021.

Thank you and please let me know if you have any questions.

Respectfully,

Dan Clark
WSBA Treasurer & District 4 Governor
WSBA #35901

TO: WSBA Board of Governors
FROM: Russell Knight, Governor At-Large
Hunter Abell, Governor At-Large
DATE: March 3, 2021
RE: Resolution in support of a bar exam to ensure a competent, ethical and diverse legal profession

ACTION/DISCUSSION: The attached resolution is set for discussion, possible amendment and approval.

The attached resolution is set for discussion, possible amendment and approval. – Attachment 1

To aid in the discussion, the following materials are attached:

- Attachment 2 - June 12, 2020 Supreme Court Order Granting Diploma Privilege and Temporality Modifying Admission & Practice Rules for July and September 2020 Bar Examinations
- Attachment 3 - November 20, 2020 Supreme Court Order Establishing the Washington Bar Licensure Task Force
- Attachment 4 - December 3, 2020 Order Authorizing Remote Licensing Examinations and Amending APR 4 to Reduce Passing Score for Uniform Bar Examination for February 2021
- Attachment 5 - February 4, 2021 Letter from the Supreme Court Regarding Requests to Reconsider Decision Not to Grant Diploma Privilege for February 2021 Bar Examination
- Attachment 6 - National Conference of Bar Examiners Preliminary Recommendations for the Next Generation of the Bar Examination

WASHINGTON STATE BAR ASSOCIATION

RESOLUTION IN SUPPORT OF A BAR EXAM TO ENSURE A COMPETENT, ETHICAL AND DIVERSE LEGAL PROFESSION

WHEREAS, the mission of the Washington State Bar Association (“WSBA”) is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice; and

WHEREAS, passing a bar exam has long been a requirement for membership in the WSBA in part to ensure a competent and ethical legal profession; and

WHEREAS, on June 12, 2020, in part in response to the COVID-19 pandemic, the Washington State Supreme Court entered Order No. 25700-B-630 temporarily modifying Admission to Practice Rules 3 and 4, and granting diploma privilege as an option to graduates of ABA accredited law schools who were registered for either the July 2020 or September 2020 bar exams; and

WHEREAS, the Washington State Supreme Court has not extended diploma privilege to applicants registered for subsequent bar exams; and

WHEREAS, stakeholders have expressed concern that the bar exam has a discriminatory effect on examinees of color and first generation examinees; and

WHEREAS, on November 20, 2020, the Washington State Supreme Court entered Order No. 25700-B-649 establishing the Washington Bar Licensure Task Force (“WBLTF”); and

WHEREAS, the WBLTF is asked to “examine current and past bar examination methods, passage rates, and alternative licensure methods, assess disproportionate impacts on examinees of color and first generation examinees, consider the need for alternatives to the current bar exam, and analyze those potential alternatives”; and

WHEREAS, the WSBA supports the work of the WBLTF;

NOW, THEREFORE, BE IT RESOLVED THAT

1. In order to ensure a competent, ethical and diverse legal profession, the WSBA supports the continued requirement of passing a bar exam before admission to the WSBA.
2. The WSBA discourages diploma privilege as an alternative to a bar exam.
3. The WSBA encourages a review of, and possible change to, the format and content of the bar exam to both strengthen and improve the bar exam as a tool to ensure the competent and ethical practice of law and to ensure there is no discriminatory effect on examinees of color and first generation examinees.

FILED
SUPREME COURT
STATE OF WASHINGTON
JUNE 12, 2020
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE)	ORDER GRANTING
BY WASHINGTON STATE COURTS TO THE)	DIPLOMA PRIVILEGE AND
COVID-19 PUBLIC HEALTH EMERGENCY)	TEMPORARILY MODIFYING
)	ADMISSION & PRACTICE
)	RULES
)	
)	No. 25700-B-630
)	
)	
)	

WHEREAS, the court recognizes the extraordinary barriers facing applicants currently registered to take the bar examination in either July or September 2020, or the limited license legal technician (LLLT) examination in July 2020; and

WHEREAS, the Court has reviewed Washington’s Admission and Practice Rules (APRs) to consider whether any of its provisions should be modified to accommodate current applicants who have received juris doctorate degrees from ABA accredited law schools or have completed all requirements to sit for the July 2020 LLLT exam;

The Court by majority hereby enters the following order establishing temporary modifications to some provisions of the current APRs:

- 1) APR 3 and 4 are modified to the extent that applicants for admission to practice law who are currently registered for either the July or September 2020 bar examination and who have received a Juris Doctorate degree from an ABA accredited law school, and applicants currently registered to take the LLLT examination scheduled for July 2020, are granted the option of receiving a diploma privilege to practice in

ORDER GRANTING DIPLOMA PRIVILEGE AND TEMPORARILY MODIFYING
ADMISSION AND PRACTICE RULES

No. 25700-B-630

- Washington. The bar examinations in July and September 2020 will still be offered for those who do not qualify for the diploma privilege and those who wish to take the exam to receive a Uniform Bar Exam (UBE) score.
- 2) The diploma privilege option will be available to applicants currently registered to take the examinations who are taking the tests for the first time and those who are repeating the tests.
 - 3) The court delegates to WSBA the appropriate discretion to determine the timelines for eligible applicants to notify WSBA of their intent to receive the diploma privilege in lieu of taking an examination, and whether or to what extent any registration fees may be refunded.

DATED at Olympia, Washington this 12th day of June, 2020.

For the Court


CHIEF JUSTICE

FILED
SUPREME COURT
STATE OF WASHINGTON
NOVEMBER 20, 2020 BY
SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE)
ESTABLISHMENT OF THE WASHINGTON)
BAR LICENSURE TASK FORCE)
)
)
)
)
_____)

ORDER
NO. 25700-B-649

WHEREAS, the Washington State Supreme Court has determined to implement a strategic initiative to evaluate and assess the efficacy of the Washington state bar licensure requirement for licensing lawyers, to consider alternatives to the current licensure requirements, and to analyze potential alternatives;

NOW, THEREFORE, IT IS HEREBY ORDERED:

The Washington Bar Licensure Task Force is hereby created to assess the efficacy of the Washington state bar exam and related requirements for licensing competent lawyers. The Task Force shall examine current and past bar examination methods, passage rates, and alternative licensure methods, assess disproportionate impacts on examinees of color and first generation examinees, consider the need for alternatives to the current bar exam, and analyze those potential alternatives.

The Task Force shall have broad membership as indicated in the attached strategic initiative charter, who will be appointed by the Supreme Court in consultation with the co-chairs and represented groups.

The Task Force shall also consult or coordinate with the organizations listed in the attached strategic initiative charter.

The Task Force shall be chartered through December 31, 2022.

DATED at Olympia, Washington this 20th day of November, 2020.


CHIEF JUSTICE



Washington State Supreme Court

Strategic Initiative Charter

WASHINGTON BAR LICENSURE TASK FORCE

- I. **Title:** Washington Bar Licensure Task Force
- II. **Authority:** Washington State Supreme Court (WSSC) Order, November 20, 2020

- III. **Goal:**

The goal of this strategic initiative is to evaluate & assess the efficacy of the Washington state bar licensure requirements for licensing lawyers and whether the WSSC should consider alternatives to the current licensure requirements, and to analyze those potential alternatives.

- IV. **Charge, Deliverables and End Date:**

The Washington Bar Licensure Task Force is formed to assess the efficacy of the Washington state bar exam and related requirements for licensing competent lawyers. This Task Force will examine current and past bar examination methods, passage rates, and alternative licensure methods, assess disproportionate impacts on examinees of color and first generation examinees, consider the need for alternatives to the current bar exam, and analyze those potential alternatives.

Among its tasks, the Task Force shall:

- a. Review past studies conducted on the efficacy of bar exams.
- b. Study and report on the history of the bar exam, both nationally and within the state of Washington, particularly with regard to the purpose of the bar exam at its inception.
- c. Analyze whether the bar exam as currently given serves the purpose of licensing competent lawyers.

- d. Compare Washington bar exam passage rates with other states, and if such data exists, compare rates of bar passage for examinees of color and first generation examinees.
- e. Research whether there is data demonstrating competency or lack thereof when lawyers are licensed through means other than a bar exam.
- f. If possible, seek input from those who were admitted via 2020 diploma privilege regarding their preparedness for practice, as well as input from attorneys supervising them.
- g. Make recommendations to the WSSC regarding the bar exam and licensing new attorneys in Washington state.

This charter shall expire on December 31, 2022.

V. Membership:

The Task Force shall have broad membership, to include:

Chairs:

WA Supreme Court Justice:

Co-Chair (Dean from one of the Washington law schools):

Membership:

- Deans (or their designees) of each of the Washington law schools (including Co-chair)
- Two admissions committee members from any Washington law school
- One member from the WSBA Board of Governors
- One member from the National Conference of Bar Examiners
- WSBA General Counsel or Chief Regulatory Counsel
- One student member from each of the Washington law schools
- One member from the Young Lawyers Section of the WSBA
- Two licensed lawyer members of the Washington State Bar Association, including a member with experience as an employer
- Two public members, who are not licensed legal professionals
- One member from the Minority and Justice Commission
- One member from the Gender and Justice Commission
- Additional ex officio members as determined by the Co-Chairs

VI. Entities to Consult or Coordinate with include:

- Washington State Center for Court Research
- Supreme Court Commissions and Boards
- Washington State Bar Association
- Washington lawyer organizations, including but not limited to:
Washington Association of Prosecuting Attorneys, Washington Association of Criminal Defense Lawyers, Washington Association for Justice, Washington Defense Trial Lawyers Association, Washington minority bar associations
- Law School Admissions Council
- National Center for State Courts
- National Conference of Bar Examiners

VII. Staff Support and Budget:

The Supreme Court shall be responsible for adequately supporting the Task Force.

FILED
SUPREME COURT
STATE OF WASHINGTON
DECEMBER 3, 2020 BY
SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

ORDER AUTHORIZING REMOTE)
LICENSING EXAMINATIONS AND)
AMENDING APR 4 TO REDUCE PASSING)
SCORE FOR UNIFORM BAR)
EXAMINATION IN FEBRUARY 2021)
_____)
)

ORDER

NO. 25700-B-651

WHEREAS, the Court recognizes the extraordinary barriers applicants for the February 2021 legal licensing examinations are facing due to the continued COVID-19 pandemic; and

WHEREAS, the Court recognizes the challenges of administering an in-person examination to a large group of examinees while complying with health and safety protocols to alleviate risks to the applicants and WSBA staff associated during a pandemic; and

WHEREAS, the Court recognizes that APR 4(a) authorizes the WSBA to conduct examinations and that those examinations have traditionally been administered in-person;

Now, therefore, it is hereby

ORDERED:

1. The WSBA is authorized to conduct the February 2021 administration of legal licensing examinations for admission using remote testing software.
2. The WSBA has the discretion to require an applicant to take an in-person examination in the unusual and rare circumstances that remote testing would be impractical or unreasonable.

3. Any applicant for a February 2021 examination may request to transfer the application to the Summer 2021 administration of that examination without the need to pay additional application fees. The WSBA has the discretion to determine the timeline for applicants to request the transfer of their application to the Summer 2021 administration.
4. The WSBA will provide reasonable and necessary accommodations for applicants taking the examinations in February 2021 in accordance with the Admissions Policies of the Washington State Bar Association, and will provide applicants in Washington who do not have a reliable internet connection or a suitable place for taking an exam with location assistance as needed to take an examination using remote testing software. The WSBA has the discretion to determine the timeline for applicants to request location assistance.
5. APR 4(d)(1) is temporarily modified for the lawyer bar examination to be administered in Washington State in February 2021, to allow for a UBE minimum passing score of 266; the UBE minimum passing score of 266 also applies to applicants transferring a February 2021 UBE score from another jurisdiction.

This order applies to all lawyer, LLLT and LPO applicants who have already timely submitted an application for Washington admission by examination for the February 2021 administration.

DATED at Olympia, Washington this 3rd day of December, 2020.


CHIEF JUSTICE

SUSAN L. CARLSON
SUPREME COURT CLERK

ERIN L. LENNON
DEPUTY CLERK/
CHIEF STAFF ATTORNEY

THE SUPREME COURT
STATE OF WASHINGTON



TEMPLE OF JUSTICE
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OLYMPIA, WA 98504-0929

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e-mail: supreme@courts.wa.gov
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February 4, 2021

Terra Nevitt, Executive Director
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

RE: Requests to Reconsider Decision Not to Grant Diploma Privilege for February 2021
Bar Examination

Dear Ms. Nevitt:

Recently the Supreme Court has received correspondence from various groups and individuals requesting that the Court reconsider its decision in December 2020 to not grant diploma privilege for persons that are registered to take the February 2021 bar examination.

I have been requested to advise you that on February 4, 2021, the Court considered these requests and by a majority vote has decided that the decision to not grant diploma privilege will not be reconsidered.

Please share this information with any interested persons, and it may also be posted on your website if you feel that would be helpful in making sure that the information has been distributed to all interested persons.

Sincerely,

A handwritten signature in cursive script that reads "Susan L. Carlson".

Susan L. Carlson
Supreme Court Clerk

SLC:

cc: Dean Annette Clark
Dean Mario Barnes
Dean Jacob Rooksby

OVERVIEW OF
PRELIMINARY
RECOMMENDATIONS
FOR THE NEXT
GENERATION OF THE
BAR EXAMINATION



TESTING TASK FORCE

National Conference of Bar Examiners

Best practices for high-stakes licensure examinations include periodic review of exam content and design. Consistent with that standard, the Testing Task Force undertook a three-year, comprehensive, empirical study to ensure that the bar examination continues to assess the minimum competencies required of newly licensed lawyers in an evolving legal profession, and to determine how those competencies should be assessed. This overview sets out the Task Force's *preliminary* recommendations for the next generation of the bar examination; the overview is brief by design and intended to help facilitate discussion with stakeholders at webinars scheduled in early January. After the webinars, the Task Force will finalize the recommendations for submission to NCBE's Board of Trustees. Upon approval by the Board, we will issue a final report detailing the decisions reached and providing a general timeframe and process for implementation. A tremendous amount of work will be required to implement the recommendations and transition to administration of the new examination. At the end of this overview, we list some of the steps involved in implementation, a process that is anticipated to take up to four to five years.

This study has been approached systematically, transparently, and collaboratively—unconstrained by the current bar exam's content and design—with qualitative and quantitative research conducted by external expert consultants in three phases. During Phase 1, we held a series of listening sessions across the country where more than 400 stakeholders from bar admission agencies, the legal academy, and the legal profession provided their views about the current bar exam and ideas for how it could be changed. Phase 2 consisted of a nationwide practice analysis survey completed by nearly 15,000 lawyers that provided a rich set of data on the work performed by newly licensed lawyers and the knowledge and skills they need to perform that work. In Phase 3, we convened two committees composed of bar admission representatives, legal educators, and practitioners who applied their professional experience and judgment to the data produced by Phases 1 and 2 to provide input on what content should be tested on the bar exam and when and how that content should be assessed. The results from Phases 1, 2,

and 3 of our study are detailed in individual reports available at <https://testingtaskforce.org/research/>.

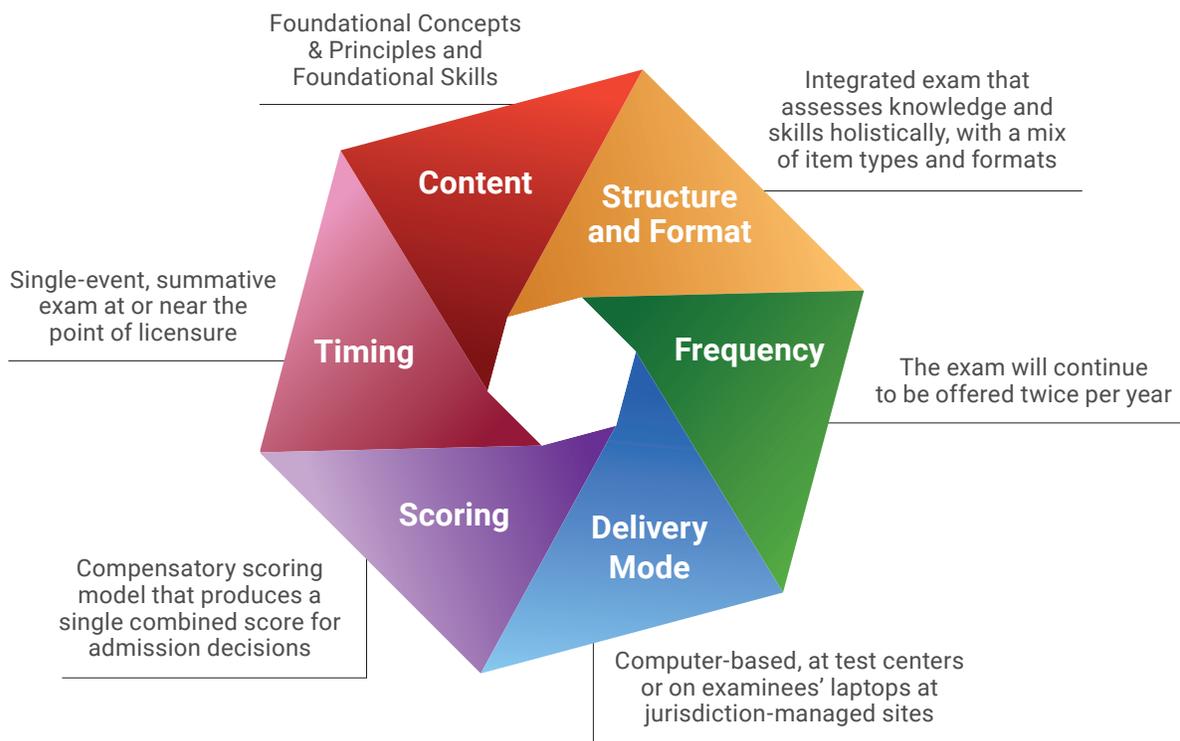
Based on this extensive research, the Task Force has arrived at high-level decisions about the content and the design for the next generation of the bar examination. Those decisions are founded on the principle that the purpose of the bar exam is

to protect the public by helping to ensure that those who are newly licensed possess the minimum knowledge and skills to perform activities typically required of an entry-level lawyer.

Our decisions were guided by the prevailing views expressed by stakeholders during Phases 1 and 3: that the bar exam should test fewer subjects and should test less broadly and deeply within the subjects covered, that greater emphasis should be placed on assessment of lawyering skills to better reflect real-world practice and the types of activities newly licensed lawyers perform, that the exam should remain affordable, that fairness and accessibility for all candidates must continue to be ensured, and that the portability of Uniform Bar Exam (UBE) scores should be maintained. In those instances where there weren't prevailing stakeholder views, our decisions were based on what will best ensure that the exam's content and design achieve the purpose described above and meet the standards required of high-stakes licensure exams by the *Standards for Educational and Psychological Testing* (AERA, APA, NCME, 2014). Finally, our decisions reflect the fact that newly licensed lawyers receive a general license to practice law, suggesting that the licensure exam should assess knowledge and skills that are of foundational importance and are common to numerous practice areas.

As explained in more detail in the pages that follow, these preliminary recommendations specify the use of an integrated examination that measures both knowledge and skills through a mix of item formats. The exam will be offered two times per year as a summative event and delivered by computer. Compensatory scoring will be used to produce a single combined score for making admission decisions.

Snapshot of the Next Generation of the Bar Examination



INTEGRATED EXAMINATION

The Task Force recommends the creation of an integrated examination that assesses both knowledge and skills holistically, using both stand-alone questions and item sets, as well as a combination of item formats (e.g., selected-response, short-answer, and extended constructed-response items). An item set is a collection of test questions based on a single scenario or stimulus such that the questions pertaining to that scenario are developed and presented as a unit. Item sets can be assembled so that all items within a set are either of the same format or of different formats.

An integrated exam reflects a fundamental shift from the current Multistate Bar Examination (MBE), Multistate Essay Examination (MEE), and Multistate Performance Test (MPT), which are discrete components covering specific knowledge and skills and using single items of the same format within each component.

An integrated exam permits use of scenarios that are representative of real-world types of legal problems that newly licensed lawyers encounter in practice and provides an authentic assessment of lawyering skills. The use of item sets also provides efficiencies in exam development and administration, in that a single scenario applies to multiple items.

SCORING

A single combined score for making admission decisions, based upon a compensatory scoring model, is consistent with the use of an integrated exam and with the interconnected nature of the competencies being measured. Compensatory scoring reflects the candidate's overall proficiency and allows areas of strength to compensate for areas of weakness and generally is considered fairer to candidates than conjunctive scoring models.

CONTENT TO BE ASSESSED

The following Foundational Concepts & Principles (FC&P) and Foundational Skills are recommended for inclusion on the new bar exam. Note that the FC&P are legal subjects that are common to numerous practice areas, which is consistent with the regulatory framework of a general license.

Foundational Concepts and Principles

- Civil Procedure (including constitutional protections and proceedings before administrative agencies)
- Contract Law (including Art. 2 of the UCC)
- Evidence
- Torts
- Business Associations (including Agency)
- Constitutional Law (excluding principles covered under Civil Procedure and Criminal Law)
- Criminal Law and Constitutional Protections Impacting Criminal Proceedings (excluding coverage of criminal procedure beyond constitutional protections)
- Real Property

Foundational Skills

- Legal Research
- Legal Writing
- Issue Spotting and Analysis
- Investigation and Evaluation
- Client Counseling and Advising
- Negotiation and Dispute Resolution
- Client Relationship and Management

Implementation of the final recommendations will include a process for developing content specifications to ensure that the depth and breadth of coverage of the FC&P is carefully aligned with minimum competence for entry-level practice. Content specifications guide development of test questions and articulate the scope of coverage to provide notice to candidates of what may be tested.

Foundational Skills may be assessed in the context of the FC&P listed above as well as in other legal contexts. Whenever Foundational Skills are assessed in a legal context other than the FC&P, appropriate legal resources (e.g., statutes, cases, rules) will be provided to candidates. As an example, Professional Responsibility or Family Law may serve as the context for the assessment of Foundational Skills with appropriate legal resources being provided.

The list of Foundational Skills includes some skills that might be thought of as performance skills, such as client interviewing and negotiation. To ensure fairness, those skills that can be objectively measured will be assessed using uniform text- or video-based scenarios that require candidates to construct a written response or select the correct response. Of course, it is necessary to also consider accessibility issues in determining appropriate methods for assessing skills.

TIMING, MODE, AND FREQUENCY OF TEST ADMINISTRATION

The Task Force recommends that the bar exam be given as a single event at or near the point of licensure. This timing is most consistent with the purpose of the bar exam in that it places measurement of minimum competence as close in time to the award of a license as possible. Jurisdictions could still permit applicants to test in their final semester of law school, as is currently the case. Single-event testing allows more options for equating and scaling and is also more consistent with the use of an integrated exam.

A single-event approach will avoid concerns expressed by some stakeholders about a multi-event approach, where components of the exam would be administered at separate times. Those potential concerns included interfering with internship opportunities, impacting law school curricula, adding the stress of taking a high-stakes exam during law school, creating multiple “hurdles” for admission, and potentially increasing costs for candidates to prepare for and travel to multiple administrations of the exam. One of the primary reasons some stakeholders favored multi-event testing was to permit testing of legal doctrine closer in time to

when students learned the content in law school. The Task Force concluded that the use of an integrated exam with an increased emphasis on assessing skills and more limited depth and breadth of coverage of doctrine addresses the underlying reasons some stakeholders favored multi-event testing.

The next generation of the bar exam will be a computer-based test, administered either on candidates' laptops in jurisdiction-managed facilities and/or at computer testing centers managed by a suitable vendor. If possible, the length of the exam will be reduced, but this will be done only if the necessary validity and reliability of scores can be maintained. The exam will continue to be offered two times each year.

NEXT STEPS

We anticipate that the implementation process to develop and deliver the new exam will take up to four to five years, which will allow time for notice to candidates of what to expect and for law schools to help students prepare. We will continue to collaborate with stakeholders as we work to build the new exam from this road map. Some of the major steps of implementation will include

- developing content specifications identifying scope of coverage;
- drafting new types of questions for integrated testing of knowledge and skills;
- ensuring accessibility for candidates with disabilities;
- field-testing new item formats and new exam content;
- conducting analyses and review to ensure fairness for diverse populations of candidates;
- evaluating options for computer delivery of the exam;
- establishing scoring processes and psychometric methods for equating/scaling scores;
- developing test administration policies and procedures;

- assisting jurisdictions to prepare and supporting them in activities such as setting passing score requirements and amending rules to align with changes to the exam; and
- providing study materials and sample test questions to help candidates prepare.

We look forward to presenting these preliminary recommendations to bar admission authorities and the legal academy and addressing questions and comments from stakeholders. Readers may submit any questions or comments about the preliminary recommendations via the [Contact Us](#) form. We will compile the questions and provide answers in an FAQ document later in January.



National Conference
of Bar Examiners

Building a competent, ethical,
and diverse legal profession

The National Conference of Bar Examiners, founded in 1931, is a not-for-profit corporation that develops licensing tests for bar admission and provides character and fitness investigation services. NCBE also provides testing, research, and educational services to jurisdictions; provides services to bar applicants on behalf of jurisdictions; and acts as a national clearinghouse for information about the bar examination and bar admissions.

Our mission

NCBE promotes fairness, integrity, and best practices in admission to the legal profession for the benefit and protection of the public. We serve admission authorities, courts, the legal education community, and candidates by providing high-quality

- assessment products, services, and research
- character investigations
- informational and educational resources and programs

Our vision

A competent, ethical, and diverse legal profession.

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TO: WSBA Board of Governors

FROM: Bobby Henry, Associate Director for Regulatory Services
David Bastian, Chair, Limited Practice Board
Steve Crossland, Chair, Limited License Legal Technician Board

DATE: March 11, 2021

RE: Proposed Amendment to WSBA Bylaws Regarding Waiver for To-Active Application Fee

SECOND READING/ACTION: The Limited Practice Board and Limited License Legal Technician Board ask the Board of Governors to adopt the proposed amendment to the WSBA Bylaws Art. III Sec. D.1.a.

Purpose:

The purpose of this proposed amendment to the WSBA Bylaws is to provide an application/investigation fee waiver for LPOs and LLLTs who return to active status from inactive status after 90 days or less.

Background:

LPOs are authorized by APR 12 to select, prepare and complete the legal documents need to close real and personal property transactions. They are not allowed to provide legal advice. Most LPOs work for title companies, escrow companies and banks. Some work for law firms and government agencies.

LPOs and LLLTs are required under the Admission and Practice Rules (APR) to demonstrate financial responsibility or have professional liability insurance in order to be licensed by the Washington Supreme Court. See APR 5(c)(1). The financial responsibility requirement must also be met to maintain an active license. See APR 12(f)(2) and APR 28I(2). Therefore, when LPOs or LLLTs are unable to demonstrate financial responsibility, they must transfer to inactive status. As members of the WSBA, LPOs and LLLTs must follow the procedures in the WSBA Bylaws to return to active from inactive status. One of the requirements is to pay an application fee of \$100. This fee covers administrative costs of determining the requirements to return to active as well as processing the application. When a member is inactive for a short period of time, both of these processes are significantly reduced.

Most, if not all, LPOs and LLLTs use their employer's policy or net worth to demonstrate financial responsibility. This is in large part, especially for LPOs, due to the nature of the industry or profession. When LPOs or LLLTs are unemployed, they lose the ability to demonstrate financial responsibility because they are no longer covered by their employer. Although the APR provide for individual means of demonstrating financial responsibility, such as an individual professional liability insurance policy, it is expensive and impractical to obtain when not engaged in their limited practice of law and for only a short transition period in between jobs. This is assuming that insurers would even offer a policy to someone who is not practicing, especially if it is for a short period of time.

Because of the practical realities and improbability of being able to obtain or afford insurance when unemployed, and because the APR require demonstration of financial responsibility to maintain active status, LPOs and LLLTs have no choice but to transfer to inactive status until they are again employed in a capacity in which they will be using their license. This is the case, even when it is a short term transition period from one employer to the next.

In order to eliminate an inequitable barrier to returning to active status for LPOs and LLLTs, that does not – at least not yet - exist for lawyers because lawyers have no malpractice insurance requirements to maintain active status, the Limited Practice Board and LLLT Board request that the Board of Governors adopt the proposed amendment. The proposed amendment waives the \$100 application fee only in those situations where an LPO or LLLT has been on inactive status for 90 days or less.

Budget Impact:

The number of LPOs and LLLTs who are inactive for 90 days or less before returning to active is low. There haven't been any LLLTs and the actual numbers for LPOs recently were:

LPO Count	Year
2	2018
1	2019
2	2020

Based on the last three years, the anticipated impact to the annual budget would be \$200.

Suggestion to Amend the APR:

A suggestion was made that the Boards consider amending the APR rather than the Bylaws to address the issue. The LLLT and LP Boards opted against this approach for a few reasons. First, the Boards do not want to change the core requirement that those practicing law be required to demonstrate financial responsibility. The issue is not the requirement but the way in which its enforcement is impacting members. A small amendment to the Bylaws would address this issue with nearly no budgetary impact. Second, amending the APR is a long and complicated process because it is necessary to make sure that any amendments do not inadvertently affect other rules. In addition, amending the APR would require an analysis of administrative processes including how it would affect information displayed on the legal directory. Finally, the LLLT Board would prefer to await the outcome of the proposed amendments to APR 19 that are under consideration with the Washington Supreme Court. Those amendments would require malpractice insurance for lawyers. The decision on those amendments would affect how to draft any amendments to the APR for this issue.

Attachment:

Proposed Amendments to WSBA Bylaws Art. III Sec. D.1.a (redline)

III. MEMBERSHIP

- h. date and period of disciplinary actions or sanctions, if any, including suspension, disbarment, and revocation;
 - i. such other data as the BOG or Washington Supreme Court may from time to time require of each member.
3. Any Active member residing out-of-state must file with the Bar, in such form and manner as the Bar may prescribe, the name and physical street address of a designated resident agent within Washington State. The member must notify the Bar of any change in resident agent within 10 days of any such change.
4. Any member who fails to provide the Bar with the information required to be provided pursuant to these Bylaws, or to notify the Bar of any changes in such information within 10 days, will be subject to administrative suspension pursuant to these Bylaws and/or the Admission and Practice Rules. Judicial members are exempt from suspension pursuant to this provision while eligible for Judicial membership and serving as a judicial officer.

D. CHANGE OF MEMBERSHIP STATUS TO ACTIVE

1. Members may change membership status as provided below.
 - a. **Transfer from Inactive to Active.**
 - 1) An Inactive member or Honorary member may transfer to Active by:
 - (a) paying an application and/or investigation fee and completing and submitting an application form, all required licensing forms, and any other required information. The fee in this paragraph is not required from an LPO or LLLT who has been inactive for 90 days or less;
 - (b) earning, within the six years preceding the return to Active status, and reporting the total number of approved MCLE credits required for one reporting period for an Active member with the same license type, and paying any outstanding MCLE late fees that are owed. If the member has been Inactive or a combination of Suspended and Inactive for less than one year, and the member would have been required to report during the time the member was Inactive and/or Suspended, the member must establish that the member is compliant with the MCLE reporting requirements for that reporting period before the member can change to Active. This paragraph does not apply to members transferring back to Active during their first MCLE reporting period;
 - (c) passing a character and fitness review essentially equivalent to that required of all applicants for admission to the Bar, pursuant to APR 20-24.3; and
 - (d) paying the current Active license fee, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as an Inactive member for the same year.
 - 2) If a member was Inactive or any combination of Suspended and Inactive in Washington for more than six consecutive years, the member must earn MCLE credits in a manner consistent with the requirement for one reporting period for an Active member of the same license type, and these credits must be earned and reported within the three

III. MEMBERSHIP

years preceding the return to Active status. In addition, the member must complete a reinstatement/readmission course sponsored by the Bar, which must consist of education on law office management and professional responsibility (including the applicable RPC for the member's license type, proper handling of client funds and trust accounts, and client communications), legal research and writing, and changes in the law that apply to the member's license type, as follows:

- (a) For lawyer members, a minimum of 15 live CLE credits, consisting of at least four credit hours on law office management and professional responsibility, at least three credit hours on legal research and writing, and the remaining credit hours on recent significant changes in the law;
- (b) For LLLT members, a minimum of seven live CLE credits, consisting of at least two credit hours on law office management and professional responsibility, at least one credit hour on legal research and writing, and the remaining credit hours on recent significant changes in the law in approved LLLT practice or core education areas;
- (c) For LPO members, a minimum of seven live CLE credits, consisting of at least two credit hours on professional responsibility, and the remaining credit hours on recent significant changes in the law covered by the approved LPO Study Topics.

The member is required to pay the cost of the course. Any member completing such course will be entitled to credit towards mandatory continuing legal education requirements for all CLE credits for which such reinstatement/readmission course is accredited. The member must comply with all registration, payment, attendance, and other requirements for such course, and will be responsible for obtaining proof of attendance at the entire course and submitting or having such proof submitted to the Bar.

Periods of administrative and/or disciplinary suspension occurring immediately before or after a change to Inactive will be included when determining whether a member is required to take the readmission course. For purposes of determining whether a member has been Inactive and/or Suspended for more than six consecutive years, the period continues to run until the change to Active membership is completed, regardless of when the application is submitted to the Bar.

- 3) Any member seeking to change to Active who was Inactive or any combination of Suspended and Inactive in Washington and does not have active legal experience as defined in APR 1(e) in any jurisdiction for more than ten consecutive years, is required to complete the requirements in Art. III. Sec.D.1.a.1)(a), (c) and (d), above, and is also required to take and pass the examinations required for admission to the Bar for the member's license type.
- 4) A Disability Inactive status member may be reinstated to Active pursuant to the disciplinary rules applicable to their license type. Before being transferred to Active, after establishing compliance with the disciplinary rules, the member also must comply with the requirements in these Bylaws for Inactive members transferring to Active status.

III. MEMBERSHIP

- 5) A member of any type who has transferred to Inactive status during the pendency of a grievance or disciplinary proceedings may not be transferred to Active except as provided herein and may be subject to such discipline by reason of any grievance or complaint as may be imposed under the ELC, ELPOC, or ELLTC.

b. Transfer from Judicial to Active.

A Judicial member may request to transfer to any other status, including Active. Upon a Judicial member's resignation, retirement, or completion of such member's term of judicial office, such member must notify the Bar within 10 days, and any Judicial member desiring to continue his or her affiliation with the Bar must change to another membership status within the Bar.

- 1) A Judicial member who has complied with all requirements for maintaining eligibility to return to another membership status may transfer to Active by submitting an application for change to Active membership status and
 - (a) paying the then current Active license fee for the member's license type, including any mandatory assessments, less any license fee (not including late fees) and assessments paid as a Judicial member for the same licensing year; and
 - (b) complying with the MCLE requirements for members returning from Inactive to Active. Either judicial continuing education credits or lawyer continuing education credits may be applied to the credit requirement for Judicial members transferring to Active. If judicial continuing education credits are applied, the standards for determining accreditation for judicial continuing education courses will be accepted as establishing compliance.
- 2) A Judicial member wishing to transfer to Active upon leaving service as a judicial officer who has failed in any year to provide the annual member registry information or pay the annual license fee required of Judicial members to maintain eligibility to transfer to another membership status shall, prior to transfer to Active, be required to pay the Active license fee for the member's license type any years the registry information was not provided or the Judicial fee was not paid, in addition to complying with the requirements of (a) above.

c. Transfer from Emeritus Pro Bono to Active

An Emeritus Pro Bono member may transfer to Active by complying with the requirements for members returning from Inactive to Active. There is no limit on how long a member may be Emeritus Pro Bono before returning to Active status.

d. Referral to Character and Fitness Board

All applications for readmission, reinstatement or transfer to Active status will be reviewed by Bar staff and handled consistent with the provisions of APR 20-24.3. In all cases reviewed by it, the Character and Fitness Board has broad authority to recommend withholding a transfer to Active status or imposing

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Terra Nevitt, Executive Director
DATE: March 10, 2021
RE: Client Protection Fund: Trustee's Annual Report

INFORMATION: Client Protection Fund: Trustee's Annual Report

Attached, please find the annual report of the trustees of the Client Protection Fund, covering fiscal year 2020.



Trustees' Annual Report: Fiscal Year 2020

LAWYERS' INDEMNITY FUND EST. 1960 • CLIENT PROTECTION FUND EST. 1994



WASHINGTON STATE BAR ASSOCIATION
1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539
206-727-8200

PURPOSE OF THE CLIENT PROTECTION FUND

“The purpose of this rule is to create a Client Protection Fund, to be maintained and administered as a trust by the Washington State Bar Association (WSBA), in order to promote public confidence in the administration of justice and the integrity of the legal profession. [...] Funds accruing and appropriated to the Fund may be used for the purpose of relieving or mitigating a pecuniary loss sustained by any person by reason of the dishonesty of, or failure to account for money or property entrusted to, any member of the WSBA as a result of or directly related to the member's practice of law (as defined in GR 24), or while acting as a fiduciary in a matter directly related to the member's practice of law. Such funds may also, through the Fund, be used to relieve or mitigate like losses sustained by persons by reason of similar acts of an individual who was at one time a member of the WSBA but who was at the time of the act complained of under a court ordered suspension.”

Admission and Practice Rules 15(a) and (b).

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2020

FY 2020 TRUSTEES	
Rajeev Majumdar, President	Blaine
Hunter Abell	Seattle
Sunitha Anjilvel	Seattle
Daniel Clark	Yakima
Peter Grabicki	Spokane
Carla Higginson, Client Protection Board Liaison	Friday Harbor
Kim Hunter	Kent
Jean Kang	Seattle
Russell Knight	Tacoma
Tom McBride	Olympia
Bryn Peterson	Mercer Island
Kyle Sciuchetti	Portland
Alec Stephens	Seattle
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Emily Sheldrick	Vancouver
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WSBA STAFF TO THE CLIENT PROTECTION BOARD	
Nicole Gustine	Assistant General Counsel; CPF Liaison/Secretary
Brenda Jackson	CPF Analyst

WASHINGTON STATE BAR ASSOCIATION
CLIENT PROTECTION FUND, FISCAL YEAR 2020

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I. HISTORY AND ESTABLISHMENT OF THE CLIENT PROTECTION FUND

Washington is fortunate to have a history of maintaining a stable, well-funded Client Protection Fund (CPF) that is strongly supported by the Washington Supreme Court and the Washington State Bar Association. Washington was one of the first states to establish what was then called a Lawyers' Indemnity Fund in 1960. Since that time, the members of this state have compensated victims of the few dishonest members who have misappropriated or failed to account for client funds or property.

The current CPF was established by the Washington Supreme Court in 1994 at the request of the WSBA by the adoption of [Rule 15](#) of the Admission to Practice Rules (APR), now called the Admission and Practice Rules. Prior to the adoption of that rule, the WSBA had voluntarily maintained a clients' security or indemnity fund out of the Bar's general fund. Similar funds are maintained in every jurisdiction in the United States, as well as Canada, Australia, New Zealand, and other countries.

The CPF helps accomplish important goals shared by our Court and WSBA members – client protection, public confidence in the administration of justice, and maintaining the integrity of the legal profession. Under APR 15, CPF payments are gifts, not entitlements. An annual assessment from certain members licensed in Washington finances all CPF gifts. Gifts are not financed by public funds.

On December 13, 2019, the Washington Supreme Court reduced the assessment from \$30 to \$25 for calendar year 2021. Due to the pandemic, on July 28, 2020, the Board of Governors (BOG) recommended that the Supreme Court make a further one-time reduction to the Client Protection Fund assessment, from \$25 to \$10, for the calendar year beginning 2021. The Court approved the BOG's recommendation.

Currently, WSBA lawyers on active status, lawyers with *pro hac vice* admissions, in-house counsel lawyers, house counsel, foreign law consultants, and Limited Licensed Legal Technicians (LLLTs) pay an annual assessment to the Fund. The following chart shows the experience of the past 10 years as the WSBA membership has increased.

Client Protection Fund Applications 2011-2020

Fiscal Year	# Of Members ¹	# Of Members With Approved Applications	# Of Applications Received	# Of Applications Approved	Gifts Approved
2011	28,676	15	179	72	\$1,002,683
2012	29,184	17	137	39	\$378,574
2013	29,682	18	130	45	\$423,508
2014	31,495	14	141	44	\$337,160
2015	31,335	20	79	59	\$495,218
2016	32,969	16	56	44	\$253,228
2017	33,357	19	72	47	\$439,273
2018	33,858	18	119	46	\$926,434
2019	34,388	18	61	48	\$419,488
2020	34,905	16	57	33	\$586,266

¹ Through December 31, 2018, lawyers on Active status, pro hac vice, in-house counsel, house counsel, and foreign law consultants, only paid the assessment. Effective January 1, 2019, Limited Licensed Legal Technicians (LLLTs), also paid the assessment.

II. FUND PROCEDURES

The CPF is governed by [Admission and Practice Rule \(APR\) 15](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaa_pr15) and Procedural Rules adopted by the Board of Governors and approved by the Supreme Court. These can be found at http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaa_pr15 and http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaa_pr15p.

Administration: The members of the Board of Governors of the WSBA serve during their terms of office as Trustees for the CPF. The Trustees appoint and oversee the Board, comprised of 11 lawyers and 2 community representatives. This Board has the authorization to consider all CPF claims, make CPF reports and recommendations to the Trustees, submit an annual report on Board activities to the Trustees, and make such other reports and publicize Board activities as the Court or the Trustees may deem advisable. Two WSBA staff members help the Board ensure the smooth functioning of its work. WSBA Client Protection Fund Analyst Brenda Jackson performs a wide variety of tasks to help members of the public and the Board in the processing and analyzing of CPF claims. WSBA Assistant General Counsel Nicole Gustine acts as WSBA staff liaison to the Board, provides legal advice to the Board, and serves as Secretary to the Board.

Application: Clients of WSBA members that allege a dishonest taking of, or failure to account for, funds or property by a WSBA member, in connection with that member's practice of law, can apply for a gift from the CPF. To be eligible, clients must file a disciplinary grievance against the member with the Office of Disciplinary Counsel, unless the member has resigned in lieu of discipline; is disbarred, or deceased. Because most applications involve members who are the subject of disciplinary grievances and proceedings, action on Fund applications normally awaits resolution of the disciplinary process.² This means that some applicants wait years for the discipline process to be complete before the Board reviews their application. However, to help expedite the application process, application review is in the order that an applicant filed their grievance (if applicable). Otherwise, an application is processed and reviewed in the order of receipt.

Eligibility: In order to be eligible for payment, an applicant must show by a clear preponderance of the evidence that he or she has suffered a loss of money or property through the dishonest acts of, or failure to account by, a WSBA member. Dishonesty includes, in addition to theft, embezzlement, and conversion, the refusal to return unearned fees as required by Rule 1.16 of the Rules of Professional Conduct.

² APR 15 Regulation 6(h). In addition, Rule 3.4(i) of the Rules for Enforcement of Lawyer Conduct provides that otherwise confidential information obtained during the course of a disciplinary investigation may be released to the Client Protection Fund concerning applications pending before it. Such information is to be treated as confidential by the Board and Trustees.

The Fund is not available to compensate for member malpractice or professional negligence. It also cannot compensate for loan, investment, or other business transactions unrelated to the member's practice of law.

When an application is received, it is initially reviewed to determine whether it appears eligible for recovery from the Fund. If the application is ineligible on its face, the applicant is advised of the reasons for its ineligibility. If the application passes the initial intake process and appears potentially eligible for payment, Fund staff investigates the application. When the application is ripe for consideration by the Board, a report and recommendation is prepared by Fund staff.

Board and Trustee Review: On applications for less than \$25,000, or where the recommendation for payment is less than \$25,000, the Board's decision is final. Board recommendations on applications where the applicant seeks more than \$25,000, or where the Board recommends payment of more than \$25,000, or involving payment of more than \$25,000 be made to applicants regarding any one licensed legal professional, are reviewed by the Trustees.

The maximum gift amount is \$150,000. There is no limit on the aggregate amount that may be paid on claims regarding a single member. Any payments from the Fund are gifts and are at the sole discretion of the Fund Board and Trustees.

Legal Fees: Members may not charge a fee for assisting with an application to the Fund, except with the consent and approval of the Trustees.

Assignment of Rights and Restitution: As part of accepting a gift from the Fund, applicants are required to sign a subrogation agreement for the amount of the gift. The Fund attempts to recover its payments from the members or former members on whose behalf gifts are made, when possible; however, recovery is generally successful only when it is a condition of a criminal sentencing, or when a member petitions for reinstatement to the Bar after disbarment.³ To date, the Fund (and its predecessors) has recovered approximately \$433,335.

Difficult Claims: One of the more difficult claim areas for the Board and Trustees involves fees paid to a member for which questionable service was performed. The Board is not in a position to evaluate the quality of services provided, or to determine whether the fee charged was reasonable, therefore, an application can generally be denied as a fee dispute. (The denial may also include other bases, such as malpractice or negligence.) However, where it appears that there is a pattern of conduct which establishes that a member knew or should have known at the time the member accepted fees from a client that the member would be unable to perform the service for which he or she was employed, or the member simply performs no service of value to the client, and does not return unearned fees, the Board has concluded that such conduct may be either dishonesty or failure to account within the context of the purposes of the Fund, and will consider such applications. Similarly, if a member withdraws from representing a client or abandons a client's case without refunding any unearned fee, the Board may conclude that the

³ Admission and Practice Rule 25.1(d) provides that no disbarred lawyer may petition for reinstatement until amounts paid by the Fund to indemnify against losses caused by the conduct of the disbarred lawyer have been repaid to the Fund, or a payment agreement has been reached.

member has engaged in dishonest conduct or has failed to account for client funds.

Another difficult claim area concerns loans or investments made to or through members. In instances where there is an existing client/LLP relationship through which the member learns of his or her client's financial information, persuades the client to loan money or to invest with the member without complying with the disclosure and other requirements of RPC 1.8,⁴ and does not return the client's funds as agreed, the Board may consider that a dishonest act for purposes of the Fund.

⁴ In relevant part, RPC 1.8 provides:

- (a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:
 - (1) the transaction and terms on which the member acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;
 - (2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and
 - (3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.
- (b) A member shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

III. FINANCES

The Fund is financed by an assessment as described above. The Fund is maintained as a trust, separate from other funds of the WSBA. In addition, interest on those funds accrues to the Fund, and any restitution paid by members is added to the Fund balance. The Fund is self-sustaining; administrative costs of the Fund, such as Board expenses and WSBA staff support, are paid from the Fund.

		Fund beginning balance ⁵	Fund revenues received	Board expenses and overhead ⁶	Restitution received	Gifts recognized for payment
FY 2012	Pending applications at start of fiscal year: \$2,421,848	\$261,318	\$893,487	\$27,654	\$5,942	\$326,800
FY 2013	Pending applications at start of fiscal year: \$1,615,062	\$791,399	\$914,547	\$72,430	\$10,674	\$416,870
FY 2014	Pending applications at start of fiscal year: \$1,814,266	\$1,213,602	\$949,965	\$70,196	\$3,668	\$339,161
FY 2015	Pending applications at start of fiscal year: \$1,229,864	\$1,746,010	\$990,037	\$90,315	\$3,703	\$490,357
FY 2016	Pending applications at start of fiscal year: \$13,203,653	\$2,144,289	\$1,001,198	\$129,553	\$2,970	\$371,452 ⁷
FY 2017	Pending applications at start of fiscal year: \$1,463,914	\$2,646,222	\$1,024,954	\$113,672	\$3,709	\$318,584
FY 2018	Pending applications at start of fiscal year: \$2,045,175	\$3,242,299	\$1,040,498	\$166,969	\$28,255	\$917,051 ⁸
FY 2019	Pending applications at start of fiscal year: \$3,206,880	\$3,227,988	\$1,110,963	\$146,618	\$8,347	\$379,818
FY 2020	Pending applications at start of fiscal year: \$3,342,227.32	\$3,816,143	\$1,099,237	\$141,514	\$15,351	\$591,449 ⁹

⁵ It is important for the Fund to maintain a sufficient balance to meet anticipated future needs. It is impossible to predict from year to year how many meritorious claims injured applicants will make.

⁶ Board expenses and overhead include WSBA staff time to administer the Fund, including processing of applications, helping members of the public, investigating claims, and making recommendations to the Board. Expenses and overhead have increased since 2012 for resources allocated to eliminate backlogs, update systems, and improve processes, which have resulted in claims being resolved more efficiently and expeditiously.

⁷ The amount of gifts recognized in the FY 2016 financial statements overstates by \$115,000 due to a duplicate recording of approved gifts, correct in FY 2017. This explains the substantial difference between the amounts listed for FY 2016 and FY 2017 under this column as compared with the “Gifts Approved” column on page 2.

⁸ The amount of gifts recognized in the FY 2018 financial statements understates by \$9,383 due to unclaimed CPF gifts that expired in FY 2018.

⁹ The amount of gifts recognized in the FY 2020 financial statements overstates by \$5,183, due to interest owed to an applicant and a payment voided in FY 2021. This explains the difference between the amounts listed for FY 2020 under this column as compared with the “Gifts Approved” column on page 2.

IV. BOARD AND TRUSTEE MEETINGS AND ACTIVITIES

Board: The Client Protection Board met four times this past fiscal year: October 14, 2019; February 3, 2020; May 4, 2020, and August 3, 2020. The Board considered 52 applications to the Fund involving 30 lawyers, and approved 33 applications involving 16 lawyers.

Fund Trustees: The Trustees reviewed the Board's recommendations on applications for more than \$25,000, or for payment of more than \$25,000, and approved the 2020 Annual Report for submission to the Supreme Court pursuant to APR 15(g).

Public Information: The Client Protection Fund maintains a website at <http://www.wsba.org/Legal-Community/Committees-Boards-and-Other-Groups/Client-Protection-Fund> that provides information about the Fund, its procedures, and an application form is downloadable. The Fund information is also available in Spanish, but applications and materials must be submitted in English.

V. APPLICATIONS AND PAYMENTS

At the beginning of FY 2020, there were 89 pending applications to the Fund. During FY 2020, the Fund received 57 additional applications. The Board and Trustees acted on 52 applications concerning 30 lawyers and approved 33 applications concerning 16 lawyers. The total amount in approved payments is \$586,266. Shown below is a summary of Board and Trustee actions.

Applications Pending as of October 1, 2020	89¹⁰
Applications Received During FY 2020	57
Applications Acted Upon by Board and Trustees	52
Applications Carried Over to FY 2021	94

Applications Approved for Payment in FY 2020	33
Applications approved for payment arose from the member's dishonest acts such as theft or conversion, failure to return or account for unearned legal fees, and investments or loans with members.	

Applications Denied in FY 2020	19
Application denials are for reasons such as fee disputes, no evidence of dishonesty, alleged malpractice, restitution already paid in full, no attorney client relationship, and other reasons.	

¹⁰ Applications received or pending are still in investigation, not yet ripe, or temporarily stayed. All approved applications receive initial payments of up to \$5,000, with the balance reserved for possible proration against 75% of the Fund balance at fiscal year-end.

APPROVED APPLICATIONS

ATTORNEY	Number of Applications Approved	Dollar Amount of Applications Approved	Page Number
Behrends, Clinton, WSBA #45371	7	\$94,489	10
Bounlutay, Souphavady, WSBA #30552	1	\$10,060	12
Chafetz, Nicole, WSBA #20761	1	\$2,200	13
Crowley, John, WSBA #19868	2	\$21,500	13
Johnson, Holly, WSBA #32784	1	\$70,000	14
La Rocco, Robert, WSBA #42536	1	\$3,000	14
Marsh, Samuel, WSBA #43756	6	\$31,150	15
McAllister, Thomas, WSBA #35832	1	\$2,500	17
Muenster, John, WSBA #6237	1	\$49,112	18
Pitner, Noel, WSBA #36158	4	\$10,160	19
Randall, Gary WSBA 15020	1	\$3,200	20
Schaff, Chad, WSBA #38594	2	\$8,950	21
Siefkes, Michael, WSBA #31057	2	\$152,500	21
Sindell, Richard, WSBA #2194	1	\$4,577	22
Sweet, Diane, WSBA #35881	1	\$2,000	22
Williams, Paul, WSBA #31684	1	\$120,868	23
	TOTAL:	\$586,266	

The following summarizes the gifts and recommendations made by the Board:

BEHRENDTS, CLINTON, #45371 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-120 – Decision: \$15,484

In July 2016, Applicant hired Behrends to represent him in an employment matter, paying a total of \$15,484.40. At the time, Behrends still worked at Ellis, Lee & McKinstry (ELM), where the two had their first meeting. In July and August 2016, using ELM letterhead, Behrends drafted letters regarding Applicant to the president of the employer. He sent copies of the letters to Applicant and led him to believe that they sent the letters to the employer. The president has no record of receiving the letters. In September 2016, Behrends emailed Applicant that although he did not expect to prevail in the appeal of his employment termination; he expected a decision the following week. There is no record of Behrends appealing Applicant's termination. In September 2016, ELM terminated Behrends, but Applicant wanted to continue with Behrends's representation. Between October 2016 and February 2017, Applicant contacted Behrends several times requesting information about his case. Behrends was slow to respond. In April and March 2017, Applicant's mother, requested that Behrends provide copies of the work that he had performed, including a copy of the appeal that he said he filed. Behrends did not provide anything. Applicant's employer scheduled his impeachment hearing in March 2017. Behrends agreed to represent Applicant at the hearing, but failed to appear, resulting in Applicant representing himself. Later that month, Applicant's mother and Behrends exchanged emails about her son's case. Behrends's email indicated that they had a remaining balance of \$43,000. The basis of that charge is unclear, and there are no billing statements or invoices to justify it. In March 2018, Applicant terminated Behrends and requested his client file and a refund, with no return response. Later that month, Applicant consulted with new counsel. From March through June 2018, new counsel attempted to obtain Applicant's client file without success. In April 2019, Applicant submitted a public records request to his former employer for "any correspondence, paperwork, emails, and documents from June 2016 to present relating to Sonny J. Behrends." Two months later, the former employer responded, stating that they were unable to locate any records responsive to the request. It appears that Behrends performed no work of value.

The Board approved payment of \$15,484.40.

Applicant 19-040 – Decision: \$5,000

In 2018, Applicant hired Behrends to represent her in a child support matter paying \$5,000. After learning that Behrends did not file a notice of appearance in her matter, did not communicate with opposing counsel, and did not attend a court hearing, Applicant terminated Behrends representation and requested her client file and a refund. Behrends did not provide Applicant with her client file or refund the unearned fees.

The Board approved payment of \$5,000.

Applicant 20-000 – Decision: \$5,000

Applicant hired Behrends to represent her in a dissolution of marriage, paying a flat fee of \$5,000. Behrends deposited the flat fee into his general account and not into a trust account.

Behrends did not complete the work hired to perform resulting in Applicant terminating his representation. Behrends did not return the unearned fee.

The Board approved payment of \$5,000

Applicant 20-017 – Decision: \$5,004.76

In May 2018, Applicant hired Behrends to represent her in a dissolution of marriage and request for a protection order, paying \$5,004.76. Behrends did little to no work of value on Applicant's matter. Behrends did not take any meaningful action in Applicant's dissolution or request for a protection order. Behrends did not refund the unearned fees or client file after Applicant terminated his representation in July 2018.

The Board approved payment of \$5,004.76.

Applicant 20-021 – Decision: \$5,000

In March 2018, Applicant hired Behrends to represent her in a family law spousal support matter, paying a flat fee of \$5,000. Behrends did not deposit the flat fee into a trust account. Thereafter, it became difficult for Applicant to reach Behrends. Behrends did not complete the work hired to perform and was terminated. After Applicant terminated Behrends representation, she requested her client file and a refund of the unearned fees. Behrends did not return the client file and did not refund the unearned fee.

The Board approved payment of \$5,000.

Applicant 20-022 – Decision: \$34,000

In December 2017, Applicant hired Behrends to represent him in a driving under the influence (DUI) matter in the city of Monroe. Applicant paid Behrends a flat fee of \$25,000 for a "likely" charge of two DUI's and two counts of reckless endangerment to include pre-charge negotiation and representation post-charge; it did not include trial work. Between January and June 2018, Applicant paid Behrends an additional \$9,000; bringing the total payment for representation to \$34,000, all of which Behrends deposited into his personal account. In February 2018, the City of Monroe charged Applicant with DUI and reckless endangerment. In March 2018, the Snohomish County Prosecuting Attorney's Office charged Applicant with DUI. On March 7, 2018, the court arraigned Applicant in the City of Monroe cases and set a pretrial hearing for April 11, 2018. Behrends appeared at the hearing with Applicant, but did not file a notice of appearance. On April 9, 2018, the court arraigned Applicant in the Snohomish County DUI case and set a pretrial hearing for June 6, 2018. Behrends appeared with him, but again did not file a notice of appearance. On April 11, 2018, Behrends filed his notice of appearance in the City of Monroe case but neither he nor Applicant appeared for pretrial hearing and the court issued a \$25,000 bench warrant for Applicant's arrest. As a result, Applicant was charged with DUI and faced possible suspension of his driver's license. Behrends agreed to represent Applicant in the administrative hearing concerning his driver's license. On May 17, 2018, Behrends appeared and requested a continuance and the hearing officer continued the case to May 31, 2018. Behrends did not file a notice of appearance. On May 31, 2018, Applicant appeared telephonically for the DOL hearing, but Behrends did not show. The hearing officer continued the hearing to June 14, 2018 and mailed notice of the hearing to both Applicant and Behrends. On June 14, 2018,

neither Applicant nor Behrends appeared for the DOL hearing and the hearing officer entered an order of default, which suspended Applicant's, driver's license. On June 6, 2018, neither Behrends nor Applicant appeared for the pretrial hearing in the Snohomish County case and the court issued a \$25,000 warrant for Applicant's arrest. In or around August 2018, Applicant learned for the first time that he had two warrants for his arrest for failing to appear at court hearings. Applicant called Behrends for the next 20 days, to talk about taking care of the warrants. Behrends told Applicant not to worry about them, but performed no work to quash the warrants. At the end of August 2018, Applicant turned himself in to authorities and learned for the first time that he had nearly \$70,000 in warrants for missing court hearings. Applicant paid a bail of \$6,000. Applicant terminated Behrends representation and hired new counsel. When new counsel took over the case, Behrends had done no work of value and had no meaningful communication with the prosecutor's office. Behrends charged Applicant an unreasonable fee for the minimal amount of work he performed. Behrends did not refund the unearned fees.

The Board approved payment of \$34,000.

Applicant 20-027 – Decision: \$25,000

In February 2019, Applicant hired Behrends to represent her in a family law parenting plan and custody matter, paying \$25,000. Behrends was also to file a motion for a restraining order or protection order. Behrends did not deposit the advanced fees into a trust account. Behrends never filed a notice of appearance in the matter, did not complete a parenting plan, or file a restraining order or domestic violence protection order. Applicant terminated Behrends representation, requested her client file, and a refund of the unearned fee. Behrends did not perform any work of value on Applicant's matter and charged unreasonable fees. Behrends did not refund the unearned fee or return the client file.

The Board approved payment of \$25,000.

BOUNLUTAY, SOUPHAVADY, #30552 – SUSPENDED

Applicant 20-002 – Decision: \$10,060

In October 2014, Applicants hired Bounlutay to represent them in an immigration matter paying a total of \$10,060. During the first meeting, Bounlutay told Applicants that their daughter, a U.S. citizen, could file a Petition for Alien Relative (I-130) for them, which she did and obtained approval. Bounlutay then advised Applicants that they could qualify for a provisional waiver of inadmissibility (I-601A). Bounlutay told Applicants that if granted, the waiver would waive their inadmissibility due to their unlawful presence in the U.S. and allow them to travel to Guatemala, attend a Visa interview at their consulate's office, and return to the U.S. to obtain their green cards. Bounlutay knew that Applicants did not qualify for the I-601A and failed to disclose that they would be barred from the U.S. for 10- years if they left the country to process their visas. In February 2015, Bounlutay filed the I-130 petitions, and obtained approval. Throughout the course of the representation, Bounlutay did not deposit any of the fees into a trust account. In September 2015, Bounlutay only paid \$890 to the National Visa Center for a processing fee on behalf of Applicants and never paid any other fees or costs on their behalf. On August 30, 2016,

Bounlutay sent an email to Applicants to inform them that they were not eligible for the I-601A waivers. Applicants requested a refund of the fees paid. Bounlutay did not send a refund or provide an accounting of the money they paid. Applicants filed a WSBA grievance. In her response to the grievance, Bounlutay altered Applicants' fee agreement, omitting the word "waiver" from the description of the scope of the representation prior to submitting it to the Office of Disciplinary Counsel. The work Bounlutay performed was of no value to her clients.

The Board approved payment of \$10,060.

CHAFETZ, NICOLE, #20761 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-112 – Decision: \$2,200

In February 2017, Applicant hired Chafetz to represent him in a family law matter, paying \$2,700. Throughout the course of representation, Chafetz led Applicant to believe that she was performing work on his case and appearing at the court hearings. On July 21, 2017, Applicant's case was dismissed for failure to appear. Chafetz did not notify Applicant of the hearing. Later, in August 2017, she sent him an email to notify him of the dismissal. Chafetz gave Applicant a copy of what he thought was his client file, only to learn that she had given him the wrong client file. In August 2017, Chafetz abandoned her firm and legal practice.

The Board approved payment of \$2,200.

CROWLEY, JOHN, #19868 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 19-005 – Decision: \$9,500

In May 2017, Applicant's mother hired Crowley to represent her son in a criminal matter paying \$9,500. Once the mother paid the fee, it became difficult to communicate with Crowley. Between May and September of 2017, Applicant's mother called, sent emails and text messages to Crowley with no return response. Applicant never received direct legal counsel from Crowley and was unprepared for court. Crowley performed no work of value on Applicant's case and did not refund the unearned fee.

The Board approved payment of \$9,500.

Applicant 20-005 – Decision: \$12,000

In March 2017, Applicant hired Crowley to represent him in a criminal matter paying \$12,000. Between March and October of 2017, Applicant had very little communication with Crowley. On March 20, 2017, Applicant sent Crowley a text regarding bad reviews of his representation, with no return response. On or around April 14, 2017, Applicant received a phone call to discuss his case, but he was unable to talk. On October 5, 2017, Applicant received a letter from the U.S. District Attorney, stating that they sent Crowley discovery materials, but had not heard from him. When Applicant called Crowley, he told Applicant that he was on vacation, could no longer

represent him, and to contact his former colleague for help. Applicant asked Crowley about the unearned fee and Crowley told him he would get back to him to discuss a refund. Thereafter, Applicant never heard from Crowley again. Crowley performed no work and did not refund the unearned fee.

The Board approved payment of \$12,000.

JOHNSON, HOLLY, #32784 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 19-011 – Decision: \$70,000

In December 2014, Applicant hired Johnson to serve as the escrow agent for a business transaction between two LLC's (LLC A and LLC B). Applicant wired \$70,000 to Johnson. The financing and escrow agreements show SA of LLC A and DB of LLC B signed an Escrow Agreement with Johnson as the escrow agent. Johnson drafted and signed the agreement. According to the escrow agreement LLC A was to transfer \$70,000 to Johnson on or before December 17, 2014. The escrowed funds were to be on hold while LLC B secured a standby letter of credit of at least \$10 million. Per the escrow agreement, the money was to remain in escrow until the standby letter of credit was issued and received. If the standby letter of credit was not issued within 14 days from the date of the escrow funds being received, then Johnson was to return the \$70,000 to LLC A, minus her fee of 1.5% (\$1,050.00). While SA of LLC A signed the escrow agreement, neither SA nor LLC A provided any funding for this transaction. Applicant provided the \$70,000 in escrowed funds by wiring the funds to Johnson's Chase Bank checking account on December 24, 2014. It turns out this is a personal checking account and not an escrow or attorney trust account. According to Seattle police, Johnson is or was, the only signor on this account. Johnson converted all the money for her personal use or for her accomplices in what is commonly called a "prime bank" scheme. For quite some time after the wire transfer, Applicant was led to believe that the money was either still in Johnson's escrow account or soon to be recovered. Applicant never recovered any money. In late July 2018, Applicant was contacted by an attorney in New York and learned that Johnson had resigned in lieu of discipline, that she was being prosecuted, and that there were other victims. On August 16, 2018, Applicant filed a victim impact statement with supporting documentation to the King County prosecutor. The King County prosecutor added additional charges to Johnson's indictment. In October 2019, Johnson was sentenced to one year of electronic detention and ordered to pay restitution to her victims including \$70,000 to Applicant.

The Board approved payment of \$70,000.

LA ROCCO, ROBERT, #42536 – DISBARRED

Applicant 17-068 – Decision: \$3,000

Applicant requested reconsideration of his application partially denied for payment. Applicant originally applied for a gift for \$8,400. In May 2019, the Client Protection Board approved payment of \$5,400 and denied the \$3,000 balance for lack of proof of payment (**see insert from FY 2019 Annual Report**). Applicant submitted a bank statement, which shows payment to La Rocco for \$3,000. The Board approved payment of \$3,000.

On March 4, 2016, Applicant hired La Rocco to represent him in a child custody proceeding, paying a total of \$8,400. La Rocco agreed to petition the court for visitation immediately. Thereafter and throughout the course of the representation, it became difficult for Applicant to contact La Rocco. On June 8, 2016, Applicant was arrested for stalking his wife. Applicant paid La Rocco \$1,650 to represent him against the charges. La Rocco performed little to no work on the matter. While Applicant was in jail, his wife filed a protection order. A hearing was set for June 15, 2016, and La Rocco told Applicant that he would appear on his behalf. La Rocco did not appear at the hearing. The court granted a one-year protection order, prohibiting Applicant from seeing his son. On June 15, 2016, La Rocco called Applicant and told him that he won visitation and that he would be able to see his son in four to six weeks. La Rocco's statements were false, as were all statements and misrepresentations throughout the course of the case, because La Rocco never filed any documents with the court in this matter. From June 15, 2016 to October 6, 2016, La Rocco did not return Applicant's calls. On October 7, 2016, Applicant finally got in contact with La Rocco and asked about the delay in seeing his son. La Rocco falsely told Applicant that he should be receiving an order for visitation within ten days. In November 2016, La Rocco falsely told Applicant that opposing counsel was fighting the visitation and that they had to go back to court on November 25, 2016. On November 25, 2016, La Rocco contacted Applicant, falsely stating that there was no need to appear in court because opposing counsel had consented to the visitation. In November 2016, La Rocco requested an additional \$3,000. Applicant paid the \$3,000 with his credit card and requested a complete accounting. La Rocco did not comply with the request. On December 19, 2016, Applicant petitioned the court to terminate La Rocco's representation and the motion was granted. Applicant made several demands for the return of the unearned fees. La Rocco did not respond.

The Board approved payment of \$5,400" (Client Protection Fund 2019 Annual Report).

MARSH, SAMUEL, #43756 – DISBARRED

Applicant 18-022 – Decision: \$4,050

In July 2016, Applicants hired Marsh to represent them in an immigration matter, for a fee of \$4,000. The couple paid Marsh a down payment of \$1,250 and agreed to monthly payments of \$250. Thereafter, it was difficult to communicate with Marsh. The primary form of communication with Marsh was through text, because he would never answer their calls. From September 3, 2016 - March 1, 2017, the couple had no contact with Marsh. In the meantime, the couple fell behind on their payments, but knew that they had until the end of their appeals to pay it in full. On March 1, 2017, Applicants received a text message from Marsh asking if they wanted him to continue their case, because it was the last day to submit documents to the court. He told them that failure to send the documents would result in deportation. Marsh also told them that they had to make their account payments current before he could continue any work; the last payment was in September 2016. The couple did not have the money and had no further contact with Marsh. On April 2, 2017, Applicants received a text from Marsh stating, "I just want to let you know that we are terminating our services. We're going to let ICE deport you, thank you." Applicants did not respond. On May 8, 2017, Applicants went to their Yakima check-in and learned that everything in their case was denied on February 1, 2017. The couple had 30 days from that day to leave the country. On May 11, 2017, Applicants reached out to Marsh in desperation to see if he would continue their representation. On May 13, 2017, the couple

deposited \$2,300 into Marsh's account, to bring their account current. They never heard from him again. On May 22, 2017, Applicants had another check-in in Yakima, WA, and learned that Marsh had submitted nothing for their case. Applicants tried to call Marsh to get some clarification and he did not answer. Applicants called Marsh from an unknown number and he answered. When Marsh realized it was the couple, he hung up. On May 31, 2017, the couple hired Beacon Immigration to represent them. The counsel from Beacon Immigration tried to reach Marsh for the client file and case information, but Marsh was uncooperative and tried to persuade the couple not to terminate his representation.

The Board approved payment of \$4,050.

Applicant 18-044 – Decision: \$1,750

In March 2015, Applicant hired Marsh to represent him in an immigration matter, paying \$1,750. Applicant found Marsh on a list of free/low cost legal service providers. On March 12, 2015, Applicant participated in a credible fear interview, which he passed. Marsh gave the family a list of documents to provide him to support an application for Applicant's release from detention or parole. Marsh completed the parole application, but it was denied. Marsh did not file an asylum application for Applicant at an April 1, 2015 court appearance, as planned. The immigration judge ordered that the I-589 Asylum application would be due at the next hearing date of April 29, 2015. In the meantime, Applicant terminated Marsh's representation and requested a refund of half of the fees paid. Marsh refused and never provided an accounting for the work he performed. Applicant hired new counsel and appeared at the April 29, 2015 hearing, where the judge allowed Applicant to abandon his asylum request, and he returned to Mexico. Applicant's new counsel did not think that Marsh prejudiced Applicant's case, but still could have done more to assist Applicant.

The Board approved payment of \$1,750.

Applicant 18-064 – Decision: \$8,550

In May 2015, Applicant hired Marsh to represent her and her daughter in an immigration matter, paying \$7,550. Applicant found Marsh on the U.S. Department of Justice website, listed as a free legal service. The U.S. Citizenship and Immigration Services (USCIS) found discrepancies in the asylum applications for Applicant and her daughter. Marsh was supposed to correct the applications, but he never did. Marsh led Applicant to believe that she and her daughter could apply for Cancellation of Removal, and he filed the applications. Applicant later discovered that neither she nor her daughter qualified for Cancellation of Removal. Many of Applicant's documents were in Spanish and needed translation. Marsh offered this service and charged her a \$1,000 fee. Applicant paid Marsh the fee, but later had to translate the documents herself. Marsh did not give Applicant a refund for the \$1,000 translation fee. Applicant needed her original documents for new counsel to continue her case. She attempted to contact Marsh to request her file and a refund, with no response.

The Board approved payment of \$8,550.

Applicant 18-086 - Decision: \$4,200

In July 2015, Applicant hired Marsh to represent him in expunging 2 records, a 2004 driver's license suspension, and a 2008 driving under the influence (DUI) matter, paying a total of \$5,200.

The matters went to court and Applicant was put on probation. He was required to attend DUI related classes and Alcohol Anonymous (AA) meetings. In November 2017, Marsh informed Applicant that he was closing his case, since his Driver's License had been restored in September 2017. On January 28, 2018, Washington State Patrol stopped Applicant, where he learned that his Driver's License was still suspended. Applicant hired new counsel, but Marsh tried to him to continue with his representation. Marsh's primary form of communication with Applicant was through text. According to the text messages, Applicant appears to have been in court without counsel, or Marsh showed up to court very late or after the fact.

The Board approved payment of \$4,200.

Applicant 18-087 – Decision: \$7,050

In February 2016, Applicant hired Marsh to represent him in an immigration matter, paying \$6,050 in fees and \$1,000 to apply for employment authorization. Applicant found Marsh on a list of lawyers that an ICE officer gave him. Applicant contacted Marsh by phone and Marsh agreed to take his case right away. Marsh sent Applicant an email with the fee agreement and instructions on how to deposit the fees. Applicant signed and returned the agreement and deposited the funds into the account. Applicant never met with Marsh in person. The primary form of communication was through "What's App." It soon became difficult to contact Marsh. Applicant discovered that Marsh never filed the work permit application and that he was never eligible for the permit. May 25, 2017, is the last time Applicant had contact with Marsh on "What's App." In February 2018, Applicant received a letter from the ninth Circuit Court of Appeals informing him of Marsh's suspension from practicing law, that he had to represent himself, and that his brief was due May 2018. Applicant found a Pro Bono lawyer, who sent Marsh an email requesting that he refund Applicant the unearned fees, but received an automated reply that stated that Marsh had passed away.

The Board approved payment of \$7,050.

Applicant 18-088 – Decision: \$5,550

In February 2014, Applicant hired Marsh to represent her in an immigration matter paying \$5,550. Thereafter, Marsh became difficult to contact. Applicant received a call from Marsh's office informing her of Marsh's death. At a hearing on December 8, 2017, Applicant learned that Marsh was indeed alive, but suspended from practicing law.

The Board approved payment of \$5,550.

MCALLISTER, THOMAS, #35832 – SUSPENDED (DECEASED)

Applicant 19-037 – Decision: \$2,500

In June 2016, Applicant hired McAllister to represent her on a DUI charge, paying \$3,100. Applicant was on active military duty and expected to deploy soon. On June 15, 2016, McAllister filed a Notice of Appearance, Demand for Jury Trial, and Demand for Discovery in the case. On July 6, 2016, McAllister appeared with Applicant at her initial court appearance where she entered into a Pre-trial Diversion Agreement. The Pre-trial Diversion Agreement imposed a number of requirements on Applicant, including a chemical dependency evaluation and attendance at a DUI Victims Panel. If she complied with those requirements, the court would

reduce the charge to Negligent Driving in the first degree, with a recommended sentence of no jail and no fine. Thereafter, throughout the course of the representation, McAllister did not inform Applicant about what she was required to do to comply with the requirements of the Pre-trial Diversion Agreement, about his failure to appear at her court dates, nor about the warrants issued for her arrest for his failures to appear. On June 1, 2017, Applicant deployed. While deployed, Applicant received a letter informing her of the warrant for her arrest for failing to appear at a hearing on May 31, 2017. Applicant made several unsuccessful attempts to contact McAllister with no return response. In December 2017, Applicant returned home from deployment and was able to resolve the matter herself.

The Board approved payment of \$2,500.

MUENSTER, JOHN, #6237 - DISBARRED

Applicant 18-117 – Decision: \$44,111.77

At the end of 2011, Applicant hired Muenster to represent him in a “fraud-on-the-court-claim,” paying over \$70,000 in fees by the end of the representation. On January 3, 2012, Muenster and Applicant signed a "hybrid" fee agreement that provided that Applicant pay Muenster an "availability retainer" of \$10,000, of which \$5,000 would be paid in advance, and the remainder by an agreed date. All of which would be Muenster's property upon receipt. Applicant would pay an additional \$35,000 as an availability retainer, at an hourly rate of \$275, to pay at agreed times and would be Muenster's property upon receipt. If the litigation resulted in a monetary recovery, Muenster would deduct all advanced costs from the recovery and he would receive the greater of the attorney's fees awarded by the court or fourteen percent of all amounts recovered by way of settlement or judgment, minus the "availability retainer." These fees were to cover Muenster's services in pursuing Applicant's claim in U.S. District Court and, if necessary, an appeal to the Ninth Circuit Court of Appeals. The fee agreement did not contain a statement of the terms that are required for a flat fee that it is the lawyer's property on receipt, in which case the fee does not have to be deposited into a trust account. The fee agreement stated that in the event Applicant discharged Muenster, Muenster would be entitled to a \$275 hourly fee for all work performed up to the time of discharge. From 2012 to 2014, Applicant sent checks to Muenster to apply toward his legal fees for the fraud-on-the-court case, totaling over \$70,000. Over the course of the representation, Muenster deposited some but not all of these fees into his trust account, but did not maintain a client ledger of the payments he received from Applicant. Muenster did not keep an account of the funds used toward his services. In April 2014, Muenster filed the complaint in the fraud-on-the-court case. As the case proceeded, Muenster and Applicant found that the costs and expenses were lower than expected. In November 2014, Applicant requested a refund of \$8,000 from the advance fees. Muenster did not respond to the request. As of November 30, 2014, Muenster was entitled to at most \$45,000 in fees. Muenster used \$70,000, converting at least \$25,000 for his own use.

The Board approved payment of \$44,111.77.

Applicant 19-006 – Decision: \$5,000

In March 2011, Applicant hired Muenster to represent him in a Civil Rights matter, paying \$10,000, and to have a record expunged, paying \$5,000. On July 28, 2011, Applicant received a letter from Muenster that explained the retainer agreement and asserted that his case was

worth \$150K-\$250K. Applicant was unhappy with the proceedings and the outcome of the matter, as the case was lost on Summary Judgement. Applicant paid an additional \$3,000 to appeal, which was also unsuccessful.

On October 15, 2011, Applicant received a letter from Muenster indicating that he was not able to obtain an expungement. Applicant hired new counsel who discovered that Muenster never made the request.

The Board approved payment of \$5,000.

PITNER, NOEL, #36158 – DISBARRED

Applicant 18-099 – Decision: \$2,500

In March 2017, Applicant hired Pitner to represent him in a family law matter, paying \$2,500. On July 11, 2017, Pitner told Applicant that he would be filing the documents the next day; Pitner did not file the documents. On August 4, 2017, Pitner told Applicant that he would schedule a default hearing with the court; Pitner did not schedule a default hearing. Thereafter, it became difficult for Applicant to contact Pitner. On September 15, 2017, Applicant emailed Pitner to check the status of his case. In Pitner's response, he stated that he would check with the court; Pitner did not check with the court and he continued to be difficult to contact. In November 2017, Applicant's former partner filed a motion in the matter and Pitner did not respond to the motion, resulting in a default judgment against Applicant and a final parenting plan. On November 27, 2017, Applicant contacted Pitner to schedule a meeting to discuss his case. On January 5, 2018, Pitner contacted Applicant through Facebook Messenger, stating that he would call Applicant. Applicant never received a call. Applicant attempted to contact Pitner to request a refund of the unearned fee, with no return response. Pitner made false misrepresentations about the work he performed in Applicant's case.

The Board approved payment of \$2,500.

Applicant 19-003 – Decision: \$2,500

In November 2017, Applicant hired Pitner to represent him in a criminal matter, paying \$2,500. On December 5, 2017, Pitner appeared for Applicant's hearing, unprepared and in a hurry to request a continuance, because he had another case. Thereafter, it became difficult for Applicant to contact Pitner. In January 2018, Applicant made several unsuccessful attempts to schedule meetings prior to his upcoming court dates. In February 2018, Pitner contacted Applicant to inform him of his suspension from practicing law. Applicant contacted Pitner's wife about refunding the unearned legal fees, with no return response. Pitner did not perform any work in Applicant's matter.

The Board approved payment of \$2,500.

Applicant 19-008 – Decision: \$1,660.02

In June 2015, Applicant hired Pitner to represent her in a dissolution matter paying a total of \$1,660.02. During the initial meeting, Pitner agreed to take Applicant case for a flat fee of \$1,000. Pitner's paralegal assisted Applicant with answering questions from the opposing side,

and forwarded the responses. Applicant knows of no other work done on her case. Thereafter, it became difficult for Applicant to contact Pitner. From October 2015 to October 2017, there was no activity on Applicant case. Applicant went to Pitner's office in Lewiston, Idaho and found it closed. On May 9, 2016, Pitner informed Applicant of his move to Spokane. In June 2016, Applicant went to Spokane to meet with Pitner. Pitner told Applicant that she owed \$660.02 to proceed with the case. On June 22, 2016, Applicant paid Pitner the \$660.02. In January 2017, the court set a dismissal hearing because there had been no activity in Applicant's case since October 2015. Applicant had mediation scheduled for August 22, 2017, and wanted to meet with Pitner prior to it. Applicant sent Pitner a text about the mediation; he responded stating that he was on vacation and informed her of the cancelation of the mediation. Between August 2017 and October 2017, Applicant was unable to reach Pitner. She drove to his office in Spokane and found it closed. She later learned of Pitner's suspension from practicing law. Pitner did not perform any work of value in Applicant's matter.

The Board approved payment of \$1,660.02.

Applicant 19-010 – Decision: \$3,500

In April 2017, Applicant hired Pitner to represent him in a criminal matter paying \$3,500. Pitner told Applicant that a drug court program was an option for his case if he could remain sober for four months. This information was false. Applicant was not eligible for the drug court program. On December 15, 2017, Pitner appeared in court with Applicant and continued his case. Thereafter, Applicant had no further communication with Pitner. On January 19, 2018, Applicant received an email from Pitner, informing her of his suspension from practicing law. Applicant requested a return of the unearned fee, but Pitner never responded. Pitner performed no work of value in Applicant's case.

The Board approved payment of \$3,500.

RANDALL, GARY, #15020 – DISBARRED

Applicant 20-011 – Decision: \$3,200

In September 2016, Applicant hired Randall to represent him in a matter concerning a Teamsters pension in a 1998 dissolution, paying \$3,200. Over the following months, Randall failed to return Applicant's calls. On May 11, 2017, Randall was suspended from practicing law. Randall did not notify Applicant or the Court of his suspension. From May to August of 2017, Randall continued to perform work on Applicant's matter, giving Applicant legal advice, issuing invoices, accepting payment for his work, and filing with the court, where he stated he represented Applicant and the court docket listed him as attorney of record. Randall did not inform Applicant that he had filed the lawsuit. In October 2017, Applicant called to check the status of his case, but Randall did not return his call. Shortly thereafter, Applicant and his wife visited Randall's office to obtain copies of the work Randall had performed. Randall called the police and claimed the Applicants were trespassing. Randall agreed to provide Applicant with copies of pleadings, but still did not inform Applicant that he had filed a lawsuit on his behalf. Upon Teamsters' motion, the lawsuit was removed to U.S. District Court for the Western District of Washington (USDC). The USDC docket listed Randall as plaintiff's counsel. Applicant remained unaware of Randall's suspension until an ODC investigator contacted him on November 15, 2017. On November 28, 2017, the

court discovered Randall's suspension by the USDC since February 4, 2011 and notified Applicant that if he wanted representation he needed to arrange for a lawyer admitted to the USDC. Randall did not withdraw from the USDC case. Applicant did not obtain other counsel and the USDC granted Teamsters' Motion to Dismiss, without prejudice, on March 15, 2018. Randall knowingly deceived his client, the King County Superior Court and the USDC regarding the status of his license to practice law, knowingly practiced law while suspended, and knowingly failed to communicate with his client concerning his case.

The Board approved payment of \$3,200.

SCHAFF, CHAD, #38594 – VOLUNTARILY RESIGNED

Applicant 18-083 – Decision: \$1,750

In June 2016, Applicant hired Schaff to represent her in a bankruptcy, paying \$1,750. Thereafter, Schaff became difficult to contact. Schaff never filed the bankruptcy and Applicant had to hire new counsel. Applicant later learned that Schaff resigned from practicing law and left the state. Schaff never returned the unearned fee.

The Board approved payment of \$1,750.

Applicant 18-084 – Decision: \$7,200

Applicant hired Schaff to represent him on an insurance claim, paying \$7,200. During Applicant's first and only meeting with Schaff, a Russian translator accompanied and assisted him with filing the insurance claim. Schaff never performed any work, and did not refund the unearned fee. Applicant had to hire new counsel.

The Board approved payment of \$7,200.

SIEFKES, MICHAEL, #31057 – RESIGNED IN LIEU OF DISCIPLINE

Applicant 18-043 – Decision: \$150,000

In January 2009, Applicant's mother, hired Siefkes to represent her in the administration of her husband's trust. In August 2013, Applicant hired Siefkes to handle his mother's estate upon her death. Applicant was the sole heir of his parents' estate. Applicant alleges that Siefkes prolonged his mother's estate planning and the transfer of assets to Applicant, and took money in the meantime. In October 2016, Adult Protective Services (APS) started an investigation and filed a guardianship action against Applicant, due to apparent high spending. Applicant hired counsel to represent him in the guardianship action. There was a dismissal of the guardianship action when APS found that Siefkes inappropriately influenced and financially exploited Applicant, taking \$303,254.25. However, the court appointed a trustee to handle Applicant's bills and monitor his spending. According to the alleged misconduct stated in Siefkes Resignation in Lieu of Discipline, Siefkes collected cash and/or vehicles totaling approximately \$297,313.50, when

at most, he only provided a variety of services totaling \$206,575, which included no more than \$30,000 of legal services for the estate planning. The other services consisted of helping Applicant take care of his mother, being Applicant's "friend," and assisting him with home repairs. Discrepancies in APS's total loss of \$303,254.25 and ODC's total of loss of \$297,313.50 result because ODC could not account for the cash withdrawals Applicant made to give money to Siefkes.

The Board approved payment of \$150,000.

Applicant 19-027 – Decision: \$2,500

In June 2017, Applicant hired Siefkes to open a probate for her mother's estate and to appoint herself as the Administrator of the Estate. Applicant paid Siefkes a \$2,500 retainer and \$260 filing fee to handle the entire probate. Applicant also needed to settle her mother's personal injury matter and obtain the settlement proceeds from another attorney. Siefkes filed the probate and walked away. Thereafter, it became difficult to contact Siefkes.

The Board approved payment of \$2,500.

SINDELL, RICHARD, #2194 – DECEASED

Applicant 19-021 – Decision: \$4,577.46

In July 2015, Applicant hired Sindell to represent him in a personal injury matter on a contingent fee basis. In October 2017, Sindell obtained a settlement for \$50,000. Sindell distributed all of the settlement proceeds, except for \$4,577.46, which he was to keep in his trust account to pay Applicant's debts. In September 2019, Applicant received a bill from a collection agency, listing an outstanding balance of \$4,955.93, because Sindell never paid the bill. It appears that Sindell originally set out to pay the bill, but was unsuccessful in finding out where to send the funds. Sindell passed away in June 2018.

The Board approved payment of \$4,577.46.

SWEET, DIANE, #35581 - SUSPENDED

Applicant 19-051 – Decision: \$2,000

In March 2018, Applicant hired Sweet to represent her filing a Personal Restraint Petition (PRP). Applicant signed a fee agreement including an advance payment of \$2,000 and a rate of \$50 per hour. Applicant directed Sweet to contact her parents for the \$2,000 advance fee payment. On March 27, 2018, Sweet deposited the \$2,000 into her personal bank account, prior to earning it, because she did not have a trust account. Thereafter, Sweet began to withdraw on the \$2,000, commingling the funds with other funds deposited into her account. Sweet performed legal research on Applicant's case but did not maintain billing records and never provided Applicant with billing statements. Sweet arranged to meet with Applicant in prison, but upon arriving, she failed to provide the proper identification required to meet with inmates. As a result, she could not meet with Applicant. Sweet never made any other attempts to meet with Applicant. It

became difficult for Applicant's mother, and prison officials to contact Sweet as she became homeless and unreachable. Every attempt made to contact Sweet was unsuccessful. Applicant filed a police report claiming that Sweet had stolen \$2,000. When the police interviewed Sweet, she stated that she would provide the PRP by mid-July. On August 10, 2018, Sweet sent a letter to Applicant stating that she needed another \$1,000 to complete the memorandum and declaration to support the PRP. In Applicant's response to Sweet, she stated that she had terminated her representation and requested that Sweet provide her with any documents that she had regarding her PRP prior to the filing deadline. Sweet did not respond to Applicant's request. This left Applicant to prepare and file her PRP pro se. The PRP was poorly written and poorly organized. Sweet did not perform any work of value on Applicant's PRP.

The Board approved payment of \$2,000.

WILLIAMS, PAUL, #31684 - RESIGNED IN LIEU DISCIPLINE

Applicant 18-116 – Decision: \$120,867.94

In January 2012, Applicant hired Williams to represent him and his business, in a Chapter 11 bankruptcy. On September 2, 2015, the bankruptcy court approved a Plan of Reorganization (the Plan). Pursuant to the Plan, Applicant was obligated to make monthly payments to certain creditors. Under the Plan, these creditors were to receive varying payments ranging from \$1,250 to \$5,000 each month. Applicant began making payments to Williams's trust account in May 2013, with the understanding that Williams would pay the creditors as required by the Plan. Between May 2013 and April 2018, Applicant paid over \$223,310.60 to Williams. Williams failed to provide an accounting to Applicant for the funds that he received and disbursed. Applicant repeatedly asked for an accounting from Williams. Williams either ignored these requests or provided false information about the payments he made. Between May 2013 and April 2018, Williams' failure to make property tax payments put Applicant's business at risk of foreclosure. Subsequently, Applicant learned that Williams was misrepresenting the payments he made to the various creditors. Applicant hired new counsel, to assist him. On April 26, 2018, the new counsel wrote Williams to request a full accounting. On May 14, 2018, Williams emailed counsel with a list of payments that he had received and funds that he had paid out on behalf of Applicant. Among the payments, Williams paid \$13,954 to himself for "fees earned." Williams did not notify the bankruptcy court or Applicant that he would be taking these fees. The accounting provided did not include all deposits made from Applicant. On February 6, 2018, Williams's trust account was overdrawn. At the end of May 2018, Williams only had \$2,140 in his trust account. Williams took at least \$73,571.98 of Applicant's funds without entitlement. Williams used the funds for his own benefit. Thereafter, Applicant filed a lawsuit against Williams and won a judgment against Williams for \$120,867.94.

The Board approved of \$120,867.94.

APPENDIX – Fund Balance Sheet

Statement of Financial Position

ASSETS	Audited As of September 30, 2020
Wells Fargo Checking Account	\$348,164
Accrued Interest Receivable	-
Wells Fargo Money Market	3,961,422
Wells Fargo Investments	-
Morgan Stanley Money Market	106,204
TOTAL ASSETS	\$4,415,791
LIABILITIES AND NET ASSETS	
Approved gifts to injured clients payable	291,399
Liability to WSBA general fund	308,249
Net Assets	3,816,143
TOTAL LIABILITIES AND NET ASSETS	\$4,415,791

Statement of Activities

REVENUE	Audited As of September 30, 2020
Restitution	15,351
Member Assessment	1,052,670
Interest	46,567
TOTAL REVENUE	\$1,114,588
EXPENSES	
Gifts to Injured Clients	\$591,449
CPF Board	1,213
Misc.	2,211
Indirect (overhead)	142,727
TOTAL EXPENSE	\$737,601
Net Income (Expense)	\$(376,987)

Statement of Changes in Net Assets

Balance at September 30, 2018	\$3,816,143
Net Income for the 12 months end September 30, 2018	(376,987)
Balance at September 30, 2019	\$4,193,130

TO: WSBA Board of Governors
FROM: Paris A. Eriksen, Volunteer Engagement Advisor
Terra Nevitt, Executive Director
DATE: February 23, 2021
RE: Second Reading/Action: Amendments to WSBA Bylaws regarding the At-Large positions

ACTION: Approve proposed amendments to the WSBA Bylaws, Article VI. ELECTIONS
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As discussed at the November 2020 Board meeting, Article VI regarding the Board election provides a clear timeline for the congressional district position but does not provide the same level of detail for the At-Large positions. The Board voted to create a subgroup to review the draft amendments and elections processes. Governors Hunter Abell, Sunitha Anjilvel, and Russell Knight provided input to this proposal over the course of two meetings and several email communications. Governor Williams-Ruth provided initial input but withdrew from the subgroup and is not a collaborator on the final recommendation.

To summarize, the subgroup agreed to the following updated amendments:

- two application deadlines,
- one election timeline, and
- clarifying language regarding eligibility disputes.

The subgroup felt strongly, in particular to avoid confusion and voter fatigue, that all stipulated Board positions should be placed on one ballot with one election timeframe. However, given the additional procedures required for the At-Large positions, the subgroup agreed it would be reasonable and more equitable to set the At-Large application deadline in advance of the congressional deadline. This provides the opportunity for those who do not meet the criteria set forth by the respective Committees the opportunity to consider service in a congressional district position or as president-elect if desired and eligible. Lastly, the subgroup sought to clarify more explicitly, that the ultimate arbiter of any eligibility disputes would be the Board of Governors.

The following amendments carry-over from the November 2020 version:

- remove reference to appointment process for the At-Large positions,
- expand the reference to an election to be inclusive of both Congressional and At Large positions, unless the distinction is necessary,
- modify timelines and,
- include copy edit changes throughout for consistency.

Note: a ‘calendar view’ of the shift in the overall Board elections timeline set forth in these amendments.

	FEB	MAR	APR	MAY	JUNE
CURRENT Congressional District Elections	Feb. 15 Application Deadline	Voting March 15 – April 1			
CURRENT At Large Appointment			Apr. 20 Application Deadline	Appointed by BOG at May or June meeting	
REVISED PROPOSAL					
At-Large Positions		March 15 Application Deadline	April 23 Candidates Identified by Committee		Voting June 1 - 15
Congressional District Positions				May 1 Application Deadline	

Background

In April 2020, the Washington Supreme Court approved amendments to the WSBA Bylaws regarding Article IV. Governance and Article VI. Elections. The approved amendments included, 1) changes to the Governor At-Large positions from appointed by the Board to elected by WSBA members and, 2) the candidates for two of the At-Large positions to be identified by the Washington Diversity Committee.

However, remnants of the previous processes remain in Article VI. These remnants include, 1) an appointment process and requisite deadline for the At-Large positions and, 2) a requisite timeline for the congressional district elections that does not include the At-Large positions nor account for the aforementioned committee’s obligations within the Bylaws. Therefore, the goal of the amendments is to address the need to align processes and modify the overall timeline for Governor elections.

The amendments include feedback from the staff liaisons for both the Diversity and Washington Young Lawyers Committees. The Washington Diversity Committee and Washington Young Lawyers Committee are aware of the need to update the Bylaws to clarify the election process. The Chair(s) of both committees have received these amendments and been invited to provide feedback. Additionally, given that the draft timeline may overlap with some section elections, feedback has been solicited from section leaders.

Incl.,
 WSBA Bylaws Article VI. ELECTIONS draft amendments, updated redline
 WSBA Bylaws Article VI. ELECTIONS draft amendments, updated clean copy

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. **Governors from Congressional Districts:** Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.

Members that have served as Governors for more than 48 consecutive months at time of filing an application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At- Large Governor position, or geographic regions within the Seventh Congressional District, in which such person resides, for a period of 36 months after the conclusion of that term of service. Any disputes regarding the eligibility of a member to serve on the Board of Governors shall be addressed by the Board of Governors.

2. **At Large Governors:** There will be a total of three At Large Governor positions.
 - a. **Two At Large (“Member At Large Governor”) Positions:** Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
 - b. **One Young Lawyer (“Young Lawyer At Large Governor”) Position:** Any Active lawyer member of the Bar who qualifies as a Young Lawyer as set forth in these Bylaws, except for a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
3. **Filing of nominations and applications** must be in accordance with this Article.

B. NOMINATIONS AND APPLICATIONS

1. Applications for the Board of Governors must be for one position only and filed in the office of the Bar not later than 5:00 p.m., on the 1st day of May of the year in which the election is to be held. If this day falls on a day in which the office of the Bar is closed, the deadline will be 5:00 p.m. of the following business day.
2. Applications for the position of President-elect must be filed by the deadline set forth in the notice published in the Bar’s official publication and posted on the Bar’s website; notice must be given not less than 30 days before the filing deadline.
3. In the event no application is made for a seat, the position will be treated, advertised, and filled by Board appointment until the next election cycle only, in which the position will be included in the election cycle for the remainder of the term.

C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the At-Large positions will be held every three years as follows:
 - a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and one At Large Member Governor – 2014 and every three years thereafter.
 - b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and one At Large Young Lawyer Governor – 2015 and every three years thereafter.
 - c. Second, Ninth and Tenth Congressional Districts and one At Large Member Governor – 2013 and every three years thereafter.
2. Voting in the Election of Governors will be conducted in the following manner:
 - a. Eligibility to Vote. All Active members, as of May 1st of each year, are eligible to vote in the BOG election. For Congressional Districts, all Active members are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.
 - b. Ballots. On June 1st of each election year, the Executive Director will ensure delivery of ballots containing the names of all candidates for Governor for each District and At Large Governor seats in which an election is to be held to each Active member eligible to vote.. Elections will be conducted electronically using a secure process (“electronic voting”). Active members who are eligible to vote in an election may request a paper ballot to be used in place of the electronic ballot. Electronic ballots will be sent to active members eligible to vote in an election, and will include information about how to vote by electronic voting. Should any Active member eligible to vote fail to receive a ballot, or receive a defective ballot, the member may obtain a replacement ballot by furnishing proof of eligibility to the Executive Director, and upon returning the defective ballot if the member received a paper ballot.
 - c. Voting Procedure. Each Active member eligible to vote in the election may vote in one of the following ways. Each member has only one vote. Only one vote will be counted from any member who inadvertently votes both by paper ballot and by electronic means:
 - 1) By paper ballot. Paper ballots will be available upon request. The member must submit the request by June 1st and cause the envelope containing the ballot to be delivered to the office of the Bar by no later than 5:00 p.m. (PDT) on June 15th of that election year. Alteration of or addition to the ballot, other than the marking of the member's choice, invalidates the ballot.
 - 2) By electronic voting. Voters will be sent links to their ballots via email. Voting must be completed by no later than 5:00 p.m. (PDT) on June 15th of that election year.

- d. Voting System. In any election for membership on the BOG, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes.

If a run-off election is necessary, the Executive Director in consultation with the President will designate the date for delivering the ballots and the deadline for voting, which will be no later than 5:00 p.m. (PDT), June 30th. The candidate receiving the highest number of votes will be declared elected.

- e. Checking and Custody of Ballots. The Executive Director will maintain custody of all satisfactorily identified and signed paper ballot envelopes, segregated as to position. The paper ballot will remain in the custody of the Executive Director until counted. Any paper ballots not enclosed in an envelope, satisfactorily identified and signed, will not be counted.
- f. Electronic votes must be verified and securely stored by the online voting vendor.
- g. Counting of Ballots. Paper ballots will be counted by the Executive Director or their designee under the supervision of the Election Board, and electronic ballots will be counted by the online voting vendor. The ballot verification process will be supervised by an Election Board of not less than three Active members appointed by the President. At least two members of the Election Board must be present (in person or by video conference) at any count of paper ballots. Any Active member of the Bar may be present at such count of paper ballots.

The Executive Director will establish and follow a procedure that will ensure that no member's vote is counted more than once.

Promptly upon determination of the election results, the Election Board will forward the results to the Executive Director, who will notify each candidate as promptly as reasonably possible of the result of the election and publicly announce the election of the successful candidates. Official written notice of the election results also will be emailed to each candidate.

- h. Retaining Ballots. All paper ballots and identifying return envelopes must be retained in the custody of the Executive Director. The elections vendor must retain the electronic voting data, and maintain an auditable trail of the election, for no less than 90 days after the close of the election.
- i. If no challenge to the ballot count has been made after 90 days, the ballots and identifying return envelopes may be destroyed, and the Executive Director will notify the vendor to destroy the data and auditable trail for that election.

3. Eligibility Requirements: Election of At Large Governors

At-Large Governors shall be elected by the Members as follows:

- a. Member At Large Governors: After notice of the position has been adequately provided to all members, the Diversity Committee shall forward at least three candidates who have the experience and knowledge of the needs of those members whose membership is or may be historically underrepresented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Underrepresentation and diversity may be based upon, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor will be determinative. The Executive Director shall then place all candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members. If the Diversity Committee forwards less than three candidates by April 23rd, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members.
- b. Young Lawyer At Large Governor: The Washington Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as Young Lawyers as defined by Article XII(B) of these Bylaws in the year of the election by April 23rd. The BOG shall then place all candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these Bylaws. If the Washington Young Lawyers Committee forwards less than three candidates the BOG may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these Bylaws.

D. ELECTIONS BY BOARD OF GOVERNORS

1. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

2. Treasurer

The Treasurer must be a current lawyer Governor and will be nominated and elected by the BOG at the second to the last regularly scheduled BOG meeting of the fiscal year. The Treasurer will be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote will be by secret written ballot.

3. Election Procedures for President and President-elect

Elections of President and President-elect elections, and any other elections held by the BOG under these Bylaws, are conducted as follows:

- a. Notice of the position will be advertised in the Bar's official publication and on the Bar's website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.
- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.
- f. Election of candidates will be conducted by secret written ballot.
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.
- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.
- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.

Sections E, F and G are unchanged.

VI. ELECTIONS

A. ELIGIBILITY FOR MEMBERSHIP ON BOARD OF GOVERNORS

1. Governors from Congressional Districts: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply for election as Governor from the Congressional District, or geographic regions within the Seventh Congressional District, in which such person resides.

Members that have served as Governors for more than 48 consecutive months at time of filing ~~or an~~ application, are not eligible to be nominated or apply for election or appointment as Governor from the Congressional District, At-Large Governor position, or geographic regions within the Seventh Congressional District, in which such person resides, for a period of 36 months after the conclusion of that term of service. Any disputes regarding the eligibility of a member to serve on the Board of Governors shall be addressed by the Board of Governors.

2. At Large Governors: There will be a total of three At Large Governor positions.
 - a. Two At Large (“Member At Large Governor”) Positions: Any Active member of the Bar, except a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply.
 - b. One Young Lawyer (“Young Lawyer At Large Governor”) Position: Any Active lawyer member of the Bar who qualifies as a Young Lawyer as set forth in these Bylaws, except for a person who has previously served as a Governor for more than 48 consecutive months, may be nominated or apply ~~for election as an At Large Governor.~~

~~Members that have served as an At Large Governor for more than 48 consecutive months at time of filing or application, are not eligible to be nominated or apply for election or appointment as an At Large Governor from the Congressional District, At Large Governor position or geographic regions within the Seventh Congressional District, or in which such person resides, for a period of 36 months after the conclusion of that term of service.~~

3. Filing of nominations and applications must be in accordance with this Article.

B. NOMINATIONS AND APPLICATIONS

1. Applications for the Board of Governors ~~elected from Congressional Districts~~ must be for one position only and filed in the office of the Bar not later than 5:00 p.m., on the 15th-1st day of February-May of the year in which the election is to be held. If this day falls on a day in which the office of the Bar is closed, the deadline will be 5:00 p.m. of the following business day.
2. ~~Applications and nominations for At Large Governor positions must be filed in the office of the Bar not later than 5:00 p.m. on the 20th day of April of the year in which the election or nomination is to be held.~~

~~3-2.~~ Applications for the position of President-elect must be filed by the deadline set forth in the notice published in the Bar's official publication and posted on the Bar's website; notice must be given not less than 30 days before the filing deadline.

~~4-3.~~ In the event no application is made for a ~~Congressional District~~ seat, the position will be treated, advertised, and filled by Board appointment as an at-large position for that until the next election cycle only, in which the position will be included in the election cycle for the remainder of the term.

~~5-4.~~

C. ELECTION OF GOVERNORS

1. Election of one Governor from each Congressional District and for the ~~at~~At-large positions will be held every three years as follows:
 - a. Third, Sixth, Eighth Congressional Districts and the North region of the Seventh Congressional District and one At Large Member Governor – 2014 and every three years thereafter.
 - b. First, Fourth, Fifth Congressional Districts and the South region of the Seventh Congressional District and one At Large Young Lawyer Governor – 2015 and every three years thereafter.
 - c. Second, Ninth and Tenth Congressional Districts and one At Large Member Governor – 2013 and every three years thereafter.
2. Voting in the Election of Governors will be conducted in the following manner: from ~~Congressional Districts~~
 - a. Eligibility to Vote. All Active members, as of ~~March~~May 1st of each year, are eligible to vote in the BOG election. For Congressional Districts, all Active members are eligible to vote in the BOG election for their district, subject to the election schedule shown above. Active members residing in the State of Washington may only vote in the district in which they reside. Active members residing outside the State of Washington may only vote in the district of the address of the agent they have designated within the State of Washington for the purpose of receiving service of process as required by APR 13, or, if specifically designated to the Executive Director, within the district of their primary Washington practice.
 - b. Ballots. On ~~March~~June 1st~~5th~~ of each election year, the Executive Director will ensure delivery of ballots containing the names of all candidates for Governor for each District and At Large Governor seats in which an election is to be held to each Active member eligible to vote in that District. Elections will be conducted electronically using via a secure process website ("electronic voting"). Active members who are eligible to vote in an election may request a paper ballot to be used in place of the electronic ballot. Electronic ballots will be sent to active members eligible to vote in an election, and will include information about how to vote by electronic voting. Should any Active member eligible to vote fail to receive a ballot, or receive a defective ballot, the member may obtain a replacement ballot by furnishing proof of eligibility to the Executive Director, and upon returning the defective ballot if the member received a paper ballot.

- c. Voting Procedure. Each Active member eligible to vote in the election may vote in one of the following ways. Each member has only one vote. Only one vote will be counted from any member who inadvertently votes both by paper ballot and by electronic means:
- 1) By paper ballot. Paper ballots will be available upon request. The member must submit the request by June 1st and, after marking a ballot, place the ballot in the envelope marked "Ballot," place that envelope in the envelope directed to the Bar, print or type the member's name, sign the outside of the envelope, and cause the envelope containing the ballot to be delivered to the office of the Bar by no later than 5:00 p.m. (PDT) on April-June 15th of that election year. Alteration of or addition to the ballot, other than the marking of the member's choice, invalidates the ballot.
 - 2) By electronic voting. Voters will be sent links to their ballots via email. Voting must be completed by no later than 5:00 p.m. (PDT) on April 1st June 15th of that election year.
- d. Voting System. In any election for membership on the BOG, if there is only one qualified candidate nominated, then that candidate will be declared elected. If there are only two candidates for a position, then the candidate receiving the highest number of votes will be declared elected. If there are more than two candidates, and if no candidate receives more than 50% of the total vote, the two candidates receiving the highest number of votes will participate in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off election along with the candidate who received the most votes.

If a run-off election is necessary, the Executive Director in consultation with the President will designate the date for delivering the ballots and the deadline for voting, which will be no later than 5:00 p.m. (PDT), June 30th. 10 days after the date the ballots are delivered. The candidate receiving the highest number of votes will be declared elected.

- e. Checking and Custody of Ballots. The Executive Director will deposit-maintain custody of all satisfactorily identified and signed paper ballot envelopes, in receptacles segregated as to Districts position. The receptacles-paper ballot will remain in the custody of the Executive Director until the ballots are counted. Any paper ballots not enclosed in an envelope, satisfactorily identified and signed, will not be counted.
- f. Electronic votes must be verified and securely stored by the online voting vendor.
- g. Counting of Ballots. Paper ballots will be counted by the Executive Director or their designee under the supervision of the Election Board in the office of the Bar, and electronic ballots, if any, will be counted by the online voting vendor and certified. The election-ballot verification process will be supervised by an Election Board of not less than three Active members appointed by the President. At least two members of the Election Board must be present (in person or by video conference) at any count of paper ballots. Any Active member of the Bar may be present at such count of paper ballots.

The Executive Director will establish and follow a procedure that will ensure that no member's vote is counted more than once.

Promptly upon determination of the election results, the Election Board will forward the results to the Executive Director, who will notify each candidate as promptly as reasonably possible of the result of the election and publicly announce the election of the successful candidates. Official written notice of the election results also will be emailed to each candidate.

- h. Retaining Ballots. All paper ballots and identifying return envelopes must be retained in the custody of the Executive Director. The elections vendor must retain the electronic voting data, and maintain an auditable trail of the election, for no less than 90 days after the close of the election.
- i. If no challenge to the ballot count has been made after 90 days, the ballots and identifying return envelopes may be destroyed, and the Executive Director will notify the vendor to destroy the data and auditable trail for that election.

3. Eligibility Requirements: Election of At-Large Governors

At-Large Governors shall be elected by the Members as follows:

- a. Member At Large Governors: After notice of the position has been adequately provided to all members, the Diversity Committee shall forward at least three candidates who have the experience and knowledge of the needs of those members whose membership is or may be historically underrepresented in governance, or who represent some of the diverse elements of the public of the State of Washington, to the end that the BOG will be a more diverse and representative body than the results of the election of Governors based solely on Congressional Districts may allow. Underrepresentation and diversity may be based upon, but not be limited to age, race, gender, sexual orientation, disability, geography, areas and types of practice, and years of membership, provided that no single factor will be determinative. The ~~BOG~~Executive Director shall then place all candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members. If the Diversity Committee forwards less than three candidates by April 23rd, the Executive Director shall notify the BOG, which may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Diversity Committee on the ballot to be elected by all eligible voting members.
- b. Young Lawyer At Large Governor: The Washington Young Lawyers Committee shall forward at least three candidates to the BOG who qualify as Young Lawyers as defined by Article XII(B) of these Bylaws ~~as of December 31~~ in the year of the election by April 23rd. The BOG shall then place all candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these ~~bylaws~~Bylaws. If the Washington Young Lawyers Committee forwards less than three candidates the BOG may, at its option, select additional qualifying candidates on its own or place only those candidates forwarded by the Washington Young Lawyers Committee on the ballot to be elected by a vote of all Young Lawyer Members as defined in section XII(B) of these ~~bylaws~~Bylaws.

D. ELECTIONS BY BOARD OF GOVERNORS

1. Office of President-Elect.

The BOG will elect an Active lawyer member of the Washington State Bar Association to serve as President-elect. The election shall take place during a BOG meeting not later than the 38th week of each fiscal year, and will be by secret written ballot. The President-elect will take office upon the incumbent President-elect becoming President or upon vacancy of the office of President-elect.

If at the time of election, no President-elect in the preceding three years was an individual whose primary place of business was located in Eastern Washington, the President-elect must be an individual whose primary place of business is located in Eastern Washington. For purposes of these Bylaws, "Eastern Washington" is defined as that area east of the Cascade mountain range generally known as Eastern Washington. In any year where the President-elect must be an individual from Eastern Washington and no qualifying application is received within the timeframe allowed, the President will advise the BOG, and the BOG, at any regular meeting or special meeting called for that purpose, will establish procedures to re-open and extend the application period or otherwise address the issue. Such action by the BOG may include waiver of any geographic limitation for the year in question.

2. Treasurer

The Treasurer must be a current lawyer Governor and will be nominated and elected by the BOG at the second to the last regularly scheduled BOG meeting of the fiscal year. The Treasurer will be elected by simple majority of Governors voting. In the event there is more than one nomination, the vote will be by secret written ballot.

3. Election Procedures for President and President-elect

Elections of ~~At Large Governors,~~ President and President-elect elections, and any other elections held by the BOG under these Bylaws, ~~except elections for the position of Treasurer,~~ are conducted as follows:

- a. Notice of the position will be advertised in the Bar's official publication and on the Bar's website no less than 30 days before the filing deadline and must include the closing date and time for filing candidate applications.
- b. Following expiration of the closing date and time identified, all candidate names will be posted publicly.
- c. The BOG may appoint a committee to recommend candidates to the BOG from all who have submitted their applications for a position in a timely manner.
- d. All recommended candidates, or others as determined at the discretion of the BOG, will be interviewed in public session of the BOG's meeting. Candidates who are competing for the same position must not be present for each other's interviews.
- e. Discussion of the candidates will be in public session but candidates will be asked by the President not to be present.
- f. Election of candidates will be conducted by secret written ballot.
- g. If no candidate for a given position receives a majority of the votes cast, the two candidates receiving the highest number of votes will be voted on in a run-off election. In the event of a tie for the second highest vote total, all candidates who are tied will participate in the run-off

WSBA Bylaws
Bylaw Amendments, Second Draft

election along with the candidate who received the most votes. The candidate with the most votes in the run-off will be deemed the winner.

- h. Ballots will be tallied by three persons designated by the President, one of whom will be the Executive Director.
- i. Proxy votes are not allowed; however, a Governor who participated in the interview and discussion process by electronic means may cast a vote telephonically via a confidential phone call with the Executive Director and the other persons designated by the President to count the ballots.
- j. The elected candidate will be announced publicly following the vote. However, the vote count will not be announced and all ballots will be immediately sealed to both the BOG and the public and remain in the custody of the Executive Director for 90 days, when they will be destroyed.

Sections E, F and G are unchanged.



WSBA

Pro Bono and Public Service Committee

TO: WSBA Board of Governors

FROM: Pro Bono and Public Service Committee

DATE: March 8, 2021

RE: Proposal to Submit Comment to Supreme Court in Support of the MCLE Board's Suggested Amendments to Admission to Practice Rule 11

ACTION/DISCUSSION: Authorize WSBA to take all required or appropriate action to submit to the Washington State Supreme Court, on behalf of the Pro Bono and Public Service Committee, the attached comment in support of the MCLE Board's suggested amendments to Admission to Practice Rule 11 before the public comment period closes on April 30, 2021.

The Board of Governors created the Pro Bono and Public Service Committee (PBPSC) to enhance a culture of legal service by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service with a particular focus on services to people with low or moderate income. Pursuant to this mission, in July 2020, the PBPSC passed a resolution supporting the MCLE Board's proposal to amend Admission to Practice Rule (APR) 11. This proposal would require licensed legal professionals to devote at least one of six mandated ethics credits per reporting period to the topic of "equity, inclusion, and the mitigation of bias in the legal profession and practice of law."

In September 2020, the WSBA Board of Governors voted to support the MCLE Board's suggested amendment and provided a letter of support, which was then submitted to the Washington Supreme Court on October 15, 2020. We now ask that the Board of Governors approve submission of the attached comment in support from the Pro Bono and Public Service Committee to the Washington Supreme Court prior to the April 30, 2021 deadline.

The Pro Bono and Public Service Committee recognizes that inequality and inequity remain steadfastly embedded in the foundations of the American legal system, resulting in longstanding and continuing systematic denials of justice to large portions of our community. This committee recognizes further that remedying such injustice will not simply occur as a result of mere good intentions or a continuation of the status quo, but will require proactive engagement and effort by the very legal professionals who are the front-line practitioners and gatekeepers of justice in our state. The Pro Bono

and Public Service Committee believes that mandatory education about equity, inclusion, and bias for every Washington legal professional is a critical component of this effort.

To: Washington State Supreme Court

From: Nicholas Larson and Bonnie Rosinbum, Co-Chairs, WSBA Pro Bono and Public Service Committee

Cc: WSBA President Kyle Sciuchetti
Terra Nevitt, WSBA Executive Director
Diana Singleton, WSBA Staff Liaison to the Pro Bono and Public Service Committee

Date: March 8, 2021

Re: *Comment in Support of the MCLE Board's Suggested Amendments to Admission to Practice Rule 11*

The WSBA Pro Bono and Public Service Committee would like to express its strong support of the MCLE Board's suggestion of amending APR 11 to require each licensed legal professional to complete at least one (1) ethics credit in the topic of equity, inclusion and the mitigation of bias per three-year MCLE reporting period.

The Pro Bono and Public Service Committee recognizes that inequality and inequity remain steadfastly embedded in the foundations of the American legal system, resulting in longstanding and continuing systematic denials of justice to large portions of our community. This committee recognizes further that remedying such injustice will not simply occur as a result of mere good intentions or a continuation of the status quo, but will require proactive engagement and effort by the very legal professionals who are the front-line practitioners and gatekeepers of justice in our state. The Pro Bono and Public Service Committee believes that mandatory education about equity, inclusion, and bias for every Washington legal professional is a critical component of this effort.

WASHINGTON STATE
BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Rajeev D. Majumdar, WSBA Delegate to ABA House of Delegates
DATE: March 10, 2021
RE: ABA Mid-Year House of Delegates Meeting

DISCUSSION : Review of Issues on the Floor of the ABA House of Delegates

Dear WSBA Board of Governors,

Please find attached materials:

1. The Daily Journal from the Meeting, summarizing actions; and
2. A report from the ABA BoG to the House of Delegates.

We will be joined by veteran WSBA ABA Delegates Jaime Hawk and Maggie Smith to review this year's ABA meeting.

Warmly,



Rajeev D. Majumdar, WSBA #39753

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2021 MIDYEAR MEETING**

FEBRUARY 22, 2021

DAILY JOURNAL

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
10A	VIRGIN ISLANDS BAR ASSOCIATION LAW STUDENT DIVISION	Urges the bar admission authority of each jurisdiction that has adopted the Uniform Bar Exam (UBE) to amend its bar admissions rules to provide that the minimum number of years an applicant must have been primarily engaged in the active practice of law to be eligible for admission by motion be equal to the maximum age of a transferred UBE score that the jurisdiction has adopted for purposes of admission by UBE score transfer.	Approved as Revised*
10B	VIRGIN ISLANDS BAR ASSOCIATION STANDING COMMITTEE ON PARALEGALS	Urges all federal, state, local and territorial courts, as well as all individual judicial officers with appointment authority, to consider diversity when making appointments to court commissions, committees, boards, task forces, and similar entities that serve as arms of the court.	Approved
10C	VIRGIN ISLANDS BAR ASSOCIATION	Urges Congress to amend 28 U.S.C. § 373 or otherwise enact legislation to provide that federal district judges appointed to serve on the United States District Courts of the Virgin Islands, Guam, and the Northern Mariana Islands be permitted to assume senior status or to fully retire upon completion of their terms consistent with other federal judges appointed for limited terms.	Approved
10D	VIRGIN ISLANDS BAR ASSOCIATION	Supports an interpretation of the Fourth Amendment of the United States Constitution which would preclude application of the border-search exception to travel to or from a United States territory as is provided for travel to and from the fifty states and the District of Columbia.	Approved

* See attached.

10E	VIRGIN ISLANDS BAR ASSOCIATION NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY NEW JERSEY STATE BAR ASSOCIATION	Urges that Congress enact the Daniel Aderl Judicial Security and Privacy Act of 2020, or similar legislation to prohibit the disclosure of personally identifiable information of active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy judges, administrative law judges, administrative judges, and immigration judges, and their immediate family who share their residence, including but not necessarily limited to home addresses or other personal contact or identifying information.	Approved
10F	CALIFORNIA LAWYERS ASSOCIATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION	Urges federal, state, local, territorial, and tribal governments and police commissions to establish officer training and implement guidelines to be used by officers in giving exit orders during discretionary traffic enforcement stops where the officer has safety concerns or a reasonable suspicion of criminal activity.	Approved
11-1	ABA HOUSE RULES OF PROCEDURE	Amends §45.1 and §45.2 of the Rules of Procedure of the House of Delegates to add the requirement that a resolution must advance one or more of the ABA's Four Goals.	Approved
100	SECTION OF DISPUTE RESOLUTION SECTION OF LITIGATION SECTION OF INFRASTRUCTURE AND REGULATED INDUSTRIES	Supports the use of arbitration in business-to-business disputes, both domestically and internationally, as an efficient and economical method of dispute resolution.	Approved
101A	INTERNATIONAL LAW SECTION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Urges all federal, state, local, territorial and tribal governments and foreign governments to enact laws permitting specially trained canines (known as facility dogs) to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system.	Approved
101B	INTERNATIONAL LAW SECTION	Urges federal, state, local, territorial, and tribal legislative bodies and governmental agencies to enact, adopt or amend their information and data privacy laws, regulations or policies to consider the inclusion of certain privacy protections.	Withdrawn

101C	INTERNATIONAL LAW SECTION TORT TRIAL AND INSURANCE PRACTICE SECTION	Urges all nations to negotiate an international convention for the protection of animals that establishes standards for the proper care and treatment of all animals to protect public health, the environment, and animal wellbeing.	Approved
102	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2021 to Rule 29 of the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> .	Approved
103A	COMMISSION ON IMMIGRATION COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES COMMISSION ON DOMESTIC & SEXUAL VIOLENCE COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY COMMISSION ON YOUTH AT RISK SECTION OF LITIGATION	Urges protection for Special Immigrant Juvenile beneficiaries from removal from the United States while they wait for a visa to become available.	Approved as Revised*
103B	COMMISSION ON IMMIGRATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION	Recommends the United States Department of Justice use the Attorney General certification process to withdraw certain Attorney General opinions and replace them with opinions that are consistent with congressional intent, the U.S. Constitution, and U.S. treaty obligations, and which uphold several well-settled legal concepts.	Approved
104	STANDING COMMITTEE ON PARALEGALS	Grants reapproval to 17 programs, withdraws the approval of 6 programs at the requests of the institutions, and extends the term of approval to 49 programs.	Approved

* See attached.

105	LAW STUDENT DIVISION COLORADO BAR ASSOCIATION VIRGIN ISLANDS BAR ASSOCIATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Urges the bar admission authority of each jurisdiction to allow bar examinees to bring menstrual products into the bar exam.	Approved as Revised*
106A	YOUNG LAWYERS DIVISION SECTION OF STATE AND LOCAL GOVERNMENT LAW	Encourages use within the legal profession and justice system of pronouns consistent with a person's gender identity, including in filed pleadings, during mediations and court proceedings, and within judicial opinions.	Approved as Revised*
106B	YOUNG LAWYERS DIVISION LAW STUDENT DIVISION STANDING COMMITTEE ON PARALEGALS	Urges Congress to enact legislation to amend the U.S. bankruptcy code to permit student loans to be discharged in bankruptcy without proving "undue hardship", as currently required by 11 U.S.C. § 523(a)(8).	Withdrawn
106C	YOUNG LAWYERS DIVISION LAW STUDENT DIVISION STANDING COMMITTEE ON PARALEGALS	Urges Congress and the Executive Branch to develop and implement programs to assist law graduates and law students experiencing financial hardship due to their student loan obligations.	Approved as Revised*
107A	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION COALITION ON RACIAL AND ETHNIC JUSTICE COMMISSION ON DOMESTIC & SEXUAL VIOLENCE COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY COMMISSION ON HOMELESSNESS AND POVERTY LAW STUDENT DIVISION	Urges federal, state, local, territorial, and tribal governments to enact legislation that decriminalizes abortion, increases access to clinical abortion care, and protects pregnant people from any criminal prosecution for having an abortion or experiencing a miscarriage, still birth, or other adverse pregnancy outcomes.	Approved as Revised*

* See attached.

107B	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF STATE AND LOCAL GOVERNMENT LAW STANDING COMMITTEE ON ELECTION LAW	Urges states to adopt certain principles in administering elections for President of the United States and urges that if a dispute arises as to the proper recipient of the electoral votes for a state, Congress should give controlling effect to the winner of the popular vote for that state (or, if the state allocates electoral votes by congressional district, to the winner of the popular vote in each congressional district), as provided by the law in effect before the election.	Approved as Revised*
107C	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY CENTER FOR HUMAN RIGHTS COALITION ON RACIAL AND ETHNIC JUSTICE COMMISSION ON DISABILITY RIGHTS COMMISSION ON DOMESTIC & SEXUAL VIOLENCE COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES CRIMINAL JUSTICE SECTION HEALTH LAW SECTION SECTION OF STATE AND LOCAL GOVERNMENT LAW LAW STUDENT DIVISION	Urges the Department of Defense to declare that HIV status alone should not disqualify a person from military service.	Approved as Revised*
107D	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE NATIONAL NATIVE AMERICAN BAR ASSOCIATION COALITION ON RACIAL AND ETHNIC JUSTICE COMMISSION ON DOMESTIC & SEXUAL VIOLENCE COMMISSION ON HISPANIC LEGAL RIGHTS	Urges federal, state, local, territorial, and tribal endorsement and adoption of the United Nations Declaration on the Rights of Indigenous Peoples and calls specifically on Congress to develop a plan to implement.	Approved as Revised*

* See attached.

& RESPONSIBILITIES
 COMMISSION ON SEXUAL
 ORIENTATION & GENDER
 IDENTITY
 COMMISSION ON
 HOMELESSNESS AND
 POVERTY
 CRIMINAL JUSTICE
 SECTION
 SECTION OF STATE AND
 LOCAL GOVERNMENT
 LAW
 LAW STUDENT DIVISION
 YOUNG LAWYERS
 DIVISION

108A	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Easement Relocation Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
108B	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Public Expression Protection Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
108C	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Pretrial Release and Detention Act promulgated by the National Conference of Commissioners on Uniform State Laws as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Withdrawn
109	STANDING COMMITTEE ON SPECIALIZATION	Grants reaccreditation to the Civil Practice Advocacy program of the National Board of Trial Advocacy and accreditation to the Complex Litigation and Patent Litigation programs of the National Board of Trial Advocacy.	Approved

110	SECTION OF INTELLECTUAL PROPERTY LAW	Urges Congress to amend Section 596(c)(2)(C) of the Tariff Act of 1930, 19 U.S.C. § 1595a(c)(2)(C), to authorize U.S. Customs and Border Protection (CBP) to enforce design patents in addition to the other forms of rights currently listed in that statute.	Approved
111	STANDING COMMITTEE ON GUN VIOLENCE COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY STANDING COMMITTEE ON ELECTION LAW SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION	Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations to prohibit the possession and display of firearms by persons other than governmentally authorized military, law enforcement or security personnel in and around specific areas where legislative debate is conducted or ballots cast.	Approved as Revised*
112	SECTION OF STATE & LOCAL GOVERNMENT LAW COALITION ON RACIAL AND ETHNIC JUSTICE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY FORUM ON AFFORDABLE HOUSING COMMISSION ON HOMELESSNESS AND POVERTY	Urges the United States Department of Housing and Urban Development to void the Rule adopted on July 23, 2020, so as to reinstate the 2015 Affirmatively Furthering Fair Housing Rule in full force and effect.	Approved

* See attached.

113	COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE	Urges all federal, state, local, territorial, and tribal legislative bodies and governmental agencies to take all necessary steps to continue to use total population, including minors and non-citizens, in redrawing electoral district lines after the decennial census to achieve equality of population of districts as required by United States constitutional law.	Approved as Revised*
300A	ABA COORDINATING GROUP ON PRACTICE FORWARD COMMISSION ON LAWYER ASSISTANCE PROGRAMS LAW PRACTICE DIVISION	Encourages bar associations, legal employers, courts, legal employers, and law schools to create and distribute policies and resources aimed at advancing well-being in the legal profession, and to promote the use of these policies and resources.	Approved
300B	ABA COORDINATING GROUP ON PRACTICE FORWARD COMMISSION ON WOMEN IN THE PROFESSION	Encourages Congress and state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure access to fair, affordable and high-quality childcare and family care; and encourages bar associations, specialty bar associations, legal employers and law schools to develop policies and best practices regarding fair and affordable access to and support for high-quality childcare and family care for all individuals working in the legal profession.	Approved

* See attached.

RESOLUTION

1 RESOLVED, That the American Bar Association urges the ~~highest courts~~
 2 ~~of appellate~~bar admission authority ~~jurisdiction~~ in each jurisdiction
 3 that has adopted the Uniform Bar Exam (UBE) and a Rule on Admission
 4 By Motion to take steps to ensure that the minimum number of years
 5 an applicant must have been primarily engaged in the active practice of
 6 law to be eligible for admission by motion matches the maximum years
 7 that the UBE score is transferrable.

8 FURTHER RESOLVED, That the American Bar Association urges the
 9 ~~highest courts of~~
 10 ~~appellate jurisdiction~~bar admission authority that ~~have~~has not
 11 already done so, to implement the ABA Model Rule On Admission By
 12 Motion, which calls for applicants applying for motion admission to
 13 demonstrate they have been engaged in the active practice of law
 14 for three of the last five 10 years.

15 FURTHER RESOLVED, That the American Bar Association urges the
 16 ~~highest courts of~~
 17 ~~appellate jurisdiction~~bar admission authority in each jurisdiction with
 18 a Rule on Admission by Motion, but that has not yet adopted the UBE
 19 and chooses to do so in the future, to take steps to ensure that, upon
 20 the adoption of the UBE, the maximum age of a transferred UBE score
 21 matches the minimum number of years an applicant must have been
 22 primarily engaged in the active practice of law to be eligible for
 23 admission on motion.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association opposes removal of
2 noncitizen children and young adults from the United States after a state
3 court has determined that they cannot be reunified with at least one
4 parent due to abuse, neglect or abandonment and it is not in their best
5 interest to return to their country of origin; and U.S. Citizenship and
6 Immigration Services has approved their petition for Special Immigrant
7 Juvenile (SIJ) status; and

8
9 FURTHER RESOLVED, That the American Bar Association urges Congress
10 and the Administration to enact laws and adopt policies to protect SIJ
11 beneficiaries from removal from the United States and grant
12 employment authorization while they wait for a visa to become available
13 for permanent resident status. Such actions should include:

- 14
15 (1) Exempting SIJ beneficiaries from numerical visa limitations, or,
16 in the alternative, ~~h~~ increasing the number of visas available for
17 SIJ beneficiaries and lifting the statutory per country cap;
18
19 (2) Issuance of a policy by U.S. Citizenship and Immigration Services
20 or by executive action to grant deferred action to such SIJ
21 beneficiaries;
22
23 (3) Granting employment authorization upon approval of the SIJ
24 petition; and
25
26 (4) Issuance of guidance by the Executive Office for Immigration
27 Review allowing judges to continue, administratively close, or
28 terminate cases for such SIJ beneficiaries.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association urges the ~~highest court or~~
2 bar admission authority of each jurisdiction:

3

4 1) to allow bar examinees to bring in tampons, pads, or other
5 menstrual products (“menstrual products”) into the bar exam in
6 opaque, rather than clear, containers and be allowed to access
7 those menstrual products unilaterally, without being accompanied
8 or escorted by exam proctors;

9

10 2)to establish clear policies and rules which outline a protocol of
11 allowing bar examinees to bring menstrual products into the bar
12 exam; and

13

14 3)to publish, disseminate, or make easily accessible these policies
15 allowing bar examinees to bring menstrual products into the bar
16 exam.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association encourages use of
2 ~~pronouns consistent with a person's gender identity~~ within the legal
3 profession and justice system of pronouns consistent with a person's
4 gender identity, including in filed pleadings, during mediations and court
5 proceedings, and within judicial opinions: and

6 FURTHER RESOLVED, That the American Bar Association urges all federal,
7 state, local, territorial, and tribal judiciaries to draft and implement rules
8 regarding respect ~~of~~ for pronouns consistent with a person's gender
9 identity, so as to promote full and equal participation.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress and the
2 Executive Branch to develop and implement programs to assist ~~lawyers~~
3 law graduates and law students experiencing financial hardship due to
4 their student loan obligations, including, but not limited to, the following
5 measures:

6
7 (1) Extending the opportunity to participate in federal student loan
8 repayment programs and/or receive federal student loan
9 repayment terms to individuals that previously used alternative
10 sources of credit from commercial lenders to fund their higher-
11 education-related expenses in whole or in part;

12
13 (2) Allowing student loan borrowers to refinance their federal loans to
14 more favorable federal rates offered in later years;

15
16 (3) Authorizing the use of federal funds to provide individual
17 borrowers with temporary assistance to meet their student debt
18 obligations to lenders;

19
20 (4) Creating enhanced access to federal education loan programs for
21 borrowers by easing the terms required to qualify for programs
22 such as income-based repayment, consolidation, and other forms
23 of loan repayment assistance; and

24
25 (5) Authorizing the suspension or forgiveness of student loan
26 obligations.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association opposes the criminal
2 prosecution of any person for having an abortion, or for ~~suffering~~
3 experiencing a miscarriage, stillbirth, or other pregnancy outcome; and
4
5 FURTHER RESOLVED, That the American Bar Association urges federal,
6 state, local, tribal, and territorial governments to (a) repeal and oppose
7 statutes that criminalize people for termination of pregnancies they are
8 carrying or carried, and (b) clarify that existing laws may not be used to
9 prosecute any person for having an abortion, or for ~~suffering~~
10 experiencing a miscarriage, stillbirth, or other pregnancy outcome.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, that the American Bar Association urges each state and the
2 District of Columbia- to adopt the following principles in administering
3 elections for President of the United States that:

4
5 ~~1) The historic transformation over the last two hundred and thirty~~
6 ~~years of the United States' system of selecting electors from~~
7 ~~persons chosen by state legislatures to persons chosen by the~~
8 ~~voters is a necessary prerequisite of a modern democratic~~
9 ~~republic;~~

10
11 ~~2) All appropriate steps should therefore be taken to ensure that~~
12 ~~procedures are in place to ensure that the electors selected by~~
13 ~~every state are chosen through the election process by the~~
14 ~~voters;~~

15
16 ~~In determining which candidate should receive the electoral~~
17 ~~votes for a state or the District of Columbia, controlling effect~~
18 ~~should be given to~~

19
20 1) Voters directly choose presidential electors, consistent with a
21 145-year tradition in the United States, as well as voting rights
22 jurisprudence in the modern era;

23
24 2) T~~he~~ winner of the popular vote for that state or the District of
25 Columbia (or, if the state allocates electoral votes by
26 congressional district, to the winner of the popular vote in each
27 congressional district), as provided by the laws and regulations
28 in effect at the time of voting, is dispositive for the
29 ~~election~~selection of electors, and cannot be superseded by any
30 public official, court, legislature or Congress;
31

Revised 107B

32 3) In the event of a natural disaster or other extraordinary
33 circumstance that prevents voters from casting ballots for
34 presidential electors on the originally scheduled date or dates,
35 states and the District of Columbia should set a new date or
36 dates for voters to choose electors by popular vote as soon as
37 possible, rather than providing for appointment of electors by
38 the legislature, or in any other way.

39

40

41 ~~**FURTHER RESOLVED, that**~~

42 ~~the American Bar Association urges that, if a dispute arises as to the~~
43 ~~proper recipient of the electoral votes for a state or the District of~~
44 ~~Columbia, Congress should give controlling effect to the winner of the~~
45 ~~popular vote for that state or the District of Columbia (or, if the state~~
46 ~~allocates electoral votes by congressional district, to the winner of the~~
47 ~~popular vote in each congressional district) as provided by the law in~~
48 ~~effect at the time of the election;~~

49

50 ~~**FURTHER RESOLVED, that nothing herein is intended to address the**~~
51 ~~jurisdiction of federal courts to address any issue of election law.~~

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association urges the United States
2 Department of Defense to declare that HIV status alone should not
3 disqualify a person from military service. ~~:(a) HIV status alone has no~~
4 ~~impact on service members' ability to fully execute their duties and is not~~
5 ~~a determinant of fitness for duty; and (b) HIV is not a medical condition~~
6 ~~that should disqualify a person from enlistment, appointment,~~
7 ~~commissioning, deployment or retention in the U.S. military.~~

Deletions struck through; additions underlined

RESOLUTION

1 **RESOLVED**, That the American Bar Association urges federal, state, local,
2 territorial, and tribal governments to endorse and implement the United
3 Nations Declaration on the Rights of Indigenous Peoples; and
4

5 **FURTHER RESOLVED**, That the American Bar Association urges Congress
6 to enact legislation that includes:

- 7 a) the preparation and implementation of an action plan to achieve
8 the objectives of the Declaration, including ensuring the laws of the
9 United States are consistent with the Declaration, conducted in
10 consultation and cooperation with the indigenous peoples of the
11 United States, and
12 b) the preparation and delivery of an annual report to Congress on
13 the progress that has been made towards implementing the
14 measures and achieving the goals in the action plan.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state,
2 local, territorial, and tribal governments to enact statutes, rules and
3 regulations to prohibit the possession and display of firearms ~~by~~by
4 persons other than governmentally authorized military, law
5 enforcement or security personnel ~~civilians~~ in and around ~~locations~~
6 ~~critical to the functioning of the democratic process including in~~
7 ~~government~~ buildings and at meetings where legislative debate is
8 conducted, or where ballots are cast, received, processed, or counted,
9 in order to prevent violence, avoid impacts on public health and safety,
10 and ensure that armed intimidation does not disrupt or discourage
11 open, robust debate on public issues or interfere with the electoral
12 processes critical to the functioning of our democracy.

Deletions struck through; additions underlined

RESOLUTION

1 RESOLVED, That the American Bar Association urges all federal, state,
2 local, territorial, and tribal legislative bodies and governmental agencies
3 to take all necessary steps to continue to ~~adopt laws and policies to~~ use
4 total population, including minors and non-citizens, ~~as determined by~~
5 ~~the United States Census Bureau~~, in redrawing electoral district lines
6 after the decennial census to achieve equality of population of districts
7 as required by United States constitutional law.

Deletions struck through; additions underlined

Report No. 177

**AMERICAN BAR ASSOCIATION
INFORMATIONAL REPORT OF THE BOARD OF GOVERNORS
TO THE HOUSE OF DELEGATES**

**2021 Midyear Meeting
February 21, 2021**

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The Board of Governors (Board) is directed by §48.2 of the House Rules of Procedure to report to the House of Delegates on actions taken by the Board. This report sets forth actions taken by the Board since the 2020 Annual Meeting. During that time, the Board met via video conference on November 12, 2020 regarding the Member Value Proposition. The Board also met via video conference on November 13, 2020. The Board's Executive Committee met by conference call on July 28, August 13, and October 12 (email ballot), 19, 28 (email ballot), November 11, 2020, and January 15 and 27, 2021.

Amicus Briefs

The Executive Committee approved the filing of an amicus curiae brief in *Federal Defender of Arizona v. Barr* in the D. C. Circuit, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

July 2020

The Executive Committee approved the filing of an amicus curiae brief in *Fulton v. City of Philadelphia*, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

August 2020

The Executive Committee approved the filing of an amicus curiae brief in *Wolf v. Innovation Law Lab*, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the ABA Office of General Counsel.

January 2021

Awards and Contests

The Board approved the request of the Criminal Justice Section to create the *Albert J. Krieger Champion of Liberty Award*.

November 2020

The Board sunset the following approved awards:

- Commission on Disability Rights: Champions for Disability Inclusion in the Legal Profession Award
- Section on Family Law: One-time contest "Texas Hold'Em" Tournament
- Standing Committee on Federal Judicial Improvements: Meador-Rosenberg Award
- Standing Committee on Legal Aid and Indigent Defense: Lifetime Achievement Award
- Section of Litigation
 - Professional Responsibility Award
 - Ignite the Future Good Work Award
 - Fellows Award
 - State Justice Initiatives Certificate of Merit
 - Passport to Prizes Sweepstakes
 - Highest Chip Count Sweepstakes

- Standing Committee on Pro Bono and Public Service: One-time presentation of two special awards at the 2015 Annual Meeting
- Standing Committee on Professionalism: Robert McKay Writing Competition
- Commission on Racial and Ethnic Diversity: One-time award to Eric Holder
- Standing Committee on Substance Abuse: ABA/Scripps Howard Foundation Award
- Commission on Women in the Profession: Literary Sweepstakes Competition
- Young Lawyers Division: ABA Project Outreach Mediation Program Scholarships
- Forum on Franchising:
 - Recognition for Explorers Award
 - Law Student Writing Competition on Franchise Law

November 2020

The Board approved the request of the Antitrust Law Section to establish the *Hollis Salzman Award for Mentorship* as one of the Section's Bar Service Awards and to rename the *Consumer Protection Committee Law Student Essay Contest* to the *Harvey Safenstein Consumer Protection Committee Law Student Essay Contest*, subject to review and approval by the ABA Office of General Counsel.

January 2021

The Board approved the request of the Section of International Law to establish the *Diversity Fellows Program* to operate from March 2021 through August 2022, with an understanding that the International Law Section is required to submit a request in the future should the program be extended beyond the approved term. The Board also approved the request to establish the *ABA International Law Section-UCLA Patrick Del Duca Scholarship & Writing Competition*, subject to review and approval by the ABA Office of General Counsel if necessary.

January 2021

The Board approved the request of the Commission on Sexual Orientation and Gender Identity to amend the *SOGI LGBT Public Interest Scholarship Program* criteria and to rename one of the scholarships *The Founder's ABA SOGI Scholarship*, subject to review and approval by the ABA Office of General Counsel if necessary.

January 2021

Business Conduct Standards

The Board approved the request of the ABA General Counsel's Office to amend the ABA Business Conduct Standards, as amended.

January 2021

Bylaw Amendments

The Board approved the request of the Law Student Division to amend its bylaws to a) elevate the Diversity Committee to a permanent Standing Committee; b) add to three Division Council members' job descriptions a seat in the ABA House of Delegates, reflective of recent changes to the ABA Bylaws and Constitution granting the Division three additional seats in the House; c) provide guidance for filling vacancies on the Division Nominating Committee; d) allow for voting members of the Division Council to proxy votes

to non-voting members; and e) create flexibility to allow for meeting virtually, rather than in-person, for all required meetings.

November 2020

The Board approved the request of the Young Lawyers Division to amend its bylaws to a) clarify the role of District Representatives; b) remove ambiguity in the processes applicable to District Representatives; and c) clarify the process by which District Representatives are appointed by Affiliates.

November 2020

The Board approved the request of the National Conference of Specialized Court Judges to amend its bylaws to grant the National Conference of Specialized Court Judges' delegate to the ABA House of Delegates a vote on the Conference's Executive Committee.

November 2020

The Board approved the request of the Judicial Division to amend its bylaws to a) clarify Members and Associates; b) expand the membership of the Executive Committee; c) expand the membership of the Judicial Division Council; d) create the position of Budget Director and Assistant Budget Director; e) allow meetings to be held electronically; f) allow a vacancy to be filled on the Council during a regularly scheduled meeting; g) sunset its Standing Committee on Communications; and h) revise the composition of the Finance and Non-Dues Revenue Committee.

November 2020

The Board approved the request of the Forum on Construction Law to amend its bylaws to provide that, notwithstanding the term limitations set forth, by a two-thirds vote of the entire Governing Committee, the term of any Officer, and/or Governing Committee member may be extended up to, and for no more than twelve months where the Governing Committee determines unforeseen and/or emergent circumstances warrant such an extension and such an extension is in the best interests of the Forum on Construction Law.

November 2020

The Board approved the request of the Section of Legal Education and Admissions to the Bar to amend its bylaws to clarify that action of the Council shall be by a majority vote of the members present and voting at a meeting.

January 2021

The Board approved the request of Judge Herbert B. Dixon, Jr. for a waiver of § 33.1(c) of the ABA Bylaws to permit his candidacy for Chair of the ABA Journal Board of Editors.

January 2021

Committees, Commissions, Task Forces, and Outside Organizations

The Executive Committee, via email ballot, approved the request to create an Advisory Committee to the ABA Legal Education Police Practices Consortium. The Advisory Committee will be comprised of three ABA members, to be appointed by the President,

who will each serve a three-year term. The Advisory Committee will work with the Advisory group from the participating law schools to assist the Consortium in conducting its work.

October 2020

The Board approved the request of the ABA Task Force on Legal Needs Arising Out of the 2020 Pandemic to change its name to the ABA Task Force on Legal Needs Arising from the Coronavirus (COVID-19) Pandemic.

January 2021

Co-sponsorship Requests

The Profession, Public Service and Diversity Committee **approved** co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required.

Law Student Division to co-sponsor with the AccessLex Institute for an online programming partnership to help students and graduate manage their finances improve their financial education starting in September 2020. (August 2020)

Standing Committee on Legal Aid and Indigent Defense to co-sponsor with the Deason Criminal Justice Reform Center at southern Methodist University for a series of two webinars marking the 15th anniversary of Hurricane Katrina on August 31 and September 1, 2020. (August 2020)

Section of Civil Rights and Social Justice to co-sponsor with the American University Washington College of Law, Program on Law and Government for the *Constitution Day: Protest and Free Speech* webinar on September 17, 2020. (August 2020)

Business Law Section Business Bankruptcy Committee to co-sponsor with the American Bankruptcy Committee and other entities listed on request for the inaugural *Insolvency 2020 Summit* starting September 16 through November 11, 2020. (August 2020)

Young Lawyers Division to co-sponsor with the South Dakota and Wyoming Bar Associations for *Fit2Practice: Managing Time and Maintaining Resilience* on September 14, 2020. (September 2020)

Commission on Women in the Profession to co-sponsor with the Bar Association of San Francisco for the *Left Out and Left Behind* webinar on October 27, 2020. (September 2020)

Commission on Women in the Profession to co-sponsor a joint *Tribute to Ruth Bader Ginsburg* with the California Women Lawyers' and women's bar associations listed on request on September 24, 2020. (September 2020)

Young Lawyers Division to co-sponsor with the Access to Justice Tech Fellows Program and Lex Blog for the *Student Legal Tech Fictional Writing Competition* from October 2020 through January 2021. (September 2020)

Judicial Division National Conference of the Administrative Law Judiciary to co-sponsor with the National Association of Administrative Law Judges for the *Conducting Hearings*

During Coronavirus and Other Disasters virtual program on October 5, 2020. (October 2020)

Section of Civil Rights and Social Justice Rights of Immigrants Committee to co-sponsor with the German Marshal Fund of the United States for the *US Elections Aftermath: A Social Justice Policy Summit* in December 2020. (October 2020)

Section of Environment, Energy and Resources to co-sponsor with Engineers Without Borders, Thriving Earth Exchange, and the American Geophysical Union for the *SEER Pro Bono Program* from October 2020 through October 2022. (October 2020)

Section of Civil Rights and Social Justice and Commission on Immigration to co-sponsor with HBO Documentaries and Optimist Films for a virtual screening of the HBO documentary, *The Undocumented Lawyer*, on October 21, 2020. The Section will spend \$300 to obtain the licensing fee out its special events budget. The Commission will spend \$2500 for the program from project support. (October 2020)

International Law Section to co-sponsor with outside entities listed on the request for Section programming for 2020-2021. (October 2020)

ABA Office of the President to create the ABA Legal Education Police Practices Consortium to co-sponsor with interested ABA-accredited law schools for a national effort to examine and address legal issues in policing and public safety. (October 2020)

Center for Human Rights to co-sponsor with the United Nations Office for the Coordination of Humanitarian Affairs and the Center for Victims in Conflict for a virtual program "*Ensure Respect for International Law in the Course of Partnered Military Operations*" on November 10, 2020. (October 2020)

Section of Civil Rights and Social Justice to co-sponsor with affiliate, state and local, and affinity bar association's for Section programming and initiatives during the 2020-2021 bar year. (October 2020)

Section of Civil Rights and Social Justice to co-sponsor with the Lawyers' Committee for Civil Rights Under Law for the *Election Protection Initiative*. The co-sponsorship will allow the Section to market and promote the *Election Protection Initiative* to ABA members and the ABA to include logos on the Initiative's website acknowledging support of the *Election Protection Initiative*. (October 2020)

Commission on Immigration Children's Immigration Law Academy to co-sponsor with the National Immigration Litigation Alliance for approximately 12 virtual trainings from November 2020 through December 2021. (October 2020)

Commission on Women in the Profession to co-sponsor with the Boston Bar Association Women Advancement Forum for the "*Left Out and Left Behind*" program on November 19, 2020. (October 2020)

ABA Task Force on Legal Needs Arising Out of the 2020 Pandemic to promote the ABA COVID-19 Pro Bono Network to bar associations. The approval allows the ABA President to send a letter to the bar associations asking for their participation in the network. (October 2020)

Section of Dispute Resolution to co-sponsor with Fordham Law School for the *Fordham International Arbitration and Mediation Conference* on November 20, 2020. (October 2020)

Government and Public Sector Lawyers Division to co-sponsor with the Judge Advocates Association (JAA) for the *Jobs for JAGs* program starting in January 2021. (October 2020)

Section on Environment, Energy, and Resources to co-sponsor with the Council on Legal Education Opportunity (CLEO) for the CLEO Partnership from October 2020 through October 2022. (October 2020)

ABA Diversity and Inclusion Center and the Section of Civil Rights and Social Justice to co-sponsor with the Canadian Bar Association, National Native American Bar Association, National Museum of American Indians and the Mitchel Museum of the American Indian for the Native American Heritage Month Webinar and Sliver of a Full Moon Performance and Panel Discussion in November 2020. (October 2020)

Commission on Women in the Profession (Commission) to co-sponsor with Ms. JD the *Commission on Women in the Profession Men in the Mix Project* (Project) for a term of November 12, 2020 until November 12, 2022. The Commission will support the Project through its Fund for Justice and Education support fund. (November 2020)

Criminal Justice Section to co-sponsor with the Families Against Mandatory Minimums Foundations (FAMM) for "*The Vanishing Trial*" Screening and Discussion on December 7, 2020. (December 2020)

Legal Opportunity Scholarship Committee to co-sponsor with Cerberus Capital Management LLP for the *U.S. Legal & Compliance Internship Program* during Summer 2021. (December 2020)

Commission on Women to co-sponsor with the National Conference of Women's Bar Associations for a 2021 ABA Midyear Meeting program on February 19, 2020. (December 2020)

Section of Dispute Resolution to co-sponsor with the Asian Pacific Lawyers Association, Garden State Bar Association, Association of Black Women Lawyers, South East Asian Lawyers, New Jersey Hispanic Bar Association, New Jersey Muslim Lawyers Association, National Bar Association, and Women in Dispute Resolution for the *Pathways to ADR* virtual program on December 3, 2020. (December 2020)

Commission on Immigration to co-sponsor with the Lumos Foundation to issue a publication that will outline strategies for integrating social work practice into immigration legal service organizations. (December 2020)

Commission on Immigration Immigrant Justice Project to permit Adela Mason, director of the Immigration Justice Project to sign a Pro Bono Legal Service Provider joint advocacy letter with San Diego area NGOs including the Casa Cornelia Law Center, Jewish Family Service San Diego, Catholic Charities Diocese of San Diego, Legal Aid Society of San Diego, and Immigrant Defenders Law Center to urge the Otay Mesa Detention Center to provide for confidential televideo (Skype) meetings between detainees and their attorneys. (December 2020)

Standing Committee on the Law Library of Congress to co-sponsor with the Law Library of Congress for the *Mayflower Compact Initiative* from June 2021 through May 2022. (December 2020)

Section of Litigation to co-sponsor with the Ohio State Bar Association and the American College of Trial Lawyers for the *Anatomy of a Trial Training Program* on February 4, 2021. (December 2020)

Section of Environment, Energy and Resources to co-sponsor with Green Living Science for the *Public SEERvice Project* from December 2020 through January 2021. (December 2020)

Judicial Division to co-sponsor with the National Judicial College for *Racial Fairness and the Courts* series. (December 2020)

Section on Environment, Energy and Resources to co-sponsor with Columbia University Sabin Center for Climate Law and the Legal Pathways to Deep Carbonization Project from December 2020 through December 2022. (December 2020)

Center for Innovation to co-sponsor with the Center for Professional Responsibility, Standing Committee on Delivery of Legal Services, Institute for the Advancement of the American Legal System and Legal Hackers for a series of videos and podcasts (name to be determined) to educate the public and the profession on key access to justice issues starting February 2021. (January 2021)

Commission on Sexual Orientation and Gender Identity to co-sponsor with Breaking the Code of Silence for the *Troubled Teen Industry: Lifting the Curtin of a Broken System* program on January 21, 2021. (January 2021)

Young Lawyers Division to co-sponsor with the National Bar Association for *New Year? New Connections! A Networking Event with ABA YLD and NBA YLD* on February 4, 2021. (January 2021)

Section of Civil Rights and Social Justice to co-sponsor with the Berkeley Center on Comparative Equality and Anti-Discrimination Law for the 2021 *Sexual Harassment in Education Conference* on January 29-30, 2021. (January 2021)

Commission on Women in the Profession to solicit external organization to participate in a *Day of Conversation* in March 2021. (January 2021)

Task Force on Legal Needs Arising Out of the 2020 Pandemic to co-sponsor with the Harvard Law School Negotiation and Medication Clinical Program for the *Evaluation of Model Eviction Prevention Approaches Clinic* during the Harvard Law School 2021 Spring Semester. (January 2021)

Standing Committee on Legal Aid and Indigent Defense to co-sponsor with the National Coalition on a Civil Right to Counsel (NCCRC) for the redevelopment of the NCCRC website. (January 2021)

Senior Lawyers Division to co-sponsor with the American Medical Association and the American Society of Addiction Medicine for the *Opioid Summit II* on May 13-14, 2021. (January 2021)

Section of Dispute Resolution to co-sponsor with the Chartered Institute of Arbitrators Young Members Group for the *Arbitration and Mediation as a Global Force for Good World Tour* from January through March 2021. (January 2021)

Section of Dispute Resolution to co-sponsor with the Labor and Employment Relations Association (LERA) for the *Future of Workplace Dispute Resolution* online series in Spring 2021. (January 2021)

Standing Committee on the Delivery of Legal Services to co-sponsor with the Institute for the Advancement of the American Legal System, Chicago Bar Foundation, and the self-Represented Litigation Network for the *Unbundling Conference* in April 2021. (January 2021)

Young Lawyers Division to co-sponsor with Equal Justice Works and National Disaster Legal Aid for Disaster Resilience Month from March 1-31, 2021. (January 2021)

Young Lawyers Division to co-sponsor with the State Bar of Michigan Young Lawyers Section for the *Men of Color Project* – Michigan Town Hall on January 25, 2021. (January 2021)

Section of Civil Rights and Social Justice to co-sponsor with CPAacademy.org and American Institute of Tax Policy for *#BlackTaxPayersMatter: Intersection of Race, Tax Systems, Law and Enforcement* on February 5, 2021. (January 2021)

Section of Civil Rights and Social Justice to co-sponsor with the National Tax Association for the Section's Black History Month free webinar series *#BlackTaxpayersMatter: Intersection of Race, Tax Systems, Law and Enforcement* and *BlackEconomistsMatter: Economic Justice Recommendations for the Biden Administration* on February 5 and 25, 2021. (January 2021)

Young Lawyers Division to co-sponsor with the Colorado Young Lawyers Division, Idaho Young Lawyers Division, Montana Young Lawyers Division, and Wyoming Young Lawyers Section for *Bankruptcy for Non-Bankruptcy Lawyers* virtual program on March 18, 2021. (February 2021)

ABA Center for Human Rights to co-sponsor with Checchi and Company, Inc. for *Judicial Nominations: International Standards and Practice* virtual program on February 9 and 12, 2021. (February 2021)

Standing Committee on Pro Bono and Public Service:

- i. to grant an exception to the co-sponsorship policy to extend approval of the request for a term of five years for 2023-2027 subject to compliance with all ABA policies, including any regarding in-person meetings. (January 2021)
- ii. to co-sponsor with A2J Tech, the expansion of *ABA Free Legal Answers*, a virtual legal advice clinic, subject to review and approval by the ABA Office of General Counsel. (January 2021)
- iii. to co-sponsor with Legaler, the expansion of *ABA Free Legal Answers*, subject to review and approval by the ABA Office of General Counsel. (January 2021)

International Law Section to co-sponsor with the Racial Equity for Arbitration Lawyers Section programming that will be held in 2020-2021. (January 2021)

ABA President Patricia Lee Refo to co-sponsor with the Association of American Law Schools and Law School Admission Council, Conference on Rebuilding Democracy and the Rule of Law (working title) on May 6-7, 2021. (January 2021)

Elections, Appointments and Nominations

The Board elected William J. Scheiderich of Spokane, Washington, as the ABA representative to the National Civic League Steering Committee for the Model City Charter 9th Edition Revision Project for a one-year term beginning November 2020 and expiring November 2021, subject to receipt and review of a completed nomination form by November 26, 2020. This condition was subsequently met. If Mr. Scheiderich is unable to serve, the Board elected W. Andrew Gowder of Charleston, South Carolina, to serve, also subject to receipt and review of a completed nomination form by November 26, 2020. This condition was subsequently met.

November 2020

The Board elected Robert L. Brown of Louisville, Kentucky, as the ABA representative to Law Association for Asia and the Pacific for a three-year term beginning in November 2020 and expiring in August 2023, subject to receipt and review of a completed nomination form by November 26, 2020, if necessary. This condition was subsequently met.

November 2020

The Board elected Aaron Schildhaus of Chicago, Illinois, as the ABA representative to the Inter-American Bar Association for a three-year term beginning in November 2020 and expiring in August 2023, subject to receipt and review of a completed nomination form by November 26, 2020, if necessary. This condition was subsequently met.

November 2020

The Board re-elected Richard Field of Cliffside Park, New Jersey, and Katherine H. O'Neil of Vancouver, Washington, to the ABA Journal Board of Editors for second three-year terms each beginning November 2019 and expiring at the conclusion of the 2022 Annual Meeting.

November 2020

The Board elected James Bikoff of Washington, DC, as the ABA representative to the Intellectual Property Constituency for a three-year term beginning July 1, 2021 and expiring on June 30, 2024.

January 2021

The Board elected Michael G. Lewis of Washington, DC, as the ABA representative to the Board of Trustees of the Foundation for Advancement of Diversity in Intellectual Property Law for a three-year term beginning July 1, 2021 and expiring on June 30, 2024.

January 2021

The Board elected Keith A. Matthews of Washington, DC as the ABA representative to the Board of Directors of the Council for Agricultural Science and Technology (CAST) for a three-year term which began October 1, 2020 and expires on October 1, 2023. In addition, the Board approved the request of the Section of Environment, Energy, and Resources to pay CAST dues up to \$1,500 annually from Section funds for membership years 2020-2023.

January 2021

The Board took no action in regard to an ABA Alternate Representative to the International Bar Association.

January 2021

Financial Matters

The Board, sitting as members of the Board of the American Bar Association Fund for Justice and Education (ABA/FJE): a) approved the Minutes of the July 31, 2020 meeting; b) accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2020, and not previously reported, as requested by the Association's Financial Services Division.

November 2020

In executive session, the Board considered the recommendation(s) from the Expense Management Working Group and took action.

November 2020

The Board approved the request from the Forum on Construction Law (Forum) to donate \$25,000 to *Building for Good* during the 2020-2021 fiscal year, with the understanding that the funds will be derived from the Forum's spending reserve.

November 2020

The Board approved the amended FY2021 Section Budget of \$44.9 million in revenue and \$52.7 million in expenses.

November 2020

The Board, sitting as members of the Board of the American Bar Association Fund for Justice and Education (ABA/FJE): a) approved the Minutes of November 13, 2020 meeting; b) accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2020, and not previously reported, as requested by the Association's Financial Services Division.

January 2021

The Board received the consolidated financial statements, details of consolidation and other information for the years ended August 31, 2020 and 2019.

January 2021

Legislative Priorities

The Board approved the request of the following Priorities for the 117th Congress (listed in alphabetical order):

1. Access to Legal Services (Access to Justice (A2J))
2. Cybersecurity
3. Criminal Justice System Improvements
4. Election Integrity and Civic Education (new priority)
5. Elimination of Discrimination
6. Immigration Reform
7. Independence of the Judiciary
8. Judicial Oversight of the Legal Profession (renamed priority)
9. International Rule of Law
10. Legal Education

The Board further approved adding “eliminating racial and ethnic biases in the criminal justice system” as a subissue of the Criminal Justice System Improvements priority. The Board also approved deleting “Access to the Civil Justice System” as a priority and deleting “Legal Protections for Servicemembers and Veterans” as a subissue of Access to Legal Services.

January 2021

International Matters

The Board approved the request from ABA Rule of Law Initiative to appoint the five individuals listed below to the ABA Kenya Board:

- Alberto Mora, Associate Executive Director, Global Programs & Director, ABA ROLI
- Scott Carlson, Senior Director of Programs and Strategic Initiatives, ABA ROLI
- Sebastian Albuja, Regional Director, Africa, ABA ROLI
- Erastus Omolo, Partner, Crowe Erastus & ABA ROLI Local Counsel
- Lucianna Thuo Wambui, Law Lecturer & Associate Dean, Kabarak University Law School

November 2020

The Executive Committee approved the request of the Commission on Immigration and the Pro Bono Asylum Representation Project (ProBAR) for ProBAR to participate, as an organizational plaintiff, in litigation addressing complications with regard to the implementation of Migrant Protection Protocols.

January 2021

The Board approved the request of ABA Rule of Law Initiative to register a Branch Office in Mexico and dissolve the current registration of the Civil Association.

January 2021

The Board approved the request of ABA Rule of Law Initiative to include Barbados in the “Approved Countries List or Areas Authorized for Registration of Representative or Branch Offices,” and approved a resolution to authorize the registration and operation of a representative office of the American Bar Association in Barbados.

January 2021

The Board approved the request of ABA Rule of Law Initiative to amend its previous request to register as an independent entity in Kenya to include the ABA as a member of the ABA Kenya entity.

January 2021

Meetings and Meeting Matters

The Board approved the request of the Standing Committee on Meetings and Travel for the ABA Midyear Meeting, scheduled for February 17- 22, 2021 in Chicago, to transition from an in-person meeting to a 100% virtual meeting.

November 2020

The Board approved the request of the Government and Public Sector Lawyers Division to charge a registration fee of no more than \$50.00 each for up to four CLE programs to be held during the 2021 Midyear Meeting. CLE topics may include: ethics, legal writing skills, the Freedom of Information Act, and/or technology.

November 2020

The Board approved the request of the Judicial Division to charge a registration fee of no more than \$50.00 for a 3-hour CLE program to be held during the 2021 Midyear Meeting entitled "*Dark Money in Judicial Elections*" featuring speaker Dean Erwin Chemerinsky.

November 2020

The Member Services Committee discussed the Policy on In-Person Meetings and deemed that it should not be modified and should remain in effect at least through the first quarter of 2021.

November 2020

The Board approved the request of the Standing Committee on Meetings and Travel that the ABA not hold its 2021 ABA Annual Meeting in Toronto, Canada, contingent upon successful negotiations by the ABA Meetings and Travel Department and the ABA Office of General Counsel.

January 2021

The Board approved the request of President-Elect Reginald M. Turner that in addition to the scheduled Board Meetings held in conjunction with the 2022 ABA Midyear Meeting (February 9-14, Seattle, Washington) and the 2022 ABA Annual Meeting (August 3-9, Chicago, Illinois), the following dates, venue, and decision-deferment regarding the stand-alone meetings of the Board for 2021-2022 as follows: November 4-5, 2021 (virtual meeting) and June 2022 (dates and location to be determined).

January 2021

Memoranda of Understanding/Agreements

The Board approved the request of ABA Rule of Law Initiative to enter into the following Memoranda of Understanding, subject to review and approval by the ABA Office of General Counsel and signed copies filed with the Policy and Planning Division:

- Kazakhstan: Academy of Judges of Kazakhstan
Ministry of Information and Public Development of Kazakhstan
National Chamber of Entrepreneurs
- Lao PDR: Lao State Inspection and Anti-Corruption Authority
- Malaysia: National Anti-Financial Crime Centre
- Peru: La Escuela de Derecho de la Universidad Científica del Sur
- Philippines: Supreme Court of the Philippines
- Thailand: Anti-Money Laundering Office of Thailand
- Tunisia: Tunisian Financial Analysis Committee
- Uganda: The Kampala Capital City Authority, Kawempe District
- Ukraine: Ministry of Digital Transformation
Ministry of Youth and Sports
Ombudsman of Ukraine
- Presidential Commissioner on Children’s Rights
- United States: International Research & Exchanges Board
- Vietnam: State Bank of Vietnam
Ministry of Finance
- Vietnamese Lawyers Association

November 2020

The Board approved the request of the Governmental Affairs Office for the ABA to join the American Civil Trial Bar Roundtable Resolution on Police Misconduct, Civil Rights and Racism, subject to edits of the proposed resolution including removal of the term “horrific” and capitalization of terms “Black” and “Indigenous”.

November 2020

The Board approved the request of the Center for Human Rights to enter into a Memorandum of Understanding with ARTICLE 19 and the Independent Journalists’ Association of Serbia, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2020

The Board approved the request of the Commission on Immigration and the Governmental Affairs for the ABA to sign a joint letter directed to leaders of the relevant House and Senate appropriations subcommittees that urges enhanced congressional oversight to ensure that the Legal Orientation Program is appropriately implemented by the Department of Justice’s Executive Office for Immigration Review, subject to review and approval of the Letter by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2020

The Board approved the request of the Center for Innovation to enter into a Memorandum of Understanding between the with the Center for Professional Responsibility, the Standing Committee on Delivery of Legal Services, the Institute for the Advancement of the American Legal System, and Legal Hackers, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2020

The Board approved the request of the Section of Litigation for its Judicial Intern Opportunity Program Committee to enter into a Memorandum of Understanding (MOU),

beginning in the summer of 2021 and reviewed and renewed annually, with the Judicial Resources Committee-Just the Beginning, a Pipeline Organization's Summer Judicial Internship Diversity Project, subject to annual review and approval of the MOU by the ABA Office of General Counsel, and signed copies filed with the Policy and Planning Division.

January 2021

The Board approved the request of the Center for Human Rights to enter into a Memorandum of Understanding (MOU) with the Southern African Development Community Lawyers' Association, subject to review and approval of the MOU by the ABA Office of General Counsel, and a signed copy filed with the Policy and Planning Division.

January 2021

The Board approved the request of ABA Rule of Law Initiative to enter into Memoranda of Understanding, subject to review and approval by the ABA Office of General Counsel and signed copies filled with the Policy and Planning Division, with the following organizations:

- Colombia: Migración Colombia; Gerencia de Fronteras
Ombudsman's Office of Colombia
Presidential Council for Women's Equity
Presidential Council for Human Rights and International Affairs
Ministry of Interior
- Kazakhstan: Estonian Center for Eastern Partnership
- Kyrgyz Republic: State Service on Migration under the Government of the
Kyrgyz Republic
Ministry of International Affairs of the Kyrgyz Republic
- Maldives: Bar Council of the Maldives
- Mexico: Tecnológico de Monterrey University
University of San Diego, Oral Adversarial Skill-Building Immersion
Seminar Program
- Sudan: Government of Sudan
- Uzbekistan: Public Fund for the Support and Development of National Mass
Media in the Republic of Uzbekistan

January 2021

Memorial Resolution

The Board adopted a memorial resolution for former member of the ABA Board of Governors, Kevin J. Curtin of Woburn, Massachusetts.

January 2021

Membership/Member Benefits

The Board approved the request of the Standing Committee on Membership to amend the Member Benefit Policy to clarify certain points of the document related to the program approval process, the types of information required for program consideration, and the program's staff oversight, subject to non-substantive edits to the policy. Additionally, the Board approved a new internal program approval structure.

February 2020

Other Matters

The Board, sitting as Members of the ABA Retirement Fund, approved the Minutes of the July 31, 2020 meeting of the members of the ABA Retirement Fund, the request from ABA Retirement Fund to amend its Bylaws, as amended, and Articles of Incorporation, and approved a one-year extension of the current term of each of the Directors of ABA Retirement Funds.

November 2020

Pension Matters

The Executive Committee approved the ABF Pension Plan Settlement Agreement, which provides that the ABA will amend the A-E-F-C Pension Plan (Plan) to provide for voluntary lump sum payouts to all nonretiree American Bar Foundation (ABF) participants during 2020 and for distribution of annuities to all remaining ABF participants during 2021, provided that the ABF shall make all contributions to the Plan required to fund such distributions and all other costs and expenses arising from implementation of such amendments.

November 2020

The Executive Committee approved the sixth amendment to the A-E-F-C Pension Plan to provide that, as of the effective date of the amendment: (1) a voluntary lump sum window will be provided for all American Bar Foundation nonretiree participants (2) elections of such voluntary lump sum payment must be made between October 15, 2020 and November 30, 2020; and authorized the Executive Director to take such actions to execute and deliver the Sixth Amendment.

November 2020

The Executive Committee approved the request to update the composition of the A-E-F-C Pension Administration Committee and the Committee for the Thrift Plan for Employees of the American Bar Association and Affiliates to replace the position of Deputy Executive Director with that of an ABA senior staff member nominated by the Executive Director.

November 2020

The Executive Committee approved the appointment of Robin Roy, Managing Director, Member Specialty Groups, as the ABA senior staff member representative to the A-E-F-C Pension Administration Committee and the Committee for the Thrift Plan for Employees of the American Bar Association and Affiliates, for a term that lasts until she ceases performing in such position.

November 2020

Policy Matters

The Board approved the policy on President-Elect Conflict of Interest.

November 2020

Presidential Citation

President Patricia Lee Refo presented a Presidential Citation to Kevin J. Curtin of Woburn, Massachusetts, posthumously.

January 2021

Programmatic Matters

The Board approved the request of the Judicial Division to participate in the Diversity, Equity, and Inclusion Collaborative (DEI) and any co-sponsorships as part of the DEI Collaborative for a term of two years, subject to receipt of a co-sponsorship request form. In addition, the approval is subject to the Judicial Division complying with ABA policy, including those regarding joint statements, review of reports and issuances of press releases.

January 2021

The Board approved the request of the American Bar Association Fund for Justice and Education to establish the ABA Gift Acceptance Policy.

January 2021

The Board approved the request of the American Bar Association Fund for Justice and Education to create a Program Support Fund for the *Hollis Salzman Scholarship* operated by the Section of Antitrust Law.

January 2021

The Board approved the request to create the *Honorable John F. Grady Endowment Fund*.

January 2021

Resolutions and House of Delegates Matters

The Board considered the following Resolutions and recommended that they be approved: Resolution No. 11-1; Resolution No. 106C*; Resolution No. 111 as revised; Resolution No. 300A; and Resolution No. 300B.

January 2021

*The Board did not consider the revision to Resolution No. 106C.

WASHINGTON STATE BAR ASSOCIATION

WSBA MISSION

The Washington State Bar Association’s mission is to serve the public and the members of the Bar, to ensure the integrity of the legal profession, and to champion justice.

WSBA GUIDING PRINCIPLES

The WSBA will operate a well-managed association that supports its members and advances and promotes:

- **Access to the justice system.**
Focus: Provide training and leverage community partnerships in order to enhance a culture of service for legal professionals to give back to their communities, with a particular focus on services to underserved low and moderate income people.
- **Diversity, equality, and cultural understanding throughout the legal community.**
Focus: Work to understand the lay of the land of our legal community and provide tools to members and employers in order to enhance the retention of minority legal professionals in our community.
- **The public’s understanding of the rule of law and its confidence in the legal system.**
Focus: Educate youth and adult audiences about the importance of the three branches of government and how they work together.
- **A fair and impartial judiciary.**
- **The ethics, civility, professionalism, and competence of the Bar.**

MISSION FOCUS AREAS

Ensuring Competent and Qualified Legal Professionals

- Cradle to Grave
- Regulation and Assistance

Promoting the Role of Legal Professionals in Society

- Service
- Professionalism

PROGRAM CRITERIA

- Does the Program further either or both of WSBA’s mission-focus areas?
- Does WSBA have the competency to operate the Program?
- As the mandatory bar, how is WSBA uniquely positioned to successfully operate the Program?
- Is statewide leadership required in order to achieve the mission of the Program?
- Does the Program’s design optimize the expenditure of WSBA resources devoted to the Program, including the balance between volunteer and staff involvement, the number of people served, the cost per person, etc?

2016 – 2018 STRATEGIC GOALS

- **Equip members with skills for the changing profession**
- **Promote equitable conditions for members from historically marginalized or underrepresented backgrounds to enter, stay and thrive in the profession**
- **Explore and pursue regulatory innovation and advocate to enhance the public’s access to legal services**

GR 12
REGULATION OF THE PRACTICE OF LAW

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

[Adopted effective September 1, 2017.]

GR 12.1
REGULATORY OBJECTIVES

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

[Adopted effective September 1, 2017.]

GR 12.2
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]

GR 12.3
WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION
OF SUPREME COURT-CREATED BOARDS AND COMMITTEES

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

[Adopted effective September 1, 2007; amended effective September 1, 2017.]

GR 12.4
WASHINGTON STATE BAR ASSOCIATION ACCESS TO
RECORDS

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

(3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

(e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

(2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

[Adopted effective July 1, 2014; amended effective September 1, 2017.]

**GR 12.5
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

[Adopted effective January 2, 2008; amended effective September 1, 2017.]

2020-2021
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA ITEMS DUE FOR EXEC COMMITTEE MTG	EXECUTIVE COMMITTEE MTG 9:00 am–12:00 pm	BOARD BOOK MATERIALS DEADLINE
November 13-14, 2020	Webcast & Teleconference	BOG Meeting	October 20, 2020	October 26, 2020	October 28, 2020
January 14-15, 2021	Webcast & Teleconference	BOG Meeting	December 8, 2020	December 14, 2020	December 30, 2020
March 18-19, 2021 March 19, 2021	Webcast & Teleconference	BOG Meeting	February 23, 2021	March 1, 2021	March 3, 2021
April 16-17, 2021	Davenport Hotel Spokane, WA	BOG Meeting	March 23, 2021	March 29, 2021	March 31, 2021
May 20-21, 2021	Location TBD Seattle, WA	BOG Meeting	April 27, 2021	May 3, 2021	May 5, 2021
July 15, 2021 July 16-17, 2021	Hilton Portland Downtown Portland, OR	BOG Retreat BOG Meeting	June 22, 2021	June 28, 2021	June 30, 2021
August 20-21, 2021	Hilton Garden Inn Boise, ID	BOG Meeting	July 27, 2021	August 2, 2021	August 4, 2021
September 23-24, 2021	Location TBD Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	August 24, 2021	August 30, 2021	September 8, 2021

Note – In-person meetings are dependent upon Covid-19 state guidance on in-person gatherings.

The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. Please notify the Executive Director's office in advance of possible late materials. Refer to 1305 BOG Action Procedure on how to bring agenda items to the Board.

This information can be found online at: www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials



WSBA Board of Governors CONGRESSIONAL DISTRICT MAP



Kyle Sciuchetti
President



Brian Tollefson
President-Elect



Rajeev Majumdar
Immediate Past
President



Terra Nevitt
Executive Director
& Secretary

2020-2021



Hunter Abell
Governor At-Large



Russell Knight
Governor At-Large



Alec Stephens
Governor At-Large

BASIC CHARACTERISTICS OF MOTIONS

*From: The Complete Idiot's Guide to Robert's Rules
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No ¹	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No ²	Yes	Majority
4. Raise a Question of Privilege	Asks urgent question regarding to rights	Yes	No	No	No	Rules by Chair
5. Call for orders of the day	Requires that the meeting follow the agenda	Yes	No	No	No	One member
6. Lay on the table	Puts the motion aside for later consideration	No	Yes	No	No	Majority
7. Previous question	Ends debate and moves directly to the vote	No	Yes	No	No	Two-thirds
8. Limit or extend limits of debate	Changes the debate limits	No	Yes	No	Yes	Two-thirds
9. Postpone to a certain time	Puts off the motion to a specific time	No	Yes	Yes	Yes	Majority ³
10. Commit or refer	Refers the motion to a committee	No	Yes	Yes	Yes	Majority
11. Amend an amendment (secondary amendment)	Proposes a change to an amendments	No	Yes	Yes ⁴	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes ⁴	Yes	Majority
13. Postpone indefinitely	Kills the motion	No	Yes	Yes	No	Majority
14. Main motion	Brings business before the assembly	No	Yes	Yes	Yes	Majority

1 Is debatable when another meeting is scheduled for the same or next day, or if the motion is made while no question is pending

2 Unless no question is pending

3 Majority, unless it makes question a special order

4 If the motion it is being applied to is debatable



Discussion Protocols Board of Governors Meetings

Philosophical Statement:

“We take serious our representational responsibilities and will try to inform ourselves on the subject matter before us by contact with constituents, stakeholders, WSBA staff and committees when possible and appropriate. In all deliberations and actions we will be courageous and keep in mind the need to represent and lead our membership and safeguard the public. In our actions, we will be mindful of both the call to action and the constraints placed upon the WSBA by GR 12 and other standards.”

Governor’s Commitments:

1. Tackle the problems presented; don’t make up new ones.
2. Keep perspective on long-term goals.
3. Actively listen to understand the issues and perspective of others before making the final decision or lobbying for an absolute.
4. Respect the speaker, the input and the Board’s decision.
5. Collect your thoughts and speak to the point – sparingly!
6. Foster interpersonal relationships between Board members outside Board events.
7. Listen and be courteous to speakers.
8. Speak only if you can shed light on the subject, don’t be repetitive.
9. Consider, respect and trust committee work but exercise the Board’s obligation to establish policy and insure that the committee work is consistent with that policy and the Board’s responsibility to the WSBA’s mission.
10. Seek the best decision through quality discussion and ample time (listen, don’t make assumptions, avoid sidebars, speak frankly, allow time before and during meetings to discuss important matters).
11. Don’t repeat points already made.
12. Everyone should have a chance to weigh in on discussion topics before persons are given a second opportunity.
13. No governor should commit the board to actions, opinions, or projects without consultation with the whole Board.
14. Use caution with e-mail: it can be a useful tool for debating, but e-mail is not confidential and does not easily involve all interests.
15. Maintain the strict confidentiality of executive session discussions and matters.



BOARD OF GOVERNORS

WSBA VALUES

Through a collaborative process, the WSBA Board of Governors and Staff have identified these core values that shall be considered by the Board, Staff, and WSBA volunteers (collectively, the “WSBA Community”) in all that we do.

To serve the public and our members and to promote justice, the WSBA Community values the following:

- Trust and respect between and among Board, Staff, Volunteers, Members, and the public
- Open and effective communication
- Individual responsibility, initiative, and creativity
- Teamwork and cooperation
- Ethical and moral principles
- Quality customer-service, with member and public focus
- Confidentiality, where required
- Diversity and inclusion
- Organizational history, knowledge, and context
- Open exchanges of information



BOARD OF GOVERNORS

GUIDING COMMUNICATION PRINCIPLES

In each communication, I will assume the good intent of my fellow colleagues; earnestly and actively listen; encourage the expression of and seek to affirm the value of their differing perspectives, even where I may disagree; share my ideas and thoughts with compassion, clarity, and where appropriate confidentiality; and commit myself to the unwavering recognition, appreciation, and celebration of the humanity, skills, and talents that each of my fellow colleagues bring in the spirit and effort to work for the mission of the WSBA. Therefore, I commit myself to operating with the following norms:

- ◆ I will treat each person with courtesy and respect, valuing each individual.
- ◆ I will strive to be nonjudgmental, open-minded, and receptive to the ideas of others.
- ◆ I will assume the good intent of others.
- ◆ I will speak in ways that encourage others to speak.
- ◆ I will respect others' time, workload, and priorities.
- ◆ I will aspire to be honest and open in all communications.
- ◆ I will aim for clarity; be complete, yet concise.
- ◆ I will practice "active" listening and ask questions if I don't understand.
- ◆ I will use the appropriate communication method (face-to-face, email, phone, voicemail) for the message and situation.
- ◆ When dealing with material of a sensitive or confidential nature, I will seek and confirm that there is mutual agreement to the ground rules of confidentiality at the outset of the communication.
- ◆ I will avoid triangulation and go directly to the person with whom I need to communicate. (If there is a problem, I will go to the source for resolution rather than discussing it with or complaining to others.)
- ◆ I will focus on reaching understanding and finding solutions to problems.
- ◆ I will be mindful of information that affects, or might be of interest or value to, others, and pass it along; err on the side of over-communication.
- ◆ I will maintain a sense of perspective and respectful humor.



BOARD OF GOVERNORS

Anthony David Gipe
President

phone: 206.386.4721
e-mail: adgipeWSBA@gmail.com

November 2014

BEST PRACTICES AND EXPECTATIONS

❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

❖ Team of Professionals

- Foster an atmosphere of teamwork
 - Between Board Members
 - The Board with the Officers
 - The Board and Officers with the Staff
 - The Board, Officers, and Staff with the Volunteers

- We all have common loyalty to the success of WSBA

❖ Work Hard and Have Fun Doing It

Working Together to Champion Justice

WASHINGTON STATE
B A R A S S O C I A T I O N

Financial Reports

(Unaudited)

Year to Date January 31, 2021

Prepared by Maggie Yu, Controller
Submitted by
Jorge Perez, Chief Financial Officer
February 17, 2021

Washington State Bar Association Financial Summary
Compared to Fiscal Year 2021 Budget
For the Period from January 1, 2021 to January 31, 2021

Category	Actual Revenues	Budgeted Revenues	Actual Indirect Expenses	Budgeted Indirect Expenses	Actual Direct Expenses	Budgeted Direct Expenses	Actual Total Expenses	Budgeted Total Expenses	Actual Net Result	Budgeted Net Result
Access to Justice	-	-	68,748	205,966	1	56,824	68,749	262,790	(68,749)	(262,790)
Administration	786	100,000	360,336	1,070,204	3,928	15,200	364,264	1,085,404	(363,477)	(985,404)
Admissions/Bar Exam	451,305	1,134,375	258,555	847,813	7,265	318,693	265,819	1,166,506	185,486	(32,131)
Advancement FTE	-	-	77,681	235,893	-	-	77,681	235,893	(77,681)	(235,893)
Bar News	166,755	468,350	113,009	345,499	145,662	449,665	258,671	795,164	(91,916)	(326,814)
Board of Governors	-	-	69,512	210,537	12,721	406,500	82,232	617,037	(82,232)	(617,037)
Communications Strategies	-	-	148,652	453,887	5,247	76,045	153,899	529,932	(153,899)	(529,932)
Communications Strategies FTE	-	-	72,369	222,622	-	-	72,369	222,622	(72,369)	(222,622)
Discipline	35,931	97,500	1,887,252	5,826,381	34,952	194,473	1,922,204	6,020,854	(1,886,273)	(5,923,354)
Diversity	135,000	135,374	77,501	325,440	767	26,790	78,268	352,230	56,732	(216,856)
Foundation	-	-	40,187	122,376	-	12,150	40,187	134,526	(40,187)	(134,526)
Human Resources	-	-	115,279	458,623	-	-	115,279	458,623	(115,279)	(458,623)
Law Clerk Program	115,682	193,000	32,504	95,128	24	10,650	32,527	105,778	83,155	87,222
Legislative	-	-	39,705	126,909	6,325	32,250	46,030	159,159	(46,030)	(159,159)
Licensing and Membership Records	135,070	336,450	192,053	583,749	10,116	21,951	202,169	605,700	(67,100)	(269,250)
Licensing Fees	5,221,310	16,531,113	-	-	-	-	-	-	5,221,310	16,531,113
Limited License Legal Technician	9,562	23,267	33,907	115,845	-	8,203	33,907	124,048	(24,345)	(100,781)
Limited Practice Officers	64,893	195,300	17,947	55,230	1,520	22,785	19,467	78,015	45,426	117,285
Mandatory CLE	345,173	767,950	147,606	473,822	83,966	148,018	231,572	621,840	113,601	146,110
Member Assistance Program	3,051	8,000	30,112	91,838	-	1,075	30,112	92,913	(27,061)	(84,913)
Member Benefits	3,381	28,000	43,423	134,790	112,378	188,496	155,801	323,286	(152,420)	(295,286)
Member Services & Engagement	31,528	154,250	136,303	496,743	972	42,990	137,275	539,733	(105,747)	(385,483)
Office of General Counsel	27	-	283,218.75	952,454	6,294.83	18,677.37	289,513.58	971,131	(289,487)	(971,131)
Office of the Executive Director	-	-	203,006	614,257	94	101,651	203,100	715,908	(203,100)	(715,908)
OGC-Disciplinary Board	-	-	54,509	164,644	26,325	91,650	80,834	256,294	(80,834)	(256,294)
Outreach and Engagement	-	-	83,516	260,983	522	28,252	84,038	289,235	(84,038)	(289,235)
Practice of Law Board	-	-	11,854	36,875	-	9,000	11,854	45,875	(11,854)	(45,875)
Professional Responsibility Program	-	-	93,707	276,709	439	7,125	94,146	283,834	(94,146)	(283,834)
Public Service Programs	103,000	130,200	42,318	127,921	28	268,493	42,346	396,414	60,654	(266,214)
Publication and Design Services	-	-	32,068	98,843	4,300	5,730	36,368	104,573	(36,368)	(104,573)
Regulatory Services FTE	-	-	128,645	506,486	-	-	128,645	506,486	(128,645)	(506,486)
Sections Administration	244,921	300,000	93,266	288,915	6,353	9,875	99,619	298,790	145,302	1,210
Service Center	-	-	226,172	737,344	2,090	8,500	228,261	745,844	(228,261)	(745,844)
Technology	-	-	554,519	1,659,474	-	-	554,519	1,659,474	(554,519)	(1,659,474)
Subtotal General Fund	7,067,376	20,603,129	5,769,440	18,224,201	472,287	2,581,710	6,241,728	20,805,911	825,648.01	(202,782)
Expenses using reserve funds							6,241,728		-	-
Total General Fund - Net Result from Operations									825,648.01	(202,782)
Percentage of Budget	34.30%		31.66%		18.29%		30.00%			
CLE-Seminars and Products	220,951	1,682,000	336,338	1,039,119	28,482	535,891	364,819	1,575,010	(143,868)	106,990
CLE - Deskbooks	91,034	158,000	71,500	215,042	55,377	112,107	126,877	327,149	(35,843)	(169,149)
Total CLE	311,985	1,840,000	407,837	1,254,161	83,859	647,998	491,696	1,902,159	(179,711)	(62,159)
Percentage of Budget	16.96%		32.52%		12.94%		25.85%			
Total All Sections	404,223	585,779	-	-	258,828	865,167	258,828	865,167	145,395	(279,388)
Client Protection Fund-Restricted	317,508	529,540	50,509	155,699	(3,238)	502,400	47,271	658,099	270,236	(128,559)
Totals	8,101,092	23,558,448	6,227,787	19,634,061	811,736	4,597,276	7,039,523	24,231,337	1,061,569	(672,889)
Percentage of Budget	34.39%		31.72%		17.66%		29.05%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2020	2021 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	4,193,130	4,064,571	4,463,366
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	469,241	407,082	289,530
Section Funds	1,210,209	930,821	1,355,604
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	550,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	3,478,234	3,275,452	4,303,882
Total General Fund Balance	5,528,234	5,325,452	6,353,882
Net Change in general Fund Balance		(202,782)	825,648
Total Fund Balance	11,400,814.00	10,727,925	12,462,383
Net Change In Fund Balance		(672,889)	1,061,569

Washington State Bar Association
 Statement of Activities
 For the Period from January 1, 2021 to January 31, 2021
33.33% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
LICENSE FEES									
REVENUE:									
LICENSE FEES	1,263,541.64	1,200,831.39	(62,710.25)	5,241,072.33	5,221,309.86	(19,762.47)	16,531,113.10	11,309,803.24	31.58%
TOTAL REVENUE:	1,263,542	1,200,831	(62,710)	5,241,072	5,221,310	(19,762)	16,531,113	11,309,803	31.58%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
ACCESS TO JUSTICE									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
ATJ BOARD RETREAT	-	-	-	-	-	-	2,000	2,000	0
LEADERSHIP TRAINING	667	-	667	667	-	667	2,000	2,000	0
ATJ BOARD EXPENSE	1,667	-	1,667	4,666	1	4,666	18,000	17,999	0%
STAFF TRAVEL/PARKING	292	-	292	1,167	-	1,167	3,500	3,500	0%
STAFF MEMBERSHIP DUES	-	-	-	120	-	120	120	120	0%
PUBLIC DEFENSE	417	-	417	1,067	-	1,067	4,400	4,400	0%
CONFERENCE/INSTITUTE EXPENSE	1,978	-	1,978	1,978	0	1,978	17,804	17,804	0%
RECEPTION/FORUM EXPENSE	-	-	-	-	-	-	9,000	9,000	0%
TOTAL DIRECT EXPENSES:	5,020	-	5,020	9,665	1	9,664	56,824	56,823	0.00%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.60 FTE)	9,556	10,647	(1,092)	37,389	40,837	(3,448)	113,835	72,998	35.87%
BENEFITS EXPENSE	3,697	3,645	52	14,952	13,933	1,019	44,524	30,591	31.29%
OTHER INDIRECT EXPENSE	3,510	2,823	686	15,836	13,978	1,858	47,607	33,629	29.36%
TOTAL INDIRECT EXPENSES:	16,762	17,116	(354)	68,177	68,748	(571)	205,966	137,218	33.38%
TOTAL ALL EXPENSES:	21,782	17,116	4,666	77,841	68,749	9,092	262,790	194,041	26.16%
NET INCOME (LOSS):	(21,782)	(17,116)	(4,666)	(77,841)	(68,749)	(9,092)	(262,790)	(194,041)	26.16%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
ADMINISTRATION									
REVENUE:									
INTEREST INCOME	9,582	1,019	(8,563)	34,118	786	(33,331)	100,000	99,214	0.79%
MISCELLANEOUS	-	(454)	(454)	-	-	-	-	-	-
TOTAL REVENUE:	9,582	564	(9,017)	34,118	786	(33,331)	100,000	99,214	0.79%
DIRECT EXPENSES:									
CONSULTING SERVICES	-	-	-	2,750	2,588	163	11,000	8,413	23.52%
STAFF TRAVEL/PARKING	350	78	272	1,400	1,340	60	4,200	2,860	31.90%
TOTAL DIRECT EXPENSES:	350	78	272	4,150	3,928	223	15,200	11,273	25.84%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.92 FTE)	60,572	66,423	(5,850)	226,846	236,001	(9,155)	661,603	425,602	35.67%
BENEFITS EXPENSE	16,875	16,716	159	67,703	63,602	4,101	202,703	139,101	31.38%
OTHER INDIRECT EXPENSE	15,181	12,267	2,913	68,492	60,733	7,758	205,898	145,165	29.50%
TOTAL INDIRECT EXPENSES:	92,628	95,406	(2,778)	363,040	360,336	2,704	1,070,204	709,868	33.67%
TOTAL ALL EXPENSES:	92,978	95,484	(2,506)	367,190	364,264	2,926	1,085,404	721,140	33.56%
NET INCOME (LOSS):	(83,396)	(94,919)	11,523	(333,072)	(363,477)	30,405	(985,404)	(621,927)	36.89%

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ADMISSIONS									
REVENUE:									
EXAM SOFT REVENUE	-	-	-	-	-	-	31,500	31,500	0.00%
BAR EXAM FEES	49,611	47,895	(1,716)	416,344	422,430	6,086	1,053,235	630,805	40.11%
RULE 9/LEGAL INTERN FEES	671	450	(221)	2,758	1,950	(808)	12,000	10,050	16.25%
SPECIAL ADMISSIONS	6,500	8,680	2,180	19,782	26,925	7,143	37,640	10,715	71.53%
TOTAL REVENUE:	56,781	57,025	244	438,884	451,305	12,421	1,134,375	683,070	39.78%
DIRECT EXPENSES:									
POSTAGE	150	-	150	600	19	581	1,800	1,781	1.07%
STAFF TRAVEL/PARKING	1,417	-	1,417	5,667	-	5,667	17,000	17,000	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	800	800	0.00%
SUPPLIES	83	-	83	333	940	(607)	1,000	60	94.00%
FACILITY, PARKING, FOOD	-	-	-	6,050	-	6,050	64,700	64,700	0.00%
EXAMINER FEES	-	-	-	-	-	-	20,000	20,000	0.00%
UBE EXMINATIONS	-	-	-	-	-	-	115,900	115,900	0.00%
BOARD OF BAR EXAMINERS	-	-	-	-	-	-	6,000	6,000	0.00%
BAR EXAM PROCTORS	-	(283)	283	-	(133)	133	27,000	27,133	-0.49%
CHARACTER & FITNESS BOARD	-	-	-	9,059	-	9,059	12,000	12,000	0.00%
DISABILITY ACCOMMODATIONS	-	-	-	-	-	-	10,000	10,000	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100	-	100	100	6	94	300	294	2.05%
LAW SCHOOL VISITS	20	-	20	20	-	20	920	920	0.00%
COURT REPORTERS	1,250	-	1,250	5,000	3,711	1,289	15,000	11,289	24.74%
DEPRECIATION-SOFTWARE	1,898	1,765	133	7,593	1,765	5,828	22,778	21,013	7.75%
ONLINE LEGAL RESEARCH	372	305	67	372	913	(542)	3,345	2,432	27.30%
LAW LIBRARY	17	11	6	17	44	(27)	150	107	28.92%
TOTAL DIRECT EXPENSES:	5,307	1,798	3,509	34,810	7,265	27,546	318,693	311,428	2.28%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.55 FTE)	40,226	40,258	(33)	157,391	146,775	10,616	479,196	332,421	30.63%
BENEFITS EXPENSE	14,417	14,253	164	58,389	54,420	3,968	173,728	119,308	31.33%
OTHER INDIRECT EXPENSE	14,369	11,586	2,783	64,830	57,359	7,470	194,889	137,530	29.43%
TOTAL INDIRECT EXPENSES:	69,012	66,097	2,915	280,609	258,555	22,054	847,813	589,258	30.50%
TOTAL ALL EXPENSES:	74,318	67,895	6,423	315,419	265,819	49,600	1,166,506	900,687	22.79%
NET INCOME (LOSS):	(17,537)	(10,870)	(6,667)	123,465	185,486	(62,021)	(32,131)	(217,617)	-577.28%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
ADVANCEMENT FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (1.15 FTE)	13,403	13,391	12	52,442	54,409	(1,967)	159,666	105,258	34.08%
BENEFITS EXPENSE	3,524	3,501	23	13,820	13,150	670	42,009	28,859	31.30%
OTHER INDIRECT EXPENSE	2,523	2,045	478	11,382	10,122	1,260	34,217	24,095	29.58%
TOTAL INDIRECT EXPENSES:	19,450	18,936	513	77,644	77,681	(37)	235,893	158,212	32.93%
NET INCOME (LOSS):	(19,450)	(18,936)	(513)	(77,644)	(77,681)	37	(235,893)	(158,212)	32.93%

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BAR NEWS									
REVENUE:									
ROYALTIES	260	-	(260)	1,662	1,262	(400)	1,500	238	84.12%
DISPLAY ADVERTISING	-	-	-	83,776	118,722	34,946	300,000	181,279	39.57%
SUBSCRIPT/SINGLE ISSUES	-	-	-	103	36	(67)	350	314	10.29%
CLASSIFIED ADVERTISING	-	161	161	2,570	945	(1,625)	11,500	10,555	8.22%
GEN ANNOUNCEMENTS	-	-	-	3,461	1,350	(2,111)	15,000	13,650	9.00%
PROF ANNOUNCEMENTS	-	-	-	5,767	5,936	169	20,000	14,064	29.68%
JOB TARGET ADVERTISING	10,514	11,607	1,094	52,741	38,505	(14,237)	120,000	81,495	32.09%
TOTAL REVENUE:	10,773	11,768	995	150,079	166,755	16,676	468,350	301,595	35.60%
DIRECT EXPENSES:									
BAD DEBT EXPENSE	-	-	-	-	-	-	750	750	0.00%
POSTAGE	-	-	-	28,570	30,741	(2,171)	95,000	64,259	32.36%
PRINTING, COPYING & MAILING	-	-	-	69,883	73,604	(3,721)	250,000	176,396	29.44%
DIGITAL/ONLINE DEVELOPMENT	917	-	917	3,667	2,650	1,017	11,000	8,350	24.09%
GRAPHICS/ARTWORK	125	-	125	500	-	500	1,500	1,500	0.00%
OUTSIDE SALES EXPENSE	-	-	-	27,597	38,667	(11,070)	90,000	51,333	42.96%
EDITORIAL ADVISORY COMMITTEE	-	-	-	580	-	580	800	800	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	615	615	0.00%
TOTAL DIRECT EXPENSES:	1,042	-	1,042	130,797	145,662	(14,865)	449,665	304,003	32.39%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.83 FTE)	16,743	16,923	(180)	65,511	68,805	(3,294)	199,458	130,653	34.50%
BENEFITS EXPENSE	5,131	5,110	21	20,891	19,380	1,511	61,936	42,556	31.29%
OTHER INDIRECT EXPENSE	6,201	5,014	1,187	27,977	24,824	3,154	84,105	59,281	29.51%
TOTAL INDIRECT EXPENSES:	28,075	27,047	1,028	114,380	113,009	1,371	345,499	232,490	32.71%
TOTAL ALL EXPENSES:	29,116	27,047	2,069	245,177	258,671	(13,494)	795,164	536,493	32.53%
NET INCOME (LOSS):	(18,343)	(15,279)	(3,064)	(95,098)	(91,916)	(3,182)	(326,814)	(234,898)	28.12%

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BOARD OF GOVERNOR									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
BOG MEETINGS	17,542	-	17,542	70,167	34	70,133	210,500	210,466	0.02%
BOG COMMITTEES' EXPENSES	2,500	-	2,500	10,000	-	10,000	30,000	30,000	0.00%
BOG RETREAT	-	-	-	-	253	(253)	15,000	14,747	1.69%
BOG CONFERENCE ATTENDANCE	3,667	200	3,467	14,667	497	14,170	44,000	43,503	1.13%
BOG TRAVEL & OUTREACH	2,917	-	2,917	11,667	937	10,730	35,000	34,063	2.68%
LEADERSHIP TRAINING	4,167	-	4,167	16,667	-	16,667	50,000	50,000	0.00%
BOG ELECTIONS	-	2,200	(2,200)	-	11,000	(11,000)	12,000	1,000	91.67%
PRESIDENT'S DINNER	-	-	-	-	-	-	10,000	10,000	0.00%
TOTAL DIRECT EXPENSES:	30,792	2,400	28,392	123,167	12,721	110,446	406,500	393,779	3.13%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.75 FTE)	9,783	10,972	(1,190)	38,278	41,111	(2,834)	116,541	75,430	35.28%
BENEFITS EXPENSE	3,475	3,442	34	14,123	13,097	1,027	41,926	28,829	31.24%
OTHER INDIRECT EXPENSE	3,839	3,091	748	17,321	15,304	2,017	52,070	36,766	29.39%
TOTAL INDIRECT EXPENSES:	17,097	17,505	(408)	69,722	69,512	210	210,537	141,025	33.02%
TOTAL ALL EXPENSES:	47,889	19,905	27,984	192,888	82,232	110,656	617,037	534,805	13.33%
NET INCOME (LOSS):	(47,889)	(19,905)	(27,984)	(192,888)	(82,232)	(110,656)	(617,037)	(534,805)	13.33%

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CONTINUING LEGAL EDUCATION (CLE)									
REVENUE:									
SEMINAR REGISTRATIONS	68,750	13,093	(55,658)	275,000	115,012	(159,989)	825,000	709,989	13.94%
SEMINAR-EXHIB/SPNSR/ETC	-	-	-	1,500	-	(1,500)	28,000	28,000	0.00%
SHIPPING & HANDLING	83	18	(65)	333	74	(259)	1,000	926	7.43%
COURSEBOOK SALES	667	255	(412)	2,667	1,106	(1,561)	8,000	6,894	13.83%
MP3 AND VIDEO SALES	68,333	25,345	(42,988)	273,333	104,760	(168,574)	820,000	715,240	12.78%
TOTAL REVENUE:	137,833	38,710	(99,123)	552,833	220,951	(331,882)	1,682,000	1,461,049	13.14%
DIRECT EXPENSES:									
COURSEBOOK PRODUCTION	125	-	125	500	-	500	1,500	1,500	0.00%
POSTAGE - FLIERS/CATALOGS	667	-	667	2,667	936	1,730	8,000	7,064	11.70%
POSTAGE - MISC./DELIVERY	67	-	67	267	-	267	800	800	0.00%
DEPRECIATION	399	484	(86)	1,594	1,938	(344)	3,188	1,250	60.79%
ONLINE EXPENSES	4,000	4,139	(139)	16,000	14,559	1,441	48,000	33,441	30.33%
ACCREDITATION FEES	250	(96)	346	1,000	2,772	(1,772)	3,000	228	92.40%
SEMINAR BROCHURES	1,667	-	1,667	6,667	-	6,667	20,000	20,000	0.00%
FACILITIES	23,250	800	22,450	93,000	6,400	86,600	279,000	272,600	2.29%
SPEAKERS & PROGRAM DEVELOP	4,167	-	4,167	16,667	326	16,340	50,000	49,674	0.65%
SPLITS TO SECTIONS	100,000	-	100,000	100,000	-	100,000	100,000	100,000	0.00%
CLE SEMINAR COMMITTEE	21	-	21	83	-	83	250	250	0.00%
BAD DEBT EXPENSE	54	-	54	217	-	217	650	650	0.00%
STAFF TRAVEL/PARKING	1,250	31	1,219	5,000	73	4,927	15,000	14,927	0.49%
STAFF MEMBERSHIP DUES	121	-	121	484	1,336	(852)	1,453	117	91.95%
SUPPLIES	83	-	83	333	-	333	1,000	1,000	0.00%
CONFERENCE CALLS	4	-	4	17	-	17	50	50	0.00%
COST OF SALES - COURSEBOOKS	125	14	111	500	69	431	1,500	1,431	4.57%
A/V DEVELOP COSTS (RECORDING)	167	-	167	667	-	667	2,000	2,000	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	42	25	17	167	72	95	500	428	14.35%
TOTAL DIRECT EXPENSES:	136,457	5,396	131,061	245,828	28,482	217,347	535,891	507,409	5.31%
INDIRECT EXPENSES:									
SALARY EXPENSE (8.42 FTE)	47,710.87	43,838	3,873	186,679	193,770	(7,091)	568,366	374,596	34.09%
BENEFITS EXPENSE	18,271	18,039	232	74,053	68,820	5,233	220,223	151,403	31.25%
OTHER INDIRECT EXPENSE	18,471	14,896	3,575	83,338	73,747	9,591	250,529	176,782	29.44%
TOTAL INDIRECT EXPENSES:	84,453	76,773	7,680	344,070	336,338	7,732	1,039,119	702,781	32.37%
TOTAL ALL EXPENSES:	220,910	82,169	138,741	589,898	364,819	225,079	1,575,010	1,210,190	23.16%
NET INCOME (LOSS):	(83,077)	(43,459)	(39,618)	(37,065)	(143,868)	106,803	106,990	250,858	-134.47%

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COMMUNICATION STRATEGIES									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	392	(502)	894	1,567	990	577	4,700	3,710	21.06%
STAFF MEMBERSHIP DUES	99	-	99	394	380	14	1,183	803	32.12%
SUBSCRIPTIONS	254	180	74	1,017	716	301	3,052	2,336	23.47%
DIGITAL/ONLINE DEVELOPMENT	67	-	67	267	-	267	800	800	0.00%
APEX DINNER	-	-	-	-	837	(837)	25,000	24,163	3.35%
50 YEAR MEMBER TRIBUTE LUNCH	-	-	-	10,708	-	10,708	10,708	10,708	0.00%
COMMUNICATIONS OUTREACH	2,083	25	2,058	8,333	1,965	6,368	25,000	23,035	7.86%
TELEPHONE	25	88	(63)	100	359	(259)	300	(59)	119.56%
CONFERENCE CALLS	25	-	25	101	-	101	302	302	0.00%
MISCELLANEOUS	417	-	417	1,667	-	1,667	5,000	5,000	0.00%
TOTAL DIRECT EXPENSES:	3,361	(209)	3,570	24,154	5,247	18,907	76,045	70,798	6.90%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.80 FTE)	21,598	23,135	(1,537)	84,509	89,327	(4,819)	257,297	167,969	34.72%
BENEFITS EXPENSE	6,910	6,872	38	28,146	26,066	2,080	83,426	57,360	31.24%
OTHER INDIRECT EXPENSE	8,343	6,718	1,626	37,644	33,259	4,385	113,165	79,906	29.39%
TOTAL INDIRECT EXPENSES:	36,852	36,725	127	150,299	148,652	1,646	453,887	305,235	32.75%
TOTAL ALL EXPENSES:	40,213	36,516	3,697	174,452	153,899	20,553	529,932	376,033	29.04%
NET INCOME (LOSS):	(40,213)	(36,516)	(3,697)	(174,452)	(153,899)	(20,553)	(529,932)	(376,033)	29.04%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
COMMUNICATION STRATEGIES FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	12,555	12,457	99	49,124	50,212	(1,088)	149,565	99,353	33.57%
BENEFITS EXPENSE	3,653	3,612	42	14,077	13,361	716	43,303	29,942	30.85%
OTHER INDIRECT EXPENSE	2,194	1,777	417	9,898	8,797	1,101	29,754	20,957	29.56%
TOTAL INDIRECT EXPENSES:	18,402	17,845	557	73,098	72,369	729	222,622	150,253	32.51%
NET INCOME (LOSS):	(18,402)	(17,845)	(557)	(73,098)	(72,369)	(729)	(222,622)	(150,253)	32.51%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
CLIENT PROTECTION FUND									
REVENUE:									
CPF RESTITUTION	134	2,501	2,367	702	6,364	5,662	4,000	(2,364)	159.10%
CPF MEMBER ASSESSMENTS	30,330	198,820	168,490	282,312	309,610	27,298	515,540	205,930	60.06%
INTEREST INCOME	833	1,162	329	3,333	1,534	(1,800)	10,000	8,466	15.34%
TOTAL REVENUE:	31,297	202,483	171,185	286,348	317,508	31,160	529,540	212,032	59.96%
DIRECT EXPENSES:									
BANK FEES - WELLS FARGO	96	174	(78)	359	754	(395)	1,000	246	75.41%
GIFTS TO INJURED CLIENTS	(3,313)	-	(3,313)	5,107	(4,013)	9,120	500,000	504,013	-0.80%
CPF BOARD EXPENSES	141	-	141	344	21	323	1,200	1,179	1.78%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	200	200	0.00%
TOTAL DIRECT EXPENSES:	(3,076)	174	(3,249)	5,810	(3,238)	9,048	502,400	505,638	-0.64%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.23 FTE)	7,091	7,084	7	27,747	29,013	(1,266)	84,478	55,465	34.34%
BENEFITS EXPENSE	2,880	2,836	44	11,586	10,772	814	34,624	23,852	31.11%
OTHER INDIRECT EXPENSE	2,698	2,166	532	12,174	10,725	1,449	36,598	25,873	29.30%
TOTAL INDIRECT EXPENSES:	12,669	12,086	583	51,507	50,509	998	155,699	105,190	32.44%
TOTAL ALL EXPENSES:	9,594	12,260	(2,666)	57,317	47,271	10,045	658,099	610,828	7.18%
NET INCOME (LOSS):	21,704	190,223	(168,519)	229,031	270,236	(41,205)	(128,559)	(398,795)	-210.20%

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DESKBOOKS									
REVENUE:									
SHIPPING & HANDLING	250	369	119	1,000	1,726	726	3,000	1,274	57.52%
DESKBOOK SALES	8,333	14,161	5,828	33,333	59,501	26,168	100,000	40,499	59.50%
SECTION PUBLICATION SALES	417	1,300	883	1,667	8,490	6,823	5,000	(3,490)	169.80%
CASEMAKER ROYALTIES	4,167	5,762	1,596	16,667	21,317	4,650	50,000	28,683	42.63%
TOTAL REVENUE:	13,167	21,592	8,426	52,667	91,034	38,367	158,000	66,966	57.62%
DIRECT EXPENSES:									
COST OF SALES - DESKBOOKS	4,740	5,408	(668)	18,960	31,067	(12,107)	56,880	25,813	54.62%
COST OF SALES - SECTION PUBLICATION	167	386	(219)	667	2,512	(1,846)	2,000	(512)	125.62%
SPLITS TO SECTIONS	1,250	-	1,250	5,000	1,781	3,219	15,000	13,219	11.88%
DESKBOOK ROYALTIES	-	-	-	-	-	-	500	500	0.00%
POSTAGE & DELIVER-DESKBOOKS	250	428	(178)	1,000	1,987	(987)	3,000	1,013	66.22%
FLIERS/CATALOGS	125	-	125	500	2,507	(2,007)	1,500	(1,007)	167.15%
ONLINE LEGAL RESEARCH	151	152	(1)	151	457	(306)	1,672	1,216	27.30%
POSTAGE - FLIERS/CATALOGS	63	-	63	250	-	250	750	750	0.00%
COMPLIMENTARY BOOK PROGRAM	83	-	83	333	-	333	1,000	1,000	0.00%
OBSOLETE INVENTORY	1,750	2,945	(1,195)	7,000	11,781	(4,781)	21,000	9,219	56.10%
BAD DEBT EXPENSE	8	-	8	33	-	33	100	100	0.00%
RECORDS STORAGE - OFF SITE	675	1,075	(400)	2,700	3,100	(400)	8,100	5,000	38.27%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	220	220	0.00%
MISCELLANEOUS	17	-	17	67	-	67	200	200	0.00%
SUBSCRIPTIONS	-	185	(185)	-	185	(185)	185	0	99.98%
TOTAL DIRECT EXPENSES:	9,278	10,579	(1,301)	36,661	55,377	(18,716)	112,107	56,730	49.40%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.52 FTE)	10,472	10,463	9	40,975	43,963	(2,987)	124,754	80,791	35.24%
BENEFITS EXPENSE	3,744	3,696	47	15,112	14,162	950	45,062	30,900	31.43%
OTHER INDIRECT EXPENSE	3,334	2,702	633	15,044	13,376	1,669	45,226	31,850	29.58%
TOTAL INDIRECT EXPENSES:	17,551	16,861	689	71,131	71,500	(368)	215,042	143,542	33.25%
TOTAL ALL EXPENSES:	26,829	27,441	(612)	107,792	126,877	(19,085)	327,149	200,272	38.78%
NET INCOME (LOSS):	(13,662)	(5,848)	(7,814)	(55,126)	(35,843)	(19,283)	(169,149)	(133,306)	21.19%

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DISCIPLINE									
REVENUE:									
COPY FEES	-	-	-	-	60	60	-	(60)	
AUDIT REVENUE	208	191	(17)	833	425	(408)	2,500	2,075	17.00%
RECOVERY OF DISCIPLINE COSTS	6,667	730	(5,937)	26,667	29,776	3,109	80,000	50,224	37.22%
DISCIPLINE HISTORY SUMMARY	1,250	1,650	1,650	5,000	5,670	670	15,000	9,330	37.80%
TOTAL REVENUE:	8,125	2,571	(4,304)	32,500	35,931	3,431	97,500	61,569	36.85%
DIRECT EXPENSES:									
PUBLICATIONS PRODUCTION	21	-	21	83	-	83	250	250	0.00%
STAFF TRAVEL/PARKING	2,917	1,584	1,333	11,667	7,920	3,747	35,000	27,080	22.63%
STAFF MEMBERSHIP DUES	420	-	420	1,678	3,080	(1,402)	5,035	1,955	61.17%
TELEPHONE	242	184	58	967	717	250	2,900	2,183	24.73%
COURT REPORTERS	2,917	4,965	(2,048)	11,667	5,377	6,290	35,000	29,623	15.36%
OUTSIDE COUNSEL/AIC	417	-	417	1,667	-	1,667	5,000	5,000	0.00%
LITIGATION EXPENSES	2,917	(134)	3,051	11,667	1,723	9,944	35,000	33,277	4.92%
DISABILITY EXPENSES	833	-	833	3,333	-	3,333	10,000	10,000	0.00%
ONLINE LEGAL RESEARCH	4,441	4,417	24	17,763	13,241	4,522	53,288	40,047	24.85%
LAW LIBRARY	1,000	45	955	4,000	2,894	1,106	12,000	9,106	24.12%
TRANSLATION SERVICES	83	-	83	333	-	333	1,000	1,000	0.00%
TOTAL DIRECT EXPENSES:	16,206	11,060	5,146	64,824	34,952	29,872	194,473	159,520	17.97%
INDIRECT EXPENSES:									
SALARY EXPENSE (37.00 FTE)	301,968	311,271	(9,303)	1,181,623	1,220,094	(38,471)	3,627,767	2,407,673	33.63%
BENEFITS EXPENSE	91,622	90,822	799	364,739	342,766	21,973	1,097,713	754,947	31.23%
OTHER INDIRECT EXPENSE	81,167	65,523	15,645	366,212	324,392	41,820	1,100,901	776,509	29.47%
TOTAL INDIRECT EXPENSES:	474,757	467,616	7,141	1,912,574	1,887,252	25,322	5,826,381	3,939,129	32.39%
TOTAL ALL EXPENSES:	490,963	478,676	12,287	1,977,398	1,922,204	55,194	6,020,854	4,098,649	31.93%
NET INCOME (LOSS):	(482,838)	(476,105)	(6,733)	(1,944,898)	(1,886,273)	(58,625)	(5,923,354)	(4,037,080)	31.84%

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DIVERSITY									
REVENUE:									
DONATIONS	10,417	-	(10,417)	41,667	135,000	93,333	125,000	(10,000)	108.00%
WORK STUDY GRANTS	865	-	(865)	3,458	-	(3,458)	10,374	10,374	0.00%
TOTAL REVENUE:	11,281	-	(11,281)	45,125	135,000	89,875	135,374	374	99.72%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	333	-	333	1,333	-	1,333	4,000	4,000	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	640	640	0.00%
COMMITTEE FOR DIVERSITY	500	-	500	900	17	883	4,900	4,883	0.34%
DIVERSITY EVENTS & PROJECTS	1,438	-	1,438	5,750	750	5,000	17,250	16,500	4.35%
TOTAL DIRECT EXPENSES:	2,271	-	2,271	7,983	767	7,217	26,790	26,023	2.86%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.46 FTE)	16,197	6,724	9,473	63,517	37,421	26,096	193,096	155,675	19.38%
BENEFITS EXPENSE	4,904	4,863	41	19,918	18,510	1,408	59,149	40,639	31.29%
OTHER INDIRECT EXPENSE	5,397	4,357	1,040	24,348	21,570	2,778	73,195	51,625	29.47%
TOTAL INDIRECT EXPENSES:	26,498	15,944	10,553	107,783	77,501	30,282	325,440	247,939	23.81%
TOTAL ALL EXPENSES:	28,769	15,944	12,824	115,766	78,268	37,499	352,230	273,962	22.22%
NET INCOME (LOSS):	(17,488)	(15,944)	(1,543)	(70,642)	56,732	(127,374)	(216,856)	(273,588)	-26.16%

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FOUNDATION									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
CONSULTING SERVICES	-	-	-	-	-	-	3,000	3,000	0.00%
PRINTING & COPYING	75	-	75	300	-	300	900	900	0.00%
STAFF TRAVEL/PARKING	-	-	-	-	-	-	500	500	0.00%
SUPPLIES	21	-	21	83	-	83	250	250	0.00%
SPECIAL EVENTS	-	-	-	-	-	-	5,000	5,000	0.00%
BOARD OF TRUSTEES	-	-	-	229	-	229	2,000	2,000	0.00%
POSTAGE	-	-	-	500	-	500	500	500	0.00%
TOTAL DIRECT EXPENSES:	96	-	96	1,113	-	1,113	12,150	12,150	0.00%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	6,443	6,438	6	25,211	26,405	(1,194)	76,759	50,354	34.40%
BENEFITS EXPENSE	1,309	1,332	(22)	5,389	4,985	403	15,863	10,878	31.43%
OTHER INDIRECT EXPENSE	2,194	1,777	417	9,898	8,797	1,101	29,754	20,957	29.56%
TOTAL INDIRECT EXPENSES:	9,947	9,546	400	40,497	40,187	311	122,376	82,189	32.84%
TOTAL ALL EXPENSES:	10,042	9,546	496	41,610	40,187	1,423	134,526	94,339	29.87%
NET INCOME (LOSS):	(10,042)	(9,546)	(496)	(41,610)	(40,187)	(1,423)	(134,526)	(94,339)	29.87%

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HUMAN RESOURCES									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	-	-	-	44	-	44	741	741	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	193	193	0.00%
SUBSCRIPTIONS	207	-	207	279	173	106	3,505	3,332	4.93%
STAFF TRAINING- GENERAL	8,333	-	8,333	33,333	209	33,124	100,000	99,791	0.21%
RECRUITING AND ADVERTISING	583	22	561	2,333	997	1,337	7,000	6,003	14.24%
PAYROLL PROCESSING	7,382	3,918	3,464	14,806	16,348	(1,543)	49,000	32,652	33.36%
SALARY SURVEYS	242	-	242	967	-	967	2,900	2,900	0.00%
CONSULTING SERVICES	-	-	-	-	7,200	(7,200)	37,500	30,300	19.20%
TRANSFER TO INDIRECT EXPENSE	(16,747)	(3,940)	(12,807)	(51,762)	(24,927)	(26,835)	(200,839)	(175,912)	12.41%
TOTAL DIRECT EXPENSES:	-	-	-	-	-	-	-	-	
INDIRECT EXPENSES:									
SALARY EXPENSE (3.00 FTE)	24,214	12,328	11,886	94,741	62,062	32,679	288,452	226,390	21.52%
BENEFITS EXPENSE	7,081	7,031	49	28,596	26,948	1,648	85,241	58,293	31.61%
OTHER INDIRECT EXPENSE	6,310	5,306	1,004	28,611	26,270	2,342	84,930	58,660	30.93%
TOTAL INDIRECT EXPENSES:	37,605	24,665	12,940	151,948	115,279	36,669	458,623	343,344	25.14%
TOTAL ALL EXPENSES:	37,605	24,665	12,940	151,948	115,279	36,669	458,623	343,344	25.14%
NET INCOME (LOSS):	(37,605)	(24,665)	(12,940)	(151,948)	(115,279)	(36,669)	(458,623)	(343,344)	25.14%

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LAW CLERK PROGRAM									
REVENUE:									
LAW CLERK FEES	74,621	90,790	16,169	117,792	114,782	(3,010)	190,000	75,218	60.41%
LAW CLERK APPLICATION FEES	-	-	-	967	900	(67)	3,000	2,100	30.00%
TOTAL REVENUE:	74,621	90,790	16,169	118,759	115,682	(3,077)	193,000	77,318	59.94%
DIRECT EXPENSES:									
SUBSCRIPTIONS	-	-	-	-	-	-	250	250	0.00%
CHARACTER & FITNESS INVESTIGATIONS	-	-	-	-	-	-	100	100	0.00%
LAW CLERK BOARD EXPENSE	546	-	546	2,131	24	2,107	7,000	6,976	0.34%
STAFF TRAVEL/PARKING	-	-	-	-	-	-	300	300	0.00%
LAW CLERK OUTREACH	220	-	220	1,796	-	1,796	3,000	3,000	0.00%
TOTAL DIRECT EXPENSES:	766	-	766	3,927	24	3,903	10,650	10,626	0.22%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.90 FTE)	4,146	4,592	(446)	16,223	18,789	(2,567)	49,392	30,603	38.04%
BENEFITS EXPENSE	1,569	1,554	14	6,406	5,882	524	18,957	13,075	31.03%
OTHER INDIRECT EXPENSE	1,974	1,582	392	8,908	7,833	1,075	26,779	18,946	29.25%
TOTAL INDIRECT EXPENSES:	7,689	7,729	(39)	31,536	32,504	(968)	95,128	62,624	34.17%
TOTAL ALL EXPENSES:	8,456	7,729	727	35,463	32,527	2,936	105,778	73,251	30.75%
NET INCOME (LOSS):	66,165	83,062	(16,897)	83,296	83,155	141	87,222	4,067	95.34%

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LEGISLATIVE									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	1,236	-	1,236	1,526	-	1,526	4,550	4,550	0.00%
STAFF MEMBERSHIP DUES	450	-	450	450	-	450	450	450	0.00%
SUBSCRIPTIONS	-	-	-	2,000	1,982	18	2,000	18	99.09%
OLYMPIA RENT	65	-	65	65	-	65	2,500	2,500	0.00%
CONTRACT LOBBYIST	3,333	4,333	(1,000)	3,333	4,333	(1,000)	20,000	15,667	21.67%
LEGISLATIVE COMMITTEE	-	-	-	-	10	(10)	2,500	2,490	0.39%
BOG LEGISLATIVE COMMITTEE	-	-	-	-	-	-	250	250	0.00%
TOTAL DIRECT EXPENSES:	5,084	4,333	751	7,374	6,325	1,049	32,250	25,925	19.61%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	5,902	2,883	3,019	23,094	22,510	584	70,311	47,801	32.01%
BENEFITS EXPENSE	2,228	2,200	28	9,021	8,399	622	26,844	18,445	31.29%
OTHER INDIRECT EXPENSE	2,194	1,777	417	9,898	8,797	1,101	29,754	20,957	29.56%
TOTAL INDIRECT EXPENSES:	10,324	6,860	3,464	42,012	39,705	2,307	126,909	87,204	31.29%
TOTAL ALL EXPENSES:	15,408	11,193	4,215	49,386	46,030	3,356	159,159	113,129	28.92%
NET INCOME (LOSS):	(15,408)	(11,193)	(4,215)	(49,386)	(46,030)	(3,356)	(159,159)	(113,129)	28.92%

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2021 to January 31, 2021
33.33% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
LICENSING & MEMBERSHIP RECORDS									
REVENUE:									
STATUS CERTIFICATE FEES	3,624	2,870	(754)	11,340	11,155	(185)	26,300	15,145	42.41%
INVESTIGATION FEES	2,733	2,800	67	8,401	6,800	(1,601)	24,000	17,200	28.33%
PRO HAC VICE	22,900	32,060	9,160	91,600	115,874	24,274	274,800	158,926	42.17%
MEMBER CONTACT INFORMATION	719	-	(719)	7,934	1,145	(6,789)	11,000	9,855	10.41%
PHOTO BAR CARD SALES	29	48	19	160	96	(64)	350	254	27.43%
TOTAL REVENUE:	30,005	37,778	7,773	119,434	135,070	15,636	336,450	201,380	40.15%
DIRECT EXPENSES:									
DEPRECIATION	96	-	96	384	1,151	(767)	1,151	0	99.98%
POSTAGE	8	145	(137)	4,507	6,120	(1,613)	18,300	12,180	33.44%
LICENSING FORMS	-	-	-	2,500	2,845	(345)	2,500	(345)	113.81%
TOTAL DIRECT EXPENSES:	104	145	(41)	7,391	10,116	(2,725)	21,951	11,835	46.08%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.80 FTE)	31,142	31,131	11	115,576	118,795	(3,220)	343,552	224,757	34.58%
BENEFITS EXPENSE	10,572	10,406	167	42,554	39,999	2,555	127,131	87,132	31.46%
OTHER INDIRECT EXPENSE	8,336	6,718	1,618	37,611	33,259	4,352	113,066	79,807	29.42%
TOTAL INDIRECT EXPENSES:	50,050	48,254	1,796	195,741	192,053	3,687	583,749	391,696	32.90%
TOTAL ALL EXPENSES:	50,154	48,399	1,755	203,131	202,169	962	605,700	403,531	33.38%
NET INCOME (LOSS):	(20,149)	(10,622)	(9,527)	(83,697)	(67,100)	(16,598)	(269,250)	(202,150)	24.92%

Washington State Bar Association
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33.33% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM									
REVENUE:									
SEMINAR REGISTRATIONS	-	796	796	227	796	569	1,750	954	45.49%
LLLT LICENSE FEES	816	658	(158)	3,386	2,466	(920)	10,905	8,439	22.61%
LLLT LATE LICENSE FEES	-	-	-	412	-	(412)	412	412	0.00%
INVESTIGATION FEES	-	-	-	133	-	(133)	300	300	0.00%
LLLT EXAM FEES	-	-	-	5,004	6,300	1,296	9,600	3,300	65.63%
LLLT WAIVER FEES	-	-	-	-	-	-	300	300	0.00%
TOTAL REVENUE:	816	1,454	638	9,163	9,562	400	23,267	13,705	41.10%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	-	-	-	49	-	49	200	200	0.00%
LLLT BOARD	267	-	267	1,629	-	1,629	7,000	7,000	0.00%
LLLT OUTREACH	205	-	205	426	-	426	1,000	1,000	0.00%
LICENSING FORMS	-	-	-	-	-	-	3	3	0.00%
TOTAL DIRECT EXPENSES:	472	-	472	2,104	-	2,104	8,203	8,203	0.00%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	5,249	3,867	1,383	20,539	17,766	2,773	62,533	44,767	28.41%
BENEFITS EXPENSE	1,952	1,932	20	7,940	7,345	595	23,558	16,213	31.18%
OTHER INDIRECT EXPENSE	2,194	1,777	417	9,898	8,797	1,101	29,754	20,957	29.56%
TOTAL INDIRECT EXPENSES:	9,395	7,576	1,819	38,376	33,907	4,469	115,845	81,938	29.27%
TOTAL ALL EXPENSES:	9,867	7,576	2,291	40,481	33,907	6,573	124,048	90,141	27.33%
NET INCOME (LOSS):	(9,051)	(6,122)	(2,929)	(31,318)	(24,345)	(6,973)	(100,781)	(76,436)	24.16%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
LIMITED PRACTICE OFFICERS									
REVENUE:									
INVESTIGATION FEES	151	200	49	151	600	449	1,000	400	60.00%
LPO EXAMINATION FEES	-	(100)	(100)	6,901	8,600	1,699	18,400	9,800	46.74%
LPO LICENSE FEES	12,204	12,235	31	54,658	55,693	1,035	171,400	115,707	32.49%
LPO LATE LICENSE FEES	-	-	-	865	-	(865)	4,500	4,500	0.00%
TOTAL REVENUE:	12,355	12,335	(20)	62,576	64,893	2,318	195,300	130,407	33.23%
DIRECT EXPENSES:									
FACILITY, PARKING, FOOD	-	-	-	-	-	-	100	100	0.00%
EXAM WRITING	-	-	-	-	-	-	9,750	9,750	0.00%
ONLINE LEGAL RESEARCH	151	152	(1)	151	457	(306)	1,672	1,216	27.30%
LAW LIBRARY	183	268	(85)	183	1,059	(876)	3,663	2,603	28.92%
LPO BOARD	-	-	-	300	4	295	3,000	2,996	0.15%
LPO OUTREACH	-	-	-	-	-	-	4,000	4,000	0.00%
PRINTING & COPYING	-	-	-	-	-	-	100	100	0.00%
STAFF TRAVEL/PARKING	-	-	-	-	-	-	500	500	0.00%
TOTAL DIRECT EXPENSES:	334	420	(86)	633	1,520	(887)	22,785	21,265	6.67%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.50 FTE)	2,454	2,417	38	9,603	10,152	(549)	29,238	19,086	34.72%
BENEFITS EXPENSE	921	911	9	3,751	3,457	294	11,115	7,658	31.10%
OTHER INDIRECT EXPENSE	1,097	876	221	4,949	4,338	611	14,877	10,539	29.16%
TOTAL INDIRECT EXPENSES:	4,472	4,204	267	18,303	17,947	356	55,230	37,283	32.49%
TOTAL ALL EXPENSES:	4,806	4,625	181	18,936	19,467	(531)	78,015	58,548	24.95%
NET INCOME (LOSS):	7,550	7,710	(161)	43,639	45,426	(1,787)	117,285	71,859	38.73%

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	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
MEMBER ASSISTANCE PROGRAM									
REVENUE:									
DIVERSIONS	500	-	(500)	5,000	3,051	(1,949)	8,000	4,949	38.14%
TOTAL REVENUE:	500	-	(500)	5,000	3,051	(1,949)	8,000	4,949	38.14%
DIRECT EXPENSES:									
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	225	225	0.00%
PROF LIAB INSURANCE	811	-	811	811	-	811	850	850	0.00%
TOTAL DIRECT EXPENSES:	811	-	811	811	-	811	1,075	1,075	0.00%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.50 FTE)	4,394	4,391	3	17,192	18,010	(819)	52,342	34,332	34.41%
BENEFITS EXPENSE	2,052	2,003	49	8,205	7,763	442	24,619	16,856	31.53%
OTHER INDIRECT EXPENSE	1,097	876	221	4,949	4,338	611	14,877	10,539	29.16%
TOTAL INDIRECT EXPENSES:	7,542	7,270	273	30,345	30,112	234	91,838	61,726	32.79%
TOTAL ALL EXPENSES:	8,353	7,270	1,084	31,156	30,112	1,045	92,913	62,801	32.41%
NET INCOME (LOSS):	(7,853)	(7,270)	(584)	(26,156)	(27,061)	904	(84,913)	(57,852)	31.87%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
MEMBERSHIP BENEFITS									
REVENUE:									
SPONSORSHIPS	-	-	-	-	-	-	9,000	9,000	0.00%
INTERNET SALES	-	1,127	1,127	-	3,381	3,381	19,000	15,619	17.79%
TOTAL REVENUE:	-	1,127	1,127	-	3,381	3,381	28,000	24,619	12.08%
DIRECT EXPENSES:									
TRANSCRIPTION SERVICES	-	-	-	-	-	-	1,500	1,500	0.00%
CONFERENCE CALLS	-	-	-	-	-	-	2,000	2,000	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	167	-	167	667	-	667	2,000	2,000	0.00%
WSBA CONNECTS	-	-	-	27,591	19,400	8,191	46,560	27,160	41.67%
CASEMAKER & FASTCASE	5,558	76,730	(71,173)	100,852	92,978	7,874	136,436	43,458	68.15%
TOTAL DIRECT EXPENSES:	5,724	76,730	(71,006)	129,110	112,378	16,732	188,496	76,118	59.62%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.16 FTE)	6,522	5,691	831	25,518	26,249	(731)	77,694	51,445	33.79%
BENEFITS EXPENSE	1,868	1,867	1	7,639	7,051	587	22,582	15,530	31.23%
OTHER INDIRECT EXPENSE	2,545	2,045	500	11,481	10,122	1,359	34,515	24,393	29.33%
TOTAL INDIRECT EXPENSES:	10,935	9,603	1,331	44,638	43,423	1,216	134,790	91,368	32.21%
TOTAL ALL EXPENSES:	16,659	86,334	(69,675)	173,749	155,801	17,948	323,286	167,486	48.19%
NET INCOME (LOSS):	(16,659)	(85,207)	68,548	(173,749)	(152,420)	(21,329)	(295,286)	(142,867)	51.62%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
MANDATORY CONTINUING LEGAL EDUCATION									
REVENUE:									
ACCREDITED PROGRAM FEES	40,000	51,100	11,100	160,000	175,900	15,900	480,000	304,100	36.65%
FORM 1 LATE FEES	12,500	20,700	8,200	50,000	75,900	25,900	150,000	74,100	50.60%
MEMBER LATE FEES	225	450	225	900	1,350	450	2,700	1,350	50.00%
ANNUAL ACCREDITED SPONSOR FEES	1,000	-	(1,000)	42,250	42,250	-	42,250	-	100.00%
ATTENDANCE LATE FEES	6,667	12,000	5,333	26,667	42,350	15,683	80,000	37,650	52.94%
COMITY CERTIFICATES	2,914	3,298	384	11,679	7,423	(4,256)	13,000	5,577	57.10%
TOTAL REVENUE:	63,305	87,548	24,243	291,496	345,173	53,678	767,950	422,777	44.95%
DIRECT EXPENSES:									
DEPRECIATION	11,920	20,867	(8,947)	47,682	83,466	(35,784)	143,045	59,579	58.35%
STAFF MEMBERSHIP DUES	500	-	500	500	-	500	500	500	0.00%
ONLINE LEGAL RESEARCH	186	152	34	186	457	(271)	1,672	1,216	27.30%
LAW LIBRARY	17	11	6	17	44	(27)	150	107	28.92%
MCLE BOARD	650	-	650	1,300	-	1,300	2,600	2,600	0.00%
STAFF TRAVEL/PARKING	4	-	4	17	-	17	50	50	0.00%
TOTAL DIRECT EXPENSES:	13,277	21,030	(7,753)	49,701	83,966	(34,265)	148,018	64,052	56.73%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.80 FTE)	27,096	23,346	3,750	106,638	85,049	21,590	266,722	181,673	31.89%
BENEFITS EXPENSE	7,800	7,704	96	31,636	29,299	2,337	94,034	64,735	31.16%
OTHER INDIRECT EXPENSE	8,336	6,718	1,618	37,611	33,259	4,352	113,066	79,807	29.42%
TOTAL INDIRECT EXPENSES:	43,232	37,768	5,464	175,885	147,606	28,280	473,822	326,216	31.15%
TOTAL ALL EXPENSES:	56,509	58,798	(2,289)	225,586	231,572	(5,986)	621,840	390,268	37.24%
NET INCOME (LOSS):	6,796	28,750	(21,954)	65,909	113,601	(47,692)	146,110	32,509	77.75%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
MEMBER SERVICES & ENGAGEMENT									
REVENUE:									
ROYALTIES	153.68	-	(153.68)	13,092.03	17,729.91	4,637.88	49,250.00	31,520.09	36.00%
NMP PRODUCT SALES	6,803	1,009	(5,794)	52,728	6,520	(46,208)	80,000	73,480	8.15%
SEMINAR REGISTRATIONS	-	7,254	7,254	-	7,279	7,279	15,000	7,721	48.53%
TRIAL ADVOCACY PROGRAM	-	-	-	-	-	-	10,000	10,000	0.00%
TOTAL REVENUE:	6,957	8,263	1,306	65,820	31,528	(34,292)	154,250	122,722	20.44%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	208	-	208	833	-	833	2,500	2,500	0.00%
SUBSCRIPTIONS	42	15	27	167	60	107	500	440	12.00%
CONFERENCE CALLS	-	-	-	17	-	17	300	300	0.00%
YLL SECTION PROGRAM	1,121	485	636	1,121	805	316	1,500	695	53.67%
WYLC CLE COMPS	-	-	-	-	-	-	1,000	1,000	0.00%
WYLC OUTREACH EVENTS	-	-	-	150	-	150	2,500	2,500	0.00%
WYL COMMITTEE	1,730	-	1,730	8,575	-	8,575	12,500	12,500	0.00%
TRIAL ADVOCACY EXPENSES	-	-	-	0	-	0	5,000	5,000	0.00%
RECEPTION/FORUM EXPENSE	1,430	-	1,430	1,699	67	1,632	4,000	3,933	1.67%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	-	-	-	-	-	-	5,000	5,000	0.00%
STAFF MEMBERSHIP DUES	-	-	-	111	-	111	490	490	0.00%
LENDING LIBRARY	34	10	24	360	40	320	6,200	6,160	0.65%
NMP SPEAKERS & PROGRAM DEVELOPMENT	-	-	-	286	-	286	1,500	1,500	0.00%
TOTAL DIRECT EXPENSES:	4,565	510	4,055	13,319	972	12,347	42,990	42,018	2.26%
INDIRECT EXPENSES:									
SALARY EXPENSE (4.13 FTE)	24,009	14,956	9,053	93,940	72,681	21,259	286,011	213,330	25.41%
BENEFITS EXPENSE	7,274	7,249	25	29,656	27,472	2,184	87,848	60,376	31.27%
OTHER INDIRECT EXPENSE	9,060	7,302	1,758	40,877	36,151	4,727	122,884	86,733	29.42%
TOTAL INDIRECT EXPENSES:	40,343	29,507	10,836	164,473	136,303	28,170	496,743	360,440	27.44%
TOTAL ALL EXPENSES:	44,907	30,017	14,890	177,792	137,275	40,517	539,733	402,458	25.43%
NET INCOME (LOSS):	(37,951)	(21,755)	(16,196)	(111,972)	(105,747)	(6,225)	(385,483)	(279,736)	27.43%

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OFFICE OF THE EXECUTIVE DIRECTOR									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
WASHINGTON LEADERSHIP INSTITUTE	6,667	-	6,667	26,667	-	26,667	80,000	80,000	0.00%
ABA DELEGATES	417	-	417	1,667	-	1,667	5,000	5,000	0.00%
SECTION/COMMITTEE CHAIR MTGS	-	-	-	500	-	500	500	500	0.00%
VOLUNTEER SUPPORT	917	-	917	3,667	-	3,667	11,000	11,000	0.00%
BOG ELECTIONS	-	-	-	1	-	1	1	1	0.00%
ED TRAVEL & OUTREACH	417	-	417	1,667	-	1,667	5,000	5,000	0.00%
LAW LIBRARY	89	11	78	89	44	45	150	107	28.92%
STAFF TRAVEL/PARKING	-	(18)	18	-	-	-	-	-	
STAFF MEMBERSHIP DUES	-	-	-	-	50	(50)	-	(50)	
TOTAL DIRECT EXPENSES:	8,506	(7)	8,513	34,257	94	34,163	101,651	101,558	0.09%
INDIRECT EXPENSES:									
SALARY EXPENSE (3.00 FTE)	33,547	35,757	(2,209)	131,259	139,283	(8,024)	399,638	260,355	34.85%
BENEFITS EXPENSE	10,743	10,591	151	39,957	37,453	2,503	125,357	87,904	29.88%
OTHER INDIRECT EXPENSE	6,581	5,306	1,275	29,693	26,270	3,423	89,262	62,992	29.43%
TOTAL INDIRECT EXPENSES:	50,871	51,654	(783)	200,909	203,006	(2,097)	614,257	411,251	33.05%
TOTAL ALL EXPENSES:	59,377	51,647	7,730	235,165	203,100	32,066	715,908	512,809	28.37%
NET INCOME (LOSS):	(59,377)	(51,647)	(7,730)	(235,165)	(203,100)	(32,066)	(715,908)	(512,809)	28.37%

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OFFICE OF GENERAL COUNSEL									
REVENUE:									
COPY FEES	-	27	27	-	27	27	-	(27)	
TOTAL REVENUE:	-	27	27	-	27	27	-	(27)	
DIRECT EXPENSES:									
DEPRECIATION	139	-	139	556	-	556	1,668	1,668	0.00%
STAFF TRAVEL/PARKING	8	-	8	33	-	33	100	100	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	25	(25)	1,500	1,475	1.67%
ONLINE LEGAL RESEARCH	1,115	914	201	1,115	2,739	(1,624)	10,034	7,295	27.30%
LAW LIBRARY	-	22	(22)	-	1,780	(1,780)	-	(1,780)	
COURT RULES COMMITTEE	-	-	-	1,055	-	1,055	2,250	2,250	0.00%
DISCIPLINE ADVISORY ROUNDTABLE	-	-	-	-	-	-	375	375	0.00%
CUSTODIANSHIPS	-	1,750	(1,750)	51	1,750	(1,699)	2,500	750	70.02%
LITIGATION EXPENSES	21	-	21	83	-	83	250	250	0.00%
TOTAL DIRECT EXPENSES:	1,283	2,686	(1,403)	2,894	6,295	(3,401)	18,677	12,383	33.70%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.38 FTE)	50,179	43,946	6,233	196,336	176,482	19,854	597,771	421,289	29.52%
BENEFITS EXPENSE	13,817	13,764	53	54,387	50,824	3,564	164,926	114,102	30.82%
OTHER INDIRECT EXPENSE	13,990	11,294	2,697	63,122	55,913	7,209	189,757	133,844	29.47%
TOTAL INDIRECT EXPENSES:	77,987	69,003	8,984	313,846	283,219	30,627	952,454	669,235	29.74%
TOTAL ALL EXPENSES:	79,270	71,690	7,581	316,740	289,514	27,226	971,131	681,618	29.81%
NET INCOME (LOSS):	(79,270)	(71,663)	(7,608)	(316,740)	(289,487)	(27,253)	(971,131)	(681,645)	29.81%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	100	100	0.00%
LAW LIBRARY	-	67	(67)	-	263	(263)	-	(263)	
DISCIPLINARY BOARD EXPENSES	15	-	15	288	62	226	1,500	1,438	4.16%
CHIEF HEARING OFFICER	2,605	2,500	105	10,476	10,000	476	33,000	23,000	30.30%
HEARING OFFICER EXPENSES	-	-	-	1,629	-	1,629	1,500	1,500	0.00%
HEARING OFFICER TRAINING	126	-	126	229	-	229	550	550	0.00%
OUTSIDE COUNSEL	4,252	4,000	252	17,010	16,000	1,010	55,000	39,000	29.09%
TOTAL DIRECT EXPENSES:	6,999	6,567	432	29,633	26,325	3,308	91,650	65,325	28.72%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.30 FTE)	7,840	8,732	(892)	30,676	32,952	(2,276)	93,398	60,446	35.28%
BENEFITS EXPENSE	2,710	2,684	26	10,888	10,109	779	32,566	22,457	31.04%
OTHER INDIRECT EXPENSE	2,852	2,312	540	12,867	11,448	1,419	38,680	27,232	29.60%
TOTAL INDIRECT EXPENSES:	13,402	13,729	(327)	54,431	54,509	(77)	164,644	110,135	33.11%
TOTAL ALL EXPENSES:	20,401	20,295	105	84,064	80,834	3,230	256,294	175,460	31.54%
NET INCOME (LOSS):	(20,401)	(20,295)	(105)	(84,064)	(80,834)	(3,230)	(256,294)	(175,460)	31.54%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
OUTREACH & ENGAGEMENT									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	117	-	117	467	-	467	1,400	1,400	0.00%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	1,152	1,152	0.00%
ABA DELEGATES	-	-	-	-	-	-	5,600	5,600	0.00%
ANNUAL CHAIR MEETINGS	-	-	-	541	-	541	600	600	0.00%
JUDICIAL RECOMMENDATIONS COMMITTEE	375	-	375	1,500	-	1,500	4,500	4,500	0.00%
BAR OUTREACH	1,250	-	1,250	5,000	522	4,478	15,000	14,478	3.48%
TOTAL DIRECT EXPENSES:	1,742	-	1,742	7,507	522	6,985	28,252	27,730	1.85%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.00 FTE)	12,549	9,524	3,025	49,101	49,750	(648)	149,495	99,745	33.28%
BENEFITS EXPENSE	4,313	4,269	44	17,474	16,293	1,181	51,981	35,687	31.35%
OTHER INDIRECT EXPENSE	4,387	3,529	858	19,795	17,473	2,322	59,508	42,035	29.36%
TOTAL INDIRECT EXPENSES:	21,250	17,323	3,927	86,371	83,516	2,855	260,983	177,468	32.00%
TOTAL ALL EXPENSES:	22,992	17,323	5,669	93,878	84,038	9,840	289,235	205,198	29.06%
NET INCOME (LOSS):	(22,992)	(17,323)	(5,669)	(93,878)	(84,038)	(9,840)	(289,235)	(205,198)	29.06%

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PRACTICE OF LAW BOARD									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
PRACTICE OF LAW BOARD	242	-	242	1,175	-	1,175	9,000	9,000	0.00%
TOTAL DIRECT EXPENSES:	242	-	242	1,175	-	1,175	9,000	9,000	0.00%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.15 FTE)	2,200	2,199	1	8,606	8,795	(189)	26,203	17,408	33.56%
BENEFITS EXPENSE	543	540	3	1,862	1,733	129	6,209	4,476	27.92%
OTHER INDIRECT EXPENSE	329	268	61	1,485	1,326	159	4,463	3,137	29.70%
TOTAL INDIRECT EXPENSES:	3,072	3,007	65	11,953	11,854	99	36,875	25,021	32.15%
TOTAL ALL EXPENSES:	3,314	3,007	307	13,128	11,854	1,274	45,875	34,021	25.84%
NET INCOME (LOSS):	(3,314)	(3,007)	(307)	(13,128)	(11,854)	(1,274)	(45,875)	(34,021)	25.84%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	250	-	250	1,000	-	1,000	3,000	3,000	0.00%
STAFF MEMBERSHIP DUES	31	-	31	125	250	(125)	375	125	66.67%
LAW LIBRARY	-	45	(45)	-	176	(176)	-	(176)	-
CPE COMMITTEE	158	-	158	1,135	13	1,123	3,750	3,737	0.34%
TOTAL DIRECT EXPENSES:	440	45	395	2,260	439	1,822	7,125	6,686	6.16%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.69 FTE)	13,521	14,259	(738)	52,905	58,366	(5,461)	161,077	102,711	36.24%
BENEFITS EXPENSE	5,438	5,337	101	21,769	20,519	1,250	65,273	44,754	31.44%
OTHER INDIRECT EXPENSE	3,713	2,994	719	16,752	14,822	1,930	50,359	35,537	29.43%
TOTAL INDIRECT EXPENSES:	22,672	22,590	82	91,426	93,707	(2,281)	276,709	183,002	33.86%
TOTAL ALL EXPENSES:	23,112	22,634	477	93,687	94,146	(460)	283,834	189,688	33.17%
NET INCOME (LOSS):	(23,112)	(22,634)	(477)	(93,687)	(94,146)	460	(283,834)	(189,688)	33.17%

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	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
PUBLIC SERVICE PROGRAMS									
REVENUE:									
DONATIONS & GRANTS	-	-	-	130,000.00	103,000.00	(27,000.00)	130,000.00	27,000.00	79.23%
PSP PRODUCT SALES	-	-	-	132	-	(132)	200	200	0.00%
TOTAL REVENUE:	-	-	-	130,132	103,000	(27,132)	130,200	27,200	79.11%
DIRECT EXPENSES:									
DONATIONS/SPONSORSHIPS/GRANTS	19,433	-	19,433	77,731	-	77,731	233,193	233,193	0.00%
STAFF TRAVEL/PARKING	167	-	167	667	-	667	2,000	2,000	0.00%
PRO BONO & PUBLIC SERVICE COMMITTEE	233	-	233	633	28	605	2,500	2,472	1.12%
PUBLIC SERVICE EVENTS AND PROJECTS	-	-	-	-	-	-	27,000	27,000	0.00%
PRO BONO CERTIFICATES	317	-	317	1,267	-	1,267	3,800	3,800	0.00%
TOTAL DIRECT EXPENSES:	20,149	-	20,149	80,298	28	80,270	268,493	268,465	0.01%
INDIRECT EXPENSES:									
SALARY EXPENSE (1.00 FTE)	6,104	4,943	1,160	23,881	25,548	(1,667)	72,710	47,162	35.14%
BENEFITS EXPENSE	2,112	2,091	20	8,562	7,973	588	25,457	17,484	31.32%
OTHER INDIRECT EXPENSE	2,194	1,777	417	9,898	8,797	1,101	29,754	20,957	29.56%
TOTAL INDIRECT EXPENSES:	10,409	8,811	1,598	42,341	42,318	22	127,921	85,603	33.08%
TOTAL ALL EXPENSES:	30,559	8,811	21,747	122,639	42,346	80,292	396,414	354,068	10.68%
NET INCOME (LOSS):	(30,559)	(8,811)	(21,747)	7,494	60,654	(53,160)	(266,214)	(326,868)	-22.78%

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PUBLICATION & DESIGN SERVICES									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	-
DIRECT EXPENSES:									
EQUIPMENT, HARDWARE & SOFTWARE	25	-	25	100	-	100	300	300	0.00%
SUBSCRIPTIONS	17	180	(163)	67	200	(133)	200	0	99.99%
SUPPLIES	13	-	13	50	-	50	150	150	0.00%
IMAGE LIBRARY	-	-	-	4,744	4,100	644	5,080	980	80.71%
TOTAL DIRECT EXPENSES:	54	180	(126)	4,961	4,300	661	5,730	1,430	75.04%
INDIRECT EXPENSES:									
SALARY EXPENSE (0.87 FTE)	4,529	4,524	5	17,721	18,556	(835)	53,952	35,396	34.39%
BENEFITS EXPENSE	1,574	1,562	12	6,414	5,921	494	19,005	13,084	31.15%
OTHER INDIRECT EXPENSE	1,909	1,533	375	8,611	7,592	1,019	25,886	18,294	29.33%
TOTAL INDIRECT EXPENSES:	8,011	7,619	392	32,746	32,068	678	98,843	66,775	32.44%
TOTAL ALL EXPENSES:	8,065	7,799	267	37,707	36,368	1,339	104,573	68,205	34.78%
NET INCOME (LOSS):	(8,065)	(7,799)	(267)	(37,707)	(36,368)	(1,339)	(104,573)	(68,205)	34.78%

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REGULATORY SERVICES FTE									
INDIRECT EXPENSES:									
SALARY EXPENSE (2.70 FTE)	27,832	18,024	9,808	108,897	74,928	33,969	331,552	256,624	22.60%
BENEFITS EXPENSE	7,873	7,805	67	31,615	30,099	1,516	94,598	64,499	31.82%
OTHER INDIRECT EXPENSE	5,923	4,771	1,152	26,724	23,618	3,105	80,336	56,718	29.40%
TOTAL INDIRECT EXPENSES:	41,628	30,600	11,027	167,236	128,645	38,590	506,486	377,841	25.40%
NET INCOME (LOSS):	(41,628)	(30,600)	(11,027)	(167,236)	(128,645)	(38,590)	(506,486)	(377,841)	25.40%

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SERVICE CENTER									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
TRANSLATION SERVICES	850	608	242	3,100	2,090	1,010	8,500	6,410	24.58%
TOTAL DIRECT EXPENSES:	850	608	242	3,100	2,090	1,010	8,500	6,410	24.58%
INDIRECT EXPENSES:									
SALARY EXPENSE (6.71 FTE)	34,454	32,646	1,808	128,650	118,925	9,726	381,740	262,815	31.15%
BENEFITS EXPENSE	12,921	12,760	161	52,584	48,442	4,142	155,954	107,512	31.06%
OTHER INDIRECT EXPENSE	14,720	11,878	2,842	66,413	58,805	7,608	199,650	140,845	29.45%
TOTAL INDIRECT EXPENSES:	62,096	57,284	4,812	247,647	226,172	21,476	737,344	511,172	30.67%
TOTAL ALL EXPENSES:	62,946	57,892	5,053	250,747	228,261	22,486	745,844	517,583	30.60%
NET INCOME (LOSS):	(62,946)	(57,892)	(5,053)	(250,747)	(228,261)	(22,486)	(745,844)	(517,583)	30.60%

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SECTIONS ADMINISTRATION									
REVENUE:									
REIMBURSEMENTS FROM SECTIONS	232,554	240,412	7,858	235,282	244,921	9,639	300,000	55,079	81.64%
TOTAL REVENUE:	232,554	240,412	7,858	235,282	244,921	9,639	300,000	55,079	81.64%
DIRECT EXPENSES:									
STAFF TRAVEL/PARKING	-	-	-	465	-	465	1,740	1,740	0.00%
SUBSCRIPTIONS	34	-	34	137	410	(273)	410	0	99.90%
CONFERENCE CALLS	-	-	-	9	8	0	300	292	2.81%
MISCELLANEOUS	-	-	-	-	-	-	300	300	0.00%
SECTION/COMMITTEE CHAIR MTGS	-	-	-	457	-	457	1,000	1,000	0.00%
DUES STATEMENTS	-	-	-	5,866	5,935	(69)	6,000	65	98.92%
STAFF MEMBERSHIP DUES	-	-	-	-	-	-	125	125	0.00%
TOTAL DIRECT EXPENSES:	34	-	34	6,933	6,353	580	9,875	3,522	64.33%
INDIRECT EXPENSES:									
SALARY EXPENSE (2.68 FTE)	13,661	13,559	102	53,453	55,333	(1,880)	162,744	107,411	34.00%
BENEFITS EXPENSE	3,834	3,846	(12)	15,755	14,436	1,320	46,430	31,994	31.09%
OTHER INDIRECT EXPENSE	5,879	4,746	1,133	26,526	23,498	3,028	79,741	56,243	29.47%
TOTAL INDIRECT EXPENSES:	23,375	22,152	1,223	95,734	93,266	2,468	288,915	195,649	32.28%
TOTAL ALL EXPENSES:	23,409	22,152	1,257	102,667	99,619	3,048	298,790	199,171	33.34%
NET INCOME (LOSS):	209,145	218,261	(9,115)	132,614	145,302	(12,687)	1,210	(144,092)	12008.40%

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SECTIONS OPERATIONS									
REVENUE:									
SECTION DUES	346,861.47	375,439.08	28,577.61	350,870.10	382,576.58	31,706.48	439,445.00	56,868.42	87.06%
SEMINAR PROFIT SHARE	67,426	-	(67,426)	69,588	-	(69,588)	98,364	98,364	0.00%
INTEREST INCOME	13	-	(13)	53	-	(53)	1,470	1,470	0.00%
PUBLICATIONS REVENUE	116	-	(116)	116	1,781	1,665	6,000	4,219	29.69%
OTHER	2,147	3,405	1,258	11,414	19,865	8,451	40,500	20,635	49.05%
TOTAL REVENUE:	416,564	378,844	(37,720)	432,042	404,223	(27,819)	585,779	181,556	69.01%
DIRECT EXPENSES:									
DIRECT EXPENSES OF SECTION ACTIVITIES	25,699	2,358	23,341	100,741	13,907	86,835	584,594	570,687	2.38%
REIMBURSEMENT TO WSBA FOR INDIRECT I	222,284	240,412	(18,128)	224,897	244,921	(20,024)	280,573	35,652	87.29%
TOTAL DIRECT EXPENSES:	247,983	242,771	5,213	325,639	258,828	66,811	865,167	606,339	29.92%
NET INCOME (LOSS):	168,581	136,074	32,507	106,403	145,395	(38,992)	(279,388)	(424,783)	-52.04%

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TECHNOLOGY									
REVENUE:									
TOTAL REVENUE:	-	-	-	-	-	-	-	-	
DIRECT EXPENSES:									
CONSULTING SERVICES	9,167	644	8,523	36,667	22,762	13,905	110,000	87,238	20.69%
STAFF TRAVEL/PARKING	208	-	208	833	-	833	2,500	2,500	0.00%
STAFF MEMBERSHIP DUES	-	-	-	150	-	150	450	450	0.00%
TELEPHONE	1,470	1,438	32	6,199	4,821	1,377	22,000	17,179	21.91%
COMPUTER HARDWARE	5,000	110	4,890	20,000	279	19,721	60,000	59,721	0.46%
COMPUTER SOFTWARE	9,350	2,143	7,207	37,400	24,174	13,226	112,200	88,026	21.55%
HARDWARE SERVICE & WARRANTIES	-	6,233	(6,233)	38,537	18,714	19,822	55,000	36,286	34.03%
SOFTWARE MAINTENANCE & LICENSING	531	(9,995)	10,526	135,724	136,519	(795)	336,600	200,081	40.56%
TELEPHONE HARDWARE & MAINTENANCE	340	-	340	340	-	340	7,000	7,000	0.00%
COMPUTER SUPPLIES	833	333	500	3,333	982	2,351	10,000	9,018	9.82%
THIRD PARTY SERVICES	10,833	(1,004)	11,837	43,333	17,923	25,410	130,000	112,077	13.79%
TRANSFER TO INDIRECT EXPENSES	(37,733)	98	(37,831)	(322,516)	(226,174)	(96,342)	(845,750)	(619,576)	26.74%
TOTAL DIRECT EXPENSES:	-	0	-	(0)	-	(0)	-	-	
INDIRECT EXPENSES:									
SALARY EXPENSE (12.00 FTE)	95,113	92,670	2,442	372,331	345,006	27,326	1,120,558	775,552	30.79%
BENEFITS EXPENSE	29,848	29,545	303	120,408	113,321	7,087	359,195	245,874	31.55%
CAPITAL LABOR & OVERHEAD	(13,333)	-	(13,333)	(53,333)	(9,126)	(44,207)	(160,000)	(150,874)	5.70%
OTHER INDIRECT EXPENSE	25,242	21,273	3,969	114,445	105,319	9,125	339,721	234,402	31.00%
TOTAL INDIRECT EXPENSES:	136,870	143,489	(6,619)	553,850	554,519	(669)	1,659,474	1,104,955	33.42%
TOTAL ALL EXPENSES:	136,870	143,489	(6,619)	553,850	554,519	(669)	1,659,474	1,104,955	33.42%
NET INCOME (LOSS):	(136,870)	(143,489)	6,619	(553,850)	(554,519)	669	(1,659,474)	(1,104,955)	33.42%

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2021 to January 31, 2021
33.33% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON		
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR	% USED OF ANNUAL BUDGET
INDIRECT EXPENSES:									
SALARIES	985251.89	963,669	21,583	3,854,990	3,813,328	41,662	11,737,007	7,923,679	32.49%
ALLOWANCE FOR OPEN POSITIONS	(16,667)	-	(16,667)	(66,667)	-	(66,667)	(200,000)	(200,000)	0.00%
TEMPORARY SALARIES	26,560	2,742	23,818	82,466	20,801	61,665	162,458	141,657	12.80%
CAPITAL LABOR & OVERHEAD	(13,333)	-	(13,333)	(53,333)	(9,126)	(44,207)	(160,000)	(150,874)	5.70%
EMPLOYEE ASSISTANCE PLAN	448	-	448	1,792	1,600	192	5,376	3,776	29.76%
EMPLOYEE SERVICE AWARDS	152	-	152	607	-	607	1,820	1,820	0.00%
FICA (EMPLOYER PORTION)	61,034	71,928	(10,894)	227,725	267,389	(39,665)	715,455	448,065	37.37%
L&I INSURANCE	4,181	-	4,181	16,723	10,447	6,276	50,169	39,722	20.82%
WA STATE FAMILY MEDICAL LEAVE (EMPLC	1,406	1,405	1	5,624	5,158	465	16,871	11,713	30.57%
FFCRA LEAVE (EMPLOYER PORTION)	-	-	-	-	(1,456)	1,456	-	1,456	-
MEDICAL (EMPLOYER PORTION)	120,388	114,390	5,999	475,657	450,323	25,335	1,438,763	988,441	31.30%
PARKING BENEFITS	-	3,611	(3,611)	-	9,112	(9,112)	-	(9,112)	-
RETIREMENT (EMPLOYER PORTION)	127,679	115,845	11,834	499,560	464,266	35,294	1,520,993	1,056,727	30.52%
TRANSPORTATION ALLOWANCE	-	-	-	35,620	(23,777)	59,397	35,620	59,397	-66.75%
UNEMPLOYMENT INSURANCE	4,167	9,213	(5,046)	16,667	14,700	1,967	50,000	35,300	29.40%
STAFF DEVELOPMENT-GENERAL	525	-	525	2,100	-	2,100	6,300	6,300	0.00%
TOTAL SALARY & BENEFITS EXPENSE:	1,301,791	1,282,802	18,989	5,099,530	5,022,764	76,767	15,380,832	10,358,068	32.66%
WORKPLACE BENEFITS	3,250	(420)	3,670	13,000	1,748	11,252	39,000	37,252	4.48%
HUMAN RESOURCES POOLED EXP	16,747	3,940	12,807	51,762	24,927	26,835	200,838	175,911	12.41%
MEETING SUPPORT EXPENSES	1,250	-	1,250	3,125	435	2,690	13,125	12,690	3.32%
RENT	162,583	152,324	10,260	650,333	625,652	24,681	1,951,000	1,325,348	32.07%
PERSONAL PROP TAXES-WSBA	958	587	372	3,833	2,398	1,436	11,500	9,102	20.85%
FURNITURE, MAINT, LH IMP	2,500	396	2,104	10,000	1,931	8,069	30,000	28,069	6.44%
OFFICE SUPPLIES & EQUIPMENT	6,574	189	6,385	15,327	3,755	11,571	44,000	40,245	8.54%
FURN & OFFICE EQUIP DEPRECIATION	4,294	4,683	(389)	17,178	17,930	(752)	51,533	33,603	34.79%
COMPUTER HARDWARE DEPRECIATION	4,315	2,949	1,366	17,261	12,252	5,009	51,782	39,531	23.66%
COMPUTER SOFTWARE DEPRECIATION	11,091	10,417	674	44,363	43,199	1,164	133,089	89,890	32.46%
INSURANCE	16,275	18,810	(2,535)	65,100	75,238	(10,138)	195,300	120,062	38.52%
PROFESSIONAL FEES-AUDIT	-	7,500	(7,500)	10,000	35,000	(25,000)	46,000	11,000	76.09%
PROFESSIONAL FEES-LEGAL	20,833	14,195	6,638	83,333	64,594	18,739	250,000	185,406	25.84%
TELEPHONE & INTERNET	2,750	5,923	(3,173)	11,000	19,520	(8,520)	33,000	13,480	59.15%
POSTAGE - GENERAL	2,333	2,066	268	9,333	4,922	4,411	28,000	23,078	17.58%
RECORDS STORAGE	3,500	-	3,500	14,000	6,504	7,496	42,000	35,496	15.49%
STAFF TRAINING	3,176	5,275	(2,099)	13,614	5,767	7,847	57,922	52,155	9.96%
BANK FEES	4,208	10,371	(6,163)	16,833	24,587	(7,753)	50,500	25,913	48.69%
PRODUCTION MAINTENANCE & SUPPLIES	1,000	293	707	4,000	4,491	(491)	12,000	7,509	37.43%
COMPUTER POOLED EXPENSES	37,733	3,901	33,832	322,515	230,173	92,342	845,750	615,577	27.22%
TOTAL OTHER INDIRECT EXPENSES:	305,372	243,399	61,973	1,375,911	1,205,023	170,887	4,086,339	2,881,316	29.49%
TOTAL INDIRECT EXPENSES:	1,607,163	1,526,201	80,962	6,475,441	6,227,787	247,654	19,467,171	13,239,384	31.99%

Washington State Bar Association
Statement of Activities
For the Period from January 1, 2021 to January 31, 2021
33.33% OF YEAR COMPLETE

	MONTHLY BUDGET vs. ACTUAL			YEAR TO DATE BUDGET vs. ACTUAL			ANNUAL BUDGET COMPARISON	
	FISCAL 2021 BUDGET CURRENT MONTH	CURRENT MONTH ACTUAL	MONTHLY VARIANCE	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	YEAR TO DATE VARIANCE	FISCAL 2021 BUDGET ANNUAL	REMAINING BALANCE OF YEAR
ACCESS TO JUSTICE	(21,782)	(17,116)	(4,666)	(77,841)	(68,749)	(9,092)	(262,790)	(194,041)
ADMINISTRATION	(83,396)	(94,919)	11,523	(333,072)	(363,477)	30,405	(985,404)	(621,927)
ADMISSIONS/BAR EXAM	(17,537)	(10,870)	(6,667)	123,465	185,486	(62,021)	(32,131)	(217,617)
ADVANCEMENT FTE	(19,450)	(18,936)	(513)	(77,644)	(77,681)	37	(235,893)	(158,212)
BAR NEWS	(18,343)	(15,279)	(3,064)	(95,098)	(91,916)	(3,182)	(326,814)	(234,898)
BOARD OF GOVERNORS	(47,889)	(19,905)	(27,984)	(192,888)	(82,232)	(110,656)	(617,037)	(534,805)
CLE - PRODUCTS	50,137	7,269	42,868	199,436	32,800	166,636	598,785	565,985
CLE - SEMINARS	(133,215)	(50,728)	(82,486)	(236,501)	(176,668)	(59,833)	(491,795)	(315,127)
CLIENT PROTECTION FUND	21,704	190,223	(168,519)	229,031	270,236	(41,205)	(128,559)	(398,795)
COMMUNICATIONS	(40,213)	(36,516)	(3,697)	(174,452)	(153,899)	(20,553)	(529,932)	(376,033)
COMMUNICATIONS FTE	(18,402)	(17,845)	(557)	(73,098)	(72,369)	(729)	(222,622)	(150,253)
DESKBOOKS	(13,662)	(5,848)	(7,814)	(55,126)	(35,843)	(19,283)	(169,149)	(133,306)
DISCIPLINE	(482,838)	(476,105)	(6,733)	(1,944,898)	(1,886,273)	(58,625)	(5,923,354)	(4,037,080)
DIVERSITY	(17,488)	(15,944)	(1,543)	(70,642)	56,732	(127,374)	(216,856)	(273,588)
FOUNDATION	(10,042)	(9,546)	(496)	(41,610)	(40,187)	(1,423)	(134,526)	(94,339)
HUMAN RESOURCES	(37,605)	(24,665)	(12,940)	(151,948)	(115,279)	(36,669)	(458,623)	(343,344)
LAW CLERK PROGRAM	66,165	83,062	(16,897)	83,296	83,155	141	87,222	4,067
LEGISLATIVE	(15,408)	(11,193)	(4,215)	(49,386)	(46,030)	(3,356)	(159,159)	(113,129)
LICENSE FEES	1,263,542	1,200,831	62,710	5,241,072	5,221,310	19,762	16,531,113	11,309,803
LICENSING AND MEMBERSHIP	(20,149)	(10,622)	(9,527)	(83,697)	(67,100)	(16,598)	(269,250)	(202,150)
LIMITED LICENSE LEGAL TECHNICIAN	(9,051)	(6,122)	(2,929)	(31,318)	(24,345)	(6,973)	(100,781)	(76,436)
LIMITED PRACTICE OFFICERS	7,550	7,710	(161)	43,639	45,426	(1,787)	117,285	71,859
MANDATORY CLE ADMINISTRATION	6,796	28,750	(21,954)	65,909	113,601	(47,692)	146,110	32,509
MEMBER ASSISTANCE PROGRAM	(7,853)	(7,270)	(584)	(26,156)	(27,061)	904	(84,913)	(57,852)
MEMBER BENEFITS	(16,659)	(85,207)	68,548	(173,749)	(152,420)	(21,329)	(295,286)	(142,867)
MEMBER SERVICES & ENGAGEMENT	(37,951)	(21,755)	(16,196)	(111,972)	(105,747)	(6,225)	(385,483)	(279,736)
OFFICE OF GENERAL COUNSEL	(79,270)	(71,663)	(7,608)	(316,740)	(289,487)	(27,253)	(971,131)	(681,645)
OFFICE OF THE EXECUTIVE DIRECTOR	(59,377)	(51,647)	(7,730)	(235,165)	(203,100)	(32,066)	(715,908)	(512,809)
OGC-DISCIPLINARY BOARD	(20,401)	(20,295)	(105)	(84,064)	(80,834)	(3,230)	(256,294)	(175,460)
OUTREACH & ENGAGEMENT	(22,992)	(17,323)	(5,669)	(93,878)	(84,038)	(9,840)	(289,235)	(205,198)
PRACTICE OF LAW BOARD	(3,314)	(3,007)	(307)	(13,128)	(11,854)	(1,274)	(45,875)	(34,021)
PROFESSIONAL RESPONSIBILITY PROGRAM	(23,112)	(22,634)	(477)	(93,687)	(94,146)	460	(283,834)	(189,688)
PUBLIC SERVICE PROGRAMS	(30,559)	(8,811)	(21,747)	7,494	60,654	(53,160)	(266,214)	(326,868)
PUBLICATION & DESIGN SERVICES	(8,065)	(7,799)	(267)	(37,707)	(36,368)	(1,339)	(104,573)	(68,205)
REGULATORY SERVICES FTE	(41,628)	(30,600)	(11,027)	(167,236)	(128,645)	(38,590)	(506,486)	(377,841)
SECTIONS ADMINISTRATION	209,145	218,261	(9,115)	132,614	145,302	(12,687)	1,210	(144,092)
SECTIONS OPERATIONS	168,581	136,074	32,507	106,403	145,395	(38,992)	(279,388)	(424,783)
SERVICE CENTER	(62,946)	(57,892)	(5,053)	(250,747)	(228,261)	(22,486)	(745,844)	(517,583)
TECHNOLOGY	(136,870)	(143,489)	6,619	(553,850)	(554,519)	669	(1,659,474)	(1,104,955)
INDIRECT EXPENSES	(1,607,163)	(1,526,201)	(80,962)	(6,475,441)	(6,227,787)	(247,654)	(19,467,171)	(13,239,384)
TOTAL OF ALL	(1,371,009)	(1,045,573)	(325,437)	(6,090,379)	(5,166,218)	(924,161)	(20,140,059)	(14,973,841)
NET INCOME (LOSS)	236,154	480,629	(244,474)	385,061	1,061,569	(676,507)	(672,889)	(1,734,457)

**Washington State Bar Association
Analysis of Cash Investments
As of January 31, 2021**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 7,437,160

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.02%	\$ 8,774,716
UBS Financial Money Market	0.02%	\$ 1,081,095
Morgan Stanley Money Market	0.01%	\$ 3,353,655
Merrill Lynch Money Market	0.10%	\$ 1,983,289

General Fund Total \$ 22,629,915

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 251,275

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	0.02%	\$ 4,106,245
Morgan Stanley Money Market	0.01%	\$ 106,907

Client Protection Fund Total \$ 4,464,427

Grand Total Cash & Investments \$ 27,094,342

TO: WSBA Board of Governors
FROM: Pam Anderson, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison, Committee on Professional Ethics
DATE: March 1, 2021
RE: Advisory Opinion 202101

INFORMATION ONLY: New advisory opinion issued by the Committee on Professional Ethics regarding disclosure of civil commitment proceedings when representing a criminal defendant.

On February 5, 2021, the Committee on Professional Ethics approved Advisory Opinion 202101 about considerations regarding disclosure of civil commitment proceedings when representing a criminal client. This opinion originated from a member inquiry to the CPE last year. The CPE formed a subcommittee to research and analyze the issue. The subcommittee sought feedback on a proposed draft opinion from criminal defense and prosecutor associations, appellate organizations, civil legal aid groups, public defenders and federal prosecutors. The CPE believes the new opinion helps practitioners understand their ethical obligations under the RPC in this scenario.

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 202101

Date: February 5, 2021

Considerations regarding disclosure of civil commitment proceedings while representing a criminal defendant

***Summary:** This opinion discusses circumstances under which a lawyer representing a criminal defendant may be able to disclose the client's involvement in civil commitment proceedings to a court or prosecutor. The opinion addresses express informed consent and implied consent under RPC 1.6(a), the exception contained in RPC 1.6(b)(6), and authorization under RPC 1.14(b).*

A lawyer representing a criminal defendant faces a dilemma if the client fails to appear in court due to civil commitment in a hospital under RCW Ch. 71.05. If the lawyer fails to disclose the commitment, the court may issue a warrant for the client's arrest or take other action detrimental to the client's interests. However, disclosure of the commitment risks violating RPC 1.6. Advisory Opinions 2099 (2005) and 2190 (2009) address a similar issue – whether or how to disclose to the court a concern about the client's competence to stand trial – but they do not address disclosure of a civil commitment proceeding. This opinion reviews ethical considerations presented by that dilemma, which is particularly acute when the lawyer does not learn of the civil commitment in advance of the hearing.

RPC 1.6(a) provides: "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)." Paragraph (b) of the rule describes eight scenarios in which a lawyer may reveal information relating to the representation without the client's informed or implied consent. Of these, subparagraph (b)(6), authorizing disclosure to comply with a court order, is relevant to this discussion.

Although it is important to discuss a client's objectives early in any engagement¹ and to review them periodically during the engagement, it can be particularly helpful to do so if the lawyer anticipates that mental health issues could complicate the client's defense. Should the client's condition subsequently deteriorate, it may become difficult for the client to make informed decisions about significant issues or, if the client is hospitalized, it may become difficult to communicate with the client at all.

¹ RPC 1.2(a) requires a lawyer to abide by a client's decisions concerning the objectives of the representation and notes that RPC 1.4 requires the lawyer to consult with the client as to the means by which the objectives are to be pursued.

Discussion about the relative importance of confidentiality and liberty may be not be feasible early in an engagement. However, if feasible, such discussions may in some cases lead to express, informed consent to disclose information protected by RPC 1.6 to the court and/or the prosecutor. In other cases such discussions before circumstances become exigent may provide a basis for the lawyer to conclude later in the engagement that the client gave implied consent.

"Informed consent" means the client's "agreement . . . to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the propose course of conduct." RPC 1.0A(e). RPC 1.6(a) does not require that informed consent be confirmed in writing. However, it may be advisable for the lawyer to provide the client a written description of the information that the client has authorized to be disclosed and the circumstances under which disclosure is authorized, together with the information that the client may revoke consent at any time. To avoid misunderstanding, the lawyer may ask the client to sign the authorization and may note that any revocation should be provided in writing. The scope of a disclosure pursuant to express, informed consent should be limited to the scope of the authorization.²

If early discussions do not progress to the point where the client makes a decision to give or refuse express, informed consent, the discussions may nevertheless progress to the point where the lawyer reasonably believes that the client has impliedly authorized disclosure of information in some circumstances to avoid adverse consequences to the client's liberty. When making a disclosure pursuant to implied authorization, the lawyer should disclose no more information than is reasonably necessary to accomplish the client's objective in preserving personal liberty. See RPC 1.6(b) and Comment [5].

In some cases a court may order a lawyer to reveal information relating to the representation of a client. For example, if an issue has arisen concerning the competence of the client to stand trial, the court may order the lawyer to disclose information protected by RPC 1.6 related to that issue. Subparagraph (b)(6) authorizes a lawyer to disclose otherwise confidential information pursuant to court order. However, the introductory language of paragraph (b) cautions that the lawyer's disclosure should be limited in scope to information that the lawyer reasonably believes is necessary to disclose under the circumstances. Comment [15] provides this guidance regarding court-ordered disclosure: "Absent informed consent of the client to do otherwise, the lawyer should assert on behalf of the client all non-frivolous claims that the information sought is protected against disclosure by the attorney-client privilege or other applicable law. In the event of an adverse ruling, the lawyer must consult with the client about the possibility of appeal to the extent required by Rule 1.4. Unless review is sought, however, paragraph (b)(6) permits the lawyer to comply with the court's order." When complying with such an order, the lawyer may consider providing disclosure to the court in camera or in chambers and/or requesting that the record be sealed.

² If a client lacks capacity to give informed consent at the outset of an engagement, there may be an issue as to whether the client is competent to stand trial. See Advisory Opinions 2099 and 2190 for guidance regarding disclosure.

RPC 1.14 may come into play if the lawyer does not have informed or implied consent and is not subject to a court order. This rule governs representation of a client with diminished capacity. Paragraph (b) authorizes a lawyer to take reasonably necessary protective action "[w]hen the lawyer reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial or other harm unless action is taken and cannot adequately act in the client's own interest."

A client who is at risk of being arrested and jailed for failing to appear in court might conceivably face substantial physical harm in some circumstances. For example, mental health issues can sometimes cause an encounter with law enforcement to escalate quickly and unexpectedly, and confinement in jail during a pandemic can create increased risk of infection. In addition, a client who accumulates a series of arrest warrants has an increased risk of adverse rulings in court. The comments to RPC 1.14 do not discuss what types of harm might qualify as "other harm," meaning harm not considered physical or financial that could nevertheless merit protective action. Advisory Opinion 2190 observes: "Because [of] the broad language of [RPC 1.14(b)], it would not be unreasonable to assume that 'other harm' did constitute harm to a client's constitutionally protected interest [in being competent to stand trial]." The same observation applies regarding a criminal defendant's liberty interest.

Comment [6] to RPC 1.14 provides guidance for making a determination whether the client has diminished capacity. If the lawyer concludes that the other requirements of RPC 1.14(b) are also satisfied, the next question is whether disclosure to the court is "reasonably necessary protective action." Although such disclosure is not listed among the examples in Comment [5], the comment states: "In taking any protective action, the lawyer should be guided by such factors as the wishes and values of the client to the extent known [and] the client's best interests . . ." Discussion about the client's objectives early in the engagement may provide a basis for concluding that disclosure to the court is an appropriate protective action under RPC 1.14. Comment [8] states: "When taking protective action pursuant to paragraph (b), the lawyer is impliedly authorized to make the necessary disclosures, even when the client directs the lawyer to the contrary."

If the lawyer discloses information to the court, whether pursuant to RPC 1.6(a), RPC 1.6(b)(6) or RPC 1.14, the lawyer must comply with RPC 3.3 governing candor toward the tribunal.

It is a separate question whether disclosure of the information that a client is in civil commitment may be prohibited by statute. The Committee does not opine on questions of law.