

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

Board of Governors Meeting
Public Session

September 27-28, 2018
WSBA Conference Center
Seattle, Washington

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 12.2
**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.]



**2017-2018
WSBA BOARD OF GOVERNORS MEETING SCHEDULE**

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm*
November 15, 2017 (<i>afternoon</i>) November 16, 2017 (<i>all day</i>)	WSBA Conference Center Seattle, WA	BOG Meeting	October 26, 2017	November 1, 2017	October 26, 2017
January 18-19, 2018	Bellwether Bellingham, WA	BOG Meeting	December 21, 2017	January 3, 2018	December 14, 2017
March 8, 2018 March 9, 2018	Red Lion Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 15, 2018	February 21, 2018	February 15, 2018
May 17-18, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	April 26, 2018	May 2, 2018	April 26, 2018
July 26, 2018 July 27-28, 2018	Hilton Vancouver, WA	BOG Retreat BOG Meeting	June 28, 2018	July 11, 2018	June 28, 2018
September 27-28, 2018 September 27, 2018	WSBA Conference Center Seattle, WA Sheraton	BOG Meeting WSBA APEX Awards Banquet	September 6, 2018	September 12, 2018	September 6, 2018 8:00 am – 10:00 am

*The Board Book Material Deadline is the final due date for submission of materials for the respective Board meeting. However, you should notify the Executive Director's office in advance of possible meeting agenda item(s).

This information can be found online at: www.wsba.org/About-WSBA/Governance/Board-Meeting-Schedule-Materials

*Unless otherwise noted.

2018-2019
WSBA BOARD OF GOVERNORS MEETING SCHEDULE

MEETING DATE	LOCATION	POTENTIAL ISSUES / SOCIAL FUNCTION	AGENDA DUE	BOARD BOOK MATERIAL DEADLINE*	EXECUTIVE COMMITTEE 2:00 pm–4:00 pm* October 24, 2018 9:00 am – 11:00 am
November 16, 2018	WSBA Conference Center Seattle, WA	BOG Meeting	October 25, 2018	October 31, 2018	
January 17-18, 2019	WSBA Conference Center Seattle, WA	BOG Meeting	December 20, 2018	January 2, 2019	December 20, 2018
March 7, 2019 March 8, 2019	Red Lion Olympia, WA Temple of Justice	BOG Meeting BOG Meeting with Supreme Court	February 14, 2019	February 20, 2019	February 14, 2019
May 16-17, 2019	Hilton Garden Inn Yakima, WA	BOG Meeting	April 25, 2019	May 1, 2019	April 25, 2019
July 25, 2019 July 26-27, 2019	Courtyard Marriott Richland, WA	BOG Retreat BOG Meeting	June 27, 2019	July 10, 2019	June 27, 2019
September 26-27, 2019 September 26, 2019	WSBA Conference Center Seattle, WA TBD	BOG Meeting WSBA APEX Awards Banquet	September 5, 2019	September 11, 2019	September 5, 2019

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*Unless otherwise noted.



WSBA Board of Governors

CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect

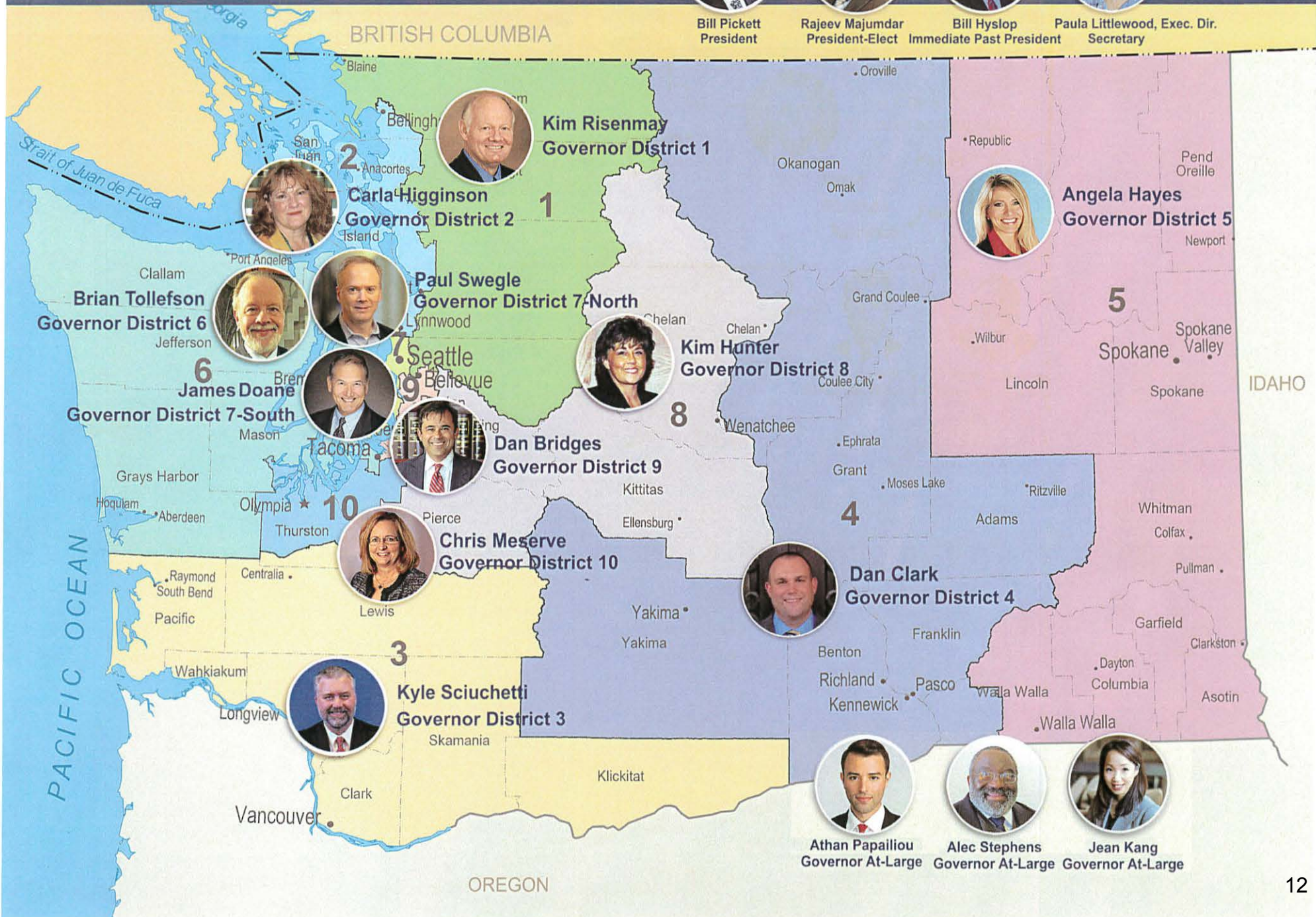


Bill Hyslop
Immediate Past President



Paula Littlewood, Exec. Dir.
Secretary

2017-2018





WSBA Board of Governors

CONGRESSIONAL DISTRICT MAP



Bill Pickett
President



Rajeev Majumdar
President-Elect



Immediate Past
President



Paula Littlewood, Exec. Dir.
Secretary

2018-2019



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

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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

999 Third Avenue, Suite 3000 / Seattle, WA 98104 / fax: 206.340.8856



**Board of Governors Meeting
WSBA Conference Center
Seattle, WA
September 27-28, 2018**

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

THURSDAY, SEPTEMBER 27, 2018

GENERAL INFORMATION 2

1. AGENDA 19

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approve July 27-28, 2018, Executive Session Minutes **(action)** E-2
- b. Approve September 7, 2018, Emergency Executive Session Minutes **(action)** E-7
- c. President's and Executive Director's Reports
- d. Client Protection Board Gift Recommendation – Julie Shankland **(action)** E-8
- e. Report on Executive Director Annual Evaluation – Angela Hayes and Paula Littlewood.... E-13
- f. Litigation Report – Julie Shankland..... E-46

12:00 P.M. – LUNCH WITH LIAISONS AND GUESTS

1:00 P.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President's Report & Executive Director's Report
- Consideration of Consent Calendar^{*}

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

- a. Washington State Bar Foundation (WSBF) Annual Meeting – James Armstrong, President, and Terra Nevitt, Director of Advancement/Chief Development Officer
 - 1. Appoint Members to WSBF Board of Trustees **(action)** 24
- b. Approve Amendments to Council on Public Defense (CPD) Charter – Eileen Farley, Chair, and Daryl Rodrigues, Vice Chair **(first reading)** 26

^{*} See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President's discretion.

- c. Approve Final WSBA FY2019 Budget – Treasurer Kim Risenmay, Chair; Ann Holmes, Chief Operations Officer; and Tiffany Lynch, Associate Director of Finance **(action)** 34
- d. Approve Keller Deduction Schedule **(action)** 113
- e. Fastcase Presentation – Phil Rosenthal, President; Steve Errick, Chief Operations Officer; and Joe Patz, Alliance Manager 120

3:30 P.M.

STRATEGIC ITEMS

- 4. **ANNUAL DISCUSSION WITH DEANS OF WASHINGTON STATE LAW SCHOOLS – Annette Clark, Dean of Seattle University School of Law, and Jacob Rooksby, Dean of Gonzaga University School of Law**

FRIDAY, SEPTEMBER 28, 2018

7:00 A.M. – EXECUTIVE SESSION

8:00 A.M. – PUBLIC SESSION

OPERATIONAL (continued)

- 5. **FIRST READING/ACTION CALENDAR (continued)**
 - f. Approve Support for Law School Transparency Report – Jordan Couch, WYLC Incoming Chair-elect, and Julianne Unite, Member Services and Engagement Specialist **(action)**..... 121
 - g. Approve Extension of Member Engagement Work Group Charter – President-elect Rajeev Majumdar **(action)** 158
 - h. Approve Recommendations from Civil Litigation Rules Drafting Task Force – Ken Masters, Chair **(action)** 162
Additional Information..... S-2
 - i. Approve Recommendations from Court Rules and Procedures Committee – Shannon Kilpatrick, Chair, and Julie Shankland, Interim General Counsel **(action)** 271
 - j. Approve WSBA Committee on Mission Performance and Review (CMPR) Recommendations **(action)** 339
 - k. Approve Proposed Updated Judicial Recommendation Committee (JRC) Guidelines – Sanjay Walvekar, Outreach and Legislative Affairs Manager **(action)** 406
 - l. Approve Proposed Policy Statement and Resolution re Fiscal Transparency – Governor Paul Swegle **(first reading)**..... 417
 - m. Appoint Chairs and Vice-Chairs to WSBA Committees and Boards **(action)** 418
 - n. Approve Technical Correction to RPC 1.12, Comment 1 **(action)** 427
 - o. Suggested Amendments to CrR 3.3 **(action)**late materials

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

OPERATIONAL (continued)

6. <u>CONSENT CALENDAR</u>	430
a. July 27-28, 2018, Public Session Minutes	431
7. <u>INFORMATION</u>	
a. Executive Director's Report	444
b. Committee on Professional Ethics (CPE) Advisory Opinion 201803	562
c. Chief Hearing Officer Annual Report	566
d. Legal Foundation of Washington Annual Report	569
e. ABA Annual Meeting Report	571
f. Professionalism Annual Report	574
g. Diversity and Inclusion Events	576
h. Financial Statements	
1. Third Quarter Fiscal Update Memo	
2. June 30, 2018, Financial Statements	
3. July 31, 2018, Financial Statements	
4. Investment Update for June, July, and August, 2018	
8. <u>PREVIEW OF NOVEMBER 16, 2018, MEETING</u>	673

12:00 P.M. - ADJOURN

2018-2019 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Access to Justice Board Report
- Financials
- FY2017 Fourth Quarter Management Report
- BOG 2017-2018 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Bellingham)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2017 Audited Financial Statements
- FY2018 First Quarter Management Report
- Legislative Report
- Office of Disciplinary Counsel Report (Executive Session – quarterly)
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

May (Seattle)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2018 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Vancouver)

Standing Agenda Items:

- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2019 Budget
- FY2018 Third Quarter Management Report
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2019 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2019 Budget
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
WSBA FY2019 Budget	July 27-28, 2018	Sept 27-28, 2018
WSBA Mission and Performance and Review Committee (CMPR) Update and Recommendations	July 27-28, 2018	Sept 27-28, 2018
Recommendations from Court Rules and Procedures Committee	July 27-28, 2018	Sept 27-28, 2018
Proposed Policy Statement and Resolution re Fiscal Transparency	Sept 27-28, 2018	Nov 16, 2018
Amendments to Council on Public Defense Charter	Sept 27-28, 2018	Nov 16, 2018



To: WSBA Board of Governors

From: James W. Armstrong, Jr., President

Re: 2018-19 Board of Trustees Appointments

Date: September 13, 2018

ACTION REQUESTED: Approve the appointment of the Trustees listed below to a second term, as recommended by unanimous consent of the Foundation Board of Trustees (except where Trustees recused themselves from recommending their own appointment).

The Foundation Board is pleased to present the proposed 2018-19 Board of Trustees roster.

The Washington State Bar Foundation is the fundraising arm of the WSBA. The current members of the WSBA Board of Governors constitute the membership of the Foundation. Per the Foundation's bylaws, the WSBA Executive Director serves as the Foundation's Secretary ex officio, the WSBA Past President serves as a trustee ex officio, and the WSBA President each year appoints a first year Governor to serve a 3-year term on the Foundation Board. The remaining seats are recommended by the Foundation Board and appointed by the Board of Governors, convened as the members of the Foundation.

A first-year Governor will be appointed by President Pickett to sit on the Board of Trustees.

The Board has unanimously approved a slate that includes appointing the following for a second term:

- Chad Arceneaux, Minority or Specialty Bar Representative
- Vern Harkins, WSBA Member
- Kristina Larry, At Large

Attachment:

- Proposed roster



2018-2019 Board of Trustees, Recommendation

	POSITION	RECOMMENDATION	TERM, ending
1	WSBA 1 st Year Governor	<i>Appointed by 2018-2019 BOG President</i>	September 2021
2	WSBA 2 nd Year Governor	<i>Appointed by 2017-2018 BOG President Kyle Sciuchetti</i>	September 2020
3	WSBA 3 rd Year Governor	<i>Appointed by 2016-2017 BOG President Athan Papailiou</i>	September 2019
4	WSBA Past President or Governor	Ken Masters	2 nd Term, September 2020
5	WSBA Member	Vernon Harkins	2 nd Term, September 2021
6	WSBA Member	<i>Vacant</i>	Remainder 1 st Term, September 2020
7	WSBA Member	Kinnon Williams	1 st Term, September 2020
8	WSBA Member	Sims Weymuller	1 st Term, September 2019
9	Minority/ Specialty Bar Rep.	Chad Arceneaux	2 nd Term, September 2021
10	Law Student	Jabu Diagana	Graduation
11	Public Member	Joan Duffy Watt	2 nd Term, Sept. 2020
12	Public Member	Richard C. Bird, Jr.	1 st Term, September 2019
13	At Large	<i>Vacant</i>	Remainder, September 2019
14	At Large	Kristina Larry	2 nd Term, September 2021
15	At Large	Blake Kremer	2 nd Term, September 2020
16	WSBA Immediate Past President	TBD	September 2019
17	Secretary	Paula C. Littlewood	Executive Director serves Ex Officio

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Eileen Farley, Chair, Council on Public Defense

Date: August 14, 2018

Re: Council on Public Defense Charter Revisions

Action Requested: Approve revisions to the Council on Public Defense Charter

Overview

The WSBA Council on Public Defense (Council) submits this memorandum in support of its request that the Board of Governors amend the Council's Charter to:

1. Clarify language regarding term limits, the member appointment process and other grammatical revisions. These minor revisions are not substantive and do not change the Council's practices.
2. Give the Council flexibility, when voting on comments to legislation and rules and only when voting on such comments, to exclude its three judicial members who routinely abstain from voting on these issues, from the votes needed to obtain the supermajority required by the WSBA Legislation and Court Rules Comment Policy.
3. Implement an attendance requirement to improve Council member engagement.
4. Remove term limits on emeritus members to continue to benefit from the expertise and insights that emeritus members provide.

Reasons for Recommendations

Supermajority Voting Procedures:

The Council Charter directs it to "seek, review and recommend possible improvements in the criminal justice system which might impact public defense or the ability to provide public defense services." On occasion the Council has been asked to comment on proposed legislation and court rules related to areas in which the Council has expertise. Before the Council may comment the WSBA Legislation and Court Rule Comment Policy requires a supermajority of the Council to agree 1-an issue falls within GR 12 guidelines and 2- on the substance of any comment.

The Council has three judicial members who provide a unique and valuable perspective to Council discussions but who routinely abstain from voting on matters relating to legislation and court rules. On a number of occasions, the abstention of the three judicial members has been the only barrier to the Council's ability to reach the needed supermajority. The Council is requesting its Charter be amended to not count a judicial member's abstention against the total needed to make up a supermajority when

voting on comments to legislation and court rules. This provides the Council more opportunities to share its expertise with WSBA on matters that can contribute to improvements in public defense services.

Attendance Requirement:

The Council proposes the addition of an attendance requirement to its Charter to clarify the time commitment and participation expected of Council members. The proposed attendance requirement provides that Council members who, without excuse, miss three consecutive regularly scheduled Council meetings in any 12-month period will be considered to have resigned from the Council. The proposed Charter revisions also explain how members can request an excused absence and the mechanisms by which vacated seats will be filled. The Council believes a clear attendance requirement will improve its productivity and effectiveness.

Emeritus Terms Limits

In 2015 the Board of Governors approved the creation of five emeritus positions on the Council. These non-voting emeritus positions are reserved for Council members whose eligibility for voting membership has expired but whose expertise and leadership is an invaluable resource to the Council. The current Charter make emeritus members eligible to serve for one-year terms up to a maximum of three years. The Council asks the Board of Governors to remove the terms limits from the emeritus positions to allow more flexibility in retaining key advisors who have been integral to the success of the Council.

Conclusion

On July 20, 2018, the Council reviewed and discussed these proposed changes to the Charter and voted unanimously to forward them to the Board of Governors for approval. Eileen Farley, Chair of the Council, or Daryl Rodrigues, Vice-Chair, will be in attendance at the September Board of Governors meeting to address questions.

Charter: WSBA Council on Public Defense

(Revised May, 2015; Edits June 2018)

Purpose and Mission

A WSBA Committee on Public Defense ("CPD") was established in 2004 to implement recommendations of the WSBA's Blue Ribbon Panel on Criminal Defense. Original membership was appointed by the President and confirmed by the Board of Governors. The CPD's recommendations were acted upon by the Board of Governors during FY 2007. One of these recommendations was that the CPD be extended through December, 2008 to study, focus and follow-up on unfinished public criminal defense, dependency and civil commitment issues.

While the extended CPD made significant progress on the issues identified in its charter, it has become apparent that maintaining and improving constitutionally effective public defense services in Washington requires an ongoing committee with a mandate ~~that is~~ broad enough to address both new and recurring public defense issues. Having found that the CPD provides a unique and valuable forum for bringing together representatives of the bar, private and public criminal defense attorneys, current and former prosecutors, prosecutors, private and public criminal defense counsel~~criminal justice attorneys~~, the bench, elected officials and the public, the WSBA Board of Governors hereby established the Council on Public Defense as an advisory committee of the WSBA.

The Council on Public Defense is charged with the following tasks:

1. Recommend mechanisms to assure compliance with "Standards for Public Defense Services" endorsed by the WSBA.
2. Promulgate "Right to Counsel" educational materials and programs for the public, bench and bar concerning the constitutional right to counsel.
3. Develop "Best Practices" guidelines for public defense services contracts.
4. Address current issues relating to the provision of constitutional public defense services in Washington, including supporting efforts to ensure adequate funding is available.
5. Seek, review and recommend possible improvements in the criminal justice system which might impact public defense or the ability to provide public defense services.
6. Examine experience with Washington Office of Public Defense pilot projects and other programs and public defense systems to improve the delivery of defense services in Washington.
7. Develop recommendations concerning the most effective and appropriate statewide structure for the delivery and accountability for defense services.
8. Continue to study and develop system improvement recommendations for the civil commitments process.

9. Develop further recommendations for indigent juvenile public defense.
10. Evaluate and make recommendations regarding the implementation of the death penalty in Washington.
11. Develop performance standards for attorneys providing public defense services in criminal, juvenile offender, dependency, civil commitment, Becca and other cases to which counsel may be appointed.

MEMBERSHIP:

The Council on Public Defense is comprised of 23 voting members and up to 5 ~~non-voting~~ emeritus members. Nominations are made by the entities listed below, with all appointments confirmed by the WSBA's Board of Governors. These members do not serve as official representatives of these entities, but rather are appointed based on their knowledge, expertise and a commitment to providing constitutional public defense services in Washington.

The Chair and Vice-Chair shall be appointed by the WSBA President-elect. Each shall serve a two-year term, with the Vice-Chair becoming Chair at the end of the second year and a new Vice-Chair appointed. Except as noted, the members of the ~~committee~~ Council shall be appointed for two-year terms ~~but with and the ability to renew their membership on the CPD for up to four years~~ be eligible to be reappointed for two additional two-year terms, totaling six years of service. The Chair may nominate up to five former Council ~~PD~~ members whose eligibility for voting membership has expired, to serve as non-voting emeritus members for one year terms ~~up to a maximum of three years~~¹. The voting membership is as follows:

Core Members (Core Members have no term limits)

- The Director of the State Office of Public Defense (a core member)
- The Director of the Washington Defender Association (a core member)

Nominated by Outside Parties

- One Washington Supreme Court justice or Court of Appeals judge, recommended by the Chief Justice
- One Superior Court judge, recommended by the Superior Court Judges Association
- One District or Municipal Court judge, recommended by the District and Municipal Court Judges Association
- Three public defenders, recommended by the Washington Defender Association
- One representative from each of the three Washington law schools, recommended by the Dean of the school
- One representative from civil legal services, recommended by the Access to Justice Board

Considered Through WSBA Application Process

¹ Non-voting emeritus members are not eligible for WSBA expense reimbursements.

- Three current or former prosecutors/city attorneys, recommended by the Council~~PD~~ chair, vice chair and BOG Liaisons
- ~~Six~~ at-large members, at least one of whom~~ie~~^s has a contract for or provides public defense services and at least one of whom~~ie~~^s is a public member, recommended by the Council~~PD~~ chair, vice chair ~~and BOG~~ and BOG Liaisons
- Two representatives from local government or public defense administrators, recommended by the Council~~PD~~ Chair, Vice-Chair and BOG Liaisons

VOTING PROCEDURES

All Council members, other than emeritus members, are eligible to vote. Judicial members may choose to recuse themselves from voting relating to any matters. If judicial members choose to recuse themselves from votes relating to court rules or legislation, on those occasions, and only on those occasions, the membership of the Council, for purposes of determining whether a supermajority have voted in favor or against a proposition, shall be reduced by the number of judges who have recused themselves. This provision does not apply if a judicial member is merely absent.

ATTENDANCE REQUIREMENTS

Council members who have three consecutive unexcused absences in any 12 month period will be considered to have resigned from the Council. The Council may seek a replacement member through the regular WSBA volunteer process, unless the absent member was nominated by an outside party. In that case the outside party will be asked to appoint a replacement.

Council members may be excused for good cause by the Chair. Such an excuse should be sought prior to the meeting.

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Considered Through WSBA Application Process

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Council members may be excused for good cause by the Chair. Such an excuse should be sought prior to the meeting.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: Final Draft FY19 Budget

Date: September 11, 2018

ACTION: Approve Final Draft FY19 Budget.

The Budget and Audit Committee unanimously recommends that the Board of Governors approve the Final Draft FY19 WSBA Budget. The First Draft, which the Board heard on first reading in July, included the General Fund, Capital, CLE Fund, and the Client Protection Fund (CPF) budgets. This memorandum: (1) provides an overview comparison of the First and Final Draft General Fund, CLE, Client Protection Fund, and Capital Budgets; (2) details changes between the First and Final Drafts; and (3) presents the FY19 Section Budgets.

I. OVERVIEW COMPARISON OF FIRST AND FINAL DRAFT BUDGETS

General Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$20,222,324	\$20,222,324	\$0
• Expenses	\$20,232,435	\$20,263,940	\$31,505
• Net Income/(Loss)	(\$10,111)	(\$41,616)	(\$31,505)
• Projected Reserves	\$2,621,365	\$2,589,860	(\$31,505)
CLE Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$2,039,500	\$2,039,500	\$0
• Expenses	\$1,827,538	\$1,831,266	\$3,728
• Net Income/(Loss)	\$211,962	\$208,234	(\$3,728)
• Projected Reserves	\$683,035	\$679,307	(\$3,728)
Client Protection Fund Budget	FIRST DRAFT	FINAL	Difference
• Revenue	\$992,500	\$992,500	\$0
• Expenses	\$667,919	\$668,210	\$291
• Net Income/(Loss)	\$324,581	\$324,290	(\$291)
• Projected Reserves	\$3,992,567	\$3,992,276	(\$291)

II. CHANGES BETWEEN FIRST AND FINAL DRAFT BUDGETS

A. GENERAL FUND (*Attachment A*)

The Final Draft assumes revenue of \$20,222,324 (no change from the First Draft), expenses of \$20,263,940 (\$31,505 increase from the First Draft), and a projected net loss of -\$41,616 (rather than the projected net loss of \$10,111 in the First Draft).

Several years ago, the Board established a policy that General Fund reserves should be at least \$2.0 million. Based on efficiencies and savings seen at the end of FY17, and assuming WSBA meets rather than exceeds expectations of both the FY18 budget and the FY19 Draft Budget presented, we are anticipating that General Fund reserves will be just under \$2.6 million at the end of FY19.

1. No Revenue Change

Revenue in the Final Draft has not changed since the First Draft, and is consistent with the Washington Supreme Court's September 6, 2018 Order regarding Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) license fees and Client Protection Fund assessments.

2. Expense Changes

COST CENTER	AMOUNT	COMMENTS
BOG Conference Attendance	+\$5,000	Funding for the President and President-Elect to attend the same conferences in FY19. (The Final Draft also includes a \$23,000 increase from FY18 to enable the full Board to attend the Western States Bar Conference.)
Law Clerk Program	+\$5,000	Funding for Law Clerk outreach work
Indirect Costs	+\$25,524	Net impact of all changes to indirect budget items
• Salaries & FICA	+\$14,684	Position upgrade in Communications department
• Budgeted Temporary Employees	+\$16,640	Additional MCLE temporary staffing during licensing season to cover family leave and existing position vacancies
• Retirement	+\$17,000	Out of cycle employer contribution rate increase by State from 12.7% to 12.83% effective September 1, 2018
• Depreciation	+\$23,400	Various changes to planned computer hardware, software, and leasehold improvement projects
• Insurance	-\$7,000	Reduction based on finalization of policy renewal premiums
• Meeting Support Costs	+\$2,500	Additional funds needed for supplies to support WSBA conference center
• Capital Labor	-\$41,700	Additional software development projects currently in progress with expected completion in FY19
• Fund Allocations	-\$4,019	Allocation of indirect expense increase to CLE and CPF funds
NET CHANGE	+\$31,505	

3. FTE allocation change:

The FTE allocation in the Legislative cost center increased from 0.9 to 1.1 FTE between the First and Final Drafts, which represents a 0.1 FTE increase from FY18. This change resulted from shifting 0.1 FTE from the Outreach and Engagement cost center, and correcting a 0.1 FTE clerical error in the Legislative Cost Center.

B. CLE FUND (*Attachment B*)

There were no substantive changes to the CLE Fund budget. However, indirect costs have changed slightly (increase of \$3,728) as a result of the changes to the indirect budget noted above.

C. CLIENT PROTECTION FUND (*Attachment C*)

Other than a slight increase (\$291) in indirect costs, revenues have not changed from the First Draft, and is consistent with the Washington Supreme Court's September 6, 2018 Order regarding Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) license fees and Client Protection Fund assessments.

D. CAPITAL BUDGET (*Attachment D*)

The Final Draft Capital Budget has decreased from the First Draft as set forth below:

PROJECT	AMOUNT	COMMENTS
• GILDA System Replacement	-\$80,000	Project go-live date is further out than originally anticipated; as a result, developer work will begin much later in the year
• Leasehold Improvements for Conference/Meeting Rooms	-\$50,000	FY18 funds reallocated to enhance sound systems in Conference Center, Hearing Room, and Mountain Rooms
• Unassigned Capital Software needs for FY19	+\$20,000	Funds to cover unanticipated software needs (as recommended by Governor Stephens)
• Unassigned Capital Hardware needs for FY19	+\$20,000	Funds to cover unanticipated hardware needs (as recommended by Governor Stephens)
NET CHANGE	-\$90,000	

III. FY19 SECTION BUDGETS (*Attachment E*)

The FY19 Section budgets reflect the change in CLE profit sharing, which results in no revenue for FY19 CLE seminars (funds will be disbursed in FY20). Revenues mainly consist of membership dues and interest income on fund balances. Expenses vary depending on the Section's work plan for the year. The Per-Member Charge (PMC) needed to cover costs in FY18 is \$21.44 (see *Attachment F*). In June, the Committee unanimously agreed to keep the PMC at its current rate of \$18.75 for FY19.

ATTACHMENTS

- A** FY19 Final Draft General Fund Budget
- B** FY19 Final Draft CLE Budget
- C** FY19 Final Draft CPF Budget
- D** FY19 Final Draft Capital Budget
- E** FY19 Final Draft Section Budgets
- F** FY19 Per-Member Charge Memo

A

Washington State Bar Association

Budget Comparison Report

For the Period October 1, 2018 to September 30, 2019

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
SALARIES & BENEFITS:				
SALARIES	11,450,929.00	11,868,980.00	418,051.00	3.7%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	(200,000.00)	(80,000.00)	66.7%
TEMPORARY EMPLOYEES	95,810.00	141,330.00	45,520.00	47.5%
EMPLOYEE ASSISTANCE PLAN	4,800.00	4,800.00	-	0.0%
EMPLOYEE SERVICE AWARDS	2,010.00	2,230.00	220.00	10.9%
FICA	862,300.00	879,000.00	16,700.00	1.9%
L&I INSURANCE	47,000.00	47,250.00	250.00	0.5%
MEDICAL	1,445,000.00	1,590,000.00	145,000.00	10.0%
RETIREMENT	1,439,735.00	1,494,000.00	54,265.00	3.8%
TRANSPORTATION ALLOWANCE	118,500.00	119,250.00	750.00	0.6%
UNEMPLOYMENT INSURANCE	108,000.00	87,500.00	(20,500.00)	-19.0%
STAFF DEVELOPMENT-GENERAL	6,910.00	6,900.00	(10.00)	-0.1%
CAPITAL LABOR	(194,000.00)	(188,800.00)	5,200.00	-2.7%
TOTAL SALARIES & BENEFITS:	15,266,994.00	15,852,440.00	585,446.00	3.8%
OVERHEAD:				
WORKPLACE BENEFITS	39,000.00	39,000.00	-	0.0%
HUMAN RESOURCES DIRECT EXPENSES	120,076.00	102,400.00	(17,676.00)	-14.7%
MEETING SUPPORT EXPENSES	10,000.00	12,500.00	2,500.00	25.0%
RENT	1,750,000.00	1,802,000.00	52,000.00	3.0%
PROPERTY TAXES	11,000.00	14,000.00	3,000.00	27.3%
FURNITURE, MAINTENANCE, LEASHOLD IMPROVEMENTS	35,200.00	35,200.00	-	0.0%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	46,000.00	-	0.0%
FURNITURE & OFFICE EQUIPMENT DEPRECIATION	51,000.00	51,300.00	300.00	0.6%
COMPUTER HARDWARE DEPRECIATION	57,000.00	51,800.00	(5,200.00)	-9.1%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	162,700.00	8,700.00	5.6%
INSURANCE	140,000.00	143,000.00	3,000.00	2.1%
PROFESSIONAL FEES-AUDIT	35,000.00	35,000.00	-	0.0%
PROFESSIONAL FEES-LEGAL	50,000.00	50,000.00	-	0.0%
TELEPHONE & INTERNET	49,000.00	47,000.00	(2,000.00)	-4.1%
BANK FEES	35,400.00	35,400.00	-	0.0%
POSTAGE	42,000.00	36,000.00	(6,000.00)	-14.3%
CONFERENCES & TRAINING	92,200.00	95,245.00	3,045.00	3.3%
RECORDS STORAGE	40,000.00	40,000.00	-	0.0%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	12,000.00	(13,000.00)	-52.0%
TECHNOLOGY DIRECT EXPENSES	645,660.00	667,610.00	21,950.00	3.4%
TOTAL OVERHEAD:	3,427,536.00	3,478,155.00	50,619.00	1.5%
TOTAL INDIRECT EXPENSES:	18,694,530.00	19,330,595.00	636,065.00	3.4%

The Indirect Expenses cost center includes amounts budgeted for employee salaries, benefits, and overhead. Salary expenses are allocated to cost centers based on the actual salaries of employees working in those cost centers. Benefits are allocated to cost centers based on a percentage of salaries (for example, if one cost center has 10% of WSBA's salary expense, it will be allocated 10% of the benefits expense).

This cost center also details overhead expenses such as rent, telephone, insurance, professional fees, office supplies, postage, maintenance, human resources, technology direct expenses, and other expenses that benefit WSBA as a whole. These expenses are allocated to each cost center based on the number of FTEs (full time equivalents) in that cost center and are reflected on the line "Overhead" in each cost center budget.

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ACCESS TO JUSTICE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CONFERENCES & INSTITUTES	-	7,500.00	7,500.00	
TOTAL REVENUE:	<u>-</u>	<u>7,500.00</u>	<u>7,500.00</u>	
DIRECT EXPENSES:				
ATJ BOARD RETREAT	2,000.00	2,000.00	-	0%
LEADERSHIP TRAINING	2,000.00	2,000.00	-	0%
ATJ BOARD EXPENSE	24,000.00	24,000.00	-	0%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	-	(3,000.00)	-100%
PUBLIC DEFENSE	8,400.00	7,000.00	(1,400.00)	-17%
CONFERENCE/INSTITUTE EXPENSE	-	14,837.00	14,837.00	
RECEPTION/FORUM EXPENSE	9,500.00	9,500.00	-	0%
STAFF TRAVEL/PARKING	2,700.00	3,500.00	800.00	30%
STAFF MEMBERSHIP DUES	-	120.00	120.00	
TOTAL DIRECT EXPENSES:	<u>51,600.00</u>	<u>62,957.00</u>	<u>11,357.00</u>	<u>22%</u>
INDIRECT EXPENSES:				
FTE	2.10	2.10	-	0%
SALARY EXPENSE	152,813.00	160,817.00	8,004.00	5%
BENEFIT EXPENSE	55,627.00	59,156.00	3,529.00	6%
OVERHEAD	50,994.00	51,894.00	900.00	2%
TOTAL INDIRECT EXPENSES:	<u>259,434.00</u>	<u>271,867.00</u>	<u>12,433.00</u>	<u>5%</u>
TOTAL ALL EXPENSES:	<u>311,034.00</u>	<u>334,824.00</u>	<u>23,790.00</u>	<u>8%</u>
NET INCOME (LOSS):	<u>(311,034.00)</u>	<u>(327,324.00)</u>	<u>(16,290.00)</u>	

WSBA administers the Supreme Court-established Access to Justice Board and most of its initiatives and working committees. This cost center also includes staffing and other support for WSBA's Council on Public Defense. Overall, revenue and direct costs have increased because the biennial Access to Justice Conference will take place in FY19. Funds for staff travel have slightly increased to allow for travel to the ATJ Conference. Costs proposed in this budget include support for two ATJ Board meetings outside of Seattle, implementation of the State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People, outreach on the anticipated updated Technology Principles, and membership in the WA Nonprofit Association in furtherance of the ATJ Board's goal to more meaningfully engage with community-based organizations.

Washington State Bar Association

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ADMINISTRATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	25,000.00	70,000.00	45,000.00	180%
GAIN/LOSS ON INVESTMENTS	30,000.00	30,000.00	-	0%
TOTAL REVENUE:	55,000.00	100,000.00	45,000.00	82%
DIRECT EXPENSES:				
STAFF TRAVEL/PARKING	2,500.00	4,200.00	1,700.00	68%
STAFF MEMBERSHIP DUES	545.00	685.00	140.00	26%
TOTAL DIRECT EXPENSES:	3,045.00	4,885.00	1,840.00	60%
INDIRECT EXPENSES:				
FTE	7.88	7.97	0.09	1%
SALARY EXPENSE	663,826.00	700,100.00	36,274.00	5%
BENEFIT EXPENSE	226,598.00	241,718.00	15,120.00	7%
OVERHEAD	191,350.00	196,951.00	5,601.00	3%
TOTAL INDIRECT EXPENSES:	1,081,774.00	1,138,769.00	56,995.00	5%
TOTAL ALL EXPENSES:	1,084,819.00	1,143,654.00	58,835.00	5%
NET INCOME (LOSS):	(1,029,819.00)	(1,043,654.00)	(13,835.00)	

Finance and Administration provides organizational support services, including accounting, financial reporting, investments, payroll, facilities maintenance, and general office administration. Revenue coded to this cost center is interest income on WSBA's cash and investments.

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ADMISSIONS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
EXAMSOFT REVENUE	35,000.00	35,000.00	-	0%
BAR EXAM FEES	1,200,000.00	1,200,000.00	-	0%
SPECIAL ADMISSIONS	60,000.00	60,000.00	-	0%
LLLT EXAM FEES	7,500.00	7,500.00	-	0%
LLLT WAIVER FEES	900.00	900.00	-	0%
LPO EXAMINATION FEES	24,000.00	24,000.00	-	0%
TOTAL REVENUE:	1,327,400.00	1,327,400.00	-	0%
DIRECT EXPENSES:				
FACILITY, PARKING, FOOD	66,000.00	70,000.00	4,000.00	6%
EXAMINER FEES	35,000.00	35,000.00	-	0%
BOARD OF BAR EXAMINERS	25,000.00	25,000.00	-	0%
BAR EXAM PROCTORS	30,000.00	31,000.00	1,000.00	3%
CHARACTER & FITNESS BOARD EXP	20,000.00	20,000.00	-	0%
DISABILITY ACCOMMODATIONS	20,000.00	20,000.00	-	0%
CHARACTER & FITNESS INVESTIGATIONS	900.00	900.00	-	0%
LAW SCHOOL VISITS	1,000.00	1,000.00	-	0%
UBE EXAMINATIONS	130,000.00	130,000.00	-	0%
EXAM WRITING	28,355.00	28,355.00	-	0%
COURT REPORTERS	18,000.00	18,000.00	-	0%
DEPRECIATION	2,222.00	17,776.00	15,554.00	700%
POSTAGE	4,000.00	4,000.00	-	0%
STAFF TRAVEL/PARKING	10,240.00	13,000.00	2,760.00	27%
STAFF MEMBERSHIP DUES	400.00	400.00	-	0%
SUPPLIES	1,000.00	2,500.00	1,500.00	150%
TOTAL DIRECT EXPENSES:	392,117.00	416,931.00	24,814.00	6%
INDIRECT EXPENSES:				
FTE	6.20	6.30	0.10	2%
SALARY EXPENSE	463,690.00	496,503.00	32,813.00	7%
BENEFIT EXPENSE	174,590.00	188,862.00	14,272.00	8%
OVERHEAD	150,554.00	155,683.00	5,129.00	3%
TOTAL INDIRECT EXPENSES:	788,834.00	841,048.00	52,214.00	7%
TOTAL ALL EXPENSES:	1,180,951.00	1,257,979.00	77,028.00	7%
NET INCOME (LOSS):	146,449.00	69,421.00	(77,028.00)	

The Supreme Court has delegated to WSBA administrative responsibility over admissions for lawyers, Limited License Legal Technicians (LLLTs), and Limited Practice Officers (LPOs). Each year, approximately 1,100 people take one of the Uniform Bar Exams offered in February and July in the Puget Sound area, and much smaller numbers take the licensing exams for LPOs and LLLTs, also offered twice a year. In addition, approximately 600 people are admitted through admission by motion and more than 100 through a UBE score transfer, and another several hundred are licensed to practice as house counsel.

This work unit reviews all admission applications for all license types, performs some aspects of the background checks on applicants, further investigates identified character and fitness issues for some applicants (up to several hundred each year), and supports the Character and Fitness Board in conducting hearings and making recommendations to the Supreme Court regarding whether to admit and license applicants for all license types (recently up to 24 hearings each year). This work unit also works with the National Conference of Bar Examiners in administering and grading exams for lawyers, the Board of Bar Examiners for grading exams for lawyers, Ergometrics in preparing LPO and LLLT exams, and the LPO and LLLT Boards in grading the LPO and LLLT exams. Work has begun to develop and implement a new online application program that can accommodate all of the different types of admissions and licensing applications that are now all consolidated within this one cost center.

Revenue increases are consistent with historic trends and now include revenue from LPO and LLLT admission applications. Direct expense budget includes costs for the Boards and for developing LLLT and LPO exams.

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BOARD OF GOVERNORS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	60,000.00	-	0%
BOG MEETINGS	115,000.00	117,000.00	2,000.00	2%
BOG COMMITTEES' EXPENSES	30,000.00	30,000.00	-	0%
BOG CONFERENCE ATTENDANCE	17,500.00	49,000.00	31,500.00	180%
BOG TRAVEL & OUTREACH	45,000.00	35,000.00	(10,000.00)	-22%
ED TRAVEL & OUTREACH	5,000.00	5,000.00	-	0%
STAFF TRAVEL/PARKING	4,700.00	5,400.00	700.00	15%
STAFF MEMBERSHIP DUES	1,880.00	2,131.00	251.00	13%
TELEPHONE	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>280,080.00</u>	<u>304,531.00</u>	<u>24,451.00</u>	<u>9%</u>
INDIRECT EXPENSES:				
FTE	2.45	2.45	-	0%
SALARY EXPENSE	357,754.00	361,878.00	4,124.00	1%
BENEFIT EXPENSE	105,480.00	107,757.00	2,277.00	2%
OVERHEAD	59,493.00	60,543.00	1,050.00	2%
TOTAL INDIRECT EXPENSES:	<u>522,727.00</u>	<u>530,178.00</u>	<u>7,451.00</u>	<u>1%</u>
TOTAL ALL EXPENSES:	<u>802,807.00</u>	<u>834,709.00</u>	<u>31,902.00</u>	<u>4%</u>
NET INCOME (LOSS):	<u>(802,807.00)</u>	<u>(834,709.00)</u>	<u>(31,902.00)</u>	

This cost center supports the president, the president-elect, the Board of Governors' work and meetings, Board committees, and the Office of the Executive Director. The budget includes funding for Board meetings, Board committees, governor travel and outreach (to local, specialty, and minority bar associations, committees, sections, etc.), and staff-related expenses. In FY19, it also continues to earmark support for the Washington Leadership Institute.

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COMMUNICATION STRATEGIES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AWARDS DINNER	44,000.00	50,000.00	6,000.00	14%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	750.00	-	0%
TOTAL REVENUE:	44,750.00	50,750.00	6,000.00	13%
DIRECT EXPENSES:				
AWARDS DINNER	63,000.00	63,000.00	-	0%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	8,000.00	-	0%
COMMUNICATIONS OUTREACH	15,000.00	15,000.00	-	0%
SPEAKERS & PROGRAM DEVELOP	1,600.00	1,600.00	-	0%
STAFF TRAVEL/PARKING	2,640.00	4,700.00	2,060.00	78%
STAFF MEMBERSHIP DUES	1,700.00	1,000.00	(700.00)	-41%
SUBSCRIPTIONS	10,050.00	10,050.00	-	0%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	1,450.00	-	0%
TOTAL DIRECT EXPENSES:	103,440.00	104,800.00	1,360.00	1%
INDIRECT EXPENSES:				
FTE	4.68	4.62	(0.06)	-1%
SALARY EXPENSE	305,254.00	312,393.00	7,139.00	2%
BENEFIT EXPENSE	115,063.00	124,221.00	9,158.00	8%
OVERHEAD	113,644.00	114,168.00	524.00	0%
TOTAL INDIRECT EXPENSES:	533,961.00	550,782.00	16,821.00	3%
TOTAL ALL EXPENSES:	637,401.00	655,582.00	18,181.00	3%
NET INCOME (LOSS):	(592,651.00)	(604,832.00)	(12,181.00)	

Communication Strategies is responsible for member, public, and internal communications; branding and reputation management; media and public relations; marketing; special events; and strategic communication tools aimed at improving member and public engagement and outreach (including the WSBA website, website content, and WSBA's blog (NWSidebar), social media channels, and broadcast emails). It works with all WSBA departments to support the communications and marketing of WSBA programs, services, and matters of interest to members and the public.

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CONFERENCE & BROADCAST SERVICES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
TRANSLATION SERVICES	3,500.00	3,500.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	-	(1,200.00)	-100%
TOTAL DIRECT EXPENSES:	<u>4,700.00</u>	<u>3,500.00</u>	<u>(1,200.00)</u>	<u>-26%</u>
INDIRECT EXPENSES:				
FTE	7.15	7.15	-	0%
SALARY EXPENSE	400,338.00	429,625.00	29,287.00	7%
BENEFIT EXPENSE	162,272.00	174,080.00	11,808.00	7%
OVERHEAD	173,623.00	176,688.00	3,065.00	2%
TOTAL INDIRECT EXPENSES:	<u>736,233.00</u>	<u>780,393.00</u>	<u>44,160.00</u>	<u>6%</u>
TOTAL ALL EXPENSES:	<u>740,933.00</u>	<u>783,893.00</u>	<u>42,960.00</u>	<u>6%</u>
NET INCOME (LOSS):	<u>(740,933.00)</u>	<u>(783,893.00)</u>	<u>(42,960.00)</u>	

Conference and Broadcast Services is responsible for the Service Center, meeting facilities, mail and print services, and all other services on WSBA's public floor. Last year, WSBA supported over 1,500 on-site meetings and events, and the Service Center handled over 50,000 communications with members and the public. This cost center also supports all non-CLE activities related to webcasting, webinars, and recorded products.

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DISCIPLINE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
AUDIT REVENUE	2,300.00	3,200.00	900.00	39%
RECOVERY OF DISCIPLINE COSTS	115,000.00	80,000.00	(35,000.00)	-30%
DISCIPLINE HISTORY SUMMARY	13,000.00	13,000.00	-	0%
TOTAL REVENUE:	130,300.00	96,200.00	(34,100.00)	-26%
DIRECT EXPENSES:				
COURT REPORTERS	65,000.00	55,000.00	(10,000.00)	-15%
OUTSIDE COUNSEL/AIC	2,000.00	2,000.00	-	0%
LITIGATION EXPENSES	30,000.00	25,000.00	(5,000.00)	-17%
DISABILITY EVALUATIONS	15,000.00	7,500.00	(7,500.00)	-50%
ONLINE LEGAL RESEARCH	66,900.00	68,000.00	1,100.00	2%
LAW LIBRARY	12,000.00	12,500.00	500.00	4%
TRANSLATION SERVICES	3,000.00	1,500.00	(1,500.00)	-50%
DEPRECIATION	17,028.00	7,123.00	(9,905.00)	-58%
PUBLICATIONS PRODUCTION	330.00	444.00	114.00	35%
STAFF TRAVEL/PARKING	39,460.00	35,000.00	(4,460.00)	-11%
STAFF MEMBERSHIP DUES	3,308.00	3,900.00	592.00	18%
TELEPHONE	2,800.00	2,300.00	(500.00)	-18%
TOTAL DIRECT EXPENSES:	256,826.00	220,267.00	(36,559.00)	-14%
INDIRECT EXPENSES:				
FTE	36.89	36.88	(0.01)	0%
SALARY EXPENSE	3,436,749.00	3,556,329.00	119,580.00	3%
BENEFIT EXPENSE	1,142,156.00	1,196,316.00	54,160.00	5%
OVERHEAD	895,798.00	911,363.00	15,565.00	2%
TOTAL INDIRECT EXPENSES:	5,474,703.00	5,664,008.00	189,305.00	3%
TOTAL ALL EXPENSES:	5,731,529.00	5,884,275.00	152,746.00	3%
NET INCOME (LOSS):	(5,601,229.00)	(5,788,075.00)	(186,846.00)	

The Washington Supreme Court has exclusive responsibility for the lawyer, LPO, and LLLT discipline and disability systems in Washington. By court rule, the Supreme Court delegates regulatory authority to the WSBA through, in part, the Office of Disciplinary Counsel (ODC).

ODC is responsible for fielding communications from individuals with concerns about a lawyer, for reviewing, investigating, and prosecuting grievances about the ethical conduct of Washington lawyers, and for addressing issues involving a lawyer's alleged incapacity to practice law. ODC is also responsible for investigating and prosecuting ethical misconduct by LPOs and LLLTs upon referral from the corresponding regulatory board. More specifically, ODC identifies and dismisses grievances that do not allege unethical conduct, prosecutes violations of the Washington Supreme Court's Rules of Professional Conduct in matters that have been ordered to hearing by a review committee of the Disciplinary Board, and seeks transfers to disability-inactive status for licensees lacking the capacity to practice law. Some disciplinary matters are resolved by stipulation, some involving less serious misconduct may be diverted from discipline into the Diversion Program, while others are contested at a disciplinary hearing. If a hearing-level decision is appealed, disciplinary counsel briefs and argues the appeal to the applicable regulatory board and, in some cases, the Supreme Court. ODC also reviews trust account overdraft notices and conducts random examinations of trust account books and records, tracks and collects costs and expenses assessed against respondents in disciplinary proceedings, and monitors compliance with conditions of probation imposed in disciplinary matters.

To perform these functions, ODC employs disciplinary counsel, investigators, auditors, and a support staff of paralegals and administrative assistants; its expenses are primarily staff-related. Revenues consist primarily of recovery of discipline costs and expenses and service fees for providing discipline history summaries.

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DIVERSITY	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	90,000.00	110,000.00	20,000.00	22%
WORK STUDY GRANTS	10,374.00	10,374.00	-	0%
TOTAL REVENUE:	100,374.00	120,374.00	20,000.00	20%
DIRECT EXPENSES:				
COMMITTEE FOR DIVERSITY	6,200.00	5,000.00	(1,200.00)	-19%
DIVERSITY EVENTS & PROJECTS	10,000.00	10,000.00	-	0%
INTERNAL DIVERSITY OUTREACH	200.00	200.00	-	
SPEAKERS & PROGRAM DEVELOP	500.00	-	(500.00)	-100%
STAFF TRAVEL/PARKING	8,000.00	6,000.00	(2,000.00)	-25%
STAFF MEMBERSHIP DUES	350.00	350.00	-	0%
TOTAL DIRECT EXPENSES:	25,250.00	21,550.00	(3,700.00)	-15%
INDIRECT EXPENSES:				
FTE	3.21	4.05	0.84	26%
SALARY EXPENSE	255,821.00	328,835.00	73,014.00	29%
BENEFIT EXPENSE	86,756.00	115,724.00	28,968.00	33%
OVERHEAD	77,948.00	100,082.00	22,134.00	28%
TOTAL INDIRECT EXPENSES:	420,525.00	544,641.00	124,116.00	30%
TOTAL ALL EXPENSES:	445,775.00	566,191.00	120,416.00	27%
NET INCOME (LOSS):	(345,401.00)	(445,817.00)	(100,416.00)	

This cost center captures the cost of WSBA's staffing and programming to implement the statewide WSBA Diversity and Inclusion Plan. Activities supported by this cost center include equity and inclusion consultation for legal professionals and organizations, community networking events held across the state, events to promote inclusion and provide opportunities for mentorship such as the Seattle University Law School ARC Reception, and outreach to and collaboration with Washington's minority bar associations (MBAs). This cost center also supports the WSBA Diversity Committee, development of three diversity-related CLE programs for the Legal Lunchbox and other educational events, like the Beyond the Dialogue Series. Direct costs have been reduced slightly in this cost center, while indirects have increased to reflect the investment of staff resources in delivering these programs. The diversity programs are supported by a \$110,000 grant from the Washington State Bar Foundation in FY19 (a \$20,000 increase over the FY18 budget).

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FOUNDATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
SPECIAL EVENTS	5,000.00	5,000.00	-	0%
BOARD OF TRUSTEES	5,000.00	3,000.00	(2,000.00)	-40%
GRAPHIC DESIGN	500.00	-	(500.00)	-100%
CONSULTING SERVICES	3,000.00	3,000.00	-	0%
POSTAGE	-	500.00	500.00	
PRINTING & COPYING	1,500.00	800.00	(700.00)	-47%
STAFF TRAVEL/PARKING	1,500.00	1,400.00	(100.00)	-7%
STAFF MEMBERSHIP DUES	600.00	-	(600.00)	-100%
SUPPLIES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>17,600.00</u>	<u>14,200.00</u>	<u>(3,400.00)</u>	<u>-19%</u>
INDIRECT EXPENSES:				
FTE	1.20	1.15	(0.05)	-4%
SALARY EXPENSE	89,200.00	89,538.00	338.00	0%
BENEFIT EXPENSE	32,713.00	32,707.00	(6.00)	0%
OVERHEAD	29,140.00	28,418.00	(722.00)	-2%
TOTAL INDIRECT EXPENSES:	<u>151,053.00</u>	<u>150,663.00</u>	<u>(390.00)</u>	<u>0%</u>
TOTAL ALL EXPENSES:	<u>168,653.00</u>	<u>164,863.00</u>	<u>(3,790.00)</u>	<u>-2%</u>
NET INCOME (LOSS):	<u>(168,653.00)</u>	<u>(164,863.00)</u>	<u>3,790.00</u>	

The Washington State Bar Foundation is the fundraising arm of the WSBA. This cost center reflects the staffing, operations, and administrative support WSBA provides to the Foundation in exchange for its fundraising services. The Foundation will contribute \$220,000 in revenue to WSBA's FY19 budget to support public service and diversity efforts within the Advancement Department cost centers. We continue to look for opportunities to reduce indirect and direct costs in this cost center to better reflect the actual cost of delivering this service.

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

HUMAN RESOURCES	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
STAFF TRAINING- GENERAL	29,400.00	30,000.00	600.00	2%
RECRUITING AND ADVERTISING	7,000.00	7,000.00	-	0%
PAYROLL PROCESSING	55,000.00	49,000.00	(6,000.00)	-11%
SALARY SURVEYS	2,900.00	2,900.00	-	0%
THIRD PARTY SERVICES	22,500.00	-	(22,500.00)	-100%
CONSULTING SERVICES	-	10,000.00	10,000.00	
STAFF TRAVEL/PARKING	150.00	150.00	-	0%
STAFF MEMBERSHIP DUES	1,188.00	1,250.00	62.00	5%
SUBSCRIPTIONS	1,938.00	2,100.00	162.00	8%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(102,400.00)	17,676.00	-15%
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
INDIRECT EXPENSES:				
FTE	2.48	2.45	(0.03)	-1%
SALARY EXPENSE	251,079.00	260,398.00	9,319.00	4%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	(200,000.00)	(80,000.00)	67%
BENEFIT EXPENSE	80,529.00	84,017.00	3,488.00	4%
OVERHEAD	60,222.00	60,543.00	321.00	1%
TOTAL INDIRECT EXPENSES:	<u>271,830.00</u>	<u>204,958.00</u>	<u>(66,872.00)</u>	<u>-25%</u>
TOTAL ALL EXPENSES:	<u>271,830.00</u>	<u>204,958.00</u>	<u>(66,872.00)</u>	<u>-25%</u>
NET INCOME (LOSS):	<u>(271,830.00)</u>	<u>(204,958.00)</u>	<u>66,872.00</u>	

The Human Resources Department handles all human resources functions, including recruitment and retention, compensation and benefits administration, employee relations, legal compliance, equal employment opportunity, employee on-boarding, ongoing employee training and development, performance management, and human resources policies and procedures. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs located in this cost center are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses include payroll processing, staff training, and recruiting costs.

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

LAW CLERK PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LAW CLERK FEES	110,000.00	162,000.00	52,000.00	47%
LAW CLERK APPLICATION FEES	2,000.00	4,000.00	2,000.00	100%
TOTAL REVENUE:	112,000.00	166,000.00	54,000.00	48%
DIRECT EXPENSES:				
CHARACTER & FITNESS INVESTIGATIONS	100.00	100.00	-	0%
LAW CLERK BOARD EXPENSE	4,000.00	6,000.00	2,000.00	50%
LAW CLERK OUTREACH	-	5,000.00	5,000.00	
SUBSCRIPTIONS	250.00	250.00	-	0%
TOTAL DIRECT EXPENSES:	4,350.00	11,350.00	7,000.00	161%
INDIRECT EXPENSES:				
FTE	0.85	1.10	0.25	29%
SALARY EXPENSE	67,292.00	84,449.00	17,157.00	25%
BENEFIT EXPENSE	23,746.00	31,033.00	7,287.00	31%
OVERHEAD	20,640.00	27,183.00	6,543.00	32%
TOTAL INDIRECT EXPENSES:	111,678.00	142,665.00	30,987.00	28%
TOTAL ALL EXPENSES:	116,028.00	154,015.00	37,987.00	33%
NET INCOME (LOSS):	(4,028.00)	11,985.00	16,013.00	

The Law Clerk Program is now joined with LLLT and LPO licensing in a newly formed "Innovative Licensing Programs" work unit within RSD. This cost center captures the revenue and expenses for the APR Rule 6 Law Clerk Program, which is a program of education that offers an alternative to law school by allowing Law Clerks to study law with a tutor/employer while working full time with the employer; the standard program is four years, the curriculum is essentially the same as a three year JD program curriculum, and Law Clerks must pass character and fitness review and pass the Bar exam to be eligible for admission and licensing as a lawyer. Revenues are generated from modest fees charged to the Law Clerks to participate in the program; increased revenue reflected in this budget for this program is from a modest (\$500/year) increase in the annual fee charged to Law Clerks for participation in the program. Expenses are the costs to administer the Law Clerk program and the expenses incurred by the Law Clerk Board. This program has been slowly increasing in size and currently stands at about 83 clerk/tutor pairs around the state. The Board hopes to expand the program through increased outreach and education about the program, and with improving employment situations, expansion of the number of participants may continue to be a possibility. RSD staff has been working to improve the data base at the heart of the program in order to provide improved services to the Law Clerks and tutors. RSD and Communications staff have been working to increase the outreach about and visibility of the program.

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LEGISLATIVE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
RENT - OLYMPIA OFFICE	2,500.00	2,500.00	-	0%
CONTRACT LOBBYIST	5,000.00	5,000.00	-	0%
LOBBYIST CONTACT COSTS	1,000.00	1,000.00	-	0%
LEGISLATIVE COMMITTEE	2,500.00	2,500.00	-	0%
BOG LEGISLATIVE COMMITTEE	250.00	250.00	-	0%
STAFF TRAVEL/PARKING	8,000.00	4,550.00	(3,450.00)	-43%
STAFF MEMBERSHIP DUES	450.00	450.00	-	0%
SUBSCRIPTIONS	2,000.00	2,000.00	-	0%
TELEPHONE	3,000.00	400.00	(2,600.00)	-87%
TOTAL DIRECT EXPENSES:	<u>24,700.00</u>	<u>18,650.00</u>	<u>(6,050.00)</u>	<u>-24%</u>
INDIRECT EXPENSES:				
FTE	1.00	1.10	0.10	10%
SALARY EXPENSE	75,380.00	80,340.00	4,960.00	7%
BENEFIT EXPENSE	27,080.00	27,893.00	813.00	3%
OVERHEAD	24,283.00	27,183.00	2,900.00	12%
TOTAL INDIRECT EXPENSES:	<u>126,743.00</u>	<u>135,416.00</u>	<u>8,673.00</u>	<u>7%</u>
TOTAL ALL EXPENSES:	<u>151,443.00</u>	<u>154,066.00</u>	<u>2,623.00</u>	<u>2%</u>
NET INCOME (LOSS):	<u>(151,443.00)</u>	<u>(154,066.00)</u>	<u>(2,623.00)</u>	

The Outreach and Legislative Affairs Manager and the Outreach and Legislative Affairs Coordinator work closely with WSBA leadership and sections to formulate positions on legislation, track relevant legislation during session and provide technical advice on bills and existing statutes to the Legislature.

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LICENSING AND MEMBERSHIP RECORDS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
STATUS CERTIFICATE FEES	22,000.00	22,000.00	-	0%
RULE 9/LEGAL INTERN FEES	11,000.00	11,000.00	-	0%
INVESTIGATION FEES	20,000.00	22,000.00	2,000.00	10%
PRO HAC VICE	210,000.00	230,000.00	20,000.00	10%
MEMBER CONTACT INFORMATION	21,000.00	19,000.00	(2,000.00)	-10%
PHOTO BAR CARD SALES	700.00	350.00	(350.00)	-50%
TOTAL REVENUE:	284,700.00	304,350.00	19,650.00	7%
DIRECT EXPENSES:				
LICENSING FORMS	3,000.00	3,000.00	-	0%
DEPRECIATION	11,496.00	13,812.00	2,316.00	20%
POSTAGE	31,500.00	29,000.00	(2,500.00)	-8%
TOTAL DIRECT EXPENSES:	45,996.00	45,812.00	(184.00)	0%
INDIRECT EXPENSES:				
FTE	4.65	4.35	(0.30)	-6%
SALARY EXPENSE	410,886.00	395,080.00	(15,806.00)	-4%
BENEFIT EXPENSE	136,992.00	133,752.00	(3,240.00)	-2%
OVERHEAD	112,916.00	107,495.00	(5,421.00)	-5%
TOTAL INDIRECT EXPENSES:	660,794.00	636,327.00	(24,467.00)	-4%
TOTAL ALL EXPENSES:	706,790.00	682,139.00	(24,651.00)	-3%
NET INCOME (LOSS):	(422,090.00)	(377,789.00)	44,301.00	

All member and license types are tracked in one database and their annual license renewal processes are administered by this work group, rather than being handled separately according to license type. This work group includes all activities associated with the collection of annual license fees; processing changes to a member's information on record with the WSBA; providing mailing and emailing lists for internal and external requesters consistent with WSBA policy, bylaws, and the Admission and Practice Rules; and maintaining the membership records database.

Revenues are generated from application fees for Rule 9 Legal Interns and pro hac vice admissions, as well as limited sales of member contact information, member status certificates, investigation fees for status changes, and revenue from sales of photo bar cards. Expenses are primarily printing and postage costs for the annual license packets, the costs of administering the Rule 9 Legal Intern and pro hac vice programs, and all status changes.

Revenue changes are consistent with historic trends; direct costs change with changes in printing and mailing costs.

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LICENSING	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
LLLT LICENSE FEES	6,125.00	5,800.00	(325.00)	-5%
LICENSE FEES	14,953,000.00	15,778,000.00	825,000.00	6%
LPO LICENSE FEES	109,000.00	174,400.00	65,400.00	60%
TOTAL REVENUE:	<u>15,068,125.00</u>	<u>15,958,200.00</u>	<u>890,075.00</u>	<u>6%</u>
DIRECT EXPENSES:				
TOTAL DIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
INDIRECT EXPENSES:				
TOTAL INDIRECT EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
TOTAL ALL EXPENSES:	<u>-</u>	<u>-</u>	<u>-</u>	
NET INCOME (LOSS):	<u>15,068,125.00</u>	<u>15,958,200.00</u>	<u>890,075.00</u>	

Most cost centers across WSBA are supported by license fee funds. Because LPOs and LLLTs are now WSBA members, revenues from LPO and LLLT license fees also are included in this cost center. The Licensing cost center tracks this revenue without any associated expenses. A relatively small increase in revenue is attributable to increased license fees for LPOs and LLLTs.

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LIMITED LICENSE LEGAL TECHNICIAN	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
LLLT BOARD	17,000.00	17,000.00	-	0%
LLLT OUTREACH	8,000.00	8,000.00	-	
STAFF TRAVEL/PARKING	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>25,600.00</u>	<u>25,600.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.70	1.55	(0.15)	-9%
SALARY EXPENSE	142,602.00	135,526.00	(7,076.00)	-5%
BENEFIT EXPENSE	49,304.00	41,762.00	(7,542.00)	-15%
OVERHEAD	42,495.00	38,303.00	(4,192.00)	-10%
TOTAL INDIRECT EXPENSES:	<u>234,401.00</u>	<u>215,591.00</u>	<u>(18,810.00)</u>	<u>-8%</u>
TOTAL ALL EXPENSES:	<u>260,001.00</u>	<u>241,191.00</u>	<u>(18,810.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(260,001.00)</u>	<u>(241,191.00)</u>	<u>18,810.00</u>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

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LIMITED PRACTICE OFFICERS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
DIRECT EXPENSES:				
LPO BOARD	3,000.00	3,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>3,000.00</u>	<u>3,000.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.16	1.17	0.01	1%
SALARY EXPENSE	97,589.00	99,089.00	1,500.00	2%
BENEFIT EXPENSE	33,707.00	40,651.00	6,944.00	21%
OVERHEAD	28,168.00	28,913.00	745.00	3%
TOTAL INDIRECT EXPENSES:	<u>159,464.00</u>	<u>168,653.00</u>	<u>9,189.00</u>	<u>6%</u>
TOTAL ALL EXPENSES:	<u>162,464.00</u>	<u>171,653.00</u>	<u>9,189.00</u>	<u>6%</u>
NET INCOME (LOSS):	<u>(162,464.00)</u>	<u>(171,653.00)</u>	<u>(9,189.00)</u>	

The Limited License Legal Technician (LLLT) license type (APR 28), was created by the Supreme Court and delegated to WSBA in 2012. In the past, this cost center was used to track all revenues and expenses associated with the "LLLT Program". LLLTs are now WSBA members, and consistent with the WSBA Bylaws and the Washington Supreme Court Admission and Practice Rules, the administration and regulation of these member license types has been consolidated within existing work groups and cost centers that already perform these functions for lawyers, including Admissions, License and Membership Records, and MCLE (although it continues to be possible to determine these costs separately by member type if needed). For FY19, this cost center is used primarily to track staffing and expenses related to the LLLT Board, which by court rule oversees the license.

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MANDATORY CONTINUING LEGAL EDUCATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ACCREDITED PROGRAM FEES	282,000.00	540,000.00	258,000.00	91%
FORM1 LATE FEE	100,000.00	150,000.00	50,000.00	50%
MEMBER LATE FEES	203,000.00	203,000.00	-	0%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	43,000.00	16,000.00	59%
ATTENDANCE FEES	60,000.00	-	(60,000.00)	-100%
ATTENDANCE LATE FEES	60,000.00	85,000.00	25,000.00	42%
COMITY CERTIFICATES	29,000.00	29,000.00	-	0%
TOTAL REVENUE:	761,000.00	1,050,000.00	289,000.00	38%
DIRECT EXPENSES:				
MCLE BOARD EXPENSES	2,000.00	2,000.00	-	0%
DEPRECIATION	235,944.00	249,948.00	14,004.00	6%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	238,444.00	252,448.00	14,004.00	6%
INDIRECT EXPENSES:				
FTE	4.80	4.90	0.10	2%
SALARY EXPENSE	311,815.00	374,898.00	63,083.00	20%
BENEFIT EXPENSE	113,165.00	124,996.00	11,831.00	10%
OVERHEAD	115,344.00	121,087.00	5,743.00	5%
TOTAL INDIRECT EXPENSES:	540,324.00	620,981.00	80,657.00	15%
TOTAL ALL EXPENSES:	778,768.00	873,429.00	94,661.00	12%
NET INCOME (LOSS):	(17,768.00)	176,571.00	194,339.00	

MCLE administration is a core regulatory function of the WSBA. This area processes requests for accreditation of all CLE programs for all license types, a total of about 20,000 accreditation requests per year, and tracks the earned credits and the CLE certifications and requirements of all individual members to ascertain whether they have completed their minimum continuing education requirements. Every year, approximately one-third of the active WSBA members are required to report their MCLE credits. The cost center is also used to track staffing and expenses related to the MCLE Board, which by court rule oversees the program for all license types.

Revenue increases reflect increases in sponsor and accredited sponsor fees, and increased late certification fees for LLLTs and LPOs but otherwise are consistent with historical trends.

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MEMBER ASSISTANCE PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DIVERSIONS	10,000.00	10,000.00	-	0%
TOTAL REVENUE:	10,000.00	10,000.00	-	0%
DIRECT EXPENSES:				
PROF LIAB INSURANCE	850.00	850.00	-	0%
PUBLICATIONS PRODUCTION	200.00	200.00	-	0%
STAFF MEMBERSHIP DUES	350.00	225.00	(125.00)	-36%
CONFERENCE CALLS	100.00	-	(100.00)	-100%
TOTAL DIRECT EXPENSES:	1,500.00	1,275.00	(225.00)	-15%
INDIRECT EXPENSES:				
FTE	0.87	0.90	0.03	3%
SALARY EXPENSE	79,821.00	84,582.00	4,761.00	6%
BENEFIT EXPENSE	31,796.00	34,402.00	2,606.00	8%
OVERHEAD	21,126.00	22,240.00	1,114.00	5%
TOTAL INDIRECT EXPENSES:	132,743.00	141,224.00	8,481.00	6%
TOTAL ALL EXPENSES:	134,243.00	142,499.00	8,256.00	6%
NET INCOME (LOSS):	(124,243.00)	(132,499.00)	(8,256.00)	

The Member Wellness Program is a confidential (APR 19) program whose goal is to help lawyers prevent and/or address psychological, emotional, addiction, family, health, stress, and other personal problems and provide education and services to foster member well-being. Services include assessment, short-term consultation, group services (e.g. for Job Seekers) and referral, follow-up, and training. MWP administers all Diversion Program respondent evaluations, and handles evaluation interviews, written reports, monitoring, and consultations with other treating professionals and ODC staff. MWP also provides judicial officer referrals for clinical service through the Judicial Assistance Services Program (JASP). Last year, MWP conducted approximately 200 consultations and gave presentations reaching 1,200 members.

Additionally, LAP makes assistance available to all WSBA members through a community partner, KEPRO, whose licensed professionals are available 24/7 assess, treat, and refer impaired lawyers. This program, known as WSBA Connects, provides members access to a suite of work/life integration services including financial counseling, family caregiver referral, and online resources and information to address a wide range of personal and work issues. Extended resources include a free, statewide MWP-trained peer advisor network, self-care website resources, and free or low cost work and wellness educational programming. Revenues come from Diversion Program fees; expenses are principally staff-related costs.

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MEMBER SERVICES AND ENGAGEMENT	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
ROYALTIES	15,000.00	30,000.00	15,000.00	100%
NMP PRODUCT SALES	15,000.00	70,000.00	55,000.00	367%
SPONSORSHIPS	1,200.00	1,200.00	-	0%
SEMINAR REGISTRATIONS	20,000.00	30,000.00	10,000.00	50%
TRIAL ADVOCACY PROGRAM	17,000.00	10,000.00	(7,000.00)	-41%
TOTAL REVENUE:	68,200.00	141,200.00	73,000.00	107%
DIRECT EXPENSES:				
WYLC OUTREACH EVENTS	3,000.00	2,500.00	(500.00)	-17%
MEMBER BENEFITS OPEN HOUSE	2,250.00	-	(2,250.00)	-100%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	(2,500.00)	-100%
LENDING LIBRARY	1,000.00	5,500.00	4,500.00	450%
NMP SEMINAR BROCHURES	1,500.00	-	(1,500.00)	-100%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	1,500.00	-	0%
WYL COMMITTEE	15,000.00	15,000.00	-	0%
OPEN SECTIONS NIGHT	3,000.00	4,400.00	1,400.00	47%
RURAL PLACEMENT PROGRAM	-	10,500.00	10,500.00	-
TRIAL ADVOCACY PROGRAM	2,500.00	2,500.00	-	0%
RECEPTION/FORUM EXPENSE	6,500.00	4,000.00	(2,500.00)	-38%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	2,500.00	500.00	25%
YLL SECTION PROGRAM	1,500.00	1,100.00	(400.00)	-27%
WYLC CLE COMPS	1,500.00	1,000.00	(500.00)	-33%
STAFF TRAVEL/PARKING	6,000.00	4,500.00	(1,500.00)	-25%
STAFF MEMBERSHIP DUES	530.00	385.00	(145.00)	-27%
SUBSCRIPTIONS	125.00	480.00	355.00	284%
CONFERENCE CALLS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	50,605.00	56,065.00	5,460.00	11%
INDIRECT EXPENSES:				
FTE	4.60	3.98	(0.62)	-13%
SALARY EXPENSE	342,525.00	296,941.00	(45,584.00)	-13%
BENEFIT EXPENSE	123,008.00	110,321.00	(12,687.00)	-10%
OVERHEAD	111,701.00	98,352.00	(13,349.00)	-12%
TOTAL INDIRECT EXPENSES:	577,234.00	505,614.00	(71,620.00)	-12%
TOTAL ALL EXPENSES:	627,839.00	561,679.00	(66,160.00)	-11%
NET INCOME (LOSS):	(559,639.00)	(420,479.00)	139,160.00	

Member Services and Engagement coordinates and executes a range of projects, initiatives and programs that focus on mentorship, new members, and practice management. These activities are designed to support member competence, professionalism and strengthen community.

In FY19 this cost center will support the direct and indirect costs of: (1) developing a 24-credit Practice Primer Track, the annual Trial Advocacy Program, and a free financial/debt management seminar; (2) supporting 1 Open Sections Night, 4 MentorLink Mixers, the Young Lawyer Liaison Program (to Sections), 4 Public Service Incentive Awards (free CLEs), the Law School WSBA Representatives Program, the WSBA mentorship curriculum, ALPS Attorney Match, and mentorship programs offered by our community partners across the state; (3) supporting those in solo and small-firm practice and those going through practice transitions by continuing to offer free telephone consultations, maintaining a Lending Library, referrals to external consultant and vendors, revamping and developing WSBA online guides; (4) supporting the Washington Young Lawyers Committee and the ABA YLD District Representative; (5) exploring and possibly implementing a rural placement pilot project.

FY19 revenue includes rebates received for WSBA's Practice Management Discount Network, (products made available to WSBA members at a discount), CLE registration for live seminars, and sales of on-demand recorded products. All of which are increased due to more accurate prediction of the product sales and rebates. Indirect costs have decreased to better reflect the actual staff resources needed to deliver these programs

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MEMBERSHIP BENEFITS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SPONSORSHIPS	-	8,000.00	8,000.00	
INTERNET SALES	-	9,000.00	9,000.00	
TOTAL REVENUE:	<u>-</u>	<u>17,000.00</u>	<u>17,000.00</u>	
DIRECT EXPENSES:				
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	500.00	-	0%
LEGAL LUNCHBOX SPEAKERS & PROGRAM DEVELOP	1,700.00	1,700.00	-	0%
WSBA CONNECTS	46,560.00	46,560.00	-	
CASEMAKER	75,000.00	76,336.00	1,336.00	2%
TOTAL DIRECT EXPENSES:	<u>123,760.00</u>	<u>125,096.00</u>	<u>1,336.00</u>	<u>1%</u>
INDIRECT EXPENSES:				
FTE	0.40	0.73	0.33	83%
SALARY EXPENSE	23,718.00	54,366.00	30,648.00	129%
BENEFIT EXPENSE	9,377.00	20,206.00	10,829.00	115%
OVERHEAD	9,713.00	18,039.00	8,326.00	86%
TOTAL INDIRECT EXPENSES:	<u>42,808.00</u>	<u>92,611.00</u>	<u>49,803.00</u>	<u>116%</u>
TOTAL ALL EXPENSES:	<u>166,568.00</u>	<u>217,707.00</u>	<u>51,139.00</u>	<u>31%</u>
NET INCOME (LOSS):	<u>(166,568.00)</u>	<u>(200,707.00)</u>	<u>(34,139.00)</u>	

This cost center includes costs associated with programs benefiting WSBA's membership as a part of their annual license fee: (1) Casemaker, a free legal research tool; (2) Legal Lunch Box Series, a free monthly CLEs with attendance in excess of 20,000 in FY18; and (3) WSBA Connects, a confidential 24/7 member assistance program operated by Kepro, our community partner (see Lawyer Assistance Program cost center narrative for a fuller description of this program). The cost center also includes the revenue for sponsorship and online sales associated with the Legal Lunchbox Series. In FY19 this cost center includes the direct and indirect costs associated with implementation of a member health insurance program.

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NW LAWYER	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DISPLAY ADVERTISING	400,000.00	297,500.00	(102,500.00)	-26%
SUBSCRIPT/SINGLE ISSUES	350.00	350.00	-	0%
CLASSIFIED ADVERTISING	100,000.00	12,500.00	(87,500.00)	-88%
GEN ANNOUNCEMENTS	15,000.00	17,500.00	2,500.00	17%
PROF ANNOUNCEMENTS	23,000.00	21,000.00	(2,000.00)	-9%
JOB TARGET	-	112,500.00	112,500.00	
TOTAL REVENUE:	538,350.00	461,350.00	(77,000.00)	-14%
DIRECT EXPENSES:				
GRAPHICS/ARTWORK	3,500.00	3,500.00	-	0%
OUTSIDE SALES EXPENSE	75,000.00	-	(75,000.00)	-100%
EDITORIAL ADVIS COMMITTEE EXP	800.00	800.00	-	0%
BAD DEBT EXPENSE	6,000.00	2,000.00	(4,000.00)	-67%
POSTAGE	89,000.00	89,000.00	-	0%
PRINTING & COPYING	250,000.00	250,000.00	-	0%
STAFF MEMBERSHIP DUES	-	135.00	135.00	
DIGITAL/ONLINE DEVELOPMENT	10,200.00	10,200.00	-	0%
TOTAL DIRECT EXPENSES:	434,500.00	355,635.00	(78,865.00)	-18%
INDIRECT EXPENSES:				
FTE	1.80	2.25	0.45	25%
SALARY EXPENSE	129,203.00	177,211.00	48,008.00	37%
BENEFIT EXPENSE	52,295.00	70,006.00	17,711.00	34%
OVERHEAD	43,709.00	55,601.00	11,892.00	27%
TOTAL INDIRECT EXPENSES:	225,207.00	302,818.00	77,611.00	34%
TOTAL ALL EXPENSES:	659,707.00	658,453.00	(1,254.00)	0%
NET INCOME (LOSS):	(121,357.00)	(197,103.00)	(75,746.00)	

NWLawyer is the official publication of WSBA and serves as the primary method of print communication that is received by all WSBA members and is available to inactive and emeritus members on request. A digital online version is also available. The Editorial Advisory Committee provides oversight and guidance as needed. Authors are volunteers and are not paid for their contributions. Editing and production of NWLawyer is administered by the staff in the Communications and Outreach Department. NWLawyer revenues come from sales of advertisements (display ads, classified ads, professional ads, and announcements) and subscriptions (to nonmembers). Expenses include outside advertising sales management, printing, mailing services, postage, and some artwork. All design and layout, as well as much of the photography and artwork, are performed in-house. The overall increase in indirect costs reflects staff time devoted to bringing on a new editor. After vetting several options, WSBA entered into a contract with a professional advertising management company (SagaCity Media) in January 2018 for the express purpose of increasing ad sales revenue. The production team is working with SagaCity to set ad targets and diversify the types of ads included in the magazine to begin to make the magazine more cost-neutral. We are also exploring upgraded platforms for the digital version of the magazine that will allow for additional online ads, producing an additional revenue stream.

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OFFICE OF GENERAL COUNSEL	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
COURT RULES COMMITTEE	4,000.00	2,000.00	(2,000.00)	-50%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	500.00	(1,000.00)	-67%
CUSTODIANSHIP	2,500.00	2,500.00	-	0%
DEPRECIATION	556.00	3,336.00	2,780.00	500%
STAFF TRAVEL/PARKING	3,240.00	3,240.00	-	0%
STAFF MEMBERSHIP DUES	1,500.00	1,500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>13,296.00</u>	<u>13,076.00</u>	<u>(220.00)</u>	<u>-2%</u>
INDIRECT EXPENSES:				
FTE	5.41	5.75	0.34	6%
SALARY EXPENSE	507,852.00	588,978.00	81,126.00	16%
BENEFIT EXPENSE	172,072.00	197,610.00	25,538.00	15%
OVERHEAD	131,371.00	142,092.00	10,721.00	8%
TOTAL INDIRECT EXPENSES:	<u>811,295.00</u>	<u>928,680.00</u>	<u>117,385.00</u>	<u>14%</u>
TOTAL ALL EXPENSES:	<u>824,591.00</u>	<u>941,756.00</u>	<u>117,165.00</u>	<u>14%</u>
NET INCOME (LOSS):	<u>(824,591.00)</u>	<u>(941,756.00)</u>	<u>(117,165.00)</u>	

The Office of General Counsel serves as counsel to WSBA and the Board of Governors. This office handles or oversees all litigation against WSBA, interpretations and changes to the WSBA bylaws, and other legal issues. It also handles public records requests, custodianship matters, the Lawyers Fund for Client Protection applications, investigation, and processing, and logistical support for Hearing Officers, Conflicts Review Counsel, and for the outside counsel appointed to represent incapacitated respondents in the lawyer discipline system. Staff in this office also supports various boards, committees, task forces, and workgroups, including the Lawyers' Fund for Client Protection Board, the Court Rules Committee, and the Discipline Advisory Round Table. This past fiscal year this office shifted responsibilities and workload. An Associate Director General Counsel will have primary responsibility for the support of boards and Committees, while a second Associate Director will have primary responsibility for the internal functions of the office, such as public records, litigation and contracting. Both Associate Directors will report to the General Counsel.

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**OFFICE OF GENERAL COUNSEL
DISCIPLINARY BOARD**

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
DISCIPLINARY BOARD EXPENSES	10,000.00	10,000.00	-	0%
CHIEF HEARING OFFICER	33,000.00	33,000.00	-	0%
HEARING OFFICER EXPENSES	3,000.00	3,000.00	-	0%
HEARING OFFICER TRAINING	2,000.00	2,000.00	-	0%
OUTSIDE COUNSEL	55,000.00	55,000.00	-	0%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>103,500.00</u>	<u>103,500.00</u>	<u>-</u>	<u>0%</u>
INDIRECT EXPENSES:				
FTE	1.60	1.45	(0.15)	-9%
SALARY EXPENSE	119,426.00	110,578.00	(8,848.00)	-7%
BENEFIT EXPENSE	45,067.00	40,663.00	(4,404.00)	-10%
OVERHEAD	38,853.00	35,832.00	(3,021.00)	-8%
TOTAL INDIRECT EXPENSES:	<u>203,346.00</u>	<u>187,073.00</u>	<u>(16,273.00)</u>	<u>-8%</u>
TOTAL ALL EXPENSES:	<u>306,846.00</u>	<u>290,573.00</u>	<u>(16,273.00)</u>	<u>-5%</u>
NET INCOME (LOSS):	<u>(306,846.00)</u>	<u>(290,573.00)</u>	<u>16,273.00</u>	

The Disciplinary Board reviews stipulations to and hearing officer recommendations for suspension and disbarment, holds public oral arguments, and issues written recommendations to the Supreme Court in disciplinary matters. Four separate Review Committees made up of Disciplinary Board members review disciplinary counsel requests for public hearing, admonition, and interim suspension, and dismissals upon request. One assistant general counsel devotes approximately half of his time to this function, assisted by the Clerk to the Disciplinary Board, who handles a significant number of requests for public discipline information.

Washington State Bar Association

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For the Period from October 1, 2018 to September 30, 2019

OUTREACH AND ENGAGEMENT	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
ABA DELEGATES	4,500.00	4,500.00	-	0%
ANNUAL CHAIR MEETINGS	600.00	600.00	-	0%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	4,500.00	-	0%
BOG ELECTIONS	6,500.00	6,500.00	-	0%
BAR OUTREACH	5,000.00	10,000.00	5,000.00	100%
PROFESSIONALISM	750.00	2,000.00	1,250.00	167%
STAFF TRAVEL/PARKING	400.00	1,400.00	1,000.00	250%
STAFF MEMBERSHIP DUES	300.00	1,152.00	852.00	284%
CONFERENCE CALLS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	<u>22,750.00</u>	<u>30,852.00</u>	<u>8,102.00</u>	<u>36%</u>
INDIRECT EXPENSES:				
FTE	2.83	2.73	(0.10)	-4%
SALARY EXPENSE	218,297.00	224,397.00	6,100.00	3%
BENEFIT EXPENSE	77,759.00	79,186.00	1,427.00	2%
OVERHEAD	68,721.00	67,463.00	(1,258.00)	-2%
TOTAL INDIRECT EXPENSES:	<u>364,777.00</u>	<u>371,046.00</u>	<u>6,269.00</u>	<u>2%</u>
TOTAL ALL EXPENSES:	<u>387,527.00</u>	<u>401,898.00</u>	<u>14,371.00</u>	<u>4%</u>
NET INCOME (LOSS):	<u>(387,527.00)</u>	<u>(401,898.00)</u>	<u>(14,371.00)</u>	

The Outreach and Engagement Division advances strategic bar initiatives by developing, supporting, and overseeing activities that build relationships with the general public; legal professionals; local, county, and specialty bars; policymakers/influencers, and other stakeholders. Outreach work aims to enhance volunteer recruitment, raise awareness and understanding of WSBA programs and priorities, create a sustainable stakeholder network, and leverage Board and staff as brand ambassadors and champions to influence their networks outside of WSBA.

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PRACTICE LAW BOARD	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
TRANSLATION SERVICES	200.00	-	(200.00)	-100%
PRACTICE OF LAW BOARD	15,000.00	16,000.00	1,000.00	7%
TOTAL DIRECT EXPENSES:	<u>15,200.00</u>	<u>16,000.00</u>	<u>800.00</u>	<u>5%</u>
INDIRECT EXPENSES:				
FTE	0.65	0.40	(0.25)	-38%
SALARY EXPENSE	66,165.00	50,676.00	(15,489.00)	-23%
BENEFIT EXPENSE	21,484.00	13,502.00	(7,982.00)	-37%
OVERHEAD	15,784.00	9,885.00	(5,899.00)	-37%
TOTAL INDIRECT EXPENSES:	<u>103,433.00</u>	<u>74,063.00</u>	<u>(29,370.00)</u>	<u>-28%</u>
TOTAL ALL EXPENSES:	<u>118,633.00</u>	<u>90,063.00</u>	<u>(28,570.00)</u>	<u>-24%</u>
NET INCOME (LOSS):	<u>(118,633.00)</u>	<u>(90,063.00)</u>	<u>28,570.00</u>	

The Practice of Law Board (POLB) is established by Supreme Court rule and administered by the WSBA to make recommendations to the Supreme Court regarding the practice of law, particularly with regard to the delivery of legal and law related services to the public. The POLB is also charged with educating the public about how to receive competent legal assistance. The POLB reviews allegations of the unauthorized practice of law (UPL) and refers matters for prosecution when appropriate.

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PROFESSIONAL RESPONSIBILITY PROGRAM	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	<u>-</u>	<u>-</u>	<u>-</u>	
DIRECT EXPENSES:				
CPE COMMITTEE	4,000.00	4,200.00	200.00	5%
STAFF TRAVEL/PARKING	1,800.00	2,000.00	200.00	11%
STAFF MEMBERSHIP DUES	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	<u>6,300.00</u>	<u>6,700.00</u>	<u>400.00</u>	<u>6%</u>
INDIRECT EXPENSES:				
FTE	1.89	1.65	(0.24)	-13%
SALARY EXPENSE	169,758.00	160,192.00	(9,566.00)	-6%
BENEFIT EXPENSE	62,970.00	57,904.00	(5,066.00)	-8%
OVERHEAD	45,895.00	40,774.00	(5,121.00)	-11%
TOTAL INDIRECT EXPENSES:	<u>278,623.00</u>	<u>258,870.00</u>	<u>(19,753.00)</u>	<u>-7%</u>
TOTAL ALL EXPENSES:	<u>284,923.00</u>	<u>265,570.00</u>	<u>(19,353.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(284,923.00)</u>	<u>(265,570.00)</u>	<u>19,353.00</u>	

This program includes the ethics phone line, a resource for members to get answers to ethics questions before they take action; support for the Committee on Professional Ethics; and statewide educational ethics presentations. The Ethics Line provides ethics assistance in around 3,000 member calls a year, and Professional Responsibility Counsel is a frequent local (and occasionally national) speaker, making between 40 and 60 presentations a year on ethical issues of concern to our members.

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PUBLIC SERVICE PROGRAMS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
DONATIONS	95,000.00	110,000.00	15,000.00	16%
PSP PRODUCT SALES	10,000.00	2,000.00	(8,000.00)	-80%
TOTAL REVENUE:	105,000.00	112,000.00	7,000.00	7%
DIRECT EXPENSES:				
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	2,000.00	-	0%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	20,500.00	9,000.00	78%
DONATIONS/SPONSORSHIPS	207,915.00	207,915.00	-	0%
POSTAGE	500.00	-	(500.00)	-100%
PRINTING & COPYING	500.00	-	(500.00)	-100%
STAFF TRAVEL/PARKING	2,000.00	2,000.00	-	0%
CONFERENCE CALLS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	224,615.00	232,415.00	7,800.00	3%
INDIRECT EXPENSES:				
FTE	1.77	1.03	(0.74)	-42%
SALARY EXPENSE	136,436.00	87,057.00	(49,379.00)	-36%
BENEFIT EXPENSE	48,060.00	29,994.00	(18,066.00)	-38%
OVERHEAD	42,981.00	25,453.00	(17,528.00)	-41%
TOTAL INDIRECT EXPENSES:	227,477.00	142,504.00	(84,973.00)	-37%
TOTAL ALL EXPENSES:	452,092.00	374,919.00	(77,173.00)	-17%
NET INCOME (LOSS):	(347,092.00)	(262,919.00)	84,173.00	

Public Service Programs includes staffing and support for the WSBA Moderate Means Program, Call to Duty, the Pro Bono and Public Service Committee, and other activities to promote pro bono and public service through WSBA and with our community partners. Much of this support is provided in the form of grant funding to the partners that help us to deliver our programs, including Washington's three law schools, which partner with WSBA to deliver low-cost legal assistance through the Moderate Means Program. Since 2011, the Moderate Means Program has made over 3,000 referrals and engaged more than 700 attorneys and 300 law students. Since 2015, WSBA has held 7 Day of Service Clinics serving 120 veterans and providing training to over 250 volunteers. In FY19, revenue in the cost center includes revenue from the sale of recorded public service CLEs to those not accessing them for free. Direct costs for this cost center have increased in FY19 to provide grants for up to eight MBA remote legal clinics and to increase outreach and recruitment for the Moderate Means Program. Indirect costs have decreased to better reflect the actual staff resources needed to deliver these programs. Public Service Programs are supported by a grant of \$110,000 from the Washington State Bar Foundation in FY19 (a \$15,000 increase over the FY18 budget).

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PUBLICATION AND DESIGN SERVICES

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
IMAGE LIBRARY	4,100.00	4,680.00	580.00	14%
STAFF MEMBERSHIP DUES	-	500.00	500.00	
SUBSCRIPTIONS	-	83.00	83.00	
TOTAL DIRECT EXPENSES:	4,100.00	5,263.00	1,163.00	28%
INDIRECT EXPENSES:				
FTE	1.39	1.22	(0.17)	-12%
SALARY EXPENSE	90,187.00	80,074.00	(10,113.00)	-11%
BENEFIT EXPENSE	34,341.00	31,380.00	(2,961.00)	-9%
OVERHEAD	33,753.00	30,148.00	(3,605.00)	-11%
TOTAL INDIRECT EXPENSES:	158,281.00	141,602.00	(16,679.00)	-11%
TOTAL ALL EXPENSES:	162,381.00	146,865.00	(15,516.00)	-10%
NET INCOME (LOSS):	(162,381.00)	(146,865.00)	15,516.00	

Publication and Design Services is responsible for: (1) editing and oversight of WSBA publications (including but not limited to Deskbooks, Sections publications, and NWLawyer); (2) graphic design for WSBA projects, programs, events, and CLE marketing; and (3) shared oversight of, and set up of products on, the WSBA online store.

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SECTIONS ADMINISTRATION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
REIMBURSEMENTS FROM SECTIONS	308,000.00	300,000.00	(8,000.00)	-3%
TOTAL REVENUE:	308,000.00	300,000.00	(8,000.00)	-3%
DIRECT EXPENSES:				
SECTION/COMMITTEE CHAIR MTGS	2,000.00	1,000.00	(1,000.00)	-50%
DUES STATEMENTS	6,000.00	6,000.00	-	0%
STAFF TRAVEL/PARKING	1,200.00	1,200.00	-	0%
STAFF MEMBERSHIP DUES	-	125.00	125.00	
SUBSCRIPTIONS	300.00	372.00	72.00	24%
CONFERENCE CALLS	300.00	300.00	-	0%
MISCELLANEOUS	300.00	300.00	-	0%
TOTAL DIRECT EXPENSES:	10,100.00	9,297.00	(803.00)	-8%
INDIRECT EXPENSES:				
FTE	4.00	4.25	0.25	6%
SALARY EXPENSE	266,847.00	297,955.00	31,108.00	12%
BENEFIT EXPENSE	100,979.00	112,039.00	11,060.00	11%
OVERHEAD	97,132.00	105,024.00	7,892.00	8%
TOTAL INDIRECT EXPENSES:	464,958.00	515,018.00	50,060.00	11%
TOTAL ALL EXPENSES:	475,058.00	524,315.00	49,257.00	10%
NET INCOME (LOSS):	(167,058.00)	(224,315.00)	(57,257.00)	

The WSBA has 29 sections and provides the administrative functions necessary to support them. Direct staff time and expenses related to administering the sections are included in this cost center. This cost center also supports the indirect costs of developing 70 credit hours of 'Mini CLEs' for Sections in FY19. Sections partially reimburse WSBA for the cost of supporting sections through a charge of \$18.75 per member (shown as revenue in this cost center and as an expense on each section's financial statement). Expenses are the costs associated with the preparation and mailing of the annual section dues invoices, the collection of section dues, and staff-related expenses for supporting the sections. Overall direct expenses for the cost center in FY19 are reduced from FY18.

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TECHNOLOGY	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
TOTAL REVENUE:	-	-	-	
DIRECT EXPENSES:				
COMPUTER HARDWARE	29,000.00	29,000.00	-	0%
COMPUTER SOFTWARE	29,000.00	29,000.00	-	0%
HARDWARE SERVICE & WARRANTIES	47,000.00	60,000.00	13,000.00	28%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	270,000.00	-	0%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	10,000.00	(16,000.00)	-62%
COMPUTER SUPPLIES	34,000.00	15,000.00	(19,000.00)	-56%
THIRD PARTY SERVICES	74,050.00	143,000.00	68,950.00	93%
CONSULTING SERVICES	110,000.00	85,000.00	(25,000.00)	-23%
STAFF TRAVEL/PARKING	2,500.00	2,500.00	-	0%
STAFF MEMBERSHIP DUES	110.00	110.00	-	0%
TELEPHONE	24,000.00	24,000.00	-	0%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(667,610.00)	(21,950.00)	3%
TOTAL DIRECT EXPENSES:	-	-	-	
INDIRECT EXPENSES:				
FTE	12.10	12.10	-	0%
SALARY EXPENSE	1,036,073.00	1,059,680.00	23,607.00	2%
CAPITAL LABOR	(194,000.00)	(188,800.00)	5,200.00	-3%
BENEFIT EXPENSE	355,694.00	370,332.00	14,638.00	4%
OVERHEAD	293,823.00	299,010.00	5,187.00	2%
TOTAL INDIRECT EXPENSES:	1,491,590.00	1,540,222.00	48,632.00	3%
TOTAL ALL EXPENSES:	1,491,590.00	1,540,222.00	48,632.00	3%
NET INCOME (LOSS):	(1,491,590.00)	(1,540,222.00)	(48,632.00)	

This cost center includes the resources devoted to developing and maintaining WSBA's technology infrastructure and business applications. Expenses reflected here are solely for staffing (salaries, benefits, and overhead). Direct costs are allocated out to all cost centers through "Overhead" in the indirect expense allocation. Direct expenses are for hardware, software, and the ongoing maintenance necessary to support the WSBA's technology needs, data security and management, and disaster recovery work. Falling into these categories are application and database servers, network devices, switches and cabling equipment, workstations (desktops and laptops), printers, fax machines, telecommunications (phone switch and phone sets), and software. Software includes Microsoft Office products as well as other business applications (e.g., membership database, MCLE tracking system, Online Admissions software, Limited Practice Officer software, case management software, website management software, desktop publishing and graphics software, and accounting software).

In FY19, consulting fees are reduced because more software application development work will occur in-house. The increase in third party services reflects the consolidation of subscription costs from other cost centers into the Technology cost center (telecast service costs from CLE and performance management system costs from HR).

B

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CONTINUING LEGAL EDUCATION (CLE)

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
SEMINAR REGISTRATIONS	864,735.00	876,000.00	11,265.00	1%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	41,500.00	12,000.00	41%
COURSEBOOK SALES	17,000.00	11,000.00	(6,000.00)	-35%
MP3 AND VIDEO SALES	950,000.00	950,000.00	-	0%
TOTAL REVENUE:	1,862,235.00	1,879,500.00	17,265.00	1%

DIRECT EXPENSES:

COST OF SALES - COURSEBOOKS	1,190.00	1,200.00	10.00	1%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	40,000.00	-	0%
SEMINAR ONLINE DELIVERY EXPENSES	42,000.00	-	(42,000.00)	-100%
SHIPPING SUPPLIES	100.00	100.00	-	0%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	500.00	(1,500.00)	-75%
COURSEBOOK PRODUCTION	4,000.00	3,000.00	(1,000.00)	-25%
POSTAGE - FLIERS/CATALOGS	30,000.00	10,685.00	(19,315.00)	-64%
POSTAGE - MISCELLANEOUS	2,500.00	2,500.00	-	0%
ACCREDITATION FEES	3,550.00	4,696.00	1,146.00	32%
SEMINAR BROCHURES	55,000.00	20,770.00	(34,230.00)	-62%
FACILITIES	250,000.00	223,500.00	(26,500.00)	-11%
SPEAKERS & PROGRAM DEVELOP	58,000.00	68,100.00	10,100.00	17%
SPLITS TO SECTIONS- SEMINARS	51,777.00	-	(51,777.00)	-100%
SPLITS TO CO-SPONSORS	7,500.00	-	(7,500.00)	-100%
HONORARIA	10,000.00	-	(10,000.00)	-100%
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	600.00	600.00	-	0%
DEPRECIATION	10,615.00	5,540.00	(5,075.00)	-48%
STAFF TRAVEL/PARKING	3,000.00	5,675.00	2,675.00	89%
STAFF MEMBERSHIP DUES	1,550.00	1,260.00	(290.00)	-19%
SUPPLIES	2,000.00	3,650.00	1,650.00	83%
MISCELLANEOUS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	577,582.00	393,776.00	(183,806.00)	-32%

INDIRECT EXPENSES:

FTE	9.94	9.72	(0.22)	-2%
SALARY EXPENSE	641,812.00	656,422.00	14,610.00	2%
BENEFIT EXPENSE	244,970.00	254,178.00	9,208.00	4%
OVERHEAD	241,372.00	240,197.00	(1,175.00)	0%
TOTAL INDIRECT EXPENSES:	1,128,154.00	1,150,797.00	22,643.00	2%
TOTAL ALL EXPENSES:	1,705,736.00	1,544,573.00	(161,163.00)	-9%
NET INCOME (LOSS):	156,499.00	334,927.00	178,428.00	

The CLE cost center includes revenues and costs associated with CLE seminars and products. Revenues include seminar registrations, sponsorships, online sales of coursebooks, and sales of recorded CLE seminars (both video and audio). Consistent with revenues, expenses reflect the cost of production of seminars and products. Revenue for live CLE participation continues to decline as revenue for recorded products continues to rise. Beginning in FY19 fiscal policy for sharing CLE revenue with Sections has changed. Under the new policy, Sections and WSBA CLE will split live and on-demand seminar revenue after actual direct and indirect costs have been recouped. This policy shift will increase the overall splits to Sections as compared to the former policy which was based on live revenue only. As in FY18, WSBA CLE continues to look for opportunities to decrease direct and indirect costs. In FY17, Deskbooks were included in this cost center; they are now accounted for separately in the Deskbooks cost center.

Washington State Bar Association

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CLE- SEMINARS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SEMINAR REGISTRATIONS	864,735.00	876,000.00	11,265.00	1%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	41,500.00	12,000.00	41%
TOTAL REVENUE:	894,235.00	917,500.00	23,265.00	3%
DIRECT EXPENSES:				
SEMINAR ONLINE DELIVERY EXPENSES	42,000.00	-	(42,000.00)	-100%
COURSEBOOK PRODUCTION	4,000.00	3,000.00	(1,000.00)	-25%
POSTAGE - FLIERS/CATALOGS	30,000.00	10,685.00	(19,315.00)	-64%
POSTAGE - MISCELLANEOUS	2,500.00	2,500.00	-	0%
ACCREDITATION FEES	3,550.00	4,696.00	1,146.00	32%
SEMINAR BROCHURES	55,000.00	20,770.00	(34,230.00)	-62%
FACILITIES	250,000.00	223,500.00	(26,500.00)	-11%
SPEAKERS & PROGRAM DEVELOP	58,000.00	68,100.00	10,100.00	17%
SPLITS TO SECTIONS- SEMINARS	51,777.00	-	(51,777.00)	-100%
SPLITS TO CO-SPONSORS	7,500.00	-	(7,500.00)	-100%
HONORARIA	10,000.00	-	(10,000.00)	-100%
CLE SEMINAR COMMITTEE	500.00	500.00	-	0%
BAD DEBT EXPENSE	500.00	500.00	-	0%
DEPRECIATION	2,035.00	-	(2,035.00)	-100%
STAFF TRAVEL/PARKING	3,000.00	5,675.00	2,675.00	89%
STAFF MEMBERSHIP DUES	975.00	850.00	(125.00)	-13%
SUPPLIES	2,000.00	3,650.00	1,650.00	83%
TOTAL DIRECT EXPENSES:	523,337.00	344,426.00	(178,911.00)	-34%
INDIRECT EXPENSES:				
FTE	8.41	8.09	(0.32)	-4%
SALARY EXPENSE	540,263.00	557,997.00	17,734.00	3%
BENEFIT EXPENSE	206,655.00	214,152.00	7,497.00	4%
OVERHEAD	204,219.00	199,917.00	(4,302.00)	-2%
TOTAL INDIRECT EXPENSES:	951,137.00	972,066.00	20,929.00	2%
TOTAL ALL EXPENSES:	1,474,474.00	1,316,492.00	(157,982.00)	-11%
NET INCOME (LOSS):	(580,239.00)	(398,992.00)	181,247.00	

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CLE - PRODUCTS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	1,000.00	1,000.00	-	0%
COURSEBOOK SALES	17,000.00	11,000.00	(6,000.00)	-35%
MP3 AND VIDEO SALES	950,000.00	950,000.00	-	0%
TOTAL REVENUE:	968,000.00	962,000.00	(6,000.00)	-1%
DIRECT EXPENSES:				
COST OF SALES - COURSEBOOKS	1,190.00	1,200.00	10.00	1%
A/V DEVELOP COSTS (RECORDING)	1,500.00	1,500.00	-	0%
ONLINE PRODUCT HOSTING EXPENSES	40,000.00	40,000.00	-	0%
SHIPPING SUPPLIES	100.00	100.00	-	0%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	500.00	(1,500.00)	-75%
BAD DEBT EXPENSE	100.00	100.00	-	0%
DEPRECIATION	8,580.00	5,540.00	(3,040.00)	-35%
STAFF MEMBERSHIP DUES	575.00	410.00	(165.00)	-29%
MISCELLANEOUS	200.00	-	(200.00)	-100%
TOTAL DIRECT EXPENSES:	54,245.00	49,350.00	(4,895.00)	-9%
INDIRECT EXPENSES:				
FTE	1.53	1.63	0.10	7%
SALARY EXPENSE	101,549.00	98,425.00	(3,124.00)	-3%
BENEFIT EXPENSE	38,315.00	40,026.00	1,711.00	4%
OVERHEAD	37,153.00	40,280.00	3,127.00	8%
TOTAL INDIRECT EXPENSES:	177,017.00	178,731.00	1,714.00	1%
TOTAL ALL EXPENSES:	231,262.00	228,081.00	(3,181.00)	-1%
NET INCOME (LOSS):	736,738.00	733,919.00	(2,819.00)	

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DESKBOOKS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SHIPPING & HANDLING	4,000.00	2,000.00	(2,000.00)	-50%
DESKBOOK SALES	100,000.00	80,000.00	(20,000.00)	-20%
SECTION PUBLICATION SALES	6,000.00	3,000.00	(3,000.00)	-50%
CASEMAKER ROYALTIES	60,000.00	75,000.00	15,000.00	25%
TOTAL REVENUE:	170,000.00	160,000.00	(10,000.00)	-6%
DIRECT EXPENSES:				
COST OF SALES - DESKBOOKS	70,000.00	50,000.00	(20,000.00)	-29%
COST OF SALES - SECTION PUBLICATION	1,000.00	750.00	(250.00)	-25%
SPLITS TO SECTIONS	2,000.00	1,000.00	(1,000.00)	-50%
DESKBOOK ROYALTIES	1,000.00	1,000.00	-	0%
SHIPPING SUPPLIES	250.00	150.00	(100.00)	-40%
POSTAGE & DELIVERY-DESKBOOKS	3,000.00	2,000.00	(1,000.00)	-33%
FLIERS/CATALOGS	5,000.00	3,000.00	(2,000.00)	-40%
POSTAGE - FLIERS/CATALOGS	2,500.00	1,500.00	(1,000.00)	-40%
COMPLIMENTARY BOOK PROGRAM	2,000.00	2,000.00	-	0%
BAD DEBT EXPENSE	100.00	100.00	-	0%
RECORDS STORAGE - OFF SITE	7,440.00	7,440.00	-	0%
STAFF MEMBERSHIP DUES	205.00	250.00	45.00	22%
MISCELLANEOUS	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	94,695.00	69,390.00	(25,305.00)	-27%
INDIRECT EXPENSES:				
FTE	2.15	2.05	(0.10)	-5%
SALARY EXPENSE	140,713.00	117,663.00	(23,050.00)	-16%
BENEFIT EXPENSE	53,392.00	48,981.00	(4,411.00)	-8%
OVERHEAD	52,208.00	50,659.00	(1,549.00)	-3%
TOTAL INDIRECT EXPENSES:	246,313.00	217,303.00	(29,010.00)	-12%
TOTAL ALL EXPENSES:	341,008.00	286,693.00	(54,315.00)	-16%
NET INCOME (LOSS):	(171,008.00)	(126,693.00)	44,315.00	

WSBA publishes a library of 18 Deskbook titles in substantive areas of Washington law such as family law and real property, as well as civil procedure and ethics; these Deskbooks are intensively researched and edited authoritative treatises that have been cited in 250 Washington state and federal appellate court opinions. Included in the CLE cost center in FY17, this cost center includes revenues and expenses related to the development, publication, and sale of WSBA Deskbooks. Deskbook authors and editors are volunteers who are not paid for their contributions. Revenues are received from sales of Deskbooks (in print and online). Expenses include contract services for cite-checking, copyediting, creation of tables of authorities, indexing, and desktop publishing, as well as the costs of printing and binding.

C

Washington State Bar Association Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CLIENT PROTECTION FUND	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
CPF RESTITUTION	3,000.00	3,000.00	-	0%
CPF MEMBER ASSESSMENTS	982,000.00	982,000.00	-	0%
INTEREST REVENUE	7,500.00	7,500.00	-	0%
TOTAL REVENUE:	992,500.00	992,500.00	-	0%
DIRECT EXPENSES:				
GIFTS TO INJURED CLIENTS	400,000.00	500,000.00	100,000.00	25%
CPF BOARD EXPENSES	2,000.00	3,000.00	1,000.00	50%
BANK FEES - WELLS FARGO	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	403,000.00	504,000.00	101,000.00	25%
INDIRECT EXPENSES:				
FTE	1.35	1.25	(0.10)	-7%
SALARY EXPENSE	95,818.00	97,740.00	1,922.00	2%
BENEFIT EXPENSE	35,213.00	35,581.00	368.00	1%
OVERHEAD	32,782.00	30,889.00	(1,893.00)	-6%
TOTAL INDIRECT EXPENSES:	163,813.00	164,210.00	397.00	0%
TOTAL ALL EXPENSES:	566,813.00	668,210.00	101,397.00	18%
NET INCOME (LOSS):	425,687.00	324,290.00	(101,397.00)	

The Client Protection Fund (CPF) compensates persons who are the victims of the dishonest taking of, or failure to account for, client funds or property by a lawyer. It does not cover malpractice claims or fee disputes. All payments are discretionary and must be approved by the CPF Board or, in the case of payments over \$25,000, by the Board of Governors, who serves as the trustees of the Fund. The CPF is funded by a mandatory annual assessment of \$30 per active member, house counsel, and pro hac vice admissions. During FY17, the BOG approved the CPF Board recommendation to increase the maximum amount that can be awarded on any claim to \$150,000. Also, the Supreme Court approved amendments to the Admission and Practice Rules to: (1) change the name to the Client Protection Fund, and (2) provide that the actions of LPOs and LLLTs will be included within the coverage provided by the CPF, effective September 1, 2017.

D

**2019 WSBA BUDGET WORKSHEET
CAPITAL BUDGET**

	COST CENTER	UNIT COST	QTY	AMOUNT	USEFUL LIFE (YRS)	ESTIMATED IN SERVICE DATE	ANNUAL DEPRECIATION EXPENSE	BUDGET FY 2019
Capital Software (General Indirects)								
GILDA System Replacement (Phase I- project to finish in FY20)	DISC	20,000	1	20,000	5	Jan-20	4,000	0
Unassigned capital software needs for FY19		20,000	1	20,000	3	Oct-18	6,667	6,667
		40,000		40,000			10,667	6,667
Capital Labor								
<i>Lawyer Opt-In Membership Directory (project continuation from FY18)</i>		25,000	1	25,000	5	Oct-18	5,000	5,000
Personify Enhancements		27,100	1	27,100	3	Jul-19	9,033	2,258
		52,100		52,100			14,033	7,258
Total				92,100			24,700	13,925
Capital Hardware (General Indirects):								
Network Infrastructure Upgrades		20,000	1	20,000	5	Dec-18	4,000	3,333
Unassigned capital hardware needs for FY19		20,000	1	20,000	5	Oct-18	4,000	4,000
Total				40,000			8,000	7,333
Equipment (General Indirects)								
Copier Replacement (RSD)		10,000	1	10,000	5	Oct-18	2,000	2,000
Leasehold Improvements (General Indirects)								
Leasehold Improvements for Miscellaneous Office Moves		10,000	1	10,000	8	Oct-18	1,250	1,250
Total				20,000			3,250	3,250
GRAND TOTAL				152,100			35,950	24,508

E

**2019 WSBA Budget Worksheet
Summary of Section Budgets**

		Total Fund Balance at 10-1-17	Net Profit (Loss) Budget FY 2018	2019 Budget					Net Fund Balance Budgeted FY18 & FY19 Combined
				Income	Direct Expenses	Reimb to WSBA	Total Expenses	Net	
1	Administrative Law	37,321	(19,413)	12,050	21,375	4,688	26,063	(14,013)	3,896
2	Alternative Dispute Resolution	27,105	(3,404)	18,610	17,800	6,488	24,288	(5,678)	18,024
3	Animal Law	12,809	(7,270)	4,530	8,850	1,875	10,725	(6,195)	(656)
4	Antitrust, Consumer Protection, Unfair Business Practice	55,150	(8,389)	6,175	7,050	3,881	10,931	(4,756)	42,005
5	Business Law	45,802	(15,190)	35,060	20,000	23,438	43,438	(8,378)	22,234
6	Cannabis Law	0	119	2,125	700	1,406	2,106	19	138
7	Civil Rights Law	9,334	(1,526)	5,020	5,235	3,131	8,366	(3,346)	4,461
8	Construction Law	33,849	(8,150)	14,300	16,050	9,375	25,425	(11,125)	14,574
9	Corporate Counsel	48,424	(17,125)	40,000	31,000	20,625	51,625	(11,625)	19,674
10	Creditor Debtor Rights	26,247	(1,650)	15,000	11,950	9,375	21,325	(6,325)	18,272
11	Criminal Law	65,126	(3,413)	14,500	8,600	8,813	17,413	(2,913)	58,801
12	Elder Law	57,505	(14,929)	23,810	34,200	12,750	46,950	(23,140)	19,437
13	Environmental and Land Use Law	29,296	(5,213)	28,575	21,025	15,000	36,025	(7,450)	16,633
14	Family Law	83,363	(31,543)	44,750	39,900	23,438	63,338	(18,588)	33,233
15	Health Law	69,016	(8,906)	8,950	11,700	7,031	18,731	(9,781)	50,329
16	Indian Law	57,240	(6,869)	15,050	15,200	6,000	21,200	(6,150)	44,222
17	Intellectual Property	89,593	(25,975)	23,100	33,450	16,875	50,325	(27,225)	36,393
18	International Practice	17,474	(1,813)	13,150	8,450	4,688	13,138	13	15,674
19	Juvenile Law	8,471	(3,501)	6,570	3,600	3,563	7,163	(593)	4,377
20	Labor & Employment Law	83,857	(22,185)	30,100	41,500	18,750	60,250	(30,150)	31,522
21	Legal Assistance to Military Personnel	14,777	(4,315)	3,650	7,600	1,688	9,288	(5,638)	4,825
22	LGBT Law	6,593	(190)	4,110	3,175	2,063	5,238	(1,128)	5,276
23	Litigation	59,704	(10,975)	32,110	26,650	20,006	46,656	(14,546)	34,183
24	Low Bono	5,268	580	4,005	5,250	1,875	7,125	(3,120)	2,728
25	Real Property, Probate and Trust	113,971	(45,500)	59,000	73,050	43,875	116,925	(57,925)	10,546
26	Senior Lawyers	8,598	(4,434)	6,500	5,500	4,838	10,338	(3,838)	327
27	Solo & Small Practice	57,985	(5,450)	41,200	25,750	18,750	44,500	(3,300)	49,235
28	Taxation	57,795	(12,120)	26,500	26,545	12,207	38,752	(12,252)	33,423
29	World Peace Through Law	16,053	(1,406)	3,090	2,350	1,744	4,094	(1,004)	13,643
Total		1,197,727	(290,152)	541,590	533,505	308,232	841,737	(300,147)	607,427

* Note: Although the combined budget for FY18 & FY19 show a negative fund balance, actual revenue and expenses for FY18 will result in a lower net loss than originally budgeted in FY18.

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ADMINISTRATIVE LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	150.00	300.00	150.00	100%
SECTION DUES REVENUE	6,250.00	6,250.00	-	0%
PUBLICATIONS REVENUE	4,000.00	4,000.00	-	0%
MINI-CLE REVENUE	1,500.00	1,500.00	-	0%
SEMINAR SPLITS W/ CLE	400.00	-	(400.00)	-100%
TOTAL REVENUE:	12,300.00	12,050.00	(250.00)	-2%
DIRECT EXPENSES:				
CONFERENCE CALLS	350.00	350.00	-	0%
PER MEMBER CHARGE	4,687.50	4,687.50	-	0%
AWARDS	400.00	400.00	-	0%
NEWSLETTER EXPENSES	1,000.00	1,000.00	-	0%
RECEPTION EXPENSE	2,000.00	1,500.00	(500.00)	-25%
MINI-CLE EXPENSE	3,000.00	2,000.00	(1,000.00)	-33%
MEMBERSHIP & RECRUITING EXP	1,000.00	300.00	(700.00)	-70%
SCHOLARSHIPS/DONATIONS/GRANT	8,000.00	5,000.00	(3,000.00)	-38%
ATTENDANCE AT BOG MEETINGS	125.00	125.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,400.00	700.00	(700.00)	-50%
LDSHIP/PROF DEVELOP/RETREATS	9,750.00	10,000.00	250.00	3%
TOTAL DIRECT EXPENSES:	31,712.50	26,062.50	(5,650.00)	-18%
NET INCOME (LOSS):	(19,412.50)	(14,012.50)	5,400.00	

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ALTERNATIVE DISPUTE RESOLUTION

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	-	(10.00)	-100%
SECTION DUES REVENUE	13,475.00	12,110.00	(1,365.00)	-10%
CONFERENCES & INSTITUTES	8,000.00	6,500.00	(1,500.00)	-19%
TOTAL REVENUE:	21,485.00	18,610.00	(2,875.00)	-13%
DIRECT EXPENSES:				
CONFERENCE CALLS	500.00	500.00	-	0%
PER MEMBER CHARGE	7,218.75	6,487.50	(731.25)	-10%
SECTION SPECIAL PROJECTS	2,000.00	-	(2,000.00)	-100%
MINI-CLE EXPENSE	2,020.00	2,000.00	(20.00)	-1%
MEMBERSHIP & RECRUITING EXP	1,750.00	3,250.00	1,500.00	86%
ATTENDANCE AT BOG MEETINGS	250.00	250.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,800.00	1,800.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	4,850.00	5,500.00	650.00	13%
SECTION COMMITTEE EXPENSE	4,000.00	4,000.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	24,888.75	24,287.50	(601.25)	-2%
NET INCOME (LOSS):	(3,403.75)	(5,677.50)	(2,273.75)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

ANIMAL LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	30.00	30.00	-	0%
SECTION DUES REVENUE	2,500.00	2,500.00	-	0%
SEMINAR SPLITS W/ OTHERS	-	2,000.00	2,000.00	
TOTAL REVENUE:	2,530.00	4,530.00	2,000.00	79%
DIRECT EXPENSES:				
CONFERENCE CALLS	200.00	200.00	-	0%
PER MEMBER CHARGE	1,875.00	1,875.00	-	0%
ELECTIONS	125.00	-	(125.00)	-100%
MINI-CLE EXPENSE	2,000.00	2,000.00	-	0%
SEMINAR EXPENSE - SECTIONS	4,500.00	4,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	750.00	1,800.00	1,050.00	140%
ANNUAL OR OTHER MEETING EXPENSE	250.00	250.00	-	0%
TOTAL DIRECT EXPENSES:	9,800.00	10,725.00	925.00	9%
NET INCOME (LOSS):	(7,270.00)	(6,195.00)	1,075.00	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

**ANTITRUST, CONSUMER
PROTECTION & UNFAIR BUSINESS
PRACTICES**

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	4,180.00	5,175.00	995.00	24%
MINI-CLE REVENUE	-	1,000.00	1,000.00	
TOTAL REVENUE:	<u>4,180.00</u>	<u>6,175.00</u>	<u>1,995.00</u>	<u>48%</u>
DIRECT EXPENSES:				
PER MEMBER CHARGE	3,918.75	3,881.25	(37.50)	-1%
MINI-CLE EXPENSE	1,700.00	2,700.00	1,000.00	59%
SEMINAR EXPENSE - SECTIONS	3,700.00	-	(3,700.00)	-100%
MEMBERSHIP & RECRUITING EXP	-	100.00	100.00	
SCHOLARSHIPS/DONATIONS/GRANT	-	1,500.00	1,500.00	
LAW SCHOOL OUTREACH	1,500.00	1,000.00	(500.00)	-33%
EXECUTIVE COMMITTEE EXPENSES	750.00	750.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>12,568.75</u>	<u>10,931.25</u>	<u>(1,637.50)</u>	<u>-13%</u>
NET INCOME (LOSS):	<u>(8,388.75)</u>	<u>(4,756.25)</u>	<u>3,632.50</u>	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

BUSINESS LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	34,000.00	31,250.00	(2,750.00)	-8%
MINI-CLE REVENUE	3,200.00	3,800.00	600.00	19%
SEMINAR SPLITS W/ CLE	1,000.00	-	(1,000.00)	-100%
TOTAL REVENUE:	38,210.00	35,060.00	(3,150.00)	-8%
DIRECT EXPENSES:				
CONFERENCE CALLS	500.00	250.00	(250.00)	-50%
PER MEMBER CHARGE	25,500.00	23,437.50	(2,062.50)	-8%
NEWSLETTER EXPENSES	1,000.00	1,000.00	-	0%
RECEPTION EXPENSE	500.00	-	(500.00)	-100%
WEBSITE EXPENSES	500.00	-	(500.00)	-100%
MINI-CLE EXPENSE	10,200.00	7,850.00	(2,350.00)	-23%
SEMINAR EXPENSE - SECTIONS	1,800.00	200.00	(1,600.00)	-89%
MEMBERSHIP & RECRUITING EXP	500.00	500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	6,500.00	5,000.00	(1,500.00)	-23%
ATTENDANCE AT BOG MEETINGS	300.00	300.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	2,700.00	2,000.00	(700.00)	-26%
LDSHIP/PROF DEVELOP/RETREATS	900.00	900.00	-	0%
SECTION COMMITTEE EXPENSE	2,500.00	2,000.00	(500.00)	-20%
TOTAL DIRECT EXPENSES:	53,400.00	43,437.50	(9,962.50)	-19%
NET INCOME (LOSS):	(15,190.00)	(8,377.50)	6,812.50	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CANNABIS LAW SECTION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	1,875.00	1,875.00	-	0%
MINI-CLE REVENUE	-	250.00	250.00	
TOTAL REVENUE:	<u>1,875.00</u>	<u>2,125.00</u>	<u>250.00</u>	<u>13%</u>
DIRECT EXPENSES:				
CONFERENCE CALLS	50.00	100.00	50.00	100%
PER MEMBER CHARGE	1,406.25	1,406.25	-	0%
MINI-CLE EXPENSE	100.00	150.00	50.00	50%
MEMBERSHIP & RECRUITING EXP	100.00	50.00	(50.00)	-50%
ATTENDANCE AT BOG MEETINGS	-	100.00	100.00	
EXECUTIVE COMMITTEE EXPENSES	100.00	300.00	200.00	200%
TOTAL DIRECT EXPENSES:	<u>1,756.25</u>	<u>2,106.25</u>	<u>350.00</u>	<u>20%</u>
NET INCOME (LOSS):	<u>118.75</u>	<u>18.75</u>	<u>(100.00)</u>	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CIVIL RIGHTS LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	5,250.00	5,010.00	(240.00)	-5%
SEMINAR SPLITS W/ CLE	530.00	-	(530.00)	-100%
TOTAL REVENUE:	5,790.00	5,020.00	(770.00)	-13%
DIRECT EXPENSES:				
CONFERENCE CALLS	600.00	600.00	-	0%
PER MEMBER CHARGE	3,281.25	3,131.25	(150.00)	-5%
AWARDS	300.00	300.00	-	0%
RECEPTION EXPENSE	-	785.00	785.00	
MINI-CLE EXPENSE	435.00	-	(435.00)	-100%
MEMBERSHIP & RECRUITING EXP	300.00	300.00	-	0%
LAW SCHOOL OUTREACH	200.00	200.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	200.00	1,700.00	1,500.00	750%
LDSHIP/PROF DEVELOP/RETREATS	1,650.00	1,350.00	(300.00)	-18%
ANNUAL OR OTHER MEETING EXPENSE	350.00	-	(350.00)	-100%
TOTAL DIRECT EXPENSES:	7,316.25	8,366.25	1,050.00	14%
NET INCOME (LOSS):	(1,526.25)	(3,346.25)	(1,820.00)	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

CONSTRUCTION LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	13,000.00	12,500.00	(500.00)	-4%
MINI-CLE REVENUE	1,800.00	1,800.00	-	0%
SEMINAR SPLITS W/ CLE	4,000.00	-	(4,000.00)	-100%
TOTAL REVENUE:	18,800.00	14,300.00	(4,500.00)	-24%
DIRECT EXPENSES:				
CONFERENCE CALLS	250.00	250.00	-	0%
PER MEMBER CHARGE	9,750.00	9,375.00	(375.00)	-4%
AWARDS	3,500.00	2,500.00	(1,000.00)	-29%
NEWSLETTER EXPENSES	700.00	700.00	-	0%
RECEPTION EXPENSE	4,000.00	3,000.00	(1,000.00)	-25%
SECTION SPECIAL PROJECTS	500.00	500.00	-	0%
MINI-CLE EXPENSE	2,500.00	2,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,500.00	1,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	150.00	1,000.00	850.00	567%
EXECUTIVE COMMITTEE EXPENSES	4,000.00	4,000.00	-	0%
TOTAL DIRECT EXPENSES:	26,950.00	25,425.00	(1,525.00)	-6%
NET INCOME (LOSS):	(8,150.00)	(11,125.00)	(2,975.00)	

Washington State Bar Association
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For the Period from October 1, 2018 to September 30, 2019

CORPORATE COUNSEL SECTION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	22,000.00	22,000.00	-	0%
MINI-CLE REVENUE	12,000.00	14,000.00	2,000.00	17%
SEMINAR SPLITS W/ CLE	4,000.00	-	(4,000.00)	-100%
SEMINAR SPLITS W/ OTHERS	500.00	4,000.00	3,500.00	700%
TOTAL REVENUE:	<u>38,500.00</u>	<u>40,000.00</u>	<u>1,500.00</u>	<u>4%</u>
DIRECT EXPENSES:				
PER MEMBER CHARGE	20,625.00	20,625.00	-	0%
MINI-CLE EXPENSE	24,000.00	20,000.00	(4,000.00)	-17%
SEMINAR EXPENSE - SECTIONS	3,000.00	2,500.00	(500.00)	-17%
MEMBERSHIP & RECRUITING EXP	-	500.00	500.00	
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	5,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	3,000.00	3,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>55,625.00</u>	<u>51,625.00</u>	<u>(4,000.00)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(17,125.00)</u>	<u>(11,625.00)</u>	<u>5,500.00</u>	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CREDITOR DEBTOR RIGHTS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	16,800.00	15,000.00	(1,800.00)	-11%
SEMINAR SPLITS W/ CLE	4,000.00	-	(4,000.00)	-100%
TOTAL REVENUE:	20,800.00	15,000.00	(5,800.00)	-28%
DIRECT EXPENSES:				
CONFERENCE CALLS	100.00	100.00	-	0%
PER MEMBER CHARGE	10,500.00	9,375.00	(1,125.00)	-11%
NEWSLETTER EXPENSES	600.00	600.00	-	0%
SEMINAR EXPENSE - SECTIONS	300.00	300.00	-	0%
MEMBERSHIP & RECRUITING EXP	250.00	250.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	5,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	5,400.00	5,400.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	300.00	300.00	-	0%
TOTAL DIRECT EXPENSES:	22,450.00	21,325.00	(1,125.00)	-5%
NET INCOME (LOSS):	(1,650.00)	(6,325.00)	(4,675.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

CRIMINAL LAW

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	50.00	50.00	-	0%
SECTION DUES REVENUE	13,950.00	13,950.00	-	0%
MINI-CLE REVENUE	450.00	500.00	50.00	11%
SEMINAR SPLITS W/ CLE	5,300.00	-	(5,300.00)	-100%
TOTAL REVENUE:	19,750.00	14,500.00	(5,250.00)	-27%
DIRECT EXPENSES:				
PER MEMBER CHARGE	8,812.50	8,812.50	-	0%
MINI-CLE EXPENSE	2,000.00	3,000.00	1,000.00	50%
SEMINAR EXPENSE - SECTIONS	1,000.00	-	(1,000.00)	-100%
NEW LAWYER OUTREACH	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	3,000.00	3,000.00	-	0%
LAW SCHOOL OUTREACH	500.00	500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	6,250.00	-	(6,250.00)	-100%
ANNUAL OR OTHER MEETING EXPENSE	1,500.00	2,000.00	500.00	33%
TOTAL DIRECT EXPENSES:	23,162.50	17,412.50	(5,750.00)	-25%
NET INCOME (LOSS):	(3,412.50)	(2,912.50)	500.00	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

ELDER LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	23,800.00	23,800.00	-	0%
SEMINAR SPLITS W/ CLE	8,211.25	-	(8,211.25)	-100%
TOTAL REVENUE:	32,021.25	23,810.00	(8,211.25)	-26%
DIRECT EXPENSES:				
CONFERENCE CALLS	600.00	600.00	-	0%
PER MEMBER CHARGE	12,750.00	12,750.00	-	0%
LEGISLATIVE/LOBBYING	1,500.00	1,500.00	-	0%
RECEPTION EXPENSE	6,500.00	6,500.00	-	0%
SECTION SPECIAL PROJECTS	2,500.00	2,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,500.00	1,500.00	-	0%
MEMBERSHIP & RECRUITING EXP	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	15,000.00	15,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,500.00	1,500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	5,000.00	5,000.00	-	0%
TOTAL DIRECT EXPENSES:	46,950.00	46,950.00	-	0%
NET INCOME (LOSS):	(14,928.75)	(23,140.00)	(8,211.25)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

ENVIROMENTAL & LAND USE LAW SECTION	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	75.00	75.00	-	0%
SECTION DUES REVENUE	29,050.00	28,000.00	(1,050.00)	-4%
MINI-CLE REVENUE	300.00	500.00	200.00	67%
SEMINAR SPLITS W/ CLE	(1,500.00)	-	1,500.00	-100%
TOTAL REVENUE:	27,925.00	28,575.00	650.00	2%
DIRECT EXPENSES:				
CONFERENCE CALLS	300.00	300.00	-	0%
PER MEMBER CHARGE	15,562.50	15,000.00	(562.50)	-4%
AWARDS	200.00	150.00	(50.00)	-25%
LEGISLATIVE/LOBBYING	1,000.00	-	(1,000.00)	-100%
NEWSLETTER EXPENSES	-	500.00	500.00	
SECTION SPECIAL PROJECTS	500.00	500.00	-	0%
MINI-CLE EXPENSE	2,000.00	3,000.00	1,000.00	50%
SEMINAR EXPENSE - SECTIONS	1,975.00	1,975.00	-	0%
NEW LAWYER OUTREACH	100.00	100.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	3,000.00	3,000.00	-	0%
LAW SCHOOL OUTREACH	1,500.00	1,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	7,000.00	2,000.00	(5,000.00)	-71%
EXECUTIVE COMM EXP - OTHER	-	8,000.00	8,000.00	
TOTAL DIRECT EXPENSES:	33,137.50	36,025.00	2,887.50	9%
NET INCOME (LOSS):	(5,212.50)	(7,450.00)	(2,237.50)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

FAMILY LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	43,750.00	43,750.00	-	0%
SEMINAR SPLITS W/ CLE	9,000.00	-	(9,000.00)	-100%
SEMINAR SPLITS W/ OTHERS	-	1,000.00	1,000.00	
TOTAL REVENUE:	52,750.00	44,750.00	(8,000.00)	-15%
DIRECT EXPENSES:				
POSTAGE	700.00	-	(700.00)	-100%
CONFERENCE CALLS	500.00	500.00	-	0%
PER MEMBER CHARGE	23,437.50	23,437.50	-	0%
ELECTIONS	700.00	-	(700.00)	-100%
AWARDS	1,955.00	1,900.00	(55.00)	-3%
NEWSLETTER EXPENSES	1,000.00	-	(1,000.00)	-100%
SEMINAR EXPENSE - SECTIONS	11,000.00	6,000.00	(5,000.00)	-45%
MEMBERSHIP & RECRUITING EXP	5,000.00	-	(5,000.00)	-100%
SCHOLARSHIPS/DONATIONS/GRANT	10,000.00	2,000.00	(8,000.00)	-80%
ATTENDANCE AT BOG MEETINGS	2,500.00	2,000.00	(500.00)	-20%
EXECUTIVE COMMITTEE EXPENSES	16,000.00	16,000.00	-	0%
EXECUTIVE COMM EXP - OTHER	10,000.00	10,000.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	1,500.00	1,500.00	-	0%
TOTAL DIRECT EXPENSES:	84,292.50	63,337.50	(20,955.00)	-25%
NET INCOME (LOSS):	(31,542.50)	(18,587.50)	12,955.00	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

HEALTH LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	250.00	250.00	-	0%
SECTION DUES REVENUE	7,500.00	7,500.00	-	0%
MINI-CLE REVENUE	1,200.00	1,200.00	-	0%
SEMINAR SPLITS W/ CLE	1,000.00	-	(1,000.00)	-100%
TOTAL REVENUE:	9,950.00	8,950.00	(1,000.00)	-10%
DIRECT EXPENSES:				
CONFERENCE CALLS	400.00	500.00	100.00	25%
PER MEMBER CHARGE	7,031.25	7,031.25	-	0%
MINI-CLE EXPENSE	1,800.00	1,800.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,000.00	400.00	(600.00)	-60%
MEMBERSHIP & RECRUITING EXP	2,000.00	2,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	1,125.00	-	(1,125.00)	-100%
EXECUTIVE COMMITTEE EXPENSES	2,500.00	2,500.00	-	0%
EXECUTIVE COMM EXP - OTHER	-	500.00	500.00	
LDSHIP/PROF DEVELOP/RETREATS	3,000.00	4,000.00	1,000.00	33%
TOTAL DIRECT EXPENSES:	18,856.25	18,731.25	(125.00)	-1%
NET INCOME (LOSS):	(8,906.25)	(9,781.25)	(875.00)	

Washington State Bar Association

Budget Comparison Report

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INDIAN LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	50.00	50.00	-	0%
SECTION DUES REVENUE	8,000.00	8,000.00	-	0%
SEMINAR SPLITS W/ CLE	11,100.00	-	(11,100.00)	-100%
SEMINAR SPLITS W/ OTHERS	-	7,000.00	7,000.00	
TOTAL REVENUE:	19,150.00	15,050.00	(4,100.00)	-21%
DIRECT EXPENSES:				
CONFERENCE CALLS	50.00	-	(50.00)	-100%
PER MEMBER CHARGE	6,468.75	6,000.00	(468.75)	-7%
NEWSLETTER EXPENSES	1,000.00	1,000.00	-	0%
SEMINAR EXPENSE - SECTIONS	12,600.00	7,000.00	(5,600.00)	-44%
HONORARIUM	200.00	200.00	-	0%
MEMBERSHIP & RECRUITING EXP	500.00	800.00	300.00	60%
SCHOLARSHIPS/DONATIONS/GRANT	5,000.00	6,000.00	1,000.00	20%
EXECUTIVE COMMITTEE EXPENSES	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	26,018.75	21,200.00	(4,818.75)	-19%
NET INCOME (LOSS):	(6,868.75)	(6,150.00)	718.75	

Washington State Bar Association

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INTELLECTUAL PROPERTY LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	100.00	100.00	-	0%
SECTION DUES REVENUE	24,000.00	22,500.00	(1,500.00)	-6%
MINI-CLE REVENUE	875.00	500.00	(375.00)	-43%
SEMINAR SPLITS W/ CLE	3,500.00	-	(3,500.00)	-100%
TOTAL REVENUE:	28,475.00	23,100.00	(5,375.00)	-19%
DIRECT EXPENSES:				
CONFERENCE CALLS	200.00	200.00	-	0%
PER MEMBER CHARGE	18,000.00	16,875.00	(1,125.00)	-6%
AWARDS	-	100.00	100.00	
RECEPTION EXPENSE	3,750.00	3,750.00	-	0%
SECTION SPECIAL PROJECTS	-	500.00	500.00	
MINI-CLE EXPENSE	2,500.00	2,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	7,600.00	6,000.00	(1,600.00)	-21%
MEMBERSHIP & RECRUITING EXP	4,000.00	4,000.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	12,000.00	12,000.00	-	0%
LAW SCHOOL OUTREACH	3,000.00	1,000.00	(2,000.00)	-67%
EXECUTIVE COMMITTEE EXPENSES	2,400.00	2,400.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	54,450.00	50,325.00	(4,125.00)	-8%
NET INCOME (LOSS):	(25,975.00)	(27,225.00)	(1,250.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

INTERNATIONAL PRACTICE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	50.00	50.00	-	0%
SECTION DUES REVENUE	10,800.00	10,000.00	(800.00)	-7%
SPONSORSHIPS	1,000.00	2,000.00	1,000.00	100%
RECEPTIONS REVENUE	1,000.00	500.00	(500.00)	-50%
MINI-CLE REVENUE	1,000.00	600.00	(400.00)	-40%
TOTAL REVENUE:	13,850.00	13,150.00	(700.00)	-5%
DIRECT EXPENSES:				
CONFERENCE CALLS	250.00	-	(250.00)	-100%
PER MEMBER CHARGE	5,062.50	4,687.50	(375.00)	-7%
RECEPTION EXPENSE	2,300.00	2,000.00	(300.00)	-13%
WEBSITE EXPENSES	300.00	300.00	-	0%
MINI-CLE EXPENSE	2,300.00	1,000.00	(1,300.00)	-57%
MEMBERSHIP & RECRUITING EXP	50.00	50.00	-	0%
LAW SCHOOL OUTREACH	2,100.00	1,800.00	(300.00)	-14%
EXECUTIVE COMMITTEE EXPENSES	600.00	600.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	300.00	300.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	2,400.00	2,400.00	-	0%
TOTAL DIRECT EXPENSES:	15,662.50	13,137.50	(2,525.00)	-16%
NET INCOME (LOSS):	(1,812.50)	12.50	1,825.00	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

JUVENILE LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	5,250.00	6,570.00	1,320.00	25%
TOTAL REVENUE:	<u>5,250.00</u>	<u>6,570.00</u>	<u>1,320.00</u>	<u>25%</u>
DIRECT EXPENSES:				
PER MEMBER CHARGE	3,401.25	3,562.50	161.25	5%
MINI-CLE EXPENSE	750.00	500.00	(250.00)	-33%
SEMINAR EXPENSE - SECTIONS	2,000.00	1,000.00	(1,000.00)	-50%
HONORARIUM	1,000.00	500.00	(500.00)	-50%
MEMBERSHIP & RECRUITING EXP	500.00	500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	500.00	500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	600.00	600.00	-	0%
TOTAL DIRECT EXPENSES:	<u>8,751.25</u>	<u>7,162.50</u>	<u>(1,588.75)</u>	<u>-18%</u>
NET INCOME (LOSS):	<u>(3,501.25)</u>	<u>(592.50)</u>	<u>2,908.75</u>	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

LABOR & EMPLOYMENT LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	100.00	100.00	-	0%
SECTION DUES REVENUE	30,000.00	30,000.00	-	0%
SEMINAR SPLITS W/ CLE	8,715.00	-	(8,715.00)	-100%
TOTAL REVENUE:	38,815.00	30,100.00	(8,715.00)	-22%
DIRECT EXPENSES:				
PRINTING & COPYING	-	200.00	200.00	
CONFERENCE CALLS	250.00	300.00	50.00	20%
PER MEMBER CHARGE	18,750.00	18,750.00	-	0%
RECEPTION EXPENSE	3,000.00	-	(3,000.00)	-100%
MINI-CLE EXPENSE	8,500.00	8,500.00	-	0%
SEMINAR EXPENSE - SECTIONS	2,000.00	1,000.00	(1,000.00)	-50%
HONORARIUM	-	1,000.00	1,000.00	
SCHOLARSHIPS/DONATIONS/GRANT	15,000.00	15,000.00	-	0%
LAW SCHOOL OUTREACH	1,500.00	1,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	4,500.00	6,500.00	2,000.00	44%
LDSHIP/PROF DEVELOP/RETREATS	7,500.00	7,500.00	-	0%
TOTAL DIRECT EXPENSES:	61,000.00	60,250.00	(750.00)	-1%
NET INCOME (LOSS):	(22,185.00)	(30,150.00)	(7,965.00)	

Washington State Bar Association
Budget Comparison Report
For the Period from October 1, 2018 to September 30, 2019

**LEGAL ASSISTANCE TO MILITARY
PERSONNEL**

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	-	(10.00)	-100%
SECTION DUES REVENUE	3,500.00	3,150.00	(350.00)	-10%
MINI-CLE REVENUE	500.00	500.00	-	0%
TOTAL REVENUE:	4,010.00	3,650.00	(360.00)	-9%
DIRECT EXPENSES:				
PRINTING & COPYING	100.00	100.00	-	0%
CONFERENCE CALLS	200.00	200.00	-	0%
PER MEMBER CHARGE	1,875.00	1,687.50	(187.50)	-10%
AWARDS	400.00	400.00	-	0%
NEWSLETTER EXPENSES	150.00	300.00	150.00	100%
MINI-CLE EXPENSE	2,000.00	3,000.00	1,000.00	50%
MEMBERSHIP & RECRUITING EXP	200.00	200.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	2,000.00	-	0%
BREAKFAST/LUNCH/DINNER MTG EXP	500.00	-	(500.00)	-100%
EXECUTIVE COMMITTEE EXPENSES	-	1,400.00	1,400.00	
EXECUTIVE COMM EXP - OTHER	500.00	-	(500.00)	-100%
LDSHIP/PROF DEVELOP/RETREATS	400.00	-	(400.00)	-100%
TOTAL DIRECT EXPENSES:	8,325.00	9,287.50	962.50	12%
NET INCOME (LOSS):	(4,315.00)	(5,637.50)	(1,322.50)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

LGBT LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	10.00	10.00	-	0%
SECTION DUES REVENUE	3,900.00	3,300.00	(600.00)	-15%
MINI-CLE REVENUE	1,000.00	800.00	(200.00)	-20%
SEMINAR SPLITS W/ CLE	313.00	-	(313.00)	-100%
TOTAL REVENUE:	5,223.00	4,110.00	(1,113.00)	-21%
DIRECT EXPENSES:				
CONFERENCE CALLS	275.00	275.00	-	0%
PER MEMBER CHARGE	2,437.50	2,062.50	(375.00)	-15%
MINI-CLE EXPENSE	900.00	600.00	(300.00)	-33%
MEMBERSHIP & RECRUITING EXP	900.00	900.00	-	0%
SEMINAR SCHOLARSHIPS	-	500.00	500.00	
EXECUTIVE COMMITTEE EXPENSES	700.00	700.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	200.00	200.00	-	0%
TOTAL DIRECT EXPENSES:	5,412.50	5,237.50	(175.00)	-3%
NET INCOME (LOSS):	(189.50)	(1,127.50)	(938.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

LITIGATION LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	100.00	100.00	-	0%
SECTION DUES REVENUE	34,200.00	32,010.00	(2,190.00)	-6%
SEMINAR SPLITS W/ CLE	500.00	-	(500.00)	-100%
TOTAL REVENUE:	34,800.00	32,110.00	(2,690.00)	-8%
DIRECT EXPENSES:				
CONFERENCE CALLS	200.00	200.00	-	0%
PER MEMBER CHARGE	21,375.00	20,006.25	(1,368.75)	-6%
AWARDS	-	200.00	200.00	
NEWSLETTER EXPENSES	500.00	500.00	-	0%
MINI-CLE EXPENSE	2,000.00	-	(2,000.00)	-100%
SEMINAR EXPENSE - SECTIONS	-	750.00	750.00	
MEMBERSHIP & RECRUITING EXP	1,000.00	1,000.00	-	0%
NEW LAWYER OUTREACH	600.00	500.00	(100.00)	-17%
SCHOLARSHIPS/DONATIONS/GRANT	3,100.00	6,000.00	2,900.00	94%
LAW SCHOOL OUTREACH	1,000.00	1,500.00	500.00	50%
BREAKFAST/LUNCH/DINNER MTG EXP	5,500.00	5,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	10,500.00	10,500.00	-	0%
TOTAL DIRECT EXPENSES:	45,775.00	46,656.25	881.25	2%
NET INCOME (LOSS):	(10,975.00)	(14,546.25)	(3,571.25)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

LOW BONO	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	5.00	5.00	-	0%
SECTION DUES REVENUE	3,600.00	3,000.00	(600.00)	-17%
SPONSORSHIPS	500.00	-	(500.00)	-100%
SEMINAR SPLITS W/ OTHERS	700.00	1,000.00	300.00	43%
TOTAL REVENUE:	4,805.00	4,005.00	(800.00)	-17%
DIRECT EXPENSES:				
CONFERENCE CALLS	75.00	-	(75.00)	-100%
PER MEMBER CHARGE	2,250.00	1,875.00	(375.00)	-17%
SEMINAR EXPENSE - SECTIONS	100.00	100.00	-	0%
MEMBERSHIP & RECRUITING EXP	900.00	300.00	(600.00)	-67%
NEW LAWYER OUTREACH	-	300.00	300.00	
LAW SCHOOL OUTREACH	-	300.00	300.00	
EXECUTIVE COMMITTEE EXPENSES	700.00	-	(700.00)	-100%
LDSHIP/PROF DEVELOP/RETREATS	-	3,850.00	3,850.00	
ANNUAL OR OTHER MEETING EXPENSE	200.00	400.00	200.00	100%
TOTAL DIRECT EXPENSES:	4,225.00	7,125.00	2,900.00	69%
NET INCOME (LOSS):	580.00	(3,120.00)	(3,700.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

REAL PROPERTY, PROBATE & TRUST

	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	200.00	500.00	300.00	150%
SECTION DUES REVENUE	58,000.00	58,500.00	500.00	1%
SEMINAR SPLITS W/ CLE	18,000.00	-	(18,000.00)	-100%
TOTAL REVENUE:	76,200.00	59,000.00	(17,200.00)	-23%
DIRECT EXPENSES:				
CONFERENCE CALLS	200.00	50.00	(150.00)	-75%
PER MEMBER CHARGE	43,500.00	43,875.00	375.00	1%
LEGISLATIVE/LOBBYING	500.00	500.00	-	0%
NEWSLETTER EXPENSES	4,000.00	2,500.00	(1,500.00)	-38%
WEBSITE EXPENSES	7,000.00	6,000.00	(1,000.00)	-14%
SEMINAR EXPENSE - SECTIONS	6,000.00	6,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	1,000.00	1,000.00	-	0%
NEW LAWYER OUTREACH	1,500.00	1,500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	14,000.00	8,000.00	(6,000.00)	-43%
ATTENDANCE AT BOG MEETINGS	1,000.00	1,000.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	6,500.00	10,000.00	3,500.00	54%
EXECUTIVE COMM EXP - OTHER	16,000.00	16,000.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	20,000.00	20,000.00	-	0%
SECTION COMMITTEE EXPENSE	500.00	500.00	-	0%
TOTAL DIRECT EXPENSES:	121,700.00	116,925.00	(4,775.00)	-4%
NET INCOME (LOSS):	(45,500.00)	(57,925.00)	(12,425.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

SENIOR LAWYERS	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	26.00	50.00	24.00	92%
SECTION DUES REVENUE	7,500.00	6,450.00	(1,050.00)	-14%
SEMINAR SPLITS W/ CLE	(834.80)	-	834.80	-100%
TOTAL REVENUE:	<u>6,691.20</u>	<u>6,500.00</u>	<u>(191.20)</u>	<u>-3%</u>
DIRECT EXPENSES:				
PER MEMBER CHARGE	5,625.00	4,837.50	(787.50)	-14%
NEWSLETTER EXPENSES	4,500.00	4,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,000.00	1,000.00	-	0%
TOTAL DIRECT EXPENSES:	<u>11,125.00</u>	<u>10,337.50</u>	<u>(787.50)</u>	<u>-7%</u>
NET INCOME (LOSS):	<u>(4,433.80)</u>	<u>(3,837.50)</u>	<u>596.30</u>	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

SOLO & SMALL PRACTICE	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	100.00	200.00	100.00	100%
SECTION DUES REVENUE	35,000.00	35,000.00	-	0%
MINI-CLE REVENUE	3,000.00	6,000.00	3,000.00	100%
SEMINAR SPLITS W/ CLE	500.00	-	(500.00)	-100%
TOTAL REVENUE:	38,600.00	41,200.00	2,600.00	7%
DIRECT EXPENSES:				
CONFERENCE CALLS	750.00	750.00	-	0%
PER MEMBER CHARGE	18,750.00	18,750.00	-	0%
NEWSLETTER EXPENSES	1,500.00	-	(1,500.00)	-100%
SECTION SPECIAL PROJECTS	2,500.00	2,500.00	-	0%
WEBSITE EXPENSES	-	2,500.00	2,500.00	
MINI-CLE EXPENSE	3,000.00	3,000.00	-	0%
SEMINAR EXPENSE - SECTIONS	5,000.00	5,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	4,500.00	3,000.00	(1,500.00)	-33%
SCHOLARSHIPS/DONATIONS/GRANT	550.00	1,500.00	950.00	173%
EXECUTIVE COMMITTEE EXPENSES	2,500.00	2,500.00	-	0%
LDSHIP/PROF DEVELOP/RETREATS	5,000.00	5,000.00	-	0%
TOTAL DIRECT EXPENSES:	44,050.00	44,500.00	450.00	1%
NET INCOME (LOSS):	(5,450.00)	(3,300.00)	2,150.00	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

TAXATION LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
SECTION DUES REVENUE	19,800.00	19,500.00	(300.00)	-2%
ANNUAL OR OTHER MEETING REV	7,000.00	7,000.00	-	0%
TOTAL REVENUE:	26,800.00	26,500.00	(300.00)	-1%
DIRECT EXPENSES:				
CONFERENCE CALLS	425.00	425.00	-	0%
PER MEMBER CHARGE	12,375.00	12,207.00	(168.00)	-1%
AWARDS	400.00	400.00	-	0%
NEWSLETTER EXPENSES	1,500.00	1,500.00	-	0%
RECEPTION EXPENSE	4,000.00	4,000.00	-	0%
SECTION SPECIAL PROJECTS	4,000.00	4,000.00	-	0%
MINI-CLE EXPENSE	100.00	100.00	-	0%
SEMINAR EXPENSE - SECTIONS	1,000.00	1,000.00	-	0%
MEMBERSHIP & RECRUITING EXP	1,500.00	1,500.00	-	0%
SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	2,500.00	-	0%
EXECUTIVE COMMITTEE EXPENSES	1,020.00	1,020.00	-	0%
ANNUAL OR OTHER MEETING EXPENSE	10,100.00	10,100.00	-	0%
TOTAL DIRECT EXPENSES:	38,920.00	38,752.00	(168.00)	0%
NET INCOME (LOSS):	(12,120.00)	(12,252.00)	(132.00)	

Washington State Bar Association

Budget Comparison Report

For the Period from October 1, 2018 to September 30, 2019

WORLD PEACE THROUGH LAW	FISCAL 2018 BUDGET	FISCAL 2019 BUDGET	\$ CHANGE IN BUDGET	% CHANGE IN BUDGET
REVENUE:				
INTEREST - INVESTMENTS	25.00	-	(25.00)	-100%
SECTION DUES REVENUE	3,450.00	2,790.00	(660.00)	-19%
MINI-CLE REVENUE	200.00	300.00	100.00	50%
TOTAL REVENUE:	3,675.00	3,090.00	(585.00)	-16%
DIRECT EXPENSES:				
CONFERENCE CALLS	125.00	150.00	25.00	20%
PER MEMBER CHARGE	2,156.25	1,743.75	(412.50)	-19%
AWARDS	-	500.00	500.00	
MINI-CLE EXPENSE	2,000.00	1,500.00	(500.00)	-25%
MEMBERSHIP & RECRUITING EXP	400.00	200.00	(200.00)	-50%
EXECUTIVE COMMITTEE EXPENSES	400.00	-	(400.00)	-100%
TOTAL DIRECT EXPENSES:	5,081.25	4,093.75	(987.50)	-19%
NET INCOME (LOSS):	(1,406.25)	(1,003.75)	402.50	

F

WASHINGTON STATE BAR ASSOCIATION

To: Section Chairs, Chair-Elects, and Treasurers

From: Tiffany Lynch, Associate Director for Finance

cc: Sections Leaders Team

Re: FY 2019 Section Per-Member Charge

Date: June 19, 2018

The Section Per-Member Charge is calculated as part of the WSBA annual budget process. It is based on the first draft of the budget for costs of the administrative support to WSBA Section leaders and executive committees for the upcoming fiscal year as reflected in the Sections Administration cost center. These costs include: (1) salaries and benefits, (2) overhead, and (3) direct expenses.

The Budget and Audit Committee of the Board of Governors reviewed the first draft FY 2019 Budget on June 18, 2018. The Committee unanimously agreed not to increase the Per-Member Charge. The FY 2019 Per-Member Charge will remain at its current rate of \$18.75.

FY2018 PER-MEMBER CHARGE CALCULATION

1. SALARIES AND BENEFITS

The Per-Member charge includes the salaries and benefits of employees that directly support Sections. *It does not include any staffing costs for mini-CLEs, Section membership dues processing, or any other work performed by WSBA employees in support of Sections.* Benefits are calculated as a percentage of total salaries. The percentage is derived from the WSBA's total salaries and benefits budget for the fiscal year. Items included in employee benefits are employer federal taxes and insurance, medical coverage, retirement plan contributions, employee bus passes, and employee service awards and assistance plan.

Direct Employee Support	Full Time Equivalent (FTE)
• Sections Administration Employees	3.0
• Administrative Employee Time ¹	0.08
Total FTE	3.08
• Salaries for 3.08 FTEs	\$205,957
• Benefits (35.5% of estimated salaries)	\$73,115

Total FY19 Salaries and Benefits Budgeted for Sections	\$279,072
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¹ Includes cost of employee time for processing accounts payable arising from section activities.

2. OVERHEAD

This charge includes expenses related to general operations attributable to all WSBA employees. Overhead cost is calculated based on a per-FTE dollar amount, which is derived by taking the total cost of overhead divided by the total number of WSBA FTEs. This generates a per-FTE cost, which is multiplied by the total number of FTEs allocated to Sections. Overhead costs in the first draft FY19 budget consist of:

Overhead Category	Cost
• Rent	\$1,802,000
• Furniture, Maintenance & Leasehold Improvements	35,200
• Office Supplies & Equipment	46,000
• Computer Software Depreciation	132,100
• Telephone & Internet	47,000
• Production Services	12,000
• Workplace Benefits	39,000
• HR Expenses	102,400
• Personal Property Taxes	14,000
• Furniture & Equipment Depreciation	57,500
• Computer Hardware Depreciation	52,800
• Insurance	150,000
• Professional Fees-Audit	35,000
• Bank Fees	35,400
• Information Technology Department Expenses	667,610
Total Overhead Budgeted for FY19	\$3,228,010

- Estimated total WSBA FTEs for FY 2019 = 140.75
- Overhead per FTE = $\$3,228,010 / 140.75 = \$22,934$

Total Estimated FY19 overhead² to be charged to Sections ($\$22,934 \times 3.08$ FTEs) = \$70,636.72

3. DIRECT EXPENSES

These are out-of-pocket costs of administering Sections, and include:

- Dues Statements (paper, postage, and printing of annual Section membership dues statements)
- Section Meetings Expenses (Fall & Spring Section Leaders meeting costs for food, supplies, and conference calls)
- Employee Travel (costs for Sections staff to attend Executive Committee meetings and other Section events)

Direct expenses budgeted for all Sections = \$9,297

² Historically, there are small overhead differences between the first and final draft WSBA budgets.

FY 2019 PER-MEMBER CHARGE CALCULATION BASED ON FIRST DRAFT FY 2019 BUDGET

1. Total Salaries and Benefits	+\$279,072
2. Total Overhead	+70,637
3. Direct Expenses	+9,297
Total expenses for Sections Administration cost center	=\$ 359,006

Estimated total # of section memberships for FY 2019 = 16,000 members

2019 Per-Member Charge: \$22.44/member

FY 2019 SECTION BUDGETS

As a reminder, Section Budget Requests and Request to Change Dues are due on July 13th. You may make additional changes after the budget has been submitted until August 10th. Please email all budget documents to sectionbudgets@wsba.org or mail to Tiffany Lynch at 1325 4th Avenue, Suite 600, Seattle WA 98101.

If you have any questions about any of the information contained in this memo or need additional information, please feel free to contact Finance or your Section Leaders Team for assistance.

Finance:

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WASHINGTON STATE BAR ASSOCIATION

OFFICE OF THE GENERAL COUNSEL

Julie Shankland
Interim General Counsel

direct line: 206-727-8280
fax: 206-727-8314
e-mail: julies@wsba.org

To: The President, President-elect, Immediate Past President, and
The Board of Governors

From: Julie Shankland, Interim General Counsel
Tiffany Lynch, Associate Director of Finance

Date: September 23, 2018

Re: FY 2019 License Fee Deduction)

ACTION: Approve 2019 Keller deduction schedule.
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Each year the annual license fee form provides for an “optional Keller deduction” as approved by the Board of Governors. This is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California* holding that state bar mandatory fees may not be used over a member’s objection for activities that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services.*

WSBA uses the following procedure to determine which are “chargeable” and which are “non-chargeable” activities:

- 1. Legislative Expenses:** We start by including the entire Legislative function budget as potentially political or ideological activity. For FY 2019, that is \$154,066, which includes BOG Legislative Committee conference calls. That amount (as is true for all other amounts described in this memo) is divided by the estimated total number of license fee paying members for 2019 (40,420) to arrive at each member’s pro rata share (\$3.81). The WSBA Legislative Liaison details the WSBA Legislative staff’s activity for the past year (FY 2018), and a determination is made of the proportion of the legislative budget that was spent on “non-chargeable” activities. For FY 2018, that percentage was 24.45% of the total Legislative budget. (See the attached breakdown of activities and details of the calculation.) The pro rata legislative expense of \$3.81 per member is multiplied by the percentage of non-chargeable activities (24.45%) to arrive at a per member amount of \$0.93.

Working Together to Champion Justice

2. **ABA Delegation Expenses:** The ABA takes political positions as well; therefore, we also treat the total ABA delegation budget (\$4,500) as non-chargeable. $\$4,500 \div 40,420 = \underline{\$0.11}$.
3. **Other Non-chargeable Expenses - General Staff Time:** Staff time (including salaries, benefits, and overhead), BOG meeting time (overhead), and conference calls, not otherwise accounted for above, spent on meetings where legislative or political matters were discussed: \$6,742.06 divided by 40,420 license-fee paying members = \$0.17 per member.
4. **Final Calculation:** Adding together the amounts in #1, #2, and #3 above results in a deduction of \$1.21 (\$0.93+ \$0.11 + \$0.17). We recommend rounding this number up for simplicity and ease in calculations. Therefore, we recommend that the base Keller deduction for FY 2019 be set at \$1.25.

Based on these calculations, we recommend the following Keller deduction schedule for 2019 prorated by the amount of license fee paid by various categories of WSBA membership:

	2019 License Fee	Keller Deduction
• Active Lawyer Admitted to any Bar before 2017	\$453.00	\$1.25
• Active Lawyer Admitted to any Bar in 2017 or 2018	\$226.50	\$.63
• Inactive/Emeritus Lawyer	\$200.00	\$.55
• New Active Admittee (Jan 1-Jun 30)	\$226.50	\$.63
• New Active Admittee (July 1-Dec 31)	\$113.25	\$.31
• Limited Legal License Technician	\$200.00	\$.55
• Limited Practice Officer	\$200.00	\$.55
• Judicial	\$50.00	\$.14

WASHINGTON STATE BAR ASSOCIATION

FY18 Keller Table: 10/01/17 - 09/30/18

WSBA LEGISLATIVE ACTIVITY

BILL # or TOPIC	DESCRIPTION	OLAM HRS	OLAC HRS	CCOO HRS	CONTRACT LOBBYIST HRS	CHARGE/NO CHARGE	IN/DIRECT LOBBYING
GENERAL LEGISLATION (LEG.) UPDATE							
Leg. Review - OLAM & CCOO		3		3		N/C	I
Leg. Review - OLAM & OLAC		10	10			N/C	I
Leg. Review - OLAC & CL			0.25		0.25	N/C	I
Leg. Review - CCOO & OLAC			3	2		N/C	I
Leg. Admin. Work		65	243	3		N/C	I
Student Loan Debt	Stakeholder meeting w/ Rep. Orwell		2			N/C	I
Call with Rep. Goodman	re: potential ADR request bill	1	1.5	1		N/C	D
Meeting with Sen. Padden	(1/4) re: SB 6040, WSBA legislative priorities	1				N/C	D
Meeting with Rep. Goodman	(1/5) re: ADR legislative activity, WSBA legislative priorities	1.5				N/C	D
Meeting with Sen. Pedersen	(1/9) re: SB 6040, WSBA legislative priorities	1				N/C	D
Meeting with Sen. Pedersen	(1/16) re: SB 6040, WSBA legislative priorities	1				N/C	D
Meeting with Rep. Jinkins	(1/17) re: HB 2308, SB 6040, WSBA legislative priorities	1				N/C	D
Meeting with Rep. Kilduff	(1/16) re: HB 1128, SB 6040, WSBA legislative priorities	1				N/C	D
Call with Penka Culevski (LA to Sen. Pedersen)	(1/23) re: SB 6040	0.5				N/C	D
Meeting with Ann Dasch (LA to Rep. Kilduff)	(2/22) re: WSBA legislative priorities	0.5				N/C	D
Meeting with Rep. Goodman	(9/10) re: WSBA legislative priorities	1				N/C	D
Meeting with Sen. Pedersen	(9/11) re: WSBA legislative priorities	0.5				N/C	D
Meeting with Sen. Fain	(9/12) re: WSBA legislative priorities	0.5				N/C	D
Meeting with Sen. Dhingra	(8/10) re: WSBA legislative priorities	0.5				N/C	D
HB 1501	Protecting law enforcement and the public from persons who illegally attempt to obtain firearms.		0.5			N/C	I
HB 1614	Concerning impaired driving.		0.5			N/C	I
SB 5037	Making a fourth driving under the influence offense a felony.		0.5			N/C	I

SB 6040	Addressing meetings under the business corporations act	12	10	1		N/C	D
HB 1896	Expanding civics education in public schools	1	1	5		N/C	D
SB 6002	Enacting the Washington voting rights act of 2018	1	1			N/C	D
SB 6052	Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder	2	2	1		N/C	D
HB 1169	Enacting the student opportunity, assistance, and relief act	0.5	0.5			N/C	I
HB 1298	Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position	0.5				N/C	I
HB 1022	Enhancing crime victim participation in the criminal justice system process	0.5				N/C	I
HB 1783	Concerning legal financial obligations	0.5				N/C	I
SB 5598	Granting relatives, including grandparents, the right to seek visitation with a child through the courts	0.5				N/C	I
SB 6560	Ensuring that no youth is discharged from a public system of care into homelessness	0.5				N/C	I
SB 6015	Concerning actions for wrongful injury or death	0.5				N/C	I
SB 6012	Allowing the federal veteran identification card to be used to obtain a veteran designation on a driver's license	0.5				N/C	I
HB 1630	Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system	0.5				N/C	I
HB 2253	Concerning the right to control disposition of the remains of a deceased minor child	1	0.5			N/C	I
HB 2371	Implementing child support pass-through payments	2	0.5			N/C	I
SUBTOTAL HOURS:		112.50	276.75	16.00	0.25	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		112.50	276.75	16.00	0.25	405.50	N/A
SUBTOTAL DIRECT LOBBYING		27.00	15.50	8.00	0.00	N/A	50.50
BOARD OF GOVERNORS (BOG)							
BOG Meeting Prep.	Staff prep.		8	1		N/C	I
BOG Meeting	re: (11/15-11/16)		4			N/C	I
Special BOG Meeting	re: (2/15)		1.5	1		N/C	I

BOG Leg.Committee (BLC) Meeting Prep.	Staff prep.	10	15	2		N/C	I
BLC Meeting	re: 1/5	1	1	1		N/C	I
BLC Meeting	re: 1/12	2	2	2		N/C	I
BLC Meeting	re: 1/26	2	2	2		N/C	I
BLC Meeting	re: 2/2		1	0.5		N/C	I
BLC Meeting	re: 2/16		1	0.5		N/C	I
BLC Meeting	re: 3/2	0.5	0.5			N/C	I
BLC Primer	re: 12/6		3	2		N/C	I
SUBTOTAL HOURS:		15.50	39.00	12.00		0.00 N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		15.50	39.00	12.00		0.00	66.50 N/A
SUBTOTAL DIRECT LOBBYING		0.00	0.00	0.00		0.00 N/A	0.00
WSBA LEGISLATIVE REVIEW COMMITTEE (WLRC)							
WLRC Meeting Prep.	Staff prep.		21			N/C	I
WLRC Meeting	re: Legislature Overview and WSBA-request bill proposal: CARC		1.5			N/C	D
SUBTOTAL HOURS:		0	22.5	0		0 N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		0	23	0		0	22.50 N/A
SUBTOTAL DIRECT LOBBYING		0	1.5	0		0 N/A	1.50
WSBA ENTITIES							
WSBA Committee Chairs/Liaisons Meeting Prep.	Staff prep.		16.5			N/C	I
WSBA Committee Chairs/Liaisons Meeting			4.5			N/C	I
WSBA Stakeholders Roundtable Meeting Prep.	Staff prep.		25.5	2		N/C	I
WSBA Stakeholders Roundtable			3	2		N/C	I
WSBA Section Leaders Fall Meeting			8			N/C	I
Sections Leg. Primer Prep.	Staff prep.		21	1.5		N/C	I
Sections Leg. Primer			3	3		N/C	I
Elder Law Section Meeting	re: 5/18 discussion of legislative priorities	1				N/C	I
RPPT Section Meeting	re: 5/24 discussion of legislative priorities	1.5				N/C	I
Family Law Executive Committee Legislative Discussion	re: 7/30 discussion of legislative priorities	0.5				N/C	I

Environmental Law and Land Use Section Legislative Discussion	re: 8/2 discussion of legislative priorities	0.5				N/C	I
Administrative Law Section Legislative Discussion	re: 8/2 discussion of legislative priorities	0.5				N/C	I
Civil Rights Section Legislative Discussion	re: 8/9 discussion of legislative priorities	0.5				N/C	I
SUBTOTAL HOURS:		4.50	81.50	8.50	0.00	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		4.50	81.50	8.50	0.00	94.50	N/A
SUBTOTAL DIRECT LOBBYING		0.00	0.00	0.00	0.00	N/A	0.00
COUNCIL ON PUBLIC DEFENSE (CPD)							
SUBTOTAL HOURS:		0	0	0	0	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		0	0	0	0	0	N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0	N/A	0
ACCESS TO JUSTICE BOARD (ATJ)							
SUBTOTAL HOURS:		0	0	0	0	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		0	0	0	0	0	N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0	N/A	0
FEDERAL LEGISLATIVE ACTIVITY							
SUBTOTAL HOURS:		0	0	0	0	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		0	0	0	0	0	N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0	N/A	0
NATIONAL ASSOCIATION OF BAR EXECUTIVES							
SUBTOTAL HOURS:		0	0	0	0	N/A	N/A
SUBTOTAL NON-CHARGABLE HRS		0	0	0	0	0	N/A
SUBTOTAL DIRECT LOBBYING		0	0	0	0	N/A	0

TOTALS							
ALL Total Hours	132.50	419.75	36.50	0.25	N/A	N/A	
Total Non-Chargeable Time on Direct Lobbying	27.00	17.00	8.00	0.00	N/A	N/A	
Total Chargeable Time on Direct Lobbying	0.00	0.00	0.00	0.00	0.00	0.00	N/A
Total ALL Non-Chargeable	132.50	419.75	36.50	0.25	589.00	N/A	
GENERAL ADMINISTRATION* TOTALS							

Non-Chargeable Portion of Indirect Lobbying [°]	105.50	402.75	28.50	0.25	N/A
OTHER					
Average of three staff:					
Number of Staff Hours Allocated to Legislative Budget	1040	1040	208	121	2,409.00
Non-Chargeable % for each Staff Person	12.74%	40.36%	17.55%	0.21%	24.45%

Notes:

- "N/C" indicates activities that are nonchargeable against mandatory member license fees.
- "C" indicates activities that are chargeable against mandatory member license fees.
- "D" indicates activities that are considered direct lobbying
- "I" indicates activities that are considered indirect lobbying
- "%" indicates that a percentage of monitoring and referral activities and of general administration is added to the non-chargeable activities for the purpose of

* General Administration = Legislative Administrative Work, and all meeting prep.

[°] Direct or Indirect lobbying comes from the definition as provided by the Public Disclosure Commission.

<https://www.pdc.wa.gov/learn/publications/public-agency-lobbying-instructions/reporting-agency-lobbying-activity/lobbying>

WASHINGTON STATE BAR ASSOCIATION

Memo

To: Board of Governors

From: Destinee Evers, Practice Management Assistance Advisor
Terra Nevitt, Advancement Department Director

Date: September 12, 2018

Discussion: Update on Legal Research Tool and Fastcase Presentation

To serve members and support the integrity of the legal profession, the WSBA contracts with a third-party vendor to provide an electronic legal research platform as a WSBA member benefit (the "Research Tool"). The Research Tool is available to all members, including active, inactive, judicial, and emeritus status.

At its last meeting in July, the Board of Governors (BOG) discussed two legal research tools—Casemaker and Fastcase.¹ Based on the BOG's decision to continue offering Casemaker to members, WSBA staff moved forward and are in the process of renewing a contract with Casemaker. Casemaker has expressed enthusiasm about continuing to work with us and the opportunity to provide this member benefit.

In addition, the BOG discussed adding Fastcase as a second legal research tool to provide more options to members. The BOG ultimately decided to continue that discussion at this September meeting. As a result, Fastcase was invited and will be presenting at this meeting to demonstrate the Fastcase platform.

¹ These are the only known vendors that participate in the marketplace for legal research member benefits for bar associations.

WASHINGTON STATE BAR ASSOCIATION

Memo

To: Board of Governors

From: Washington Young Lawyers Committee
Julianne Unite, Member Services and Engagement Specialist, Staff Liaison

Date: September 5, 2018

Action: Allow the WYLC to Declare Support for the Iowa YLD's Law School Transparency Report.

Context/history

The WYLC is requesting permission to declare its support of the Iowa YLD's Law School Transparency Report. The Report proposes five measures for adoption by law schools and the ABA Section of Legal Education and Admissions to the Bar that would increase law school transparency around the financial risks and job prospects faced by incoming law students. It is the opinion of the WYLC that these proposals would have a significant positive impact on the student debt crisis, while imposing a minimal burden on law schools. The five proposals can be summarized as follows:

- 1) The ABA Section of Legal Education and Admissions to the Bar change its bylaws to designate two of 15 at-large Council positions to new and young lawyers.
- 2) The ABA Section of Legal Education and Admissions to the Bar require law schools to disclose borrowing and tuition data broken down by demographics.
- 3) The ABA Section of Legal Education and Admissions to the Bar simplify and reorganize the Employment Summary Report and Standard 509 Information Report so as to increase the comprehensibility of the data presented.
- 4) The ABA Section of Legal Education and Admissions to the Bar require law schools to provide every admitted student with copies of the Employment Summary Report and Standard 509 Information Report in the admission offer.
- 5) Every ABA accredited law school publish its school-specific NALP report annually.

Process

The Iowa YLD approached the WYLC and forty-eight other state young lawyer groups asking for our support of the Law School Transparency Report. The WYLC put together a subcommittee to review the Report and bring their recommendations to the WYLC. After meeting, the subcommittee brought their recommendations to the WYLC. The Report was discussed at two meetings.

At the second meeting, the WYLC voted unanimously to support all five proposals contained within the Report. The WYLC is now seeking the BOG's approval to declare its support of the Iowa YLD's Law School Transparency Report.

Recommendation

It is our recommendation that the WSBA and more specifically the WYLC declare our support of the Iowa YLD's Law School Transparency Report. Our name would be added to a list of supporters that would accompany the Report when the Iowa YLD or others present it to stakeholders. The WSBA has expressed a strong commitment to helping reduce the burdens of the current law student debt crisis and the recommendations contained in the report could go a long way toward lessening the debt crisis in future years.

The WYLC is asking the BOG to vote in favor of supporting the Report and allowing the WYLC to declare its support.

A Way Forward: Transparency in 2018

Law School Transparency
Kyle McEntee

Iowa State Bar Association
Young Lawyers Division*

* Kyle Fry, Thomas Hillers, Abhay Nadipuram, Rob Poggenklass, and Maggie White contributed to this report on behalf of the Iowa YLD.

Executive Summary

We recommend that the ABA and law schools take the following steps to improve legal education for the benefit of students, the legal profession, and the public.

1. Young Lawyer Representation in Accreditation

- The ABA Section of Legal Education and Admissions to the Bar should add two young lawyers to its Council in 2018.
- The ABA Section of Legal Education and Admissions to the Bar should change its bylaws to designate two of 15 at-large Council positions to young lawyers.

2. Increased Data Transparency

- The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards and Rules of Procedure for Approval of Law Schools, should require schools to report as part of the Section's annual questionnaire, and for the Section and schools to provide on their websites, (1) disaggregated borrowing data, including subcategories by race and gender; (2) disaggregated data on the amount of tuition paid by class year (1L or upper-level), race/ethnicity, and gender; (3) data on applicants and scholarships by gender and, to the extent the Section does not do so already, by race/ethnicity; (4) data on J.D. program completion and bar passage success.

3. User-Friendly Data Presentation

- The ABA Section of Legal Education and Admissions to the Bar should simplify the Employment Summary Report, which includes graduate employment data.
- The ABA Section of Legal Education and Admissions to the Bar should simplify and reorganize the Standard 509 Information Report, which includes data related to admissions, attrition, bar passage, price, curricular offerings, diversity, faculty, refunds, and scholarships.

4. Disclosures at Time of Admission

- The ABA Section of Legal Education and Admissions to the Bar should require law schools to provide every admitted law student a copy of the Standard 509 Information Report and Employment Summary Report as part of each student's admissions offer.

5. Voluntary Disclosures by Law School

- Every ABA-approved law school should voluntarily publish its school-specific NALP Report each year.

Introduction

The future of legal education—and by extension the legal profession—depends on the ability of law schools and the profession to attract prospective lawyers. Our profession must become a more welcoming place for an increasingly diverse population, as well as evolve to stay relevant in a changing legal services landscape. Law schools must adapt their business models to become more affordable because the price of legal education has and will threaten new lawyer recruitment. If Congress and the current presidential administration successfully eliminate federal student loan hardship programs and invite private, predatory lenders to supplant the federal government as the all-but-exclusive law student lender, the affordability challenges for law schools will amplify.¹ Potential changes to the student loan and repayment program only increase the import of addressing the price of legal education.

Over the past several decades, law school tuition has increased dramatically, well above inflation. Compared to tuition in 1985, private and public law school tuition is 2.7 and 5.8 times as expensive after accounting for inflation.² The average private law school tuition was \$45,329 in 2017, with residents at public schools paying an average of \$26,425 per year.³ The range of tuition, however, demonstrates remarkable variability. At public schools, one year of resident tuition ranged from \$7,383 to \$58,300.⁴ At private schools, the range was \$16,418 to \$67,564 per year.⁵ While the average tuition at top performing law schools is much higher than the rest, prices do not scale with job outcomes elsewhere.⁶ The average tuition at the lowest performing schools is similar to the average for mid-range schools.⁷

To pay these high tuition prices, three out of four law students borrow⁸ at interest rates that are almost double the average home mortgage interest rate.⁹ A first-year student this academic year will borrow their first \$20,500 at 6% and all excess funds (up to \$70,000 more) at 7% annual

¹ *House GOP to Propose Sweeping Changes to Higher Education*, Wall Street Journal, Nov. 29, 2017, <https://www.wsj.com/articles/house-gop-to-propose-sweeping-changes-to-higher-education-1511956800>; *Reversal on Graduate Lending*, Inside Higher Ed, Dec. 11, 2017, <https://www.insidehighered.com/news/2017/12/11/house-gop-higher-education-overhaul-would-cap-graduate-lending-and-end-loan>.

² LST Data Dashboard, <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

³ *Id.*

⁴ *Id.* at <https://www.data.lawschooltransparency.com/costs/tuition/?y1=2016&y2=2017&scope=jobs>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at <https://data.lawschooltransparency.com/costs/debt/?scope=national>.

⁹ *Mortgage Rate Volatility Expected in the Coming Month*, Washington Post, Dec. 7, 2017, https://www.washingtonpost.com/news/where-we-live/wp/2017/12/07/mortgage-rate-volatility-expected-in-the-coming-month/?utm_term=.1c00271fb04c.

interest.¹⁰ The government does not subsidize law student interest payments during school, thus the cost of the first-year loan increases by 21% and 24.5%, respectively, while the student is studying and before a single loan payment is due.

The average graduate will borrow, exclusively for law school, \$145,419 from a for-profit school, \$134,497 from a private school, and \$96,054 from a public school.¹¹ After accounting for accumulated interest during law school, even the average public law school graduate owes well into six-figures for law school alone when they make their first payment. Financial advisors typically recommend devoting no more than 10 or 15% of income to debt service.¹² A graduate who owes \$125,000 at first payment has a monthly payment of about \$1,400 on the standard ten-year plan. To remain in range of the recommendation, the graduate must make between \$112,000 (for 15%) and \$168,000 (for 10%). The median entry-level salary for the 2016 graduates in long-term, full-time law jobs was \$66,499.¹³

Servicing these debts is increasingly challenging because any-level lawyer salaries are declining in real terms. In April 2017, Deborah Merritt, a law professor at The Ohio State University, analyzed the most recent U.S. Bureau of Labor Statistics data for salaried lawyers.¹⁴ “At the high end, salaries are still increasing faster than inflation,” according to Professor Merritt’s analysis, “[b]ut for the majority of salaried lawyers (at least seventy-five percent), salaries are falling in constant dollars and earnings in other occupations are outpacing them.”¹⁵ Of course, these figures all presume a graduate gets and keeps a salaried lawyering job—law schools as a whole still enroll many more graduates than there are entry-level legal jobs.

The percentage of a graduating class employed in jobs that require a law license is sensitive to two distinct supply figures: total graduates and total available jobs. For example, if graduates increase and the number of jobs stays the same, the percentage will decline. The percentage of graduates obtaining full-time entry-level legal jobs was quite high in the 1980s, peaking at 84.5% in 1988.¹⁶ The average rate in the mid to late 1980s was 82.9%.¹⁷ The next two decades (90s and 00s) each had an average that was ten points lower, 73.7% in the 90s and 70.7% in the 00s.¹⁸ This decade,

¹⁰ Federal Student Aid, U.S. Dept. of Education, <https://studentaid.ed.gov/sa/about/announcements/interest-rate>.

¹¹ *Supra* LST Data Dashboard, note 2, <https://data.lawschooltransparency.com/costs/federal-investment/>.

¹² Loan Debt and Repayment, College Board, <https://bigfuture.collegeboard.org/pay-for-college/loans/loan-debt-and-repayment>.

¹³ Class of 2016 NALP Summary Report, NALP, https://www.nalp.org/uploads/Classof2016_NationalSummaryReport.pdf. These salary numbers are not perfect, but they overstate rather than understate salaries.

¹⁴ *Jobs and Salaries for New Lawyers*, Law School Cafe, Apr. 30, 2017 <https://www.lawschoolcafe.org/2017/04/30/jobs-and-salaries-for-new-lawYERS/>.

¹⁵ *Id.* Entry-level salaries are also declining in real terms in most categories. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/salaries/>.

¹⁶ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

¹⁷ *Id.*

¹⁸ *Id.*

so far, the average is 60.1%—an additional ten points lower.¹⁹

Strikingly, these shifts appear to reflect enrollment management decisions by law schools instead of demand for new lawyers. Between 1976 and 2000, law schools steadily enrolled between ~40,000 and ~44,000 new students each year.²⁰ From 1976 to 1987, the average was 40,973.²¹ From 1988 to 2000, the average was 43,497—a little over 6% higher.²² But between 2000 and 2002, law schools increased first-year enrollment 11.2%.²³ In subsequent years, enrollment steadily crept up, with minor ebbs and flows, until peaking in 2010 at 52,404.²⁴ The number of jobs, on the other hand, has been far steadier. Between 1985, the first year for which we were able to analyze data, and 2010, the number of new full-time law jobs each year generally stayed between 27,000 and 30,000.²⁵ Increased enrollment and a steady number of jobs spell a lower employment rate for law school graduates.

As law schools were pressured to become more transparent about job outcomes beginning in 2010, the media and prospective law students took notice of inflated enrollment, inadequate job prospects, and high prices—and enrollment dropped.²⁶ After 1L enrollment peaked in 2010 at 52,404 new students, enrollment fell dramatically in each of the next three years, which was then followed by four years of even lower, but steady, enrollment between 37,000 and 38,000 new 1Ls.²⁷ Lower enrollment has created a difficult financial reality for law schools that depend on tuition revenue to keep the lights on.²⁸ While smaller class size certainly helps the percentage of the class who can get a lawyer job, the entry-level market remains structurally weak. Since 2013, fewer graduates obtained full-time lawyer jobs each year than the prior year.²⁹ Given the cost of obtaining a J.D. and current features of the entry-level job market, law schools are likely to continue to struggle to attract enough qualified students to maintain their business models—even with the “Trump Bump” in law school applicants.³⁰

This poses enormous difficulty for an aging profession that needs a pipeline of law school

¹⁹ *Id.*

²⁰ *Id.* at <https://data.lawschooltransparency.com/enrollment/all/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

²⁶ *Increasing Transparency in Employment Reporting by Law Schools: What Is To Be Done?*, Above the Law, Apr. 21, 2010, <https://abovethelaw.com/2010/04/increasing-transparency-in-employment-reporting-by-law-schools-what-is-to-be-done/>. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/enrollment/all/>.

²⁷ *Id.*

²⁸ 2015 State of Legal Education, Law School Transparency, <https://lawschooltransparency.com/reform/projects/investigations/2015/analysis/>.

²⁹ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/jobs/legal-jobs/>.

³⁰ *Increase in LSAT test takers is seen as evidence of 'Trump bump'*, ABA Journal, Nov. 21, 2017, www.abajournal.com/news/article/increase_in_lsat_test_takers_is_seen_as_evidence_of_trump_bump.

graduates who will not only protect and improve the rule of law, but who will also reflect society's diverse population. While signs point to fewer lawyers working differently in the future, lawyers should remain an essential part of our system of justice and private ordering, as well as an essential line of defense for abuses of power of all kinds. But our legal education system, and thus lawyers' role in the rule of law, is vulnerable when we price future contributors out of our profession. We need a pipeline of students who want and can afford to join.

This report makes several basic recommendations aimed at strengthening this pipeline. We begin by urging that the law school accreditation process be infused with those who have experienced what dissuades so many people each year from attending law school. It continues with high-quality data that allows legal educators and policy-makers to confront difficult realities and to direct resources in directions that strengthen and stabilize the pipeline. Better consumer information will help students make sense of their choice, while also shedding light on our profession's way forward. Data may not be the solution to law school affordability, but it is a necessary first step to finding and implementing solutions. Informed policy choices require a diversity of information and voices.

Recommendations

1. Young Lawyer Representation in Accreditation

The ABA Section of Legal Education and Admissions to the Bar should add two young lawyers to its Council in 2018.

The ABA Section of Legal Education and Admissions to the Bar should change its bylaws to designate two of 15 at-large Council positions to young lawyers.

The American Bar Association ("ABA") Section of Legal Education and Admissions to the Bar is the nationally recognized accreditor of law schools, but its mission is broader.³¹ Its mission is also "[t]o be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions."³² Over the recent decades, legal education has become significantly more practical, service-oriented, and diverse. But the Section also oversaw legal education as costs spiraled out of control and schools adopted predatory admissions practices solely to ensure survival in a time of great tumult.³³

Indeed, a Committee of the United States Department of Education recently recommended that the

³¹ *After Trump's election, more students consider law school, hoping to make a difference*, Chicago Tribune, Nov. 16, 2017, www.chicagotribune.com/business/ct-biz-lsat-registration-up-trump-bump-20171116-story.html.

³² *Id.*

³³ *Supra* 2015 State of Legal Education, note 28.

Section's accreditation authority be suspended.³⁴ At the end of the hearing, Paul LeBlanc, a college president and member of the Education Department's National Advisory Committee on Institutional Quality and Integrity, summarized his view of the Section's conduct as follows:

This feels like an agency that is out of step with a crisis in its profession, out of step with the changes in higher Ed, and out of step with the plight of the students that are going through the law schools.³⁵

Several choices by the Section over the past few decades have negatively impacted legal education in the long term. In 1995, the Section reached a settlement with the Department of Justice after the DOJ's antitrust division contended that the accreditation process was used to inflate law school faculty salaries and benefits.³⁶ The beneficiaries of this abuse of accreditation are largely still on staff at law schools, thus the Section's actions continue to directly affect the cost of providing legal education because salary increases compound, working conditions tend to endure, and law faculty have tenure.

More recently, the Section was slow to act decisively to stop law schools from exploiting students, despite internal and external calls for accountability. In part, this was due to poorly-drafted accreditation standards. In 2008, after determining that a minimum bar passage standard would serve an important consumer protect function, the Section passed a standard so rife with loopholes that law schools with sub-30% bar passage rates have still not been found non-compliant.³⁷ The bar passage standard, now Standard 316 instead of Interpretation 301-6, remains on the books despite two separate attempts to address the standard's substantial flaws.³⁸

Fortunately, Standard 316 is not the only tool at the Section's disposal to address predatory admissions and retention practices. The Section has had a standard for decades to prevent schools

³⁴ Transcript Reveals Debate Over ABA's Accrediting Power, Bloomberg Big Law Business, Aug. 3, 2016, <https://biglawbusiness.com/transcript-reveals-debate-over-abas-accrediting-power/>.

³⁵ June 22, 2016 Hearing on the American Bar Association Council of the Section of Legal Education and Admission to the Bar's Renewal of Recognition Petition for Accreditation Authority, 235:2-6.

³⁶ Department of Justice Press Release, June 27, 1995, https://www.justice.gov/archive/atr/public/press_releases/1995/0257.htm.

³⁷ ABA Standards Archives, https://www.americanbar.org/groups/legal_education/resources/standards/standards_archives.html (The ABA added Interpretation 301-6 for the 2008-2009 academic year; the ABA moved the interpretation to Standard 316 for the 2014-2015 academic year.) *What Will The ABA Do To Restore Trust In Law Schools?*, Above the Law, Dec. 2, 2015, <https://abovethelaw.com/2015/12/what-will-the-aba-do-to-restore-trust-in-law-schools/> (outlining six loopholes in Standard 316, the bar passage standard).

³⁸ *Supra* ABA Standards Archives, note 37; 2013 Congressional Black Caucus Review, pg 20, https://issuu.com/cbcaucus/docs/cbc_year_in_review_-_final_webversi_1743e0cbc454b2 (discussing the CBC's thwarting of the attempt to strengthen Standard 316 in 2013); *ABA House Rejects proposal to tighten bar-pass standards for law schools*, ABA Journal, Feb. 6, 2017, http://www.abajournal.com/news/article/aba_house_rejects_proposal_to_tighten_bar_pass_standards_for_law_schools (discussing the House of Delegates' rejection of the Council's approval of a stronger Standard 316 in 2016).

from enrolling students who do not appear capable of getting through school and the bar.³⁹ Yet the Section misapplied Standard 501—the prohibition of predatory admissions practices—by presuming compliance with Standard 501 if a school was compliant with the fatally flawed Standard 316.⁴⁰ This hampered the Section’s ability to react quickly. The Section leadership determined it was not properly interpreting (and thus enforcing) Standard 501 in late 2015.⁴¹ It subsequently refined its approach and added an additional enforcement layer to the text of the standard.⁴² The Section has since found ten law schools out of compliance with Standard 501, with other schools likely to follow.⁴³

The Section was also inattentive to problems related to transparency. In 2010, the Section and law schools first came under fire for misleading employment statistics.⁴⁴ The most flagrant statistics involved reporting an employment rate, often well above 90%, without indicating that the figure included part-time jobs, short-term jobs, jobs funded by the law school, and non-lawyer jobs. While law schools deserve responsibility for deceptive marketing practices that misled students and the public, the Section collected but did not disclose data from law schools that made these practices apparent. The Section’s annual questionnaire that law schools must accurately complete to remain accredited asked schools for a breakdown of graduates by job types, including whether jobs required bar passage or were part time. However, the Section only published the top-line figure too, just as was common practice by law schools. This information asymmetry favored law schools and allowed them to grow enrollments well beyond reason. Between 2011 and 2012, the Section changed the ABA Standards to address misleading statistics and to force law schools to detail these misleading top-line numbers and disclose real employment statistics.⁴⁵ These changes contributed to demand for law school declining dramatically.⁴⁶

The Section’s efforts to make law school admissions fairer may have been a reaction to negative publicity, but for several years the Section’s actions indicated to schools that it would embrace transparency and not tolerate deceptive marketing practices. Indeed, it was a model of transparency for the rest of higher education. The Section refined the public reports schools must publish, adjusted definitions, added an audit protocol, and provided guidance to schools about how not to

³⁹ *Supra* ABA Standards Archives, note 37.

⁴⁰ Memo on Standard 501 from Kyle McEntee to the Section of Legal Education leadership, http://lawschooltransparency.com/reform/projects/investigations/2015/documents/Memo_on_Standard_501.pdf.

⁴¹ *Id.*

⁴² *ABA House rejects proposal to tighten bar-pass standards for law schools*, ABA Journal, Feb. 6, 2017, http://www.abajournal.com/news/article/aba_house_rejects_proposal_to_tighten_bar_pass_standards_for_law_schools.

⁴³ *10 Law Schools Sanctioned by ABA for Lax Admissions*, National Law Journal, Nov. 21, 2017, <https://www.law.com/sites/almstaff/2017/11/21/10-law-schools-sanctioned-by-aba-for-lax-admissions-outcomes/>. *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/transparency/aba-compliance/>.

⁴⁴ *Supra* *Increasing Transparency in Employment Reporting*, note 26.

⁴⁵ *Law School Transparency Gets R-E-S-P-E-C-T*, The Careerist, June 14, 2011, <https://thecareerist.typepad.com/thecareerist/2011/06/law-school-.html>.

⁴⁶ *Supra* notes 26-30 and accompanying text.

mislead students and the public. However, in just the past year, the Section's Council took actions that incensed transparency advocates and law schools alike.⁴⁷ Without public input, the Council changed the mandatory job statistics disclosures.⁴⁸ In October 2017, the Council reversed course, but not before losing credibility among various stakeholders.

Several of the Section's specific actions, along with a general inattention to fundamental problems in legal education, have sparked significant interest by young lawyers in the direction of legal education. Young lawyers are interested in the consumer protection aspects of accreditation, as well as in shaping the Council's perspective in an official capacity as it seeks to be a creative force for the betterment of legal education. All lawyers, but young lawyers in particular, have an interest in a strong profession that can attract qualified people to do the important work of lawyers throughout our democratic society. When legal education falters, the profession's reputation is harmed. More importantly, those who need high-quality legal services suffer.

Historically, the Section has not had young lawyers on its Council. The nomination rules for the Council are clear, but the process is uninviting and the practical criteria for membership go unstated. Recently, the Section's managing director shared a helpful hint with a journalist. He told the ABA Journal that he "encourage[s] the young lawyers, and all of us on staff, to try to figure out ways to get more folks who are closer to the beginning of their careers involved on site visit teams. That's a primary credential for service on the council."⁴⁹

One way to encourage young lawyers would be to designate two spots on the Council that indicate that there is, in fact, a place for young lawyers in a space dominated by older lawyers and those whose primary professional employer is a law school. This would provide fresh perspectives to the Council. Currently, the Council consists of a single law student, who serves for one year, 15 at-large positions, and five executive officers.⁵⁰ While the ABA Young Lawyers Division has a liaison to the Council, that member does not have voting power and is not permitted in closed sessions.

The Council is currently comprised of members who, on average, graduated from law school 38 years ago. The greenest members graduated in 1990. Age and experience are not the problem, however. The problem is that tuition averaged \$3,236 at public schools and \$11,728 at private

⁴⁷ *ABA Takes Giant Step Backwards On Transparency*, Above the Law, Aug. 3, 2017, <https://abovethelaw.com/2017/08/aba-takes-giant-step-backwards-on-transparency/>.

⁴⁸ *Id.*

⁴⁹ ABA Legal Ed council revisits admissions test requirement, tables bar exam standard, ABA Journal, Nov. 1, 2017, http://www.abajournal.com/news/article/aba_legal_ed_council_bar_pass_rate_standards_admissions_test/.

⁵⁰ ABA Section of Legal Education Bylaws, https://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_section_bylaws.authcheckdam.pdf.

schools in 1990, and substantially less in prior years.⁵¹ The deans and faculty on the Council know the cost of today's tuition only in the sense that they can recite the price. They do not understand the life impact of tuition prices of \$40,000, \$50,000, or even more than \$60,000 *per year* have on decision-making. A student working for 15 weeks at an annualized salary of \$180,000—New York City market rate for entry-level associates at large law firms—would not cover annual tuition at the average private school today, let alone books and living expenses. Not only is that job unavailable to the vast majority of students, but its term is three to five weeks longer than a typical summer associate works.

The continued increase of law school tuition compared to the relatively stagnant value of that education is an important consequence of a broken legal education system that proliferated under the Section's leadership. We can begin to understand the current, unfair state when we examine how schools and the ABA govern; how schools recruit new students and set prices; and how policymakers and their influencers fundamentally misunderstand what it means to provide "access to education." These factors enable and cause our broken system to endure.

Achieving a higher education should not hurt students—economically, socially, or personally. But our legal education system has hurt many. Countless well-meaning people defend the status quo reflexively, choosing to focus on theories of long-term return on investment or the J.D.'s intrinsic value to justify the current state of legal education. Enchanting as these arguments may sound, they are presently and justly overshadowed by crippling debt. Simply put, if you are a young college graduate or mid-career applicant right now, then you aren't buying the idea of a long-term return when the most certain thing about your future is your monthly loan obligation.

While the Council considers restructuring,⁵² there is no guarantee or even indication that it would result in the addition of young attorneys to the Council. There are qualified young attorneys, with good ideas and great intentions, who feel that their voice has not been heard because of the assumption that the Council's interests are captured by law schools. While we appreciate the individual Council members' contribution to the advancement of the law and education as a whole, we also believe that young lawyers would offer keen and unique insight into recent changes in legal education and prospective changes in accreditation. Importantly, we are confident that these prospective members would join the Council with a goal of collaboration and with newly formed views that are not entwined with the entities the Council regulates. The renewed vigor and unique perspectives will propel legal education and the profession forward.

⁵¹ *Supra* LST Data Dashboard, note 2, at <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

⁵² Memo on the Reorganization of the Structure of the Accreditation Project, https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/November2017CouncilOpenSession/17_nov_restructuring_project_cover_memo_authcheckdam.pdf.

2. Increased Data Transparency

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards and Rules of Procedure for Approval of Law Schools, should require schools to report as part of the Section's annual questionnaire, and for the Section and schools to provide on their websites, (1) disaggregated borrowing data, including subcategories by race/ethnicity and gender; (2) disaggregated data on the amount of tuition paid by class year (1L or upper-level), race, and gender; (3) data on applicants and scholarships by gender and, to the extent the Section does not do so already, by race/ethnicity; (4) data on J.D. program completion and bar passage success.

For the better part of a decade, law schools have faced pressure to be more transparent, affordable, and fair. Concerned people inside and outside of the legal profession alike have objected to deceptive marketing, over-enrollment, and runaway tuition. In many ways, the Section of Legal Education has acknowledged and responded to the criticism. The ABA Standards and Rules of Procedure for Approval of Law Schools ("Standards") now expressly prohibit schools from providing false, incomplete, or misleading consumer information.⁵³ The Standards also require law schools to publish detailed employment data on their websites.⁵⁴ More recently, the Section convened a roundtable of legal education stakeholders to discuss how to modify the Standards to encourage innovation and address challenges related to cost, declining job opportunities, and declining bar passage rates. One theme that emerged from the roundtable is the necessity of more transparency.

We propose several recommendations for the Section that, if enacted, will shed light on law student debt, inequitable pricing practices, exploitative admissions and retention choices, and lasting inequality. The Council already has the authority to collect and require schools to publish all of the data described below. Standard 104 permits the Council to collect these data "in the form, manner, and time frame" it specifies each year.⁵⁵ Rule 54(b) permits the Council to publish these data when "authorized under Standard 509 or [when] ... made public by the law school."⁵⁶ Standard 509 allows the Council to require schools to publish these data "in the form and manner and for the time frame designated by the Council."⁵⁷

Transparency forces the public and school leaders to confront difficult realities, whether it's high prices, burdensome debt, low bar passage rates, or unfulfilled diversity promises. These recommendations will expand access to valuable data, helping consumers to make informed decisions, schools to change to meet evolving demands, and the Section to create and maintain an environment of accountability.

⁵³ Standard 509, 2017-18 ABA Standards and Rules of Procedure for Approval of Law Schools.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

Student Debt

In 2016, the average private law school graduate received \$134,497 in student loan disbursements during law school.⁵⁸ The average public law school graduate received \$96,054.⁵⁹ However, these figures do not reflect the amount of debt owed when repayment begins six months after graduation because they do not factor in interest, which the government does not subsidize for law students. This year, interest immediately began to accrue at 6% for Stafford Loans (up to \$20,500 per year) or 7% for Graduate PLUS loans (up to the full cost of attendance) for students.⁶⁰

These eye-popping numbers come from school-level borrowing averages. Each school's average includes any graduate who borrowed at least \$1 during law school, whether they borrowed for just one semester—perhaps \$5,000 to pay for a trip—or they borrowed the full cost of attendance. So while the average can tell us about the entire population, it tells us little about individual students. With cost of attendance in 2017-18 as high as \$95,883 at Stanford Law School, student borrowing can vary wildly based on scholarships and ability to pay.⁶¹ The latest available data show that 55% of Stanford Law students pay full price.⁶² After accounting for interest, a Stanford Law graduate may owe over \$300,000 when the first payment is due, even factoring in a 2L summer associate salary.

The public does not know how many (if any) graduates actually owe this much, just that 75% of Stanford Law graduates in 2016 borrowed at least \$1 and that the average amount borrowed was \$137,625.⁶³ Perhaps a debt load of \$300,000 from one of the nation's elite law schools is not a matter of public interest or concern. But the debt loads at lesser-performing schools can reach this astronomical amount too—and it is at those schools that underlying borrowing data will serve the most important purpose.

Take, for example, Southwestern Law School. Its annual cost of attendance is \$82,600.⁶⁴ Half of its students paid full price in 2016-17.⁶⁵ In 2016, only 38.9% of its 2016 graduates obtained a long-

⁵⁸ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&y1=2016>.

⁵⁹ *Id.*

⁶⁰ *2017-2018 Interest Rates Announced*, Access Lex, <https://www.accesslex.org/xblog/2017-2018-interest-rates-announced> (last visited Sept. 26, 2017).

⁶¹ Stanford Law School, LST Reports, <https://www.lstreports.com/schools/stanford/costs/> (last visited Dec. 29, 2017).

⁶² *Id.* With 55% of students paying full price and 25% of the class not borrowing, at least 30% of those who paid full price borrowed at least \$1—but probably much more.

⁶³ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&y1=2016>.

⁶⁴ Southwestern Law School Costs, LST Reports, <https://www.lstreports.com/schools/southwestern/costs/> (last visited Dec. 29, 2017).

⁶⁵ *Id.*

term, full-time job that requires bar passage within ten months of graduation.⁶⁶ Only 38% of 2016 graduates passed the California bar exam on the first try.⁶⁷ The public does not know how many (if any) graduates *actually* owe upwards of \$300,000 at this school. But unlike Stanford, the public does not know the average amount borrowed because Southwestern Law School has not disclosed graduate borrowing data since 2012, when the average amount borrowed for the 78.9% of graduates who borrowed was \$147,976.⁶⁸ Since that time, tuition is up 23%; net tuition is up 8%; cost of living is up 12%; the median and 75th percentile scholarship has not changed; and the 25th percentile scholarship has declined by a third.⁶⁹

The Section of Legal Education does not publish any school-level borrowing data, although the Section does collect the average amount borrowed and the percentage borrowing on its annual questionnaire.⁷⁰ Rather, borrowing data come from voluntary disclosures by law schools to *U.S. News & World Report*. Every year, more than a handful of schools make erroneous disclosures to *U.S. News*, which only occasionally get corrected. Every year, a dozen or so other schools decline to publish the average amount borrowed by graduates.

Consumers, schools, and researchers lose out because the only source for information that the Section possesses is a news magazine that muddies the decision-making process for consumers and schools alike. As the best source for borrowing data, the Section encourages people to visit the *U.S. News* website through its decision not to publish the borrowing data it possesses. That said, the average amount borrowed by graduates and the percentage borrowing are limited in utility, although there is value in confronting consumers with figures that account for several years of schooling instead of annual cost of attendance. The Section would do a great service to legal education if it enabled consumers and researchers to peer underneath the surface figures (average borrowed) to see the borrower makeup by amount borrowed. Shedding light on underlying borrowing data may stir policymakers, faculty, and administrators to think more clearly and realistically about the problem of student debt. One way to do this is through a frequency distribution, which “displays the frequency of various outcomes in a sample.”⁷¹

In legal education, the most famous application of a frequency distribution is NALP’s bi-modal salary distribution curve (shown below, Figure A). This curve continues to shape how

⁶⁶ *Id.* at ABA Report, <https://www.lstreports.com/schools/southwestern/aba/>.

⁶⁷ *California Bar Exam Results by School in 2016*, Above the Law, <http://abovethelaw.com/2016/12/california-bar-exam-results-by-law-school-2016/>.

⁶⁸ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/costs/debt/?scope=schools&yl=2012>.

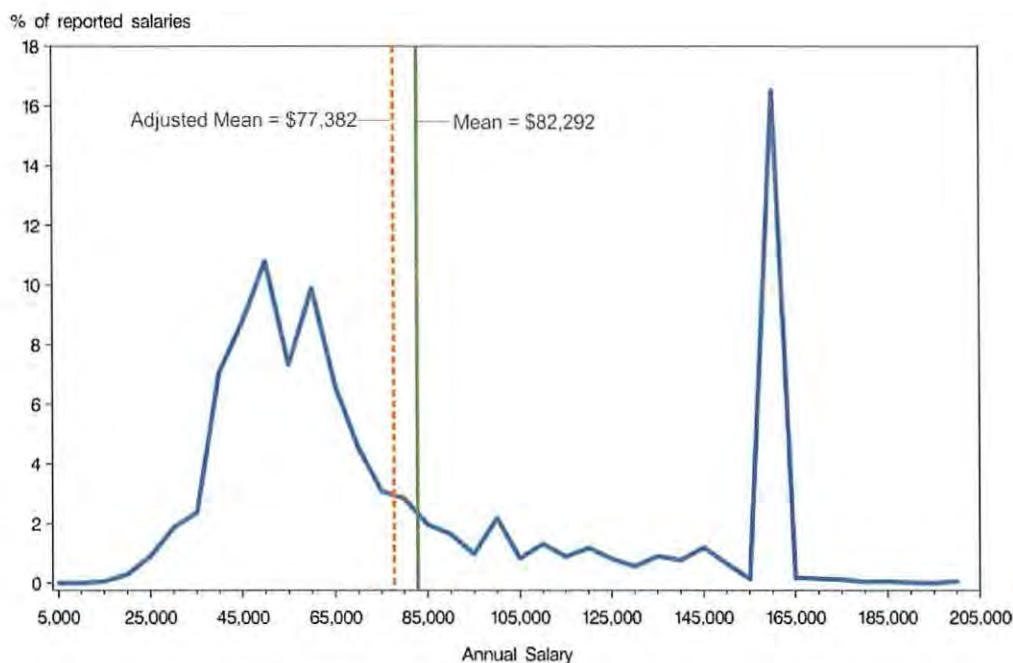
⁶⁹ *See, generally*, ABA Required Disclosures for Southwestern Law School, <http://abarequireddisclosures.org/>. The net tuition estimates can be found on the LST Data Dashboard, *supra* note 2, at <https://data.lawschooltransparency.com/costs/net-tuition/>.

⁷⁰ In the past, the Section collected graduate borrowing data, but currently only collects annual loan disbursements.

⁷¹ Frequency Distribution, Wikipedia https://en.wikipedia.org/wiki/Frequency_distribution.

policymakers, researchers, consumers, and the public understand entry-level salaries. The mean salary may have been \$82,292 for 2014 graduates, but very few graduates made at or near that amount. Instead graduates fell into one of two “humps”—\$160,000 on the one side and between \$40,000 and \$65,000 on the other.⁷²

Figure A



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www.nalp.org

As such, we ask the Section to collect data on student loan borrowing outcomes for graduates and to publish those outcomes using a frequency distribution table, including non-borrowers, using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 104 and Standard 509(b)(2).

Tuition Prices and Discounts

Since 1985, inflation has been a factor in rising law school prices, but legal education inflation far exceeds the inflation rate. In 1985, the average private school tuition was \$7,526 (1985 dollars), which would now cost a student \$17,118 (2017 dollars).⁷³ Instead the average tuition is \$46,329 (2017 dollars).⁷⁴ In other words, private law school is now 2.7 times as expensive as it was in

⁷² NALP Salary Distribution Curves, <http://www.nalp.org/salarydistrib> (last visited Sept. 22, 2017).

⁷³ *Supra* LST Data Dashboard, note 2, <https://www.data.lawschooltransparency.com/costs/tuition/?y1=1985&y2=2017>.

⁷⁴ *Id.*

1985 after adjusting for inflation. Public school (for residents) is now about 5.8 times as expensive.⁷⁵

Since then, law schools have engaged in more tuition discounting through grants and scholarships. So although the nominal tuition price has increased, it does not tell the whole story. About 30% of students pay full price.⁷⁶ For the 70% receiving a discount, the discounts have shifted away from need-based discounts based on ability to pay towards merit-based discounts based on LSAT and undergraduate GPA. Those with the highest LSATs and GPAs receive the discounts. As such, the students who are least likely to complete school, pass the bar, and get a job subsidize the students who are more likely to succeed. These also tend to be the students the most disadvantaged.⁷⁷

Currently, the Section requires schools to report and publish cost of attendance data and scholarship data about the 25th, 50th, and 75th percentiles for full-time and part-time students. It also requires schools to report and publish scholarship data by the percentage of tuition covered, e.g. what percentage of all students have a scholarship that covers up to 50% of tuition. Moreover, the Section requires schools to report and publish whether and how often they reduce or eliminate scholarships after poor academic performance.

The Section already recognizes the value of publicly available price information for consumers, researchers, and the public. But with increased discounting and the shift away from need-based aid, additional clarity would add additional value much in the way that more graduate borrowing data would. The Section should therefore further its efforts of helping people understand the cost of legal education. As such, we ask the Section to collect data on tuition paid for each enrolled individual and to publish up to four frequency distributions tables per law school—one for 1L tuition paid, one for upper-level tuition paid, and a distinction for part-time and full-time as necessary—using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 104 and Standard 509(b)(2).

Gender Diversity

In 1965, just 1 in 25 law students was a woman. That number steadily climbed to 1 in 4 in 1975; 1 in 3 in 1980; and since 2000, the proportions have been roughly equal—though slightly more men than women every year except last year. Parity in law school enrollment was an enormous milestone, but new research demonstrates that national parity masks lurking gender inequality.

⁷⁵ *Id.*

⁷⁶ *Id.* at <https://data.lawschooltransparency.com/costs/net-tuition/>.

⁷⁷ *Law School Scholarship Policies, Engines of Inequity*, 2016, <http://lsse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf>.

The research shows three significant “leaks” in the law school pipeline for women.⁷⁸ The first of these leaks involve women applying to law school. Even though women are 57% of college graduates, they account for only about 51% of the law school applicants. If women applied at the same rate as men to law school, applications would increase 16%. The second leak is that women who apply to law school are less likely than men to be admitted. For the class entering in 2015, law schools admitted about 80% of the men who applied, but just 76% of the women who applied. The third leak is that, even when women are admitted, they are not spread evenly across law schools. They instead cluster disproportionately in schools with the weakest employment outcomes and worst reputations.

The first and second leaks go back several decades. The third leak, however, is new and worsening. In 2001, when schools had just gotten to roughly 50/50 nationwide, women were evenly distributed amongst schools. But by 2006 the story had started to change. Although the pattern was not yet statistically significant, it had started to emerge. By 2015 the pattern was statistically significant and quite stark. Today the top 50 schools are the mirror opposite of the bottom 50 schools.

The emerging explanations mostly relate to the *U.S. News* law school rankings, with the most compelling relating to schools jockeying for higher LSAT scores to increase the median score, which is a considerable driver of ranking. Over the past 15 years, in their quest to secure or improve their *U.S. News* ranking, law schools have decided to emphasize LSAT scores more. Women actually do two points worse on average than men on the LSAT, and there are fewer higher scorers as well.⁷⁹ This is typical of standardized tests with predominately multiple choice questions, unlike writing examinations that tend to favor women.⁸⁰ Additional explanations may include an uneven distribution of applicants (perhaps increased median LSATs drive applicants away), uneven distribution of scholarship money (perhaps because schools overvalue the extra two points they get from men), and scholarship negotiation tendencies (perhaps because women are less likely to ask for more or any money). At this point, further research is not possible because school-level applicant and scholarship data are not available by gender.

Data on applicants and scholarships would also help consumers make informed choices. As outlined in the previous sections on tuition and debt, law school is expensive. Reducing the information asymmetry—allowing students to more clearly understand their bargaining position—will help them to pay less, which would reduce debt and/or enhance the school options.

⁷⁸ *The Leaky Pipeline*, Deborah Merritt and Kyle McEntee, <https://www.lstradio.com/women/?theme=lp1>.

⁷⁹ *LSAT Technical Report October 2012*, Law School Admissions Council, [https://www.lsac.org/docs/default-source/research-\(lsac-resources\)/tr-12-03.pdf?sfvrsn=4](https://www.lsac.org/docs/default-source/research-(lsac-resources)/tr-12-03.pdf?sfvrsn=4) (Figure 10).

⁸⁰ Performance of Men and Women on Multiple-Choice and Constructed-Response Tests for Beginning Teachers, Samuel A. Livingston and Stacie L. Rupp, ETS Research Report, <https://files.eric.ed.gov/fulltext/EJ1110967.pdf>; Fighting the Gender Gap: Standardized Tests Are Poor Indicators of Ability in Physics, Barrett H. Ripin APS News Letter, <https://www.aps.org/publications/apsnews/199607/gender.cfm>; *Standardized Tests Are a New Glass Ceiling*, Andrew Hacker, *The Nation*, <https://www.thenation.com/article/standardized-tests-are-a-new-glass-ceiling/>.

Additionally, these data will help the Section analyze compliance with Standard 206(a). Standard 206(a) provides that “a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity.” If a school, even inadvertently, is biasing enrollment towards men because it’s too concerned with chasing a higher ranking, then the school may be out of compliance with the ABA Standards.

As such, we ask the Section to collect and to publish data on applicants and scholarships by gender using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(1) and Standard 509(b)(2).

Racial and Ethnic Diversity

Whereas tremendous progress has been made towards gender parity, even with the emerging trend of gender clustering at the most and least reputable schools, significant progress remains for enrollment by race and ethnicity.⁸¹

Table B

	Hispanic	NA	Asian	Black	Hawaiian	White	2+ Races
2016 1Ls	13.7%	0.5%	6.5%	9.6%	0.1%	65.2%	4.3%
US Population	17.8%	1.3%	5.7%	13.3%	0.2%	61.3%	2.6%

Aaron Taylor, the executive director of AccessLex’s Center for Legal Education Excellence, observed similar trends with race and ethnicity as the previous section outlined about gender. Taylor found that Black and Hispanic students were more likely to attend schools with lower median LSAT scores, which tend to be less prestigious.⁸² Whereas white and Asian students were more likely to attend more prestigious schools with higher LSAT median scores.⁸³ Taylor told the *National Jurist* that “[t]his affects long-term outcomes, career trajectories and payoffs from law school investments. There are many implications tied in large part to race and ethnicity.”⁸⁴

Even on the tuition and debt front, the implications are huge. According to the Law School Survey of Student Engagement (LSSSE), then-directed by Taylor, “[i]t seems apparent that increased costs

⁸¹ 1L percentages come from the ABA, downloadable from the Section’s statistics website. https://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited Sept. 28, 2017). Excludes unknowns and non-resident 1Ls. U.S. Population percentages come from the U.S. Census.

<https://www.census.gov/quickfacts/fact/table/US/PST045216> (last visited Sept. 28, 2017).

⁸² *Diversity as a Law School Survival Strategy*, Aaron Taylor, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2569847 (last visited Sept. 28, 2017).

⁸³ *Id.*

⁸⁴ *Law schools enrolling more minorities to combat enrollment drop*, NATIONAL JURIST, Laura Martin, Feb. 17, 2015, <http://www.nationaljurist.com/prelaw/law-schools-admitting-more-minorities-combat-enrollment-drop>.

of attending law school have placed undue pressures on students from less affluent backgrounds to rely on student loans to finance their education. This burden falls disproportionately on Black and Hispanic students, who are more likely to come from low-wealth backgrounds.”⁸⁵ The proportion of Black students expecting no debt was less than 5% in 2015 and less than 10% for Hispanic students.⁸⁶ For white students, it was about 20% and for Asian students about 25%.⁸⁷ On the high end, about 25% of white students expected debt in excess of \$120,000, compared to almost 45% of Black students and about 40% of Hispanic students.⁸⁸

Of course, these disparities relate to the “large racial and ethnic wealth disparities in the U.S.”⁸⁹ But they also appear to relate to law school scholarship policies, because wealth explains part of the divergence in LSAT scores, which play an outsized role in determining the price a student pays to attend law school. According to LSSSE’s 2016 report, 2 in 3 white students receive a merit scholarship, while just 1 in 2 Black and Hispanic students do.⁹⁰

For the same reasons outlined above for gender, including adherence to and enforcement of Standard 206(a), we ask the Section to collect and to publish data on applicants and scholarships by race/ethnicity using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(1) and Standard 509(b)(2).

Additional Diversity Data

For the foregoing reasons outlined in the sections on race/ethnicity and gender data, the public would also benefit if the data requested in the sections on tuition prices and student debt were publicly accessible by race/ethnicity and gender. The Section may do so under its current authority under Standard 104, Standard 509, and Rule 54(b).

Completion and Bar Success

Many law schools have enrolled students that face a significant risk of not completing school or passing the bar exam.⁹¹ Despite a decrease in completion rates, bar passages rates have also

⁸⁵ *Law School Survey of Student Engagement 2015 Report*, pg. 12, <http://lssse.indiana.edu/wp-content/uploads/2016/01/LSSSE-Annual-Report-2015-Update-FINAL-revised-web.pdf>.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Law School Survey of Student Engagement 2016 Report*, pg. 9, <http://lssse.indiana.edu/wp-content/uploads/2015/12/LSSSE-2016-Annual-Report-1.pdf>.

⁹¹ *Study Cites Lower Standards in Law School Admissions*, New York Times, Elizabeth Olson, Oct. 26, 2015, <https://www.nytimes.com/2015/10/27/business/dealbook/study-cites-lower-standards-in-law-school-admissions.html> (reporting on Law School Transparency’s *2015 State of Legal Education*, <https://www.lawschooltransparency.com/reform/projects/investigations/2015/>).

decreased. After years of steady bar passage rates, overall passage rates have fallen 10 points and first-time rates have fallen nine points between 2013 and 2016, although the declines have not been uniform across the country.⁹² For example, first-time rates have fallen 36 points in South Dakota, 19 points in Iowa, 18 points in New Mexico, 16 points in Oregon, and 15 points in Arizona.⁹³ On the other hand, first-time rates increased in Nebraska, Louisiana, and Michigan.⁹⁴ Similarly, the declines have not been uniform across all law schools. Some schools have increased their bar passage rates, such as Florida International University College of Law.⁹⁵ Many others have seen dramatic declines.⁹⁶

The declines were predictable based on lower Law School Admissions Test (“LSAT”) scores and insufficient mitigation through, for example, higher grade point averages (“GPA”) and more forced attrition.⁹⁷ Highlighting which schools, through their educational programs, help or do not help students outperform their predictors would help consumers make more informed choices about where to attend law school, while helping law schools compete on metrics other than the *U.S. News* law school rankings. Further, it would help the legal education community develop best practices for maximizing the success of students at higher risk of failure—an essential goal that will not only help legal educators get the most out of students, but also increase diversity in the profession by fortifying our leaky pipeline.

The Section has determined that completion rates based on available predictors are valuable in assessing compliance with the Standards, as well as the progress non-compliant schools are making towards coming back into compliance. Since August 2016, the Council for the Section has publicly sanctioned five law schools in relation to its admissions and retention choices.⁹⁸ Each sanction included remedial actions, including a requirement that each school provide current students bar passage rates for previous, similarly-situated students. While similarity was determined based on law school GPA, information fashioned for prospective law students would be valuable too. Prior to enrollment, there is not yet a better predictor of school completion and bar exam success than the LSAT. In fact, the Section’s accreditation committee requested that at least one of the schools—Charlotte School of Law—report completion and bar passage rate

⁹² National Conference of Bar Examiners, 2016 Statistics, pg. 33, www.ncbex.org/pdfviewer/?file=%2Fdocsdocument%2F205.

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Florida Bar Exam Statistics, <https://www.floridabarexam.org/web/website.nsf/52286AE9AD5D845185257C07005C3FE1/660E3F5B6C35DE2585257C0B006AA3F4>.

⁹⁶ *Id.*

⁹⁷ For example, law schools have not increased incoming undergraduate GPAs enough to outweigh lower LSAT scores. In fact, GPAs were down almost uniformly across the schools studied. *2015 State of Legal Education*, Law School Transparency, <https://www.lawschooltransparency.com/reform/projects/investigations/2015/data/other-stats/?show=mbe>.

⁹⁸ ABA Section of Legal Education Announcements, https://www.americanbar.org/groups/legal_education.html (Arizona Summit Law School, Charlotte School of Law, Ave Maria School of Law, Texas Southern University Thurgood Marshal School of Law, Valparaiso University School of Law)

information for students with LSATs at or below the median in order to assess compliance with the ABA Standards.⁹⁹ As such, we ask the Section to collect and publish data on program completion and bar passage success by LSAT score using its authority under Standard 104 and Rule 54(b), as well as to require schools to publish these data on their websites using its authority under Standard 509(b)(4), and Standard 509(b)(8). We decline, at this time, to recommend a specific format for publishing these data. Instead, we recommend that the Section implement a tracking system, including admissions indicators and demographic status, for all new students that can track progress through bar passage and entry-level employment.

3. User-Friendly Data Presentation

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards, should simplify the Employment Summary Report, which includes graduate employment data.

The ABA Section of Legal Education and Admissions to the Bar, using authority it already has under the ABA Standards, should simplify and reorganize the Standard 509 Information Report, which includes data related to admissions, attrition, bar passage, price, curricular offerings, diversity, faculty, refunds, and scholarships.

The recommendations in the previous section work without changes to the ABA Standards. Not only can the Council collect and publish a variety of data in the manner and form that the Council sees fit, it may require schools to make any of this information available to students and the public on their websites or via other means of communication. At the school level, the Section—at the direction of the Council—presents two sets of data available to the public directly: the Employment Summary Report and the Standard 509 Information Report. The Council also requires law schools to publish these reports prominently on their websites.

Employment Summary Report

The Employment Summary Report details post-graduation employment outcomes for a single graduating class. Employment status is measured as of March 15th the following year for the class of 2014 and later—about ten months after graduation. The report allows people to calculate important data points, such as unemployment rate, percentage in law firms (and by size), percentage in public sector jobs, and percentage in jobs that require bar passage. It also includes information about where the jobs are located, whether jobs are funded by the law school, and whether jobs are short or long term and part or full time. These disclosures have already reshaped

⁹⁹ *Denial of Recertification Application to Participate in the Federal Student Financial Assistance Programs – Charlotte School of Law*, U.S. Department of Education, <https://studentaid.ed.gov/sa/sites/default/files/csl-recert-denial.pdf> (pg. 4 - 5).

legal education, but students and the public would nevertheless be served by simplifying the Employment Summary Report.

We ask the Council to adopt the Proposed Employment Summary Report (Appendix A). The Proposed Employment Summary Report includes a complete changelog between report forms and addresses the concerns expressed by many members of the Council at the June 2017 Council meeting, as well as the concerns many stakeholders. Specifically, the Proposed Employment Summary Report reduces the number of cells by 56% without altering data collection. It maintains the status quo on treatment of school-funded jobs above the line, which provides an equal playing field for law schools. It does not unnecessarily collapse categories that demonstrate significant differentiation. It provides clearer and more consistent naming conventions. It maximizes visual cues that enhance consumer comprehension, including spacing, punctuation, and color. Altogether, the Proposed Employment Summary Report will help consumers make informed choices about whether and where to attend law school.

Standard 509 Information Report

The Standard 509 Information Report details a variety of statistics that help students figure out when to apply, whether they can get in, how much it costs, how diverse the student body is, and at what rate students complete school and pass the bar exam. This report is already a dense, though enormously helpful document. However, if the Council advances some or all of our data recommendations involving additional disclosure requirements and if the Council finds some or all of the new data important enough to earn a spot on the report, it will require simplification to ensure students and the public continue to make ample use of its contents. But even if the Council adopts none of the aforementioned data recommendations, there remains the opportunity to simplify the report and design it for maximum consumer comprehension. After all, the current report was originally designed two decades ago for print in the LSAC Official Guide. Today's Standard 509 Information Report is viewed online as a PDF.

Data presentation involves choices about how to organize and summarize datasets, translating data from its raw form into meaningful information. With any dataset, the data can be presented in various forms, including charts, graphs, and tables. The best method depends on the audience(s). Presentation choices must balance what the audience wants to know and what they should want to know, along with consideration to information overload, complexity, and utility. Importantly, these choices set the benchmark for what matters to the audience.

We do not ask the Council to adopt a specific, new format for the Standard 509 Information Report. The ideal format will depend on what data recommendations the Council adopts. In principle, the most serious flaw is that parts of the report amount to a data dump. While the Section should continue to make *all* data available on spreadsheets—an important practice of the Section that

benefits students, schools, researchers, policymakers, and journalists—the Standard 509 Information Report targets people who seek a valuable summary of individual law school offerings. The report should reflect this objective.

Consider the J.D. enrollment and ethnicity table (**Table C**, below) from the 2016 Standard 509 Information Report.

Table C

J.D. Enrollment and Ethnicity (academic year*)															
	Men		Women		Other		Full-Time		Part-Time		First- Year		Total		J.D. Deg Awd
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Hispanics of any race	23	5.7	23	6.6	0	0	46	6.1	0	0	19	7.9	46	6.1	12
American Indian or Alaska Native	2	0.5	0	0	0	0	2	0.3	0	0	0	0	2	0.3	1
Asian	42	10.4	53	15.3	0	0	95	12.7	0	0	27	11.2	95	12.7	33
Black or African American	25	6.2	26	7.5	0	0	51	6.8	0	0	17	7	51	6.8	17
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Two or more races	12	3	10	2.9	0	0	22	2.9	0	0	10	4.1	22	2.9	6
Total Minority	104	25.8	112	32.4	0	0	216	28.8	0	0	73	30.2	216	28.8	69
White	230	57.1	187	54	0	0	417	55.7	0	0	143	59.1	417	55.7	159
Nonresident Alien	19	4.7	23	6.6	0	0	42	5.6	0	0	9	3.7	42	5.6	8
Race and Ethnicity Unknown	50	12.4	24	6.9	0	0	74	9.9	0	0	17	7	74	9.9	22
Total	403	53.8	346	46.2	0	0	749	100	0	0	242	32.3	749	100	258

Some rows (Total Minority and Total) reflect the sum of other rows, but there is no visual cue to distinguish rows with sums and other rows. The columns and data time period are also not clearly indicated. Most importantly, however, the raw data do not add value to the table commensurate with the costs to consumer experience. The columns labeled # add to information overload, which reduces comprehension and therefore decision quality.

Consider an alternative table (**Table D**, below) that conveys the same information.

Table D

Total Enrollment: 749 Total First-Years: 242 Total Graduates: 258	J.D. Enrollment and Ethnicity, 2016-17 Academic Year							
	Total Enrollment						Graduates	First-Year
	Men	Women	Other	Full-Time	Part-time	Total		
Total Minority	13.9%	15.0%	0%	28.8%	0%	28.8%	26.7%	30.2%
Hispanics of any race	3.1%	3.0%	0%	6.1%	0%	6.1%	8.9%	7.9%
American Indian or Alaska Native	0.3%	0.0%	0%	0.3%	0%	0.3%	0.4%	0%
Asian	5.6%	7.1%	0%	12.7%	0%	12.7%	12.8%	11.2%
Black or African American	3.3%	3.5%	0%	6.8%	0%	6.8%	6.6%	7.0%
Native Hawaiian or Other Pacific Islander	0%	0%	0%	0%	0%	0%	0%	0%
Two or more races	1.6%	1.3%	0%	2.9%	0%	2.9%	2.3%	4.1%
White	30.7%	24.9%	0%	55.7%	0%	55.7%	61.6%	59.1%
Nonresident Alien	2.5%	3.0%	0%	5.6%	0%	5.6%	3.1%	3.7%
Race and Ethnicity Unknown	6.7%	3.2%	0%	9.9%	0%	9.9%	8.5%	7.0%
Total	53.8%	46.2%	0%	100%	0%			

It shades rows that total other rows, indents the sub-totaled rows, bolds the overall total, and labels the academic year. It eliminates the raw data except for total enrollment, total first-year enrollment, and total graduates, which the layout emphasizes at the top. The layout also emphasizes two critically important figures: overall minority and gender percentages. The table also uses the percentage of the entire class for each row that shows the intersection of race and gender, rather than percentage of gender.

Again, the raw data must remain publicly available. But on a summary report such as the Standard 509 Information Report, the main takeaways of the table should not be dwarfed by a volume of data, as is the case with **Table C**.

For the 2017 Standard 509 Information Report, released on December 15, 2017, the Section made several changes to **Table C**. The table (**Table E**) now includes gender and race subcategories for each class cohort. While the table does remove redundant cells, the Section chose raw data over percentages, so the tables remains a data dump that undercuts its purpose of informing consumers.

Table E

J.D Enrollment as of October 5th 2017													
	1L				2L				3L				Total
	T	M	W	O	T	M	W	O	T	M	W	O	
Hispanics of any race	11	7	4	0	4	3	1	0	4	3	1	0	19
American Indian or Alaska Native	0	0	0	0	0	0	0	0	0	0	0	0	0
Asian	2	0	2	0	1	1	0	0	4	2	2	0	7
Black or African American	12	8	4	0	5	2	3	0	12	7	5	0	29
Native Hawaiian or Other Pacific Islander	0	0	0	0	0	0	0	0	0	0	0	0	0
Two or More Races	6	3	3	0	4	1	3	0	1	1	0	0	11
Total Minority	31	18	13	0	14	7	7	0	21	13	8	0	66
White	145	77	68	0	134	62	72	0	86	49	37	0	365
Nonresident Alien	3	3	0	0	4	3	1	0	0	0	0	0	7
Race and Ethnicity Unknown	5	4	1	0	5	2	3	0	5	4	1	0	15
Total	184	102	82	0	157	74	83	0	112	66	46	0	453

The cost of attendance and scholarship information on the Standard 509 Information Report (collectively **Table F**, below) could also use improvement.

Table F

Tuition and Fees (academic year*)

	Resident	Non-Resident
Full-Time	\$ 47,125	\$ 47,125
Part-Time	\$ 32,715	\$ 32,715
Tuition Guarantee Program	No	

Living Expenses (academic year*)

Estimated Living Expenses for singles	
Living on Campus	\$ 0
Living Off Campus	\$ 26,080
Living at Home	\$ 26,080

Conditional Scholarships

Students Matriculating in	# Entering with	# Reduced or Eliminated
2015-2016 Academic Year	182	70
2014-2015 Academic Year	214	81
2013-2014 Academic Year	176	90

Grants and Scholarships (prior academic year*)

	Total		Full-Time		Part-Time	
	#	%	#	%	#	%
Total # of students	1,021	100	744	72.9	277	27.1
Total # receiving grants	569	55.7	463	62.2	106	38.3
Less than 1/2 tuition	372	36.4	305	41	67	24.2
Half to full tuition	131	12.8	104	14	27	9.7
Full tuition	25	2.4	22	3	3	1.1
More than full tuition	41	4	32	4.3	9	3.2
75th Percentile grant amount			\$ 25,500		\$ 15,619	
50th Percentile grant amount			\$ 16,000		\$ 8,500	
25th Percentile grant amount			\$ 9,500		\$ 3,937	

The report devotes an entire section for living expenses. Only 12 schools differentiated between living on or off campus for the 2016-17 academic year.¹⁰⁰ At more than half of those schools, the difference was less than \$1200.¹⁰¹ The report also includes a column on the “Grants and Scholarships” table for full- and part-time students combined. In that section, as well as the Conditional Scholarships section, consumers would benefit from percentages without raw data.

The table to the left (**Table G**) addresses these problems.

Table G

Cost of Attendance		
2016-17 Tuition	Resident	Non-Resident
Full Time	\$47,125	\$47,125
Part Time	\$32,715	\$32,715
Tuition Guarantee Program	No	
Living Expenses	\$26,080	

Tuition Discounts, 2015-16 Academic Year		
	Full Time	Part Time
Pay Full Price	37.8%	61.7%
Discount Percentage	62.2%	38.3%
< Half Tuition	41.0%	24.2%
Half to Full Tuition	14.0%	9.7%
Full Tuition	3.0%	1.1%
> Full Tuition	4.3%	3.2%
Discount Amount		
25th Percentile	\$9,500	\$3,937
50th Percentile	\$16,000	\$8,500
75th Percentile	\$25,500	\$15,619

Conditional Scholarships		
Award may be lost based on academic performance		
First-Year Students	% Entering With	% Reduced/Eliminated
2015		
334 New 1Ls	54.5%	38.5%
2014		
357 New 1Ls	59.9%	37.9%
2013		
404 New 1Ls	43.6%	51.1%

A new Standard 509 Information Report should also consider data about transfers *out* instead of *in*. Comparing law school GPAs of transfers in is like comparing apples to oranges. Information about the law school GPAs of transfers out, on the other hand, actually provides actionable information for students.

The current Standard 509 Information Report needs additional changes that follow similar themes described in this section, regardless of whether the Council includes additional data on the summary. The choices made will balance various competing interests, but should ultimately advance the intended audience’s comprehension of valuable information.

Additional Disclosures

Standard 509 also requires law schools to publish data on their websites beyond the Employment Summary Report and Standard 509 Information Report: tuition refund policies, articulation agreements, curricular offerings, faculty and staff information, and more. To the extent that the Council wants students to still have certain raw data, the

mandated ABA Required Disclosures page, which is a clearinghouse for all Standard 509 disclosures, can be expanded. The same principles of useful organization apply to these pages, but there is more flexibility because everything disclosed does not need to appear on a relatively short PDF.

¹⁰⁰ *Supra* ABA Required Disclosures, note 69.

¹⁰¹ *Id.*

4. Disclosures at Time of Admission

The ABA Section of Legal Education and Admissions to the Bar should require law schools to provide every admitted law student a copy of the Standard 509 Information Report and Employment Summary Report as part of each student's admissions offer.

Standard 509 requires that law schools publish a variety of information on their websites, but permits schools to publish information elsewhere as long as it is not false, incomplete, or misleading. Standard 509(d), however, requires law schools to distribute conditional scholarship data to all recipients of conditional scholarship offers as part of their offer letter—whether by email or post. A conditional scholarship is one where retention of the full amount depends on academic performance in law school. Data on conditional scholarships helps consumers assess their chances of keeping the scholarship so that they can make an informed decision about accepting it and attending the institution. Without it, the consumer may be misled about the true likely cost of the legal education.

Similar logic underlies the requirement that information be made available to the public on the school website via Standard 509, including the Standard 509 Information Report and Employment Summary Report. The information contained in those two reports in particular is essential to consumers making informed decisions. However, the Council determined that the conditional scholarship information is important enough to also be sent to every conditional scholarship offeree. We recommend extending this logic to the two reports. The Council should require schools to include the reports as part of every offer of admission.

Standard 509(a) already permits the Council to do this. The standard provides that any information a school distributes must be “complete, accurate and not misleading.” The Section’s managing director has this to say in the Section’s Standard 509 Guidance Memo:

The following guidance is offered regarding how the Council and the Accreditation Committee view this overriding requirement of publishing information that is complete, accurate, and not misleading. Wherever a school offers any analysis or elaboration of the information covered by Standard 509, the required disclosures must be repeated or there must be a link to those required disclosures that is sufficiently proximate and prominent to draw the reader’s attention to the link. The disclosures or link to them must precede the analysis or explanation. Finally, the display of the analysis and elaboration of the data may not be more conspicuous or prominent than the display of the mandated disclosures or the link to them.¹⁰²

¹⁰² Managing Director’s Guidance Memo on Standard 509 (revised July 2016), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2016_standard_509_guidance_memo_final.authcheckdam.pdf.

The memo's prescriptions apply to any analysis or elaboration of data specified in Standard 509(b) or Standard 509(c), such as information related to costs, scholarship, bar passage, and employment data, e.g. employment rate computations from employment data. The prescription means that anytime that information is relayed to a person or to the public, through the website or otherwise, the relevant required disclosures in Standard 509(b) or Standard 509(c) "must be repeated or there must be a link ... that is sufficiently proximate and prominent." In other words, when a law school advertises its employment rate, the Council may prescribe how and what the school must provide in order to not provide incomplete, false, or misleading information.

Given the analyses schools include in their offer letters and accompanying materials such as viewbooks or marketing flyers, the Council can choose to require schools to attach the Standard 509 Information Report and the Employment Summary Report as the means for a school to satisfy Standard 509(a). At minimum this prescription would guarantee receipt of the relevant information to anyone who would actually have the opportunity to attend, even if no marketing materials are sent at the time. A school that never sends marketing materials to an admitted student with information covered by Standard 509 would be the first.

If the Section does not agree with the preceding analysis, Standard 509(d) allows the Council to mandate disclosure of at least the Standard 509 Information Report. Here's the relevant portion of the Standard 509 Guidance Memo:

Law Schools that offer conditional scholarships must include the conditional scholarship information from the Standard 509 Information Report at the time that a conditional scholarship offer is extended. It is not sufficient to provide a link to the page on the ABA's website where the law school's 509 Information Report can be generated. The data itself must be posted.¹⁰³

Instead the Council can choose to require the school to provide the Standard 509 Information Report instead of the above prescription. Indeed, this would help the recipient of the conditional scholarship offer put the scholarship offer in context because the report includes data about tuition, cost of living, and scholarship amounts. This method, unfortunately, only helps reach a subgroup of accepted students (those receiving conditional scholarships) at a subgroup of schools (those offering conditional scholarships).¹⁰⁴ But that subgroup includes about half of all schools and about half of those schools' students. That's worth doing.

To reach the remaining students (about 75% of accepted 1Ls), the Council would need to amend Standard 509 or find other justification under the ABA Standards. A change would also be necessary in the event that the Council believes it does not have *any* present authority to mandate

¹⁰³ *Id.*

¹⁰⁴ *Supra* LST Data Dashboard, note 2, <https://data.lawschooltransparency.com/costs/conditional-scholarships/>.

the inclusion of the Standard 509 Information Report and the Employment Summary Report with the offer of admission. Here, the ABA Law Students Division's recent letter to the Council is relevant:

We call upon the Council to require all Standard 509 reports be provided with every admission letter. We affirm that Standard 509 reports are not readily known by potential law students and should be presented in an effort to increase consumer protection.¹⁰⁵

Indeed, the information contained in the two reports is important enough that schools should send it as part of the admissions package.

5. Voluntary Disclosures by Law School

Every ABA-approved law school should voluntarily publish its school-specific NALP Report each year.

Since 1974, the National Association of Law Placement ("NALP") has processed annual graduate employment and salary data collected by individual law schools. All ABA-accredited law schools are surveyed by NALP, and the schools use NALP graduate survey forms or something similar to collect data from their graduates and then pass the data on to NALP. NALP checks the data for discrepancies or obvious questions, and returns analyses back to law schools in the form of a 25+ page report. NALP does not make individual school reports public, but individual law schools may voluntarily make their respective NALP reports public.




The NALP report is valuable to prospective law students because of information it contains. An individual school report has employment information that goes well beyond ABA-mandated disclosures and includes salary data (aggregated in categories, not individual salaries) and employment outcomes data about job source (e.g., OCI, networking, or direct mailings), job offer timing (before graduation, before bar results, after bar results), employed graduate search status (employed graduates who are either still seeking or not seeking), job region and job states, and job type breakdowns by employer type (e.g., Government–J.D. Advantage). When a school chooses to publish its NALP report and make it easily accessible, the school makes it easy to compare its graduates' outcomes with those from other schools that also choose to make the report public.

Starting with the class of 2010, LST requested that schools make these reports available to the public. At the time, no school made its report public even though the only costs associated with making it available were scanning the document and uploading it to their website. Today, about

¹⁰⁵ Unpublished Letter.

60% of schools make the report public. **Table G** (below) shows the status of NALP report disclosure as of January 10, 2018—and we expect reports to continue to trickle in.¹⁰⁶

Table H

Year	Total Reports (%)	 Full Reports	 Partial Reports	 Withheld Reports	No Reports Available
2016	117 (58.5%)	106	11	83	3
2015	118 (59%)	102	16	82	5
2014	125 (62.8%)	112	13	74	4
2013	115 (58.7%)	103	12	81	4
2012	112 (57.1%)	97	15	84	4
2011	97 (49.7%)	84	13	98	2
2010	63 (32.8%)	63	0	129	8

As of January 24, 2018

While some schools have instituted a culture of transparency and go beyond the ABA standards without publishing the NALP report, it can still be difficult for prospective students to compare schools due to differences in terminology and presentation on school websites. NALP reports give students data in a uniform manner, helping them to compare schools based on the job metrics most important to them.

¹⁰⁶ *Supra* LST Data Dashboard, note 2, at <https://data.lawschooltransparency.com/transparency/nalp-report-database/>.

Next Steps

This report is the product of discussions with young lawyers, law students, legal academics, and leadership in various sections and divisions in the ABA. The process started immediately after the Standards Review Committee convened its roundtable in July 2017 to discuss how to encourage innovation and address challenges related to cost, declining job opportunities, and declining bar passage rates. Transparency emerged as an essential, immediate step.

The transparency measures outlined in this report have been designed to address the most pressing issues in legal education. Every suggestion from this report can be accomplished by the Section of Legal Education without additional authority from the ABA Standards. In many cases, the suggestions can be accomplished without additional reporting burdens for law schools. In other cases, schools already possess the data but are not required to report it as part of the annual questionnaire. On balance, the value of public data will outweigh the costs of reporting in these cases.

We do recognize that there are important, formal processes in place to add items to the Standard Review Committee's annual agenda. We nevertheless hope that when the Council for the Section of Legal Education next meets—in San Antonio on February 8-10, 2018—the Council will choose to encourage its Standards Review Committee and the Section staff to review this report's proposals related to data collection and data presentation and, as appropriate, add items to the agenda for the coming year.

In further pursuit of a better, more responsive legal education, we also hope the Council will consider adding two young lawyers to the Council in 2018 and guarantee two spots in the future. At minimum, we hope the Council will more broadly circulate notice of Council nominations to generate a more diverse slate of nominees.

Finally, every faculty member and administrator at a law school that does not annually publish its NALP Report should assess why this choice has been made. We hope the state bar associations, especially the young lawyer divisions and committees focused on professionalism, will impress upon schools within their jurisdictions the importance of taking a very basic step to improve transparency. Appendix B has a list of the latest non-participating schools by state. Schools of all types fall in either group.

Strengthening the pipeline from prelaw students to law students to young lawyers begins with addressing the price of legal education. Enacting the proposals from this report will help consumers make more informed decisions, exert downward pressure on law school tuition prices, advance legal education research of cost and diversity, and increase accountability. All together, these proposals help secure the legal profession's continued, important place in society.

Appendix A: Proposed Employment Summary Report

EMPLOYMENT SUMMARY FOR 2017 GRADUATES

Employment Type	Full Time Long Term	Other	Total
Bar Passage Required	373	14	387
J.D. Advantage	61	11	72
Professional	4	2	6
Non-Professional	1	0	1
School Funded	9	24	33
Type Unknown	0	0	0
Employed Total	448	51	499
Non-Employed			
Pursuing Graduate Degree Full Time			10
Unemployed: Deferred Start Date			0
Unemployed: Not Seeking			6
Unemployed: Seeking			37
Status Unknown			3
Non-Employed Total			56
Total Graduates			555

Employer Type	Full Time Long Term	Other	Total
Law Firm			
Solo	0	0	0
2-10 Attorneys	32	10	42
11-25 Attorneys	16	1	17
26-50 Attorneys	7	0	7
51-100 Attorneys	14	2	16
101-250 Attorneys	15	0	15
251-500 Attorneys	31	0	31
501+ Attorneys	130	3	133
Size Unknown	0	0	0
Business & Industry	47	11	58
Government	84	0	84
Public Interest	20	0	20
Federal Clerkship	21	0	21
State, Local, & Other Clerkship	21	0	21
Education	1	0	1
School Funded	9	24	33
Employer Type Unknown	0	0	0
Employed Total	448	51	499
Non-Employed Total			56
Total Graduates			555

Employment Location	State	Total
Most Common Employment Destination	Washington D.C.	242
Second Most Common Employment Destination	New York	57
Third Most Common Employment Destination	Virginia	51

CHANGE LOG

- * Simplified form header to remove extraneous information that is easy to find in many places
- * Collapsed 3 columns involving short-term or part-time jobs into 1 "other" column
- * Changed last column from "Number" to "Total"
- * Altered headings: "Employment Status" became "Employment Type" (bar passage required is not a status but a type of employment) and "Employment Type" became "Employer Type" (law firm is an employer, regardless of what someone does for the firm; also makes for consistency with the "employer type unknown" subcategory of "employer type")
- * Introduced new heading "Non-Employed" to reflect any category that does not reflect employed graduates. Purpose is to show context for employer type and employment status tranches, without repeating rows of data unnecessarily
- * Separated Employed and Non-Employed tables
- * Introduced sum rows for "Non-Employed" so "Employer Type" has clearer context
- * Changed coloring (white to light yellow) on any row that is the sum of other rows
- * Added "attorneys" to each row title under the "law firm" employer type category; switched "Unknown Size" to "Size Unknown" for consistency with other unknown subcategories; made "Law Firms" singular to be consistent with sibling categories, e.g. government.
- * Changed "Pub. Int." to "Public Interest"
- * Combined state & local clerkship row with other clerkships row into 1 row
- * Added new row under employer type for school-funded jobs, which resulted in school-funded jobs (as defined above the line) in other categories, e.g. education or public interest, being removed from those categories
- * Removed school-funded jobs table (BPR, JDA, etc), but this would still be available via spreadsheet
- * Changed row titles for employment location for clearer statement of what's reflected
- * Removed foreign employment row

KEY POINTS

- * Accomplished without changing data collection process at all
- * Maintains status quo on school-funded jobs, e.g. these jobs remain above the line, excluded from BPR, JDA, Pro, and NP categories
- * Reduced cells from 155 to 87, 56% reduction
- * Does not unnecessarily collapse categories that demonstrate significant differentiation
- * Clearer and more consistent naming conventions
- * Maximizes visual cues that enhance consumer comprehension, including spacing, punctuation, and color

Appendix B: Schools That Did Not Publish Their 2016 NALP Report, by State

Alabama	Faulkner University
	Samford University
	University of Alabama
Arizona	Arizona State University
	Arizona Summit Law School
Arkansas	University of Arkansas - Fayetteville
California	Chapman University
	Southwestern Law School
	Stanford University
	University of California - Davis
	University of La Verne
	Western State University
Connecticut	Quinnipiac University
	University of Connecticut
	Yale University
Delaware	Widener University - Delaware
Florida	Ave Maria School of Law
	Barry University
	Florida A&M University
	Florida Coastal School of Law
	Florida International University
Georgia	Emory University
	Mercer University
	John Marshall Law School - Atlanta
Hawaii	University of Hawaii
Idaho	Concordia University School of Law
	University of Idaho
Illinois	University of Chicago
Indiana	Indiana University - Indianapolis
	University of Notre Dame
	Valparaiso University
	Drake University
Iowa	University of Kentucky
Kentucky	University of Louisville
	Southern University Law Center
Louisiana	Tulane University
Massachusetts	Boston University
	Harvard University
	New England School of Law
	Northeastern University
	Suffolk University
Michigan	Thomas M Cooley Law School
Minnesota	Mitchell Hamline School of Law
Missouri	St. Louis University
	Washington University in St Louis
Nebraska	Creighton University

New York	Brooklyn Law School Hofstra University Touro College SUNY Buffalo
North Carolina	Campbell University Charlotte School of Law Duke University Elon Law School North Carolina Central University Wake Forest University
Ohio	Ohio Northern University
Oregon	Willamette University
Pennsylvania	Duquesne University Pennsylvania State University - Dickinson Law University of Pennsylvania University of Pittsburgh Villanova University Widener University - Pennsylvania
Rhode Island	Roger Williams University
South Carolina	Charleston School of Law
South Dakota	University of South Dakota
Tennessee	Belmont University Lincoln Memorial University
Texas	South Texas College of Law Houston Texas Southern University
Vermont	Vermont Law School
Virginia	Appalachian School of Law Liberty University Regent University University of Richmond University of Virginia
Washington	Gonzaga University University of Washington
Washington, D.C.	Catholic University of America George Washington University Howard University
Wyoming	University of Wyoming

WASHINGTON STATE
BAR ASSOCIATION

MEMO

To: The WSBA Board of Governors
From: Rajeev D. Majumdar
Subject: Member Engagement Work Group Charter

Action: Approve Extension of Member Engagement Work Group Charter.

The Membership Engagement Work Group is requesting an indefinite extension of its charter so that it may best fulfill its charter.

The WSBA BOG adopted its Member Engagement Work Group Charter on July 27, 2018, in order to gauge member engagement and sentiment and to continually improve WSBA's reputation and the reputation of the board. It was charged with putting together a written plan regarding best practice, and investigating member-engagement in general. It was given a deadline of the "October Board Meeting" to produce a report, and the Chair of the committee, Dan Clark, feels this is insufficient time to do a proper investigation. In addition there does not appear to be an October Board Meeting.

The Work Group seeks permission of the BOG for an open-ended time frame, so that it may produce the best work product possible, and make other recommendations to the BOG such as including members on the work group. The work product of the committee will be very useful and guide our policy making, and I believe they should be given the time the Chair requests and trust his judgment.

WASHINGTON STATE BAR ASSOCIATION

Member Engagement Work Group

PROPOSED ROSTER

- A governor who shall serve as chair:
 - **Dan Clark**
- A first-, second-, and third-year governor (based on 2018-19)
 - **Mike Cherry**
 - **Paul Swegle**
 - **Carla Higginson**
- An at-large governor
 - **Russell Knight**
- A WSBA officer
 - **Rajeev Majumdar**

WASHINGTON STATE BAR ASSOCIATION

Member Engagement Work Group CHARTER

(Adopted by the WSBA Board of Governors on July 27, 2018)

Background

The WSBA must rely on member involvement, feedback, and expertise to operate and meet its mission; as such, the Board of Governors must continually interface with members to create mutual understanding, drive priorities, form relationships, and share involvement opportunities. Governors would like a reliable way to gauge member engagement and sentiment and to continually improve WSBA's reputation and the reputation of the board.

Work Group Purpose

The work group shall create a written plan and best practices for governors to:

- Educate members in a proactive manner about WSBA's and the Board of Governors' actions and work.
- Involve members in the decision-making process by informing them and asking for input on a regular basis.
- Involve members in a positive manner with WSBA governance.
- Involve governors on a one-on-one, relationship-building basis with individuals who contact WSBA with concerns or feedback.
- Ensure ongoing updates to the Board of Governors about WSBA member-engagement processes and measurement.

As part of the plan, work-group members shall:

- Define "member engagement" and its role in the board's governance process; this may include outreach to other mandatory/unified bar associations to determine how they engage members and for what purposes.
- Create an agreement—with norms, values, and responsibilities—for how governors will represent themselves, WSBA, and their fellow governors while conducting official outreach to members and the public.
- Identify which board processes and decisions most need member input for the coming year and propose coordinated outreach efforts.
- Determine how board member-engagement efforts and goals should dovetail with WSBA member-engagement efforts and goals already underway.

Timeline

The work group shall begin meeting no more than six weeks after appointments are completed, and shall submit its report not later than the October Board of Governors meeting, unless the board agrees to extend this timeline.

Work Group Membership

The work group shall consist of the following voting members:

- A governor who shall serve as chair
- A first-, second-, and third-year governor (based on 2018-19)
- An at-large governor
- A WSBA officer

The Executive Director will designate a WSBA staff liaison. In accordance with WSBA Bylaws Art. IX(B)(2)(e) and (f), the members and the chair of the work group will be appointed by the WSBA President subject to being accepted or rejected by the board.

MEMORANDUM

To: The President, President-Elect, Immediate-Past President, and Board of Governors

From: Ken Masters, Chair, Civil Litigation Rules Drafting Task Force

Date: September 12, 2018

Re: Suggested Amendments to CR 1; New CR 3.1; Amendments to CR 11; Amendments to CR 26; Amendments to CR 37; New CR 53.5; Amendments to CR 77

ACTION: To approve suggested amendments to CR 1, New CR 3.1, amendments to CR 11, CR 26, CR 37, New CR 53.5, and amendments to CR 77.

This item was on the agenda for first reading at the July 27-18, 2018, BOG meeting. There are no changes to the materials since the July BOG meeting.

THE HISTORY OF THESE SUGGESTED RULES

Escalating Cost of Civil Litigation Task Force

Beginning in 2001, our Supreme Court began to develop a Civil Legal Needs Study. By 2003, the Study had established that 88% of low income people did not obtain the assistance of a lawyer for their legal problems.

A 2009 survey of the ABA's Litigation Section that received 3,300 responses showed 81% believed litigation was too expensive, and 89% believed litigation costs are disproportionate for small cases. The same year, a WSBA member survey that received 2,309 responses showed that 75% *agreed* (39%) or *strongly agreed* (36%) that litigation has grown too expensive.

In response, this Board of Governors chartered its Task Force on the Escalating Costs of Civil Litigation (ECCL) in 2011. The Task Force and its subcommittees, which included volunteers not on the Task Force, contained a veritable who's who of litigators (12), judges (4), and other access-to-justice champions (33). The ECCL was chartered to:

Assess the current cost of civil litigation in Washington State Courts and make recommendations on controlling those costs. "Costs" shall include attorney time as well as out-of-pocket expenses advanced for the purpose of litigation. The Task Force will focus on the types of litigation that are typically filed in the Superior and District Courts of Washington.

The initial 18-month charter was extended three times. In 2015, the ECCL submitted its **final report** to the Board of Governors, with numerous recommendations.

Also in 2015, the Civil Legal Needs Study was updated. It showed little improvement in most areas, and a worsening in some.

The BOG's Adopted Recommendations

Accepting the ECCL Report, the Board of Governors determined to study its recommendations, one by one, over the course of an entire year. After extensive study and discussion, including feedback from a wide variety of stakeholders, of the dozen major areas in which the ECCL made recommendations, the BOG wholly adopted six, and partially adopted two, in **July 2016**:

Wholly adopted ECCL recommendations:

- Initial Case Schedules
- Judicial Assignment
- Mandatory Discovery Conferences
- Mandatory Initial Disclosures
- Pretrial Conferences
- Early Alternative Dispute Resolution

Partially adopted ECCL recommendations:

- Proportionality (rejected) & Cooperation (adopted)
- District Court (adopting some, but not all recommendations)

The BOG shared all of the above information with the Supreme Court, which indicated an interest in seeing suggested rules to implement these recommendations.

The ECCL Rules Drafting Task Force

The Board of Governors therefore chartered this Rules Drafting Task Force in November 2016, to suggest rules to implement the BOG's eight categories of recommendations. Specifically, the RDTF was chartered to

- review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations;
- prepare draft amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction (together with necessary and appropriate conforming amendments to other rules);

- solicit and receive input from lawyers, judges, and other interested persons and entities, on the suggested amendments;
- after consideration of the input, present a set of suggested rule amendments to the Board of Governors.

The roster – an outstanding array of genuine Rules Geeks, including four former Chairs of the WSBA Rules Committee, judges from the district, superior, and appellate courts, and numerous experienced litigators – is attached.

The RTDF divided itself into the following subcommittees:

Initial Case Schedules, chaired by Roger Wynne

Individual Judicial Assignments and Pretrial Conferences, chaired by Hillary Evans Graber

Early Discovery Conferences, chaired by Hon. John Ruhl

Initial Disclosures, chaired by Rebecca Glasgow

Cooperation, chaired by Jane Morrow

Mediation, chaired by Averil Rothrock

These groups studied the original ECCL Report, the Board of Governor's Report, numerous other studies and original sources, numerous other state and federal court rules, and our own civil rules. They gradually developed draft rules, which were then further studied/scrubbed by the RTDF as a whole.

Once acceptable drafts were developed, the suggested rules were vetted to a wide array of stakeholders. *See attached Stakeholders List.* These included a wide array of WSBA Sections, judicial organizations, and minority and specialty bars. RTDF proceedings, drafts, etc. were posted on the WSBA website, and input was widely solicited. All input was gratefully accepted, and carefully reviewed.

Based on the comments received, further redrafting/editing/scrubbing occurred. Eventually, the RTDF voted on each suggested rule, making additional amendments, edits, and other necessary changes, in response to stakeholder feedback.

The Culmination of Roughly a Decade of Volunteer Dedication

This long, careful, and painstaking process has produced the proposals discussed below. The WSBA has invested essentially a decade of effort – literally thousands, or perhaps even tens-of-thousands of hours of volunteer dedication – into producing these suggestions.

The RDTF firmly believes these suggestions have a real potential to reduce the cost of civil litigation for all Washington citizens, for the reasons specified in the original ECCL Report, in the Board's Report, and below. We highly commend them to you.

THE SUGGESTED RULES:

CR 1: Cooperation

The RDTF focused on a 15-month endeavor to draft civil rule proposals recognizing the principle of cooperation adopted by the Board of Governors. Although there appears to be a general consensus that cooperation is an essential element to just, speedy, and inexpensive civil litigation (just as it so commonly is in criminal litigation) there currently is no provision expressly requiring cooperation in the Civil Rules.

The consensus on the RDTF was to embody the general principle, and then to draft specific rules. To this end, the RDTF focused on the cooperation principle stated on page 28 of the ECCL's Final Report:

[The Civil Rules] shall be construed, administered and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action.

This ECCL recommended rule amendment came directly from CR 1 – SCOPE OF RULES of the Washington State Rules for Superior Court.

The RDTF further investigated where the duty to cooperate arises in the law. All court rules must be read in light of attorneys' duties and principles embodied in the Rules of Professional Conduct. Among other things, the RPCs require that

A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.

RPC 3.2. The term "reasonable" is defined as follows in RPC 1.0A(h):

"Reasonable" or "reasonably" when used in relation to conduct by a lawyer denotes the conduct of a reasonably prudent and competent lawyer.

The RTDF ultimately concluded that lawyers have a duty of "reasonable cooperation" to secure the just, speedy, **and inexpensive** determination of every action.

In light of the above RPCs, and others, "reasonable cooperation" suggests efforts to expedite litigation consistent with the prudence and competence required of all lawyers in pursuing the interests of their

clients, including treating everyone with courtesy and respect in all phases of the litigation. *See, e.g.*, RPC 1.1 (“A lawyer shall provide competent representation to a client”); RPC 1.3 (“A lawyer shall act with reasonable . . . diligence in representing a client”) & Comment [1] (“The lawyer’s duty to act with reasonable diligence does not require the use of offensive tactics or preclude the treating of all persons involved in the legal process with courtesy and respect”); RPC 3.4 (“A lawyer shall not: (a) unlawfully obstruct another party’s access to evidence . . . ; (d) in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party”).

All of this is consistent with an attorney’s duties as an advocate, as the RPC Preamble makes clear:

(1) A lawyer, as a member of the legal profession, is a representative of clients, an officer of the court and a public citizen having special responsibility for the quality of justice.

(2) . . . As advocate, a lawyer conscientiously and ardently asserts the client’s position under the rules of the adversary system. . . .

...

(5) . . . A lawyer should use the law’s procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials.

...

(9) . . . These principles include the lawyer’s obligation conscientiously and ardently to protect and pursue a client’s legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system.

Beyond reading “reasonable cooperation” in light of attorney ethical duties – always a must with any court rule¹ – the RDTF did not believe it was necessary or advisable to define “reasonable cooperation” in the rule itself. As a practical matter, court rules generally do not define their own terms (that is far more common in statutes).

Rather, courts interpret the language of court rules, preferring plain language over technical interpretations. Common English definitions of “cooperation” include, the “actions of someone who is being helpful by doing what is wanted or asked for: common effort”; the “act of working together to come up with the most efficient and cost-effective solution to a problem or issue”; and “people working toward a common end.” While an attorney’s advocacy duties within our adversary system may

¹ Although *pro se* litigants will also have to follow these rules, they are held to the standard of care of a lawyer, so are expected to meet the ethical standards as well.

sometimes preclude a fully “common end” approach, making a “common effort” to resolve the parties’ dispute with “the most efficient and cost-effective solution to a problem or issue” is fully consistent with those duties. That is the spirit of this new rule: working together to secure the just, speedy, and inexpensive determination of every action, consistent with the best interests of each client.

Suggested CR 1 is a broad statement of purpose whose point is to increase awareness of its overarching principles. Ultimately, cooperation will be case and fact specific and will be developed not only on a case-by-case basis, but more so on an issue-by-issue basis. Some objected that this would encourage more litigation. Perhaps. But the RDTF’s objective was not to reduce necessary litigation. Rather, it was to reduce *the costs* of that litigation. Requiring reasonable cooperation among all those concerned is highly likely to achieve that end.

New CR 3.1: Initial Case Schedules

The RTDF recommends a new Civil Rule 3.1, and an amended Civil Rule 26(b)(5), to require initial case schedules where appropriate. New CR 3.1(a) would set the default requirement for a Superior Court to issue an initial case schedule with deadlines stated in terms of weeks before the trial date, which would be set for 52 weeks after the action is commenced. Below is a helpful chart illustrating how those deadlines would fall on a calendar for an action commenced January 2.

Illustration of a Proposed Initial Case Schedule

<i>EVENT</i>	<i>Weeks before TRIAL</i>	<i>EXAMPLE WITH DATES</i>
Filing	52	Tuesday, January 2, 2018
Initial discovery conference	45	Tuesday, February 20, 2018
Discovery plan and status report	43	Tuesday, March 6, 2018
Initial disclosures	39	Tuesday, April 3, 2018
Joint selection of mediator, if any	37	Tuesday, April 17, 2018
Appointment of mediator if parties do not jointly select	36	Tuesday, April 24, 2018
Notice of compliance with early mediation	32	Tuesday, May 22, 2018
Expert disclosures, primary	26	Tuesday, July 3, 2018

Expert disclosures, rebuttal	20	Tuesday, August 14, 2018
Discovery cutoff	13	Tuesday, October 2, 2018
Dispositive motions, filing deadline	9	Tuesday, October 30, 2018
Pretrial report	4	Tuesday, December 4, 2018
Pretrial conference	3	Tuesday, December 11, 2018
Trial	0	Tuesday, January 1, 2019

Several of the events on the schedule (such as for a discovery plan, initial disclosures, and early mediation) do not currently exist in the Civil Rules – but are proposed herewith.

To add substance to the deadline for expert witness disclosures, the proposal to amend CR 26(b)(5) requires each disclosure to include the type of information required in response to an expert interrogatory.

New CR 3.1(b) clarifies how to set a deadline falling outside a business day, and subsection (c) requires timely service of the schedule.

Subsection (d) authorizes the court to modify an initial case schedule on its own initiative or a motion. Complexity or impracticability are stated grounds for a motion to modify, as is “good cause,” backed by a demonstration of due diligence. The court is also required to modify the schedule to respect an order preventing direct interaction between persons.

Subsection (e) lists many specific types of actions exempt from the rule.

Subsection (f) authorizes each court to exempt any individual action or type of action for which the court deems compliance with the rule to be impracticable.

The BOG wisely recommended a case schedule. We think this will reduce the costs of civil litigation across Washington.

CR 11 & 37: Requiring Cooperation

Because the Board of Governors voted to support “requiring cooperation as a guiding principle,” the RDTF reviewed how it could “require cooperation,” or alternatively, allow for sanctions for failing to cooperate. The proposed CR 11 and CR 37 permit sanctions for failing to cooperate in pleadings, motions, and legal memoranda that go beyond discovery sanctions currently available.

Proposed CR 11 is designed to be a more specific statement of this purpose. Its goal is to increase attorney awareness of CR 1 and its overarching principles in the process of litigation, and to provide a sanction provision for failures to reasonably cooperate.

Various questions were raised during vetting and scrubbing whether sanctions would be best placed in CR 37. But CR 37 applies to discovery. The RTDF recommends a broader scope for cooperation, consistent with the Board's direction.

Stakeholders recognized that the RPCs already require a certain level of professional conduct including that required under RPC 3.1, 3.4, and 8.4. But as discussed above with proposed CR 1, this does not render the duty to reasonably cooperate redundant. An attorney's failure to cooperate under the RPCs may result in a complaint and disciplinary processes, but it is highly unlikely that an opposing counsel encountering an uncooperative attorney would file a bar complaint about the conduct, unless it was frequent, persistent, or particularly egregious. Also, using the disciplinary process to deal with uncooperative behavior has a less direct effect, if any, on the costs of civil litigation. Finally, the RPCs would not be a useful precedent when proceeding with a sanctions motion addressing cooperation. The RPCs give no basis in motions practice for the imposition of sanctions.

We also recognize the risk of inviting new CR 11 motions with any proposed amendment. But again, our task is not to decrease litigation, but to decrease the costs of litigation. Permitting sanctions for failures to reasonably cooperate serves that mission.

We are also aware of independent policies and guidelines such as the King County Bar Association Guidelines of Professional Courtesy, the WSBA's Creed of Professionalism, and judges' individual guidelines of practice within their courts. But we remain committed to the term "reasonably cooperate." The addition of the word "reasonably" is intended to allow for a judge's discretion based on the specific circumstances in each case brought before the court.

FRCP 11 provides for notice and a reasonable opportunity to respond. The subcommittee agreed to add a similar cooperation obligation under CR 11 with the requirement that notice be provided to the alleged offending party before going to the Court. The Task Force also included the cooperation element in a proposal for CR 26 and CR 37. These additions would encompass general discovery.

Adoption of proposed CR 11 will stand as a precedent in this nation for changing the culture of civil litigation. We believe that the proposed rules will effectively reduce the cost of civil litigation.

CR 16: Pretrial Procedure

This proposal would amend CR 16 by mandating that the parties confer about and submit a pretrial report to the court. The pretrial report would cover a certain list of subjects, including material issues in dispute, agreed material facts, a list of lay and expert witnesses, exhibit index, and most importantly, ways to shorten the trial. The proposal would also modify and add to the topics the trial judge should consider at any pretrial conference.

The ECCL believed that requiring the parties to consider these issues and then meet to discuss them with the trial judge before trial would encourage the parties to prepare for trial earlier and would result in shorter, less costly trials. The ECCL Report, which provides detailed reasoning, is attached. The RDTF researched pretrial conference rules in Washington local court rules, other state's court rules, and the federal rules. This rule incorporates the list identified by the ECCL Task Force with a few additions based primarily on Washington state court local rules.

Proposed CR 16 requires counsel to meet and confer to hammer out issues in advance of trial. The proposed language will engage litigants to control trial costs, while preserving judicial discretion and authority to manage the courtroom. We believe that the rule as proposed will effectively reduce the cost of civil litigation.

CR 26: Cooperation in Discovery.

There are several proposed revisions to CR 26 to effectuate the Board of Governors' Report. In keeping with the plan of this memo, we will walk through them in order.

CR 26(a) – Cooperation

The Task Force reviewed potential language addressing cooperation that would fall under CR 26. Local Federal Rule of Civil Procedure 26(f) of the Western District of Washington provides, in part:

Counsel are expected to cooperate with each other to reasonably limit discovery requests, to facilitate the exchange of discoverable information, and to reduce the costs of discovery.

From this, the Task Force looked at alternate proposed provisions adding similar language into either CR 26(a) or CR 26(b). Because discovery abuses are often seen in the scheduling of inspections and depositions, it was determined that the most logical place to add this proposal would under CR 26(a).

The Task Force discussed the problem with attempting to "reasonably" limit discovery requests. This went beyond our assigned task. There is, of course, a tension between accepting the ECCL Task Force cooperation recommendation, but not placing limits on discovery, as they also recommended. But the BOG resolved to do one without the other, which is certainly plausible. As a result, references to discovery limitations came out, and the final proposed CR 26 tracked the order and language of CR 26(a).

CR 26(b) – Initial Disclosures

The ECCL and the BOG recommended adopting initial disclosures in Washington.

All claims and defenses or only the disclosing party's claims and defenses? The RDTF concluded that requiring disclosure of people possessing any relevant information about any claim or defense, rather than only their own claims or defenses, would likely increase the cost of civil litigation. We came to the

same conclusion regarding disclosure of documents and other relevant evidence. Requiring a party to initially disclose information related to claims or defenses raised in the opposing party's pleadings would likely require extensive searching for potential evidence even though the claims or defenses raised by the other side may not yet be clear. Traditional targeted discovery can still be conducted and would be a more efficient.

Computation of damages. We concluded that the rule should not require a computation for general and noneconomic damages. Initial disclosures would occur too early in the case to reasonably require this. A description of general and noneconomic damages is required.

Retained experts. In response to a stakeholder comments, we excluded retained experts from the required disclosure of individuals possessing relevant information. The case schedule requires expert disclosures later in the case.

Witnesses and evidence to be used solely for impeachment. After discussion, we adopted a proposal to exclude any witness and any relevant evidence that would be used solely for impeachment. This is standard litigation practice in Washington.

Insurance. We discussed feedback that some stakeholders would prefer to require initial disclosures of relevant insurance agreements in every case. We voted to require disclosing a copy of the insurance agreement only where insurance coverage is or may be contested, but to require disclosing the declarations page in every case. Requiring disclosing the full agreement in every case would lead to increased costs because it not likely necessary in the run of cases, and unnecessary motions practice for protective orders would be common. Because this rule does not limit traditional discovery, a party can request a copy of relevant insurance agreements at any time.

CR 26(c)(5)(A)(ii) – Expert Disclosures

This provision specifies the content of expert disclosures required under the initial case schedule. Being specific lowers uncertainty, increasing compliance and lowering costs.

In sum, The RTDF agrees with the BOG that initial disclosures will decrease the costs of civil litigation in Washington.

CR 30: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 32: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 33: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 34: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 36: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 37: Cooperation & Technical Revisions

Most of this rule is amended simply to reflect the renumbering of other rules. No substantive change is intended. The changes regarding reasonable cooperation are discussed *supra*.

CR 43: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

CR 53.3: Technical Revision

This rule is amended simply to reflect the renumbering of other rules. No substantive change is intended.

New CR 53.5: Early Mediation

This new proposed CR 53.5 governs required mediation in civil cases. A case schedule or court order may require mediation. For example, the proposed new CR 3.1 requires an initial case schedule that will include an early, mandatory mediation deadline. Proposed CR 3.1 excepts some civil cases from this requirement.

Additionally, proposed CR 53.5(a) allows the court to order any parties to mediate pursuant to this rule even where not otherwise required. In most cases, a mediation required by a civil case schedule must occur after the parties receive Initial Disclosures, but before expert disclosures must be prepared and served. See proposed CR 3.1(a) and proposed CR 26(b). This is approximately 32 weeks before trial in a case that is to be resolved on a one-year timetable.

Proposed CR 53.5 requires parties to begin working together on a negotiated resolution of their case earlier rather than later. The goal is that the rule will help litigants resolve or progress in their cases, and that cost savings may be achieved in those cases that resolve.

Proposed CR 53.5 works in concert with Uniform Mediation Act, Chapter 7.07 RCW, which applies to mediations. A potential for conflict exists regarding CR 53.5(h) and RCW 7.07.020(3). Both address

confidentiality of communications involving mediation. In the event of a conflict, CR 53.5(h) would control a party's ability to present evidence to substantiate a claim for sanctions for failure to comply with the requirements of CR 53.5. If such evidence might fall within a privilege created by RCW 7.07.020(3), the statutory confidentiality privilege would be abrogated for purposes of allowing a party to seek sanctions under proposed CR 53.5(h).

No one-size-fits-all mediation is required by this rule. Rather, we sought to allow sufficient flexibility in the form of the mediation, so that the procedures can evolve as the mediation evolves and can be adapted to each case and the parties involved.

Proposed CR 53.5(d)(1)-(2) require the mediator to confer with the parties and establish a procedure suited to the circumstances and input of the parties.

Additionally, the parties are not required to finish mediation to comply with proposed CR 53.5. As stated in CR 53.5(e), the parties must certify that they "held or commenced a mediation." Their efforts with the mediator can continue so long as they commenced a mediation within the time required.

Proposed CR 53.5(g) responds to a concern that certain cases might not be ready for mediation within the deadline, even though the deadline occurs after Initial Disclosures are served. This provision allows for an extension of the mediation deadline of no more than 60 days when specific discovery objectives are identified. A longer extension would undermine the purpose and overall plan that mandatory mediations occur "early," *i.e.*, before completing discovery.

We also created several provisions within proposed CR 53.5(c) to assure access to justice. Parties may select any person as a mediator if they agree. This allows flexibility and control. Parties also may obtain fee relief from the Court, including apportionment of the mediator's fee among parties with ability to pay, payment on a sliding scale, and assignment of a *pro bono* mediator, or any combination thereof. Proposed CR 53.5(b)(5) requires a person on the list of qualified mediators to accept appointment to one mediation each calendar year on a *pro bono* basis.

The RDTF agrees with the ECCL and the BOG that early mediation can be a powerful tool for reducing the costs of civil litigation. We commend it to you.

Suggested Adoption of Recommended ADR Practices

The BOG requested recommended "alternative dispute resolution practices." See July 2016 Board of Governors Report at IV.12. We sought input from many sources.

We perceive no conflict with any rules or statutes, but recommend that adoption of these best practices be advisory only. The can be posted on the Courts' website.

New CR 77(i): Judicial Assignment

The ECCL and the BOG recognized that having one judge assigned to a civil case from start to finish can improve judicial efficiency and reduce the cost of litigation. A judge who is already familiar with the parties and issues can more effectively manage discovery disputes, pretrial motions, and trial.

On the other hand, counties vary significantly with respect to the number of judges that hear civil cases. The ECCL recognized the importance of adopting a rule that allowed smaller jurisdictions to manage civil cases in the most efficient manner possible. Proposed CR 77(i) uses the word “should” instead of the ECCL’s “shall.”

In counties where judicial pre-assignment is not favored, judges and court administrators value the ability to assign trials and hearings as they arise so as to run the court schedule more efficiently – this is especially true in smaller jurisdictions. They also value the ability to delegate work to other judges or commissioners on an as-needed basis. Most courts that do not require pre-assignment allow litigants or court administration to request pre-assignment for large or complex cases.

To encourage judicial pre-assignment of cases where practicable, this proposal encourages courts to assign cases to a specific ***judicial officer***, expanding the concept of judicial pre-assignment to include all judicial officers.

All of the comments we received on this proposal were positive. The RDTF commends judicial pre-assignment as a cost-saving measure.

CRLJs

The RDTF faithfully followed the BOG’s direction to draft CRLJs regarding cooperation, initial case schedules, judicial pre-assignment, and early discovery. But when we vetted those proposals to the DMCJA, we received unusually strong feedback that our proposals – which largely mirrored the CR proposals – either would not decrease costs in the courts of limited jurisdiction, or conceivably might increase those costs. The DMCJA did not have immediate reservations about the reasonable cooperation provisions, so we are bringing those forward for the same reasons discussed *supra*. Nor did they object in principle to considering the other proposals. But they felt strongly that they needed further time to consider them.

The RDTF also felt that although we did have some practitioners and judges familiar with limited jurisdiction courts, we did not have sufficient expertise to fully appreciate the quite different litigation context presented in those courts. We therefore voted not to bring forward the remaining CRLJ proposals (other than the cooperation provisions) at this time. We understand from the DMCJA – whose current President sat on our Task Force – that they are open to working with a task force or work group on proposals to decrease the costs of civil litigation in their courts. We commend this idea to the BOG, along with our reasonable cooperation proposals, which we believe are the lynchpin for changing the culture of litigation in Washington.

ENCLOSURES

- Enclosure 1: Rule Proposals; redline and clean versions
- Enclosure 2: Roster
- Enclosure 3: Charter
- Enclosure 4: Stakeholder's List
- SUPPLEMENTAL
- 1: Final ECCL Report
- 2: July 2016 BOG Report
- 3: Comments Received

ENCLOSURE 1

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 1 – SCOPE AND PURPOSE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature, whether cognizable as cases at law or in equity, with the exceptions stated in rule 81. All parties and attorneys shall reasonably cooperate with each other and the court in all matters. They These rules shall be construed and administered consistently with this principle to secure the just, speedy, and inexpensive determination of every action.

DRAFT

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 1 – SCOPE AND PURPOSE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature, whether cognizable as cases at law or in equity, with the exceptions stated in rule 81. All parties and attorneys shall reasonably cooperate with each other and the court in all matters. These rules shall be construed and administered consistently with this principle to secure the just, speedy, and inexpensive determination of every action.

SUGGESTED AMENDMENT

SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

1 (a) Initial Case Schedule. When a summons and complaint are filed, and unless
2 exempted pursuant to this rule, the court shall issue an initial case schedule with at least the
3 following deadlines:

- 4 1. Initial Discovery Conference. The parties shall hold an initial discovery
5 conference no later than 45 weeks before the trial commencement date.
- 6 2. Discovery Plan and Status Report. The parties shall file a discovery plan and
7 status report no later than 43 weeks before the trial commencement date.
- 8 3. Initial Disclosures. The parties shall serve initial disclosures no later than 39
9 weeks before the trial commencement date.
- 10 4. Joint Selection of Mediator, if Any. If the parties intend to jointly select a
11 mediator, the plaintiff shall file a joint selection of mediator no later than 37
12 weeks before the trial commencement date.
- 13 5. Appointment of Mediator if Parties Do Not Jointly Select. If the plaintiff does not
14 timely file a joint selection of mediator, the court shall appoint a mediator and
15 notify the parties and the mediator no later than 36 weeks before the trial
16 commencement date.
- 17 6. Notice of Compliance with the Early Mandatory Mediation Requirement. The
18 plaintiff shall file a notice of compliance with the early mandatory mediation
19 requirement no later than 32 weeks before the trial commencement date.
- 20 7. Expert Witness Disclosures.
 - 21 A. Each party shall serve its primary expert witness disclosures no later than
22 26 weeks before the trial commencement date.
 - 23 B. Each party shall serve its rebuttal expert witness disclosures no later than
24 20 weeks before the trial commencement date.

SUGGESTED AMENDMENT

SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

2. No case schedule may require a party to violate the terms of a protection, no-
contact, or other order preventing direct interaction between persons. To adhere to
such orders, the court shall modify the case schedule on its own initiative or on a
motion.

(e) The following types of actions are exempt from this rule, although nothing in this
rule precludes a court from issuing an alternative case schedule for the following types of
actions:

RALJ Title 7, appeal from a court of limited jurisdiction;

RCW 4.24.130, change of name;

RCW ch. 4.48, proceeding before a referee;

RCW 4.64.090, abstract of transcript of judgment;

RCW ch. 5.51, Uniform Interstate Depositions and Discovery Act;

RCW ch. 6.36, Uniform Enforcement of Foreign Judgments Act;

RCW ch. 7.06, mandatory arbitration appeal;

RCW ch. 7.16, writs;

RCW ch. 7.24, Uniform Declaratory Judgments Act;

RCW ch. 7.36, habeas corpus;

RCW ch. 7.60, appointment of receiver if not combined with, or ancillary to, an
action seeking a money judgment or other relief;

RCW ch. 7.90, sexual assault protection order;

RCW ch. 7.94, extreme risk protection order;

RCW Title 8, eminent domain;

RCW ch. 10.14, anti-harassment protection order;

RCW ch. 10.77, criminally insane procedure;

RCW Title 11, probate and trust law;

SUGGESTED AMENDMENT

SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

RCW ch. 12.36, small claims appeal;

RCW Title 13, juvenile courts, juvenile offenders, etc.;

RCW 26.04.010, marriage age waiver petition;

RCW ch. 26.09, dissolution proceedings and legal separation;

RCW ch. 26.21A, Uniform Interstate Family Support Act;

RCW ch. 26.33, adoption;

RCW ch. 26.50, Domestic Violence Prevention Act;

RCW 29A.72.080, appeal of ballot title or summary for a state initiative or referendum;

RCW ch. 34.05, Administrative Procedure Act;

RCW ch. 35.50, local improvement assessment foreclosure;

RCW ch. 36.70C, Land Use Petition Act;

RCW ch. 51.52, appeal from the board of industrial insurance appeals;

RCW ch. 59.12, unlawful detainer;

RCW ch. 59.18, Residential Landlord-Tenant Act;

RCW ch. 70.09, sexually violent predator commitment;

RCW ch. 70.96A, treatment for alcoholism, intoxication, and drug addiction;

RCW ch. 71.05, mental illness;

RCW ch. 74.20, support of dependent children;

RCW ch. 74.34, abuse of vulnerable adults;

RCW ch. 84.64, lien foreclosure;

SPR 98.08W, settlement of claims by guardian, receiver, or personal representative;

SPR 98.16W, settlement of claims of minors and incapacitated persons; and

WAC 246-100, isolation and quarantine.

**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)**

New CR 3.1

1 (f) In addition to the types of actions identified in subsection (e), the court may, on a
2 party's motion or on its own initiative, exempt any action or type of action for which compliance
3 with this rule is impracticable.

**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)**

New CR 3.1

1 (a) Initial Case Schedule. When a summons and complaint are filed, and unless
2 exempted pursuant to this rule, the court shall issue an initial case schedule with at least the
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- 6 2. Discovery Plan and Status Report. The parties shall file a discovery plan and
7 status report no later than 43 weeks before the trial commencement date.
- 8 3. Initial Disclosures. The parties shall serve initial disclosures no later than 39
9 weeks before the trial commencement date.
- 10 4. Joint Selection of Mediator, if Any. If the parties intend to jointly select a
11 mediator, the plaintiff shall file a joint selection of mediator no later than 37
12 weeks before the trial commencement date.
- 13 5. Appointment of Mediator if Parties Do Not Jointly Select. If the plaintiff does not
14 timely file a joint selection of mediator, the court shall appoint a mediator and
15 notify the parties and the mediator no later than 36 weeks before the trial
16 commencement date.
- 17 6. Notice of Compliance with the Early Mandatory Mediation Requirement. The
18 plaintiff shall file a notice of compliance with the early mandatory mediation
19 requirement no later than 32 weeks before the trial commencement date.
- 20 7. Expert Witness Disclosures.
 - 21 A. Each party shall serve its primary expert witness disclosures no later than
22 26 weeks before the trial commencement date.
 - 23 B. Each party shall serve its rebuttal expert witness disclosures no later than
24 20 weeks before the trial commencement date.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

1 8. Discovery Cutoff. The parties shall complete discovery no later than 13 weeks
2 before the trial commencement date.

3 9. Dispositive Motions. The parties shall file dispositive motions no later than nine
4 weeks before the trial commencement date.

5 10. Pretrial Report. The parties shall file a pretrial report no later than four weeks
6 before the trial commencement date.

7 11. Pretrial Conference. The court shall conduct a pretrial conference no later than
8 three weeks before the trial commencement date.

9 12. Trial Commencement Date. The court shall commence trial no later than 52
10 weeks after the summons and complaint are filed.

11 (b) If application of subsection (a) would result in a deadline falling on a Saturday,
12 Sunday, or legal holiday, the deadline shall be the next day in the future that is not a Saturday,
13 Sunday, or legal holiday.

14 (c) The party instituting the action shall serve a copy of the initial case schedule on
15 all other parties no later than ten days after the court issues it.

16 (d) Permissive and Mandatory Case Schedule Modifications.

17 1. The court may modify the case schedule on its own initiative or on a motion
18 demonstrating (a) good cause; (b) the action's complexity; or (c) the
19 impracticability of complying with this rule. At a minimum, good cause requires
20 the moving party to demonstrate due diligence in meeting the case schedule
21 requirements. As part of any modification, the court may revise expert witness
22 disclosure deadlines, including to require the plaintiff to serve its expert witness
23 disclosures before the defendant if the issues in the case warrant staggered
24 disclosures.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

2. No case schedule may require a party to violate the terms of a protection, no-contact, or other order preventing direct interaction between persons. To adhere to such orders, the court shall modify the case schedule on its own initiative or on a motion.

(e) The following types of actions are exempt from this rule, although nothing in this rule precludes a court from issuing an alternative case schedule for the following types of actions:

RALJ Title 7, appeal from a court of limited jurisdiction;

RCW 4.24.130, change of name;

RCW ch. 4.48, proceeding before a referee;

RCW 4.64.090, abstract of transcript of judgment;

RCW ch. 5.51, Uniform Interstate Depositions and Discovery Act;

RCW ch. 6.36, Uniform Enforcement of Foreign Judgments Act;

RCW ch. 7.06, mandatory arbitration appeal;

RCW ch. 7.16, writs;

RCW ch. 7.24, Uniform Declaratory Judgments Act;

RCW ch. 7.36, habeas corpus;

RCW ch. 7.60, appointment of receiver if not combined with, or ancillary to, an action seeking a money judgment or other relief;

RCW ch. 7.90, sexual assault protection order;

RCW ch. 7.94, extreme risk protection order;

RCW Title 8, eminent domain;

RCW ch. 10.14, anti-harassment protection order;

RCW ch. 10.77, criminally insane procedure;

RCW Title 11, probate and trust law;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

1 RCW ch. 12.36, small claims appeal;
2 RCW Title 13, juvenile courts, juvenile offenders, etc.;
3 RCW 26.04.010, marriage age waiver petition;
4 RCW ch. 26.09, dissolution proceedings and legal separation;
5 RCW ch. 26.21A, Uniform Interstate Family Support Act;
6 RCW ch. 26.33, adoption;
7 RCW ch. 26.50, Domestic Violence Prevention Act;
8 RCW 29A.72.080, appeal of ballot title or summary for a state initiative or
9 referendum;
10 RCW ch. 34.05, Administrative Procedure Act;
11 RCW ch. 35.50, local improvement assessment foreclosure;
12 RCW ch. 36.70C, Land Use Petition Act;
13 RCW ch. 51.52, appeal from the board of industrial insurance appeals;
14 RCW ch. 59.12, unlawful detainer;
15 RCW ch. 59.18, Residential Landlord-Tenant Act;
16 RCW ch. 70.09, sexually violent predator commitment;
17 RCW ch. 70.96A, treatment for alcoholism, intoxication, and drug addiction;
18 RCW ch. 71.05, mental illness;
19 RCW ch. 74.20, support of dependent children;
20 RCW ch. 74.34, abuse of vulnerable adults;
21 RCW ch. 84.64, lien foreclosure;
22 SPR 98.08W, settlement of claims by guardian, receiver, or personal
23 representative;
24 SPR 98.16W, settlement of claims of minors and incapacitated persons; and
25 WAC 246-100, isolation and quarantine.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

New CR 3.1

1 (f) In addition to the types of actions identified in subsection (e), the court may, on a
2 party's motion or on its own initiative, exempt any action or type of action for which compliance
3 with this rule is impracticable.

1 **SUGGESTED AMENDMENT**
2 **SUPERIOR COURT CIVIL RULES (CR)**

3 **CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL**
4 **MEMORANDA; SANCTIONS**

5 (a) – (b) [Unchanged]

6 (c) Consistent with the overall purpose of these rules as set forth in CR 1, the court, upon motion
7 or its own initiative, may impose an appropriate sanction on any party or attorney who violates
8 the mandate of reasonable cooperation set forth in CR 1, which sanction may include an order to
9 pay to the other party or parties the amount of the reasonable expenses incurred because of the
10 lack of cooperation, including a reasonable attorney fee. The court will not entertain any motion
11 under this subsection unless the parties have conferred regarding the motion. The moving party
12 shall arrange for a mutually convenient conference in person or by telephone. The court may
13 impose sanctions if the court finds that any party or its counsel, upon whom a motion with
14 respect to matters covered by such rules has been served, has willfully refused or failed to confer
15 in good faith. Any motion seeking sanctions under this subsection shall include the moving
16 party's certification that the conference requirements of this rule have been met, or that the
17 moving party attempted in good faith to meet the conference requirements of this rule.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

**CR 11 - SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

(a) – (b) [Unchanged]

(c) Consistent with the overall purpose of these rules as set forth in CR 1, the court, upon motion or its own initiative, may impose an appropriate sanction on any party or attorney who violates the mandate of reasonable cooperation set forth in CR 1, which sanction may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the lack of cooperation, including a reasonable attorney fee. The court will not entertain any motion under this subsection unless the parties have conferred regarding the motion. The moving party shall arrange for a mutually convenient conference in person or by telephone. The court may impose sanctions if the court finds that any party or its counsel, upon whom a motion with respect to matters covered by such rules has been served, has willfully refused or failed to confer in good faith. Any motion seeking sanctions under this subsection shall include the moving party's certification that the conference requirements of this rule have been met, or that the moving party attempted in good faith to meet the conference requirements of this rule.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

1 ~~(a) Hearing Matters Considered. By order, or on the motion of any party, the court may~~
2 ~~in its discretion direct the attorneys for the parties to appear before it for a conference to~~
3 ~~consider:~~

4 ~~(1) The simplification of the issues;~~

5 ~~(2) The necessity or desirability of amendments to the pleadings;~~

6 ~~(3) The possibility of obtaining admissions of fact and of documents which will avoid~~
7 ~~unnecessary proof;~~

8 ~~(4) The limitation of the number of expert witnesses;~~

9 ~~(5) Such other matters as may aid in the disposition of the action.~~

10 ~~(a) Pretrial Report. All parties shall participate in completing a joint pretrial report filed~~
11 ~~no later than the date provided in the case schedule or court order. The pretrial report shall~~
12 ~~contain the following:~~

13 ~~(1) A brief nonargumentative summary of the case;~~

14 ~~(2) The agreed material facts;~~

15 ~~(3) The material issues in dispute;~~

16 ~~(4) The names of all lay and expert witnesses, excluding rebuttal witnesses;~~

17 ~~(5) An exhibit index (excluding rebuttal or impeachment exhibits);~~

18 ~~(6) The estimated length of trial and suggestions for shortening the trial; and~~

19 ~~(7) A statement whether additional alternative dispute resolution would be useful before~~
20 ~~trial.~~

21 ~~(b) Pretrial Conference. Each attorney with principal responsibility for trying the case,~~
22 ~~and each unrepresented party, shall attend any scheduled pretrial conference. At a pretrial~~
23 ~~conference, the court may consider and take appropriate action on the following matters:~~

24 ~~(1) Formulating and simplifying the issues and eliminating claims or defenses;~~

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

(2) Obtaining admissions and stipulations about facts and documents to avoid

unnecessary proof, and addressing evidentiary issues;

(3) Adopting special procedures for managing complex issues, multiple parties, difficult

legal questions, or unusual proof problems;

(4) Establishing reasonable time limits for presenting evidence;

(5) Establishing deadlines for trial briefs, motions in limine, deposition designations,

proposed jury instructions, and any other pretrial motions, briefs, or documents;

(6) Resolving any pretrial or trial scheduling issues; and

(7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

~~(b)~~ (c) Pretrial Order. The court shall enter an order reciting the following:

(1) the action taken at the conference;

(2) the amendments allowed to the pleadings; and

(3) the parties' agreements on any matters considered.

The pretrial order limits the issues for trial to those not disposed of by admissions or agreements of counsel and controls the subsequent course of the action, unless modified at trial to prevent manifest injustice.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

1 (a) Pretrial Report. All parties shall participate in completing a joint pretrial report filed
2 no later than the date provided in the case schedule or court order. The pretrial report shall
3 contain the following:

- 4 (1) A brief nonargumentative summary of the case;
- 5 (2) The agreed material facts;
- 6 (3) The material issues in dispute;
- 7 (4) The names of all lay and expert witnesses, excluding rebuttal witnesses;
- 8 (5) An exhibit index (excluding rebuttal or impeachment exhibits);
- 9 (6) The estimated length of trial and suggestions for shortening the trial; and
- 10 (7) A statement whether additional alternative dispute resolution would be useful before
11 trial.

12 (b) Pretrial Conference. Each attorney with principal responsibility for trying the case,
13 and each unrepresented party, shall attend any scheduled pretrial conference. At a pretrial
14 conference, the court may consider and take appropriate action on the following matters:

- 15 (1) Formulating and simplifying the issues and eliminating claims or defenses;
- 16 (2) Obtaining admissions and stipulations about facts and documents to avoid
17 unnecessary proof, and addressing evidentiary issues;
- 18 (3) Adopting special procedures for managing complex issues, multiple parties, difficult
19 legal questions, or unusual proof problems;
- 20 (4) Establishing reasonable time limits for presenting evidence;
- 21 (5) Establishing deadlines for trial briefs, motions in limine, deposition designations,
22 proposed jury instructions, and any other pretrial motions, briefs, or documents;
- 23 (6) Resolving any pretrial or trial scheduling issues; and
- 24 (7) Facilitating in other ways the just, speedy, and inexpensive disposition of the action.

25 (c) Pretrial Order. The court shall enter an order reciting the following:

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 16 – PRETRIAL PROCEDURE AND FORMULATING ISSUES

- (1) the action taken at the conference;
- (2) the amendments allowed to the pleadings; and
- (3) the parties' agreements on any matters considered.

The pretrial order limits the issues for trial to those not disposed of by admissions or agreements of counsel and controls the subsequent course of the action, unless modified at trial to prevent manifest injustice.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

(a) Discovery Methods and Cooperation.

(1) Methods. Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property, for inspection and other purposes; physical and mental examinations; and requests for admission.

(2) Cooperation. Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery, including using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery.

(b) Initial Disclosures.

(1) Content of Initial Disclosures. When the case schedule or a court order requires initial disclosures, a party shall, without awaiting a discovery request, provide to the other parties:

(A) The name, address, and telephone number of each individual possessing relevant information supporting the disclosing party's claims or defenses, excluding retained experts or any witness to be used solely for impeachment;

(B) A copy of each document and other relevant evidence supporting the disclosing party's claims or defenses, unless the use would be solely for impeachment; provided that if a document or other relevant evidence cannot easily be copied, the disclosing party shall make it reasonably available for inspection;

(C) A copy of each document the disclosing party refers to in a pleading;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (D) A description and computation of each category of damages the disclosing party
2 claims; provided that, a description—not a computation—suffices for general and noneconomic
3 damages;

4 (E) The declarations page of any insurance agreement under which an insurance
5 business may be liable to satisfy all or part of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment; and

7 (F) In any action where insurance coverage is or may be contested, a copy of the
8 insurance agreement, and all letters from the insurer regarding coverage.

9 (2) Parties Later Joined or Served. A party joined or served after the other parties have
10 made their initial disclosures shall comply with this rule within 60 days of being joined or
11 served, unless the court orders otherwise.

12 (3) Basis for Initial Disclosures; Unacceptable Excuses. A party shall make its initial
13 disclosures based on information known or reasonably available to that party. A party is not
14 excused from making its disclosures because it has failed to fully investigate the case, it
15 challenges the sufficiency of another party's disclosures, or another party has failed to make
16 required disclosures.

17 (b)(c) Discovery Scope and Limits. Unless otherwise limited by order of the court in
18 accordance with these rules, the scope of discovery is as follows:

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22 [renumbered (c)(1) – (c)(4) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

(5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts, otherwise discoverable under the provisions of subsection ~~(b)~~(c)(1) of this rule and acquired or developed in anticipation of litigation or for trial, may be obtained only as follows:

(A)(i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and to state such other information about the expert as may be discoverable under these rules.

(ii) Unless these rules impose an earlier deadline, and in no event later than the deadline for primary or rebuttal expert witness disclosures imposed in a case schedule or court order, each party shall identify each person whom that party expects to call as a primary or rebuttal expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and state such other information about the expert as may be discoverable under these rules.

(B) A party may, subject to the provisions of this rule and of rules 30 and 31, depose each person whom any other party expects to call as an expert witness at trial.

(BC) A party may discover facts known or opinions held by an expert who is not expected to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means.

(ED) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery

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under subsections ~~(b)(c)(5)(B)(A)(ii)~~ and ~~(b)(c)(5)(C)(B)~~ of this rule; and (ii) with respect to discovery obtained under subsection ~~(b)(c)(5)(B)(A)(ii)~~ of this rule, the court may require, and with respect to discovery obtained under subsection (b)(5)(~~CB~~) of this rule the court shall require, the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.

[renumbered ~~(b)(c)~~(6) – ~~(b)(c)~~(8) unchanged.]

~~(e d)~~ [Unchanged]

~~(d e)~~ [Unchanged]

~~(e f)~~ **Supplementation of Responses.** A party who has provided initial disclosures or responded to a request for discovery where the disclosure or response ~~that~~ was complete when made is under no duty to supplement the disclosure or response to include information thereafter acquired, except as follows:

(1) A party is under a duty seasonably to supplement the disclosure or response with respect to any question directly addressed to:

(A) the identity and location of persons having knowledge of discoverable matters; and

(B) the identity of each person expected to be called as an expert witness at trial, the subject matter on which the expert witness is expected to testify, and the substance of the expert witness's testimony.

(2) A party is under a duty seasonably to amend a prior disclosure or response if the party obtains information upon the basis of which:

(A) the party knows that the disclosure or response was incorrect when made; or

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SUPERIOR COURT CIVIL RULES (CR)
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1 (B) the party knows that the disclosure or response though correct when made is no
2 longer true and the circumstances are such that a failure to amend the disclosure or response is in
3 substance a knowing concealment.

4 (3) A duty to supplement disclosures or responses may be imposed by order of the
5 court, agreement of the parties, or at any time prior to trial through new requests for
6 supplementation of prior disclosures or responses.

7
8 (4) Failure to seasonably supplement in accordance with this rule will subject the party
9 to such terms and conditions as the trial court may deem appropriate.

10 (f g) Discovery Conference.

11 (1) Initial Discovery Conference.

12 (A) Timing of Initial Discovery Conference. No later than a date provided by a case
13 schedule or court order, the plaintiff shall schedule and all parties that have appeared in the case
14 shall conduct an initial in-person or telephonic discovery conference. Each party and attorney
15 shall reasonably cooperate in scheduling and conducting the initial discovery conference.

16 (B) Subjects to Be Discussed at Initial Discovery Conference. At the initial discovery
17 conference, the parties shall consider:

18 (i) Joinder of additional parties and amendments to pleadings;

19 (ii) Amendments to the case schedule, if any;

20 (iii) Possibilities for promptly resolving the case;

21 (iv) Admissions and stipulations about facts;

22 (v) Agreements as to what discovery may be conducted and in what order,
23 and any limitations to be placed on discovery;

24 (vi) Preservation and production of discoverable information, including
25 documents and electronically stored information;

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SUPERIOR COURT CIVIL RULES (CR)
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(vii) Agreements for asserting privilege regarding materials to be produced or protective orders regarding the same; and

(viii) Other ways to facilitate the just, speedy, and inexpensive disposition of the action.

(C) Joint Discovery Plan and Status Report. Not later than 14 days after the initial discovery conference, the plaintiff shall file and serve a joint discovery plan and status report stating the parties' positions and proposals on the subjects stated in rule 26(g)(1)(B). The joint discovery plan and status report shall substantially comply with any form the court prescribes, shall be signed by all parties or their counsel, and shall certify that the parties reasonably cooperated to reach agreement on the matters set forth.

(D) Discovery Before Initial Discovery Conference. Nothing in this rule shall prevent any party from initiating discovery before the initial discovery conference; nor does this rule excuse any party from responding to another party's discovery requests or otherwise participating in discovery another party initiates before the initial discovery conference.

(2) Discovery Conference With the Court.

(A) Subjects to Be Discussed at Discovery Conference. At any time after commencement of an action the court may direct the attorneys for the parties to appear before it for a conference on the subject of discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

~~(1)~~(i) A statement of the issues as they then appear;

~~(2)~~(ii) A proposed plan and schedule of discovery;

~~(3)~~(iii) Any limitations proposed to be placed on discovery;

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SUPERIOR COURT CIVIL RULES (CR)
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1 ~~(4)(iv) Any other proposed orders with respect to discovery; and~~

2 ~~(5)(v) A statement showing that the party or attorney making the motion has~~
3 ~~reasonably cooperated to reach agreement with opposing parties or their~~
4 ~~attorneys on the matters set forth in the motion.~~

5 ~~Each party and each party's attorney are under a duty to participate in good faith in the~~
6 ~~framing of a discovery plan if a plan is proposed by the attorney for any party.~~

7 ~~Notice of the motion shall be served on all parties. Objections or additions to matters~~
8 ~~set forth in the motion shall be served not later than 10 days after service of the motion.~~

9
10 (B) Order on Discovery Conference. Following ~~the~~ any discovery conference with the
11 court, the court shall enter an order tentatively identifying the issues for discovery purposes;
12 establishing a plan and schedule for discovery; setting limitations on discovery, if any; and
13 determining such other matters, including the allocation of expenses, as are necessary for the
14 proper management of discovery in the action. An order may be altered or amended whenever
15 justice so requires.

16 ~~(C) Pretrial Conference. Subject to a properly moving party's right to a prompt~~
17 ~~hearing, the court may combine the discovery conference with a rule 16 pretrial conference.~~

18 ~~(g h)~~ Signing Discovery Requests, Responses, and Objections.

19 Every initial disclosure, request for discovery, or response or objection thereto made by
20 a represented party ~~represented by an attorney~~ shall be signed by at least one attorney of record
21 in the attorney's ~~own individual name, and state the signer's addresss whose address shall be~~
22 ~~stated.~~ A non-represented party ~~who is not represented by an attorney~~ shall sign the initial
23 disclosure, request, response, or objection, and state the signer's party's address. ~~Thees~~ signatures
24 ~~of the attorney or party~~ constitutes a certification that the attorney or party has read the initial
25

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SUPERIOR COURT CIVIL RULES (CR)
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1 disclosure, request, response, or objection, and that to the best of their knowledge, information,
2 and belief formed after a reasonable inquiry, it is:

3 (1) Consistent with these rules and warranted by existing law or a good faith argument
4 for the extension, modification, or reversal of existing law;

5 (2) Not interposed for any improper purpose, such as to harass or to cause unnecessary
6 delay or needless increase in the cost of litigation; and

7 (3) Not unreasonable or unduly burdensome or expensive, given the needs of the case,
8 the discovery already had in the case, the amount in controversy, and the importance of the
9 issues at stake in the litigation. If a an initial disclosure request, response, or objection is not
10 signed, it shall be stricken unless it is signed promptly after the omission is called to the attention
11 of the party making the initial disclosure request, response, or objection and a party shall not be
12 obligated to take any action with respect to it until it is signed.
13

14 If a certification is made in violation of the rule, the court, upon motion or upon its own
15 initiative, shall impose upon the person who made the certification, the party on whose behalf the
16 initial disclosure, request, response, or objection is made, or both, an appropriate sanction, which
17 may include an order to pay the amount of the reasonable expenses incurred because of the
18 violation, including reasonable attorney fees.
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20 [renumbered (i) – (j) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (a) Discovery Methods and Cooperation.

2 (1) Methods. Parties may obtain discovery by one or more of the following methods:
3 depositions upon oral examination or written questions; written interrogatories; production of
4 documents or things or permission to enter upon land or other property, for inspection and other
5 purposes; physical and mental examinations; and requests for admission.

6 (2) Cooperation. Consistent with rule 1, parties and attorneys shall reasonably
7 cooperate with each other in using discovery, including using discovery methods; exchanging
8 discoverable information; scheduling depositions, inspections, and examinations; and reducing
9 the costs of discovery.

10 (b) Initial Disclosures.

11 (1) Content of Initial Disclosures. When the case schedule or a court order requires
12 initial disclosures, a party shall, without awaiting a discovery request, provide to the other
13 parties:
14

15 (A) The name, address, and telephone number of each individual possessing relevant
16 information supporting the disclosing party's claims or defenses, excluding retained experts or
17 any witness to be used solely for impeachment;

18 (B) A copy of each document and other relevant evidence supporting the disclosing
19 party's claims or defenses, unless the use would be solely for impeachment; provided that if a
20 document or other relevant evidence cannot easily be copied, the disclosing party shall make it
21 reasonably available for inspection;
22

23 (C) A copy of each document the disclosing party refers to in a pleading;
24
25
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SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (D) A description and computation of each category of damages the disclosing party
2 claims; provided that, a description—not a computation—suffices for general and noneconomic
3 damages;

4 (E) The declarations page of any insurance agreement under which an insurance
5 business may be liable to satisfy all or part of a judgment that may be entered in the action or to
6 indemnify or reimburse for payments made to satisfy the judgment; and

7 (F) In any action where insurance coverage is or may be contested, a copy of the
8 insurance agreement, and all letters from the insurer regarding coverage.
9

10 (2) Parties Later Joined or Served. A party joined or served after the other parties have
11 made their initial disclosures shall comply with this rule within 60 days of being joined or
12 served, unless the court orders otherwise.

13 (3) Basis for Initial Disclosures; Unacceptable Excuses. A party shall make its initial
14 disclosures based on information known or reasonably available to that party. A party is not
15 excused from making its disclosures because it has failed to fully investigate the case, it
16 challenges the sufficiency of another party's disclosures, or another party has failed to make
17 required disclosures.
18

19 (c) Discovery Scope and Limits. Unless otherwise limited by order of the court in
20 accordance with these rules, the scope of discovery is as follows:

21
22 [renumbered (c)(1) – (c)(4) unchanged.]
23
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26

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (5) Trial Preparation: Experts. Discovery of facts known and opinions held by experts,
2 otherwise discoverable under the provisions of subsection (c)(1) of this rule and acquired or
3 developed in anticipation of litigation or for trial, may be obtained only as follows:

4 (A)(i) A party may through interrogatories require any other party to identify each
5 person whom the other party expects to call as an expert witness at trial, to state the subject
6 matter on which the expert is expected to testify, to state the substance of the facts and opinions
7 to which the expert is expected to testify and a summary of the grounds for each opinion, and to
8 state such other information about the expert as may be discoverable under these rules.

9
10 (ii) Unless these rules impose an earlier deadline, and in no event later than the deadline for
11 primary or rebuttal expert witness disclosures imposed in a case schedule or court order, each
12 party shall identify each person whom that party expects to call as a primary or rebuttal expert
13 witness at trial, state the subject matter on which the expert is expected to testify, state the
14 substance of the facts and opinions to which the expert is expected to testify and a summary of
15 the grounds for each opinion, and state such other information about the expert as may be
16 discoverable under these rules.
17

18 (B) A party may, subject to the provisions of this rule and of rules 30 and 31, depose
19 each person whom any other party expects to call as an expert witness at trial.

20 (C) A party may discover facts known or opinions held by an expert who is not expected
21 to be called as a witness at trial, only as provided in rule 35(b) or upon a showing of exceptional
22 circumstances under which it is impracticable for the party seeking discovery to obtain facts or
23 opinions on the same subject by other means.

24 (D) Unless manifest injustice would result, (i) the court shall require that the party
25 seeking discovery pay the expert a reasonable fee for time spent in responding to discovery
26

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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1 under subsections (c)(5)(B) and (c)(5)(C) of this rule; and (ii) with respect to discovery obtained
2 under subsection (c)(5)(B) of this rule, the court may require, and with respect to discovery
3 obtained under subsection (b)(5)(C) of this rule the court shall require, the party seeking
4 discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by
5 the latter party in obtaining facts and opinions from the expert.

6 [renumbered (c)(6) – (c)(8) unchanged.]

7 (d) [Unchanged]

8 (e) [Unchanged]

9 (f) Supplementation. A party who has provided initial disclosures or responded to a
10 request for discovery where the disclosure or response was complete when made is under no
11 duty to supplement the disclosure or response to include information thereafter acquired, except
12 as follows:

13
14 (1) A party is under a duty seasonably to supplement the disclosure or response with
15 respect to any question directly addressed to:

16 (A) the identity and location of persons having knowledge of discoverable matters; and

17 (B) the identity of each person expected to be called as an expert witness at trial, the
18 subject matter on which the expert witness is expected to testify, and the substance of the expert
19 witness's testimony.

20
21 (2) A party is under a duty seasonably to amend a prior disclosure or response if the
22 party obtains information upon the basis of which:

23 (A) the party knows that the disclosure or response was incorrect when made; or

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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1 (B) the party knows that the disclosure or response though correct when made is no
2 longer true and the circumstances are such that a failure to amend the disclosure or response is in
3 substance a knowing concealment.

4 (3) A duty to supplement disclosures or responses may be imposed by order of the
5 court, agreement of the parties, or at any time prior to trial through new requests for
6 supplementation of prior disclosures or responses.
7

8 (4) Failure to seasonably supplement in accordance with this rule will subject the party
9 to such terms and conditions as the trial court may deem appropriate.

10 (g) Discovery Conference.

11 (1) Initial Discovery Conference.

12 (A) Timing of Initial Discovery Conference. No later than a date provided by a case
13 schedule or court order, the plaintiff shall schedule and all parties that have appeared in the case
14 shall conduct an initial in-person or telephonic discovery conference. Each party and attorney
15 shall reasonably cooperate in scheduling and conducting the initial discovery conference.

16 (B) Subjects to Be Discussed at Initial Discovery Conference. At the initial discovery
17 conference, the parties shall consider:

- 18 (i) Joinder of additional parties and amendments to pleadings;
- 19 (ii) Amendments to the case schedule, if any;
- 20 (iii) Possibilities for promptly resolving the case;
- 21 (iv) Admissions and stipulations about facts;
- 22 (v) Agreements as to what discovery may be conducted and in what order,
23 and any limitations to be placed on discovery;
- 24 (vi) Preservation and production of discoverable information, including
25 documents and electronically stored information;
- 26

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SUPERIOR COURT CIVIL RULES (CR)
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- 1 (vii) Agreements for asserting privilege regarding materials to be produced or
2 protective orders regarding the same; and
3 (viii) Other ways to facilitate the just, speedy, and inexpensive disposition of the
4 action.

5 (C) Joint Discovery Plan and Status Report. Not later than 14 days after the initial
6 discovery conference, the plaintiff shall file and serve a joint discovery plan and status report
7 stating the parties' positions and proposals on the subjects stated in rule 26(g)(1)(B). The joint
8 discovery plan and status report shall substantially comply with any form the court prescribes,
9 shall be signed by all parties or their counsel, and shall certify that the parties reasonably
10 cooperated to reach agreement on the matters set forth.
11

12 (D) Discovery Before Initial Discovery Conference. Nothing in this rule shall prevent
13 any party from initiating discovery before the initial discovery conference; nor does this rule
14 excuse any party from responding to another party's discovery requests or otherwise
15 participating in discovery another party initiates before the initial discovery conference.

16 (2) Discovery Conference With the Court.

17 (A) Subjects to Be Discussed at Discovery Conference. At any time after
18 commencement of an action the court may direct the attorneys for the parties to appear before it
19 for a conference on the subject of discovery. The court shall do so upon motion by the attorney
20 for any party if the motion includes:
21

- 22 (i) A statement of the issues as they then appear;
23 (ii) A proposed plan and schedule of discovery;
24 (iii) Any limitations proposed to be placed on discovery;
25

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

- 1 (iv) Any other proposed orders with respect to discovery; and
- 2 (v) A statement showing that the party or attorney making the motion has
- 3 reasonably cooperated to reach agreement with opposing parties or their
- 4 attorneys on the matters set forth in the motion.

5 (B) Order on Discovery Conference. Following any discovery conference with the

6 court, the court shall enter an order tentatively identifying the issues for discovery purposes;

7 establishing a plan and schedule for discovery; setting limitations on discovery, if any; and

8 determining such other matters, including the allocation of expenses, as are necessary for the

9 proper management of discovery in the action. An order may be altered or amended whenever

10 justice so requires.

11

12 (C) Pretrial Conference. Subject to a properly moving party's right to a prompt

13 hearing, the court may combine the discovery conference with a rule 16 pretrial conference.

14 (h) Signing Discovery Requests, Responses, and Objections.

15 Every initial disclosure, request for discovery, or response or objection thereto made by

16 a represented shall be signed by at least one attorney of record in the attorney's own name, and

17 state the signer's address. A non-represented party shall sign the initial disclosure, request,

18 response, or objection, and state the signer's address. These signatures constitute a certification

19 that the attorney or party has read the initial disclosure, request, response, or objection, and that

20 to the best of their knowledge, information, and belief formed after a reasonable inquiry, it is:

- 21
- 22 (1) Consistent with these rules and warranted by existing law or a good faith argument
- 23 for the extension, modification, or reversal of existing law;
- 24
- 25

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 26 – GENERAL PROVISIONS GOVERNING DISCOVERY

1 (2) Not interposed for any improper purpose, such as to harass or to cause unnecessary
2 delay or needless increase in the cost of litigation; and

3 (3) Not unreasonable or unduly burdensome or expensive, given the needs of the case,
4 the discovery already had in the case, the amount in controversy, and the importance of the
5 issues at stake in the litigation. If an initial disclosure request, response, or objection is not
6 signed, it shall be stricken unless it is signed promptly after the omission is called to the attention
7 of the party making the initial disclosure request, response, or objection and a party shall not be
8 obligated to take any action with respect to it until it is signed.
9

10 If a certification is made in violation of the rule, the court, upon motion or upon its own
11 initiative, shall impose upon the person who made the certification, the party on whose behalf the
12 initial disclosure, request, response, or objection is made, or both, an appropriate sanction, which
13 may include an order to pay the amount of the reasonable expenses incurred because of the
14 violation, including reasonable attorney fees.
15

16 [renumbered (i) – (j) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF _____
STATE OF WASHINGTON

)	No.
)	
)	
Plaintiff(s),)	
)	JOINT <u>DISCOVERY PLAN AND</u>
)	STATUS REPORT
v.)	CR 26(f)
)	
Defendant(s))	
)	

The plaintiff must file and serve this Joint Discovery Plan and Status report no later than 14 days after the initial discovery conference between the parties.

The parties jointly represent that on the ____ day of ____, 20__, pursuant to CR 26(f)(1), they conducted an initial discovery conference and conferred regarding the subjects set for in CR 26(f)(12)(B). The parties submit this joint discovery plan and status report stating their positions and proposals on these subjects, as required by CR 26(f)(1)(C).

1. Joinder of Additional Parties.

☐ At this time, the parties do not believe that any additional parties should be joined.

☐ At this time, one or more parties plan to seek leave of court to join an additional party or parties. If this box is checked, describe any such proposed joinder of additional parties.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

2. Amendments to Pleadings.

☐ At this time, the parties do not plan on amending the pleadings.

☐ At this time, either or both parties plan to seek leave of court to amend their pleading. If this box is checked, describe any potential amendments.

3. Amendments to the Case Schedule, If Any.

☐ At this time, the parties do not plan to seek leave of court to amend the initial case schedule.

☐ At this time, one or more of the parties plan to seek leave of court to amend the initial case schedule. If this box is checked, describe any such amendments.

4. Possibilities for Promptly Resolving the Case.

The parties ☐ do ☐ do not agree that there are possibilities for promptly resolving the case. If the parties do agree, describe ~~any such possibilities and~~ the method and timing contemplated by the parties to determine whether prompt resolution is possible.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

5. Scheduling of Early Mediation.

The parties [] do [] do not agree that early mediation in accordance with case schedule or court order is appropriate ~~in this case~~. If the parties do not agree, explain why ~~describe when the parties believe mediation should be scheduled and any attempts the parties have made to schedule mediation.~~

6. Admissions and Stipulations About Facts.

The parties [] do [] do not agree that there are facts ~~which~~ that are either admitted or ~~which~~ can be addressed in a stipulation. If the parties do agree, list any such facts.

7. Agreements as to What Discovery May Be Conducted, ~~and~~ In What Order, and Any Limitations on Discovery.

The parties [] have [] have not agreed on a discovery plan as to the scope of discovery, the order in which discovery will be conducted, and any limitations on discovery. If the parties do agree, describe the agreed discovery plan. If the parties do not agree, describe the points on

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

which the parties agree and ~~the points on which the parties~~ disagree and when the parties intend to present this issue to the Court for resolution.

8. Preservation and Production of Discoverable Information, Including Documents and Electronically Stored Information.

Describe the parties' agreement, if any, as to preservation and production of discoverable information. If the parties do not agree, describe the scope of the disagreement to be resolved by the Court and when the parties intend to present this issue to the Court for resolution.

9. Agreements for Asserting Privilege Regarding Materials to Be Produced.

☐ The parties have agreed on a procedure for asserting privilege regarding materials to be produced ~~in this case~~. If this box is checked, describe the agreed procedure.

☐ The parties have not agreed on a procedure for asserting privilege regarding materials to be produced ~~in this case~~. If box is checked, describe the parties' disagreement and when the parties intend to present this issue to the ~~C~~ourt for resolution.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

10. Agreements for Protective Orders Regarding Materials to Be Produced.

☐ The parties agree that a protective order should be entered regarding certain information and documents to be produced. If this box is checked, describe when the parties intend to present a proposed protective order to the Court.

☐ The parties do not agree that a protective order should be entered ~~in this case~~. If this box is checked, describe the parties' disagreement and when the parties intend to present this issue to the Court for resolution.

11. Other.

Describe any proposals by one or more parties that would facilitate the just, speedy, and inexpensive disposition of this action. For each such proposal, indicate if whether the parties agree.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

The undersigned certify that the parties reasonably cooperated to reach agreement on the matters set forth in this Joint Discovery Plan and Status Report.

Date: _____

For the Plaintiff:

Signature: _____

Printed Name: _____

Title (and WSBA number if applicable): _____

For the Defendant:

Signature: _____

Printed Name: _____

Title (and WSBA number if applicable): _____

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

IN THE SUPERIOR COURT, IN AND FOR THE COUNTY OF _____
STATE OF WASHINGTON

)	No.
)	
)	
Plaintiff(s),)	
)	JOINT DISCOVERY PLAN AND
)	STATUS REPORT
v.)	CR 26(f)
)	
Defendant(s))	
)	

The plaintiff must file and serve this Joint Discovery Plan and Status report no later than 14 days after the initial discovery conference between the parties.

The parties jointly represent that on the ____ day of ____, 20__, pursuant to CR 26(f)(1), they conducted an initial discovery conference and conferred regarding the subjects set for in CR 26(f)(1)(B). The parties submit this joint discovery plan and status report stating their positions and proposals on these subjects, as required by CR 26(f)(1)(C).

1. Joinder of Additional Parties.

☐ At this time, the parties do not believe that any additional parties should be joined.

☐ At this time, one or more parties plan to seek leave of court to join an additional party or parties. If this box is checked, describe any such proposed joinder of additional parties.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

2. Amendments to Pleadings.

☐ At this time, the parties do not plan on amending the pleadings.

☐ At this time, either or both parties plan to seek leave of court to amend their pleading. If this box is checked, describe any potential amendments.

3. Amendments to the Case Schedule, If Any.

☐ At this time, the parties do not plan to seek leave of court to amend the initial case schedule.

☐ At this time, one or more of the parties plan to seek leave of court to amend the initial case schedule. If this box is checked, describe any such amendments.

4. Possibilities for Promptly Resolving the Case.

The parties ☐ do ☐ do not agree that there are possibilities for promptly resolving the case. If the parties do agree, describe the method and timing contemplated by the parties to determine whether prompt resolution is possible.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

5. Scheduling of Early Mediation.

The parties [] do [] do not agree that early mediation in accordance with case schedule or court order is appropriate. If the parties do not agree, explain why.

6. Admissions and Stipulations About Facts.

The parties [] do [] do not agree that there are facts that are either admitted or can be addressed in a stipulation. If the parties do agree, list any such facts.

7. Agreements as to What Discovery May Be Conducted, In What Order, and Any Limitations on Discovery.

The parties [] have [] have not agreed on a discovery plan as to the scope of discovery, the order in which discovery will be conducted, and any limitations on discovery. If the parties do agree, describe the agreed discovery plan. If the parties do not agree, describe the points on which the parties agree and disagree and when the parties intend to present this issue to the Court for resolution.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

8. Preservation and Production of Discoverable Information, Including Documents and Electronically Stored Information.

Describe the parties' agreement, if any, as to preservation and production of discoverable information. If the parties do not agree, describe the scope of the disagreement to be resolved by the Court and when the parties intend to present this issue to the Court for resolution.

9. Agreements for Asserting Privilege Regarding Materials to Be Produced.

☐ The parties have agreed on a procedure for asserting privilege regarding materials to be produced. If this box is checked, describe the agreed procedure.

☐ The parties have not agreed on a procedure for asserting privilege regarding materials to be produced. If box is checked, describe the parties' disagreement and when the parties intend to present this issue to the court for resolution.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

10. Agreements for Protective Orders Regarding Materials to Be Produced.

☐ The parties agree that a protective order should be entered regarding certain information and documents to be produced. If this box is checked, describe when the parties intend to present a proposed protective order to the Court.

☐ The parties do not agree that a protective order should be entered. If this box is checked, describe the parties' disagreement and when the parties intend to present this issue to the court for resolution.

11. Other.

Describe any proposals by one or more parties that would facilitate the just, speedy, and inexpensive disposition of this action. For each such proposal, indicate if whether the parties agree.

The undersigned certify that the parties reasonably cooperated to reach agreement on the matters set forth in this Joint Discovery Plan and Status Report.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
JOINT DISCOVERY PLAN AND STATUS REPORT CR 26(f)

1 Date: _____

2 For the Plaintiff:

3 Signature: _____

4 Printed Name: _____

5 Title (and WSBA number if applicable): _____

7
8 For the Defendant:

9 Signature: _____

10 Printed Name: _____

11 Title (and WSBA number if applicable): _____

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITION UPON ORAL EXAMINATION

1 [(a) – (c) unchanged.]

2 (d) Motion To Terminate or Limit Examination. At any time during the taking of the
3 deposition, on motion of a party or of the deponent and upon a showing that the examination is
4 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
5 the deponent or party, the court in which the action is pending or the court in the county where
6 the deposition is being taken may order the officer conducting the examination to cease forthwith
7 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
8 provided in rule 26~~(d)~~(e). If the order made terminates the examination, it shall be resumed
9 thereafter only upon the order of the court in which the action is pending. Upon demand of the
10 objecting party or deponent, the taking of the deposition shall be suspended for the time
11 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
12 expenses incurred in relation to the motion.

13 [(e) – (h) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITION UPON ORAL EXAMINATION

1 [(a) – (c) unchanged.]

2 (d) Motion To Terminate or Limit Examination. At any time during the taking of the
3 deposition, on motion of a party or of the deponent and upon a showing that the examination is
4 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
5 the deponent or party, the court in which the action is pending or the court in the county where
6 the deposition is being taken may order the officer conducting the examination to cease forthwith
7 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
8 provided in rule 26(d). If the order made terminates the examination, it shall be resumed
9 thereafter only upon the order of the court in which the action is pending. Upon demand of the
10 objecting party or deponent, the taking of the deposition shall be suspended for the time
11 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
12 expenses incurred in relation to the motion.

13 [(e) – (h) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 32 – USE OF DEPOSITIONS IN COURT PROCEEDINGS

1 (a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory
2 proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence
3 applied as though the witness were then present and testifying, may be used against any party
4 who was present or represented at the taking of the deposition or who had reasonable notice
5 thereof, in accordance with any of the following provisions:

6 [(a)(1) – (a)(4) unchanged.]

7 (5) The deposition of an expert witness may be used as follows:

8 (A) The discovery deposition of an opposing party's rule 26(c)(5) expert
9 witness, who resides outside the state of Washington, may be used if reasonable notice before the
10 trial date is provided to all parties and any party against whom the deposition is intended to be
11 used is given a reasonable opportunity to depose the expert again.

12 (B) The deposition of a health care professional, even though available to testify
13 at trial, taken with the expressly stated purpose of preserving the deponent's testimony for trial,
14 may be used if, before the taking of the deposition, there has been compliance with discovery
15 requests made pursuant to rules 26(c)(5)(A)(i), 33, 34, and 35 (as applicable) and if the
16 opposing party is afforded an adequate opportunity to prepare, by discovery deposition of the
17 deponent or other means, for cross examination of the deponent.

18 Substitution of parties pursuant to rule 25 does not affect the right to use depositions previously
19 taken; and, when an action has been brought in any court of the United States or of any state and
20 another action involving the same issues and subject matter is afterward brought between the
21 same parties or their representatives or successors in interest, all depositions lawfully taken and
22 duly filed in the former action may be used in the latter as if originally taken therefor. A
23 deposition previously taken may also be used as permitted by the Rules of Evidence.

24 [(b) – (d) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 32 – USE OF DEPOSITIONS IN COURT PROCEEDINGS

1 (a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory
2 proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence
3 applied as though the witness were then present and testifying, may be used against any party
4 who was present or represented at the taking of the deposition or who had reasonable notice
5 thereof, in accordance with any of the following provisions:

6 [(a)(1) – (a)(4) unchanged.]

7 (5) The deposition of an expert witness may be used as follows:

8 (A) The discovery deposition of an opposing party's rule 26(c)(5) expert
9 witness, who resides outside the state of Washington, may be used if reasonable notice before the
10 trial date is provided to all parties and any party against whom the deposition is intended to be
11 used is given a reasonable opportunity to depose the expert again.

12 (B) The deposition of a health care professional, even though available to testify
13 at trial, taken with the expressly stated purpose of preserving the deponent's testimony for trial,
14 may be used if, before the taking of the deposition, there has been compliance with discovery
15 requests made pursuant to rules 26(c)(5)(A)(i), 33, 34, and 35 (as applicable) and if the opposing
16 party is afforded an adequate opportunity to prepare, by discovery deposition of the deponent or
17 other means, for cross examination of the deponent.

18 Substitution of parties pursuant to rule 25 does not affect the right to use depositions previously
19 taken; and, when an action has been brought in any court of the United States or of any state and
20 another action involving the same issues and subject matter is afterward brought between the
21 same parties or their representatives or successors in interest, all depositions lawfully taken and
22 duly filed in the former action may be used in the latter as if originally taken therefor. A
23 deposition previously taken may also be used as permitted by the Rules of Evidence.

24 [(b) – (d) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 33 – INTERROGATORIES TO PARTIES

1 [(a) unchanged.]

2 (b) Scope; Use at Trial. Interrogatories may relate to any matters which can be inquired
3 into under rule 26(~~cb~~), and the answers may be used to the extent permitted by the Rules of
4 Evidence.

5 An interrogatory otherwise proper is not necessarily objectionable merely because an
6 answer to the interrogatory involves an opinion or contention that relates to fact or the
7 application of law to fact, but the court may order that such an interrogatory need not be
8 answered until after designated discovery has been completed or until a pretrial conference or
9 other later time.

10 An interrogatory otherwise proper is not objectionable merely because the propounding
11 party may have other access to the requested information or has the burden of proof on the
12 subject matter of the interrogatory at trial.

13 [(c) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 33 – INTERROGATORIES TO PARTIES

1 [(a) unchanged.]

2 (b) Scope; Use at Trial. Interrogatories may relate to any matters which can be inquired
3 into under rule 26(c), and the answers may be used to the extent permitted by the Rules of
4 Evidence.

5 An interrogatory otherwise proper is not necessarily objectionable merely because an
6 answer to the interrogatory involves an opinion or contention that relates to fact or the
7 application of law to fact, but the court may order that such an interrogatory need not be
8 answered until after designated discovery has been completed or until a pretrial conference or
9 other later time.

10 An interrogatory otherwise proper is not objectionable merely because the propounding
11 party may have other access to the requested information or has the burden of proof on the
12 subject matter of the interrogatory at trial.

13 [(c) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

**CR 34 – PRODUCING OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND THINGS OR ENTRY ONTO LAND FOR INSPECTION AND
OTHER PURPOSES**

1
2 (a) Scope. Any party may serve on any other party a request within the scope of Rule
3 26(~~cb~~):

4 (1) to produce and permit the requesting party or the party's representative, to inspect,
5 copy, test, photograph, record, measure, or sample the following items in the responding party's
6 possession, custody, or control: any designated documents, electronically stored information, or
7 things including writings, drawings, graphs, charts, photographs, sound recordings, images, and
8 other data or data compilations stored in any medium from which information can be obtained,
9 either directly or, if necessary, after translation or conversion by the responding party into a
10 reasonably usable form, or to inspect and copy, test, or sample any things which constitute or
11 contain matters within the scope of rule 26(~~cb~~) and which are in the possession, custody or
12 control of the responding party; or

13 (2) to permit entry onto designated land or other property possessed or controlled by the
14 responding party, so that the requesting party may inspect, measure, survey, photograph, test, or
15 sample the property or any designated object, process or operation on it.

16 [(b) – (c) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

**CR 34 – PRODUCING OF DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND THINGS OR ENTRY ONTO LAND FOR INSPECTION AND
OTHER PURPOSES**

1
2 (a) Scope. Any party may serve on any other party a request within the scope of Rule
3 26(c):

4 (1) to produce and permit the requesting party or the party's representative, to inspect,
5 copy, test, photograph, record, measure, or sample the following items in the responding party's
6 possession, custody, or control: any designated documents, electronically stored information, or
7 things including writings, drawings, graphs, charts, photographs, sound recordings, images, and
8 other data or data compilations stored in any medium from which information can be obtained,
9 either directly or, if necessary, after translation or conversion by the responding party into a
10 reasonably usable form, or to inspect and copy, test, or sample any things which constitute or
11 contain matters within the scope of rule 26(c) and which are in the possession, custody or control
12 of the responding party; or

13 (2) to permit entry onto designated land or other property possessed or controlled by the
14 responding party, so that the requesting party may inspect, measure, survey, photograph, test, or
15 sample the property or any designated object, process or operation on it.

16 [(b) – (c) unchanged.]
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 36 – REQUEST FOR ADMISSION

(a) Request for Admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of rule 26(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request.

[the remainder of (a) unchanged]

[(b) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 36 – REQUEST FOR ADMISSION

(a) Request for Admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of rule 26(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request.

[the remainder of (a) unchanged]

[(b) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (a) Motion for Order Compelling Discovery. A party, upon reasonable notice to other
2 parties and all persons affected thereby, and upon a showing of compliance with rule 26(ji), may
3 apply to the court in the county where the deposition was taken, or in the county where the action
4 is pending, for an order compelling discovery as follows:

5 (1) Appropriate Court. An application for an order to a party may be made to the court in
6 which the action is pending, or on matters relating to a deposition, to the court in the county
7 where the deposition is being taken. An application for an order to a deponent who is not a party
8 shall be made to the court in the county where the deposition is being taken.

9 (2) Motion. If a deponent fails to answer a question propounded or submitted under rules
10 30 or 31, or a corporation or other entity fails to make a designation under rule 30(b)(6) or 31(a),
11 or a party fails to answer an interrogatory submitted under rule 33, or if a party, in response to a
12 request for inspection submitted under rule 34, fails to respond that inspection will be permitted
13 as requested or fails to permit inspection as requested, any party may move for an order
14 compelling an answer or a designation, or an order compelling inspection in accordance with the
15 request. When taking a deposition on oral examination, the proponent of the question may
16 complete or adjourn the examination before the proponent applies for an order.

17 If the court denies the motion in whole or in part, it may make such protective order as it
18 would have been empowered to make on a motion made pursuant to rule 26(de).

19 [(a)(3) – (a)(4) Unchanged]

20 (d) Failure of Party To Disclose, Attend at Own Deposition, ~~or~~ Serve Answers to
21 Interrogatories, or Respond to Request for Production or Inspection. If a party or an officer,
22 director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to
23 testify on behalf of a party fails:

24 (1) To make initial disclosures;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (24) ~~T~~to appear before the officer who is to take his or her deposition, after being served
2 with a proper notice; ~~or~~

3 (32) ~~T~~to serve answers or objections to interrogatories submitted under rule 33, after
4 proper service of the interrogatories; or

5 (43) ~~T~~to serve a written response to a request for production of documents or inspection
6 submitted under rule 34, after proper service of the request, the court in which the action is
7 pending on motion may make such orders in regard to the failure as are just, and among others it
8 may take any action authorized under sections (A), (B), and (C) of subsection (b)(2) of this rule.
9 In lieu of any order or in addition thereto, the court shall require the party failing to act or the
10 attorney advising the party or both to pay the reasonable expenses, including attorney fees,
11 caused by the failure, unless the court finds that the failure was substantially justified or that
12 other circumstances make an award of expenses unjust.

13 The failure to act described in this subsection may not be excused on the ground that the
14 discovery sought is objectionable, unless the party failing to act has applied for a protective order
15 ~~as provided by~~ under rule 26(~~de~~). For purposes of this section, an evasive or misleading answer
16 is ~~to be~~ treated as a failure to answer.

17 (e) Failure to Reasonably Cooperate. If a party or an attorney fails to reasonably
18 cooperate regarding any discovery matter as rule 1 or 26 requires, the court may, after
19 opportunity for hearing, require the party or attorney to pay the other party's reasonable
20 expenses, including attorney fees, caused by the failure.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (a) Motion for Order Compelling Discovery. A party, upon reasonable notice to other
2 parties and all persons affected thereby, and upon a showing of compliance with rule 26(j), may
3 apply to the court in the county where the deposition was taken, or in the county where the action
4 is pending, for an order compelling discovery as follows:

5 (1) Appropriate Court. An application for an order to a party may be made to the court in
6 which the action is pending, or on matters relating to a deposition, to the court in the county
7 where the deposition is being taken. An application for an order to a deponent who is not a party
8 shall be made to the court in the county where the deposition is being taken.

9 (2) Motion. If a deponent fails to answer a question propounded or submitted under rules
10 30 or 31, or a corporation or other entity fails to make a designation under rule 30(b)(6) or 31(a),
11 or a party fails to answer an interrogatory submitted under rule 33, or if a party, in response to a
12 request for inspection submitted under rule 34, fails to respond that inspection will be permitted
13 as requested or fails to permit inspection as requested, any party may move for an order
14 compelling an answer or a designation, or an order compelling inspection in accordance with the
15 request. When taking a deposition on oral examination, the proponent of the question may
16 complete or adjourn the examination before the proponent applies for an order.

17 If the court denies the motion in whole or in part, it may make such protective order as it
18 would have been empowered to make on a motion made pursuant to rule 26(d).

19 [(a)(3) – (a)(4) Unchanged]

20 (d) Failure of Party To Disclose, Attend at Own Deposition, Serve Answers to
21 Interrogatories, or Respond to Request for Production or Inspection. If a party or an officer,
22 director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to
23 testify on behalf of a party fails:

24 (1) To make initial disclosures;

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 37 – FAILURE TO MAKE DISCOVERY SANCTIONS

1 (2) To appear before the officer who is to take his or her deposition, after being served
2 with a proper notice;

3 (3) To serve answers or objections to interrogatories submitted under rule 33, after
4 proper service of the interrogatories; or

5 (4) To serve a written response to a request for production of documents or inspection
6 submitted under rule 34, after proper service of the request, the court in which the action is
7 pending on motion may make such orders in regard to the failure as are just, and among others it
8 may take any action authorized under sections (A), (B), and (C) of subsection (b)(2) of this rule.
9 In lieu of any order or in addition thereto, the court shall require the party failing to act or the
10 attorney advising the party or both to pay the reasonable expenses, including attorney fees,
11 caused by the failure, unless the court finds that the failure was substantially justified or that
12 other circumstances make an award of expenses unjust.

13 The failure to act described in this subsection may not be excused on the ground that the
14 discovery sought is objectionable, unless the party failing to act has applied for a protective order
15 under rule 26(d). For purposes of this section, an evasive or misleading answer is treated as a
16 failure to answer.

17 (e) Failure to Reasonably Cooperate. If a party or an attorney fails to reasonably
18 cooperate regarding any discovery matter as rule 1 or 26 requires, the court may, after
19 opportunity for hearing, require the party or attorney to pay the other party's reasonable
20 expenses, including attorney fees, caused by the failure.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 43 – TAKING OF TESTIMONY

1 [(a) – (e) unchanged]

2 (f) Adverse Party as Witness.

3 (1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of
4 the notice is an officer, director, or other managing agent (herein collectively referred to as
5 “managing agent”) of a public or private corporation, partnership or association which is a party
6 to an action or proceeding may be examined at the instance of any adverse party. Attendance of
7 such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the
8 manner prescribed in rule 30(b)(1) to opposing counsel of record. Notices for the attendance of a
9 party or of a managing agent at the trial shall be given not less than 10 days before trial
10 (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown
11 in the manner prescribed in rule 26(de), the court may make orders for the protection of the party
12 or managing agent to be examined.

13 [(f)(2) – (f)(3) unchanged]

14 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 43 – TAKING OF TESTIMONY

1 [(a) – (e) unchanged]

2 (f) Adverse Party as Witness.

3 (1) Party or Managing Agent as Adverse Witness. A party, or anyone who at the time of
4 the notice is an officer, director, or other managing agent (herein collectively referred to as
5 “managing agent”) of a public or private corporation, partnership or association which is a party
6 to an action or proceeding may be examined at the instance of any adverse party. Attendance of
7 such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the
8 manner prescribed in rule 30(b)(1) to opposing counsel of record. Notices for the attendance of a
9 party or of a managing agent at the trial shall be given not less than 10 days before trial
10 (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown
11 in the manner prescribed in rule 26(d), the court may make orders for the protection of the party
12 or managing agent to be examined.

13 [(f)(2) – (f)(3) unchanged]

14 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

CR 53.3 – APPOINTMENT OF MASTERS IN DISCOVERY MATTERS

1 [(a) – (c) unchanged]

2 (d) Powers. The order of reference to the master may specify the duties of the master. It
3 may direct that the master preside at depositions and make rulings on issues arising at the
4 depositions. It may direct the master to hear and report to the court on unresolved discovery
5 disputes and to make recommendations as to the resolution of such disputes, as to the imposition
6 of terms or sanctions to be assessed against any party, and as to which party or parties shall bear
7 the costs of the master. If directed by the court, the master shall prepare a report upon the matters
8 submitted to the master by the order of reference. A party may request that the report be sealed
9 pursuant to rule 26(de). The report with the rulings and recommendations of the master shall be
10 reviewed by the court and may be adopted or revised as the court deems just.

11 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 53.3 – APPOINTMENT OF MASTERS IN DISCOVERY MATTERS

1 [(a) – (c) unchanged]

2 (d) Powers. The order of reference to the master may specify the duties of the master. It
3 may direct that the master preside at depositions and make rulings on issues arising at the
4 depositions. It may direct the master to hear and report to the court on unresolved discovery
5 disputes and to make recommendations as to the resolution of such disputes, as to the imposition
6 of terms or sanctions to be assessed against any party, and as to which party or parties shall bear
7 the costs of the master. If directed by the court, the master shall prepare a report upon the matters
8 submitted to the master by the order of reference. A party may request that the report be sealed
9 pursuant to rule 26(d). The report with the rulings and recommendations of the master shall be
10 reviewed by the court and may be adopted or revised as the court deems just.

11 [(g) – (k) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 (a) Scope. This rule applies when a case schedule or court order requires mediation.

2 (b) Qualified Mediators.

3 (1) A judicial officer shall be considered a qualified mediator who may serve as a
4 mediator by agreement.

5 (2) The court shall maintain a list of other qualified mediators and has discretion to
6 modify the list. A qualified mediator shall demonstrate completion of mediation training or
7 experience mediating at least five matters as a mediator.

8 (3) The list of qualified mediators must include the following for each mediator:

9 (A) Name;

10 (B) Physical and electronic mail addresses;

11 (C) Telephone number;

12 (D) Fee schedule;

13 (E) Whether the mediator is qualified by training, experience, or both; and

14 (F) Preferred legal subject matters, if any.

15 (4) Each court shall establish a recommended fee schedule for assigned mediators and
16 update it annually.

17 (5) A person on the list of qualified mediators agrees to follow the procedures of this
18 rule if appointed and to accept appointment to one mediation each calendar year on a pro bono
19 basis. Refusal to accept a pro bono appointment may result in removal from the list.

20 (c) Selection of Mediator.

21 (1) Joint Selection of Mediator. Parties may by agreement select any person as
22 mediator, even one not on the court's list of qualified mediators. If the selected mediator agrees

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 to serve, the plaintiff shall file a notice of joint selection of mediator that includes the name and
2 contact information of the mediator, and serve a copy upon the mediator.

3 (2) Assignment of Mediator. If the plaintiff fails to file the notice of joint selection of
4 mediator by a deadline provided by a case schedule or court order, the court shall promptly
5 assign a mediator from the approved list and notify the mediator and the parties of the
6 assignment. If the mediator is unable to serve, the mediator shall notify the court within five
7 days of assignment and the court shall appoint a new mediator.

8 (d) Mediation Procedure, Attendance.

9 (1) Mediation Procedure. The mediator shall confer with the parties to learn their needs,
10 preferences, and recommendations. Based on the circumstances and input from the parties, the
11 mediator will establish mediation procedures, including its form, length, and content.

12 (2) Attendance. All persons necessary to settle the matter and who have the necessary
13 settlement authority should attend. The mediator may determine issues of attendance after
14 consulting the parties, including whether any individual may attend by other than personal
15 attendance.

16 (e) Notice of Compliance. No later than five days after commencement of mediation, the
17 plaintiff shall file with the court a notice of compliance with this rule indicating that the parties
18 held or commenced a mediation. The parties may continue mediation after an initial session and
19 need not represent that mediation efforts are completed. The notice of compliance shall contain
20 the following or substantially similar form:

21 Plaintiff hereby notifies the Court that on (Date/Dates), all parties met for mediation in
22 compliance with CR 53.5.

23 (f) Mediator Compensation and Pro Bono Mediator.

24 (i)The parties shall pay the mediator's reasonable fee unless a court order provides
25 otherwise. Unless otherwise ordered by the court or agreed by the parties, each party is
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

responsible for their proportional share of the reasonable mediation fee. Upon motion of any party, the court may resolve any disputes, including the reasonableness of the mediation fee.

(ii) A party who believes that any party is unable to afford mediation may request relief for that party from responsibility for the mediator's fee. The court may provide relief such as apportioning the fee among the remaining parties, requiring payment on a sliding scale, assigning a pro bono mediator, or any combination thereof. If the court approves the request for a pro bono mediator, the court shall promptly assign a mediator on a pro bono basis.

(g) Extension for Specific Objectives. After the initial discovery conference, any party may seek to extend the mediation deadline for a maximum period of 60 days if, after the initial discovery conference, the party believes that specified discovery or specified information exchange is necessary but is unlikely to be completed within the time limits prescribed in a case schedule or court order. This extension is without prejudice to any schedule modification otherwise available.

(h) Sanctions for Failure to Comply. Upon motion or on its own initiative, the court may impose an appropriate sanction on any party or attorney failing to comply with this rule. For purposes of this rule, a party may submit evidence to substantiate a claim for sanctions, but may not reveal substantive communications concerning any mediation. The court will not entertain any motion under this subsection unless the parties have first conferred regarding the motion. The moving party shall arrange for a mutually convenient conference in person or by telephone. Any motion seeking sanctions under this subsection shall include the moving party's certification that these conference requirements have been met or that the moving party has attempted in good faith to meet them. The court may also impose sanctions if it finds that any party or attorney willfully refused or failed to confer in good faith.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 (a) Scope. This rule applies when a case schedule or court order requires mediation.

2 (b) Qualified Mediators.

3 (1) A judicial officer shall be considered a qualified mediator who may serve as a
4 mediator by agreement.

5 (2) The court shall maintain a list of other qualified mediators and has discretion to
6 modify the list. A qualified mediator shall demonstrate completion of mediation training or
7 experience mediating at least five matters as a mediator.

8 (3) The list of qualified mediators must include the following for each mediator:

9 (A) Name;

10 (B) Physical and electronic mail addresses;

11 (C) Telephone number;

12 (D) Fee schedule;

13 (E) Whether the mediator is qualified by training, experience, or both; and

14 (F) Preferred legal subject matters, if any.

15 (4) Each court shall establish a recommended fee schedule for assigned mediators and
16 update it annually.

17 (5) A person on the list of qualified mediators agrees to follow the procedures of this
18 rule if appointed and to accept appointment to one mediation each calendar year on a pro bono
19 basis. Refusal to accept a pro bono appointment may result in removal from the list.

20 (c) Selection of Mediator.

21 (1) Joint Selection of Mediator. Parties may by agreement select any person as
22 mediator, even one not on the court's list of qualified mediators. If the selected mediator agrees
23

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
NEW RULE: CR 53.5

1 to serve, the plaintiff shall file a notice of joint selection of mediator that includes the name and
2 contact information of the mediator, and serve a copy upon the mediator.

3 (2) Assignment of Mediator. If the plaintiff fails to file the notice of joint selection of
4 mediator by a deadline provided by a case schedule or court order, the court shall promptly
5 assign a mediator from the approved list and notify the mediator and the parties of the
6 assignment. If the mediator is unable to serve, the mediator shall notify the court within five
7 days of assignment and the court shall appoint a new mediator.

8 (d) Mediation Procedure, Attendance.

9 (1) Mediation Procedure. The mediator shall confer with the parties to learn their needs,
10 preferences, and recommendations. Based on the circumstances and input from the parties, the
11 mediator will establish mediation procedures, including its form, length, and content.

12 (2) Attendance. All persons necessary to settle the matter and who have the necessary
13 settlement authority should attend. The mediator may determine issues of attendance after
14 consulting the parties, including whether any individual may attend by other than personal
15 attendance.

16 (e) Notice of Compliance. No later than five days after commencement of mediation, the
17 plaintiff shall file with the court a notice of compliance with this rule indicating that the parties
18 held or commenced a mediation. The parties may continue mediation after an initial session and
19 need not represent that mediation efforts are completed. The notice of compliance shall contain
20 the following or substantially similar form:

21 Plaintiff hereby notifies the Court that on (Date/Dates), all parties met for mediation in
22 compliance with CR 53.5.

23 (f) Mediator Compensation and Pro Bono Mediator.

24 (i) The parties shall pay the mediator's reasonable fee unless a court order provides
25 otherwise. Unless otherwise ordered by the court or agreed by the parties, each party is
26

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)

NEW RULE: CR 53.5

1 responsible for their proportional share of the reasonable mediation fee. Upon motion of any
2 party, the court may resolve any disputes, including the reasonableness of the mediation fee.

3 (ii) A party who believes that any party is unable to afford mediation may request relief
4 for that party from responsibility for the mediator's fee. The court may provide relief such as
5 apportioning the fee among the remaining parties, requiring payment on a sliding scale,
6 assigning a pro bono mediator, or any combination thereof. If the court approves the request for
7 a pro bono mediator, the court shall promptly assign a mediator on a pro bono basis.

8 (g) Extension for Specific Objectives. After the initial discovery conference, any party
9 may seek to extend the mediation deadline for a maximum period of 60 days if, after the initial
10 discovery conference, the party believes that specified discovery or specified information
11 exchange is necessary but is unlikely to be completed within the time limits prescribed in a case
12 schedule or court order. This extension is without prejudice to any schedule modification
13 otherwise available.

14 (h) Sanctions for Failure to Comply. Upon motion or on its own initiative, the court may
15 impose an appropriate sanction on any party or attorney failing to comply with this rule. For
16 purposes of this rule, a party may submit evidence to substantiate a claim for sanctions, but may
17 not reveal substantive communications concerning any mediation. The court will not entertain
18 any motion under this subsection unless the parties have first conferred regarding the motion.
19 The moving party shall arrange for a mutually convenient conference in person or by telephone.
20 Any motion seeking sanctions under this subsection shall include the moving party's certification
21 that these conference requirements have been met or that the moving party has attempted in good
22 faith to meet them. The court may also impose sanctions if it finds that any party or attorney
23 willfully refused or failed to confer in good faith.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 77 – SUPERIOR COURTS AND JUDICIAL OFFICERS

1 [(a)-(h) unchanged.]

2 (i) ~~Sessions Where More than One Judge Sits—Effect of Decrees, Orders, etc.~~

3 ~~[Reserved. See RCW 2.08.160.]~~ Judicial Assignment. The court should assign a judicial officer
4 to each case upon filing. The assigned judicial officer shall conduct all proceedings in the case
5 unless the court reassigns the case to a different judicial officer on a temporary or permanent
6 basis. In counties where local conditions make routine judicial assignment impracticable, the
7 court may assign any case to a specific judicial officer on a party's motion or on its own
8 initiative.

9 [(j)-(n) unchanged.]

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 77 – SUPERIOR COURTS AND JUDICIAL OFFICERS

1 [(a)-(h) unchanged.]

2 (i) Judicial Assignment. The court should assign a judicial officer to each case upon
3 filing. The assigned judicial officer shall conduct all proceedings in the case unless the court
4 reassigns the case to a different judicial officer on a temporary or permanent basis. In counties
5 where local conditions make routine judicial assignment impracticable, the court may assign any
6 case to a specific judicial officer on a party's motion or on its own initiative.

7 [(j)-(n) unchanged.]

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 1 – SCOPE AND PURPOSE OF RULES

1 These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a
2 civil nature, with the exceptions stated in rule 81. All parties and attorneys shall reasonably
3 cooperate with each other and the court in all matters. ~~They~~ These rules shall be construed and
4 administered consistently with this principle to secure the just, speedy, and inexpensive
5 determination of every action.
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SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 1 – SCOPE AND PURPOSE OF RULES

1 These rules govern the procedure in all trial courts of limited jurisdiction in all suits of a
2 civil nature, with the exceptions stated in rule 81. All parties and attorneys shall reasonably
3 cooperate with each other and the court in all matters. These rules shall be construed and
4 administered consistently with this principle to secure the just, speedy, and inexpensive
5 determination of every action.
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SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

**CRLJ 11 – SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA³ SANCTIONS**

(a) – (b) [Unchanged]

(c) Upon motion or on its own initiative, the court may impose an appropriate sanction on any party or attorney who violates the reasonable-cooperation mandate in rule 1. Sanctions may include an order to pay another party's reasonable expenses due to the violation, including reasonable attorney fees. The court will not entertain any motion under this subsection unless the parties have first conferred. The moving party must arrange a mutually convenient in-person or telephonic conference. Any motion seeking sanctions under this subsection must include the moving party's certification that these conference requirements were met or that the moving party attempted in good faith to meet them. The court may also impose sanctions if it finds that any party or attorney willfully failed or refused to confer in good faith.

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

**CRLJ 11 – SIGNING AND DRAFTING OF PLEADINGS, MOTIONS, AND LEGAL
MEMORANDA; SANCTIONS**

1 (a) – (b) [Unchanged]

2 (c) Upon motion or on its own initiative, the court may impose an appropriate sanction on
3 any party or attorney who violates the reasonable-cooperation mandate in rule 1. Sanctions may
4 include an order to pay another party's reasonable expenses due to the violation, including
5 reasonable attorney fees. The court will not entertain any motion under this subsection unless the
6 parties have first conferred. The moving party must arrange a mutually convenient in-person or
7 telephonic conference. Any motion seeking sanctions under this subsection must include the
8 moving party's certification that these conference requirements were met or that the moving
9 party attempted in good faith to meet them. The court may also impose sanctions if it finds that
10 any party or attorney willfully failed or refused to confer in good faith.

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 26 - DISCOVERY

Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery. Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) – (g) [unchanged.]

DRAFT

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)
CRLJ 26 - DISCOVERY

Consistent with rule 1, parties and attorneys shall reasonably cooperate with each other in using discovery methods; exchanging discoverable information; scheduling depositions, inspections, and examinations; and reducing the costs of discovery. Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) – (g) [unchanged.]

DRAFT

ENCLOSURE 2

WASHINGTON STATE BAR ASSOCIATION

CIVIL LITIGATION RULES DRAFTING TASK FORCE

NAME/ADDRESS	PHONE	E-MAIL
<i>Chair</i>		
Kenneth W. Masters, Chair Masters Law Group 241 Madison Ave N Bainbridge Island, WA 981110	206.780.5033	ken@appeal-law.com
<i>WSBA Members</i>		
Stephanie Bloomfield Gordon Thomas Honeywell PO Box 1157 Tacoma WA 98401-1157	253.620.6514	sbloomfield@gth-law.com
Jeffrey A. Damasiewicz Attorney at Law 110 W Market St – Ste 106 Aberdeen WA 98520-6206	360.612.3991	jeff.damasiewicz@mail.com
Nicholas Gellert Perkins Coie LLP 1201 3 rd Ave – Ste 4900 Seattle WA 98101-3099	206.359.8680	ngellert@perkinscoie.com
Rebecca R. Glasgow Attorney General's Office PO Box 40100 Olympia, WA 98504-0100	360.664.3027	rebeccag@atg.wa.gov
Kim Gunning Columbia Legal Services 101 Yesler Way, Suite 300 Seattle, Washington 98104	206.332.7144	Kim.Gunning@columbialegal.org
Hillary Evans Graber Kenyon Disend 11 Front Street South Issaquah, WA 98027	425.392.7090	Hillary@kenyondisend.com
Caryn Jorgensen Mills Meyers Swartling 1000 2 nd Ave – Fl 30 Seattle WA 98104-1094	206.382.1000	cjorgensen@millsmeyers.com
Shannon Kilpatrick Dawson Brown, PS 1000 2 nd Ave – Ste 1420 Seattle WA 98104-1033	206.262.1444	shannon@dawson-brown.com
Jane Morrow Otorowski Johnston Morrow & Golden 298 Winslow Way W Bainbridge Island, WA 98110-2510	206.842.1000	jm@medilaw.com

WASHINGTON STATE BAR ASSOCIATION

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Hozaiifa Y. Cassubhai Spiro Harrison 500 Union Street, Suite 800 Seattle, WA 98101-4051	206.899.1996	hcassubhai@spiroharrison.com
Judicial		
The Honorable John R. Ruhl King County Superior Court KCC-SC-0203 516 Third Avenue – Rm C203 Seattle, WA 98104-2381	206.477.1373	john.ruhl@kingcounty.gov
The Honorable Rebecca C. Robertson Federal Way Municipal Court 33325 8 th Ave S Federal Way WA 98003-6325	253.835.3000	rebecca.robertson@cityoffederalway.com
The Honorable Bradley A. Maxa The Court of Appeals, Div. II 950 Broadway, Suite 300 Tacoma, WA 98402	253.593.2975	J.B.Maxa@courts.wa.gov
The Honorable Paula L. McCandlis U.S. District Court P.O. Box 4196 Bellingham, WA 98227	360.306.7375	paula_mccandlis@wawd.uscourts.gov
The Honorable Aimee Maurer Spokane County District Court 1100 W. Mallon Avenue Spokane, WA 99260	509.477.4770	

WASHINGTON STATE BAR ASSOCIATION

Clerks' Association		
Ruth Gordon Jefferson County Clerk P.O. Box 1220 Port Townsend, WA 98368	360.385.9128	rgordon@co.jefferson.wa.us
BOG Liaison		
Dan Bridges 3131 Western Ave., Suite 410 Seattle, WA 98121-1036	425.462.4000	DanBOG@mcbdlaw.com
Supreme Court Liaison		
Shannon Hinchliffe Administrative Office of the Courts PO Box 41174 Olympia WA 98504-1170	360.357.2124	Shannon.Hinchliffe@courts.wa.gov
WSBA Staff Liaison		
Nicole Gustine Washington State Bar Association 1325 Fourth Avenue, Suite 600 Seattle, WA 98101-2539	206.727.8237	NicoleG@wsba.org

ENCLOSURE 3



WSBA

WASHINGTON STATE BAR ASSOCIATION

CIVIL LITIGATION RULES DRAFTING TASK FORCE

(Adopted by the WSBA Board of Governors November 18, 2016)

CHARTER

Background

The WSBA Board of Governors created the Task Force on the Escalating Cost of Civil Litigation (ECCL Task Force) in 2011 to assess the costs of civil litigation in Washington courts and develop recommendations to control costs, with the objective to make the civil justice system both affordable and accessible while preserving the paramount goal of justly resolving disputes. The ECCL Task Force charter directed the task force to focus on the types of litigation typically filed in our state's superior and district courts, to compare litigation costs in Washington with those in neighboring and similarly situated states and in federal courts, and to survey pertinent reports and recommendations from prominent organizations.

Seattle lawyer and former Board member Russ Aoki chaired the 17-member task force, which issued its final report June 15, 2015 ("Task Force on the Escalating Costs of Civil Litigation Final Report to the Board of Governors") and presented the report to the Board of Governors at its July 2015 meeting. The Board convened public discussions on each of the report's recommendations during its January, March, and April 2016 meetings. It also received numerous written comments from members and stakeholders. At the June 3, 2016, meeting, the Board held a first reading and took provisional votes on the twelve specific task force recommendations. The Board took final action on each task force recommendation at its July 22, 2016 meeting and issued a report ("Report of the Board of Governors of the Washington State Bar Association on the Recommendations of the Escalating Costs of Civil Litigation Task Force"), which was shared with the Supreme Court in August 2016.

Many of the Board-supported recommendations of the ECCL Task Force would require implementing amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction. Under WSBA Bylaws Section IX(B)(2), the Board creates and authorizes a drafting task force with the specific purposes set forth in this charter.

Task Force Purpose

- Review the recommendations of the Board of Governors addressing the ECCL Task Force Report and determine whether amendments to Washington's Civil Rules are needed to implement the recommendations.
- Prepare draft amendments to the Superior Court Civil Rules and/or the Civil Rules for Courts of Limited Jurisdiction (together with necessary and appropriate conforming amendments to other rules).

- Solicit and receive input from lawyers, judges, and other interested persons and entities, on the suggested amendments.
- After consideration of the input, present a set of suggested rule amendments to the Board of Governors.

Timeline

- Submit a final set of draft rule amendments for first reading by the Board of Governors by no later than the Board's May 2018 meeting.
- Prepare a Board-approved set of suggested rule amendments for submission to the Supreme Court before the first available GR 9 deadline after the draft amendments are approved by the Board.
- The Task Force should provide updates to the Board of Governors every six months on its progress.

Membership

This Task Force will consist of the following voting members:

- A WSBA member who shall serve as Chair;
- Not fewer than ten WSBA members knowledgeable about Washington's superior court and/or district court civil justice systems, including at least one civil trial lawyer with substantial experience representing plaintiffs, at least one civil trial lawyer with substantial experience representing defendants, and at least one lawyer or judge who is a current or former member of the Washington State Access to Justice Board;
- A superior court judge and a district court judge;
- A representative of the Washington State Association of County Clerks.

This Task Force may also include the following voting members, if available to serve:

- A representative from the Washington Court of Appeals;
- A representative of the federal judiciary.

In accordance with WSBA Bylaws Section IX(B)(2)(a)-(b), selection of persons to be appointed to the task force and the chair will be made by the President with approval of the Board of Governors.

ENCLOSURE 4

Stakeholders List

COURTS	
Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Harold Clarke (term ends 4/24/17) Judge Michael Downes (term starts 4/25/17)
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Franklin Dacca, Chair of Rules Committee

SPECIALTY BARS	
Organization	Name
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Lori O'Tool, President
	Peter Ritchie, President-elect
WA Association for Justice (WSAJ)	Darrell Cochran, President
	Jane Morrow(Chair, Court Rules)
NW Justice Project	Deborah Perluss, Director of Advocacy/General

Stakeholders List

SPECIALTY BARS	
	Counsel
WA Association of Criminal Defense Lawyers	Patricia Fulton, President
WA Appellate Lawyers Association	David Zuckerman, Co-Chair
	James Whisman, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney
WA State Assoc. of Municipal Attorneys (WSAMA)	Cary Driskell, President
	Flannary Collins, Secretary
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	Janene Sohng President

Stakeholders List

MINORITY BAR ASSOCIATIONS	
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	Eilene Limric President Jennifer Cruz President-Elect
QLaw – LGBT Bar Assoc.	Alison L. Warden President Dan Shih President-Elect
Korean Bar Assoc.	Crystal Nam President Paige Hardy President-Elect
Latina/Latino Bar Assoc.	Aimee Sutton President Veronica Quinonez President-Elect
Loren Miller Bar Assoc.	Chris Sanders President Erika Evans President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President Christina Parker

Stakeholders List

MINORITY BAR ASSOCIATIONS	
	President-Elect
Pierce County Minority Bar Assoc.	Mark Brady
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Shathi Raghu President Smriti Chandrashekar President-Elect
Vietnamese American Bar Assoc.	Linda Tran President D.Sho Ly President-Elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Jacki Badal President Lisa Keeler President-Elect

SECTIONS ¹	
Organization	Name
Administrative Law	Polly McNeill, Chair
Alternative Dispute Resolution (ADR)	Courtney Kaylor, Chair
Animal Law	Adam Karp, Chair
Antitrust, Consumer Protection and Unfair Business Practices	Christopher Wyant, Chair

¹ Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

Stakeholders List

SECTIONS ¹	
Business Law	Andrew Steen, Chair
Civil Rights Law	La Rond Baker, Chair
Construction Law	Athan Tramountanas, Chair
Corporate Counsel	Scott Schrum, Chair
Creditor Debtor Rights	Tom Linde, Chair
Criminal Law	Hugh Birgenheier, Chair
Elder Law	Megan Farr, Chair
Environmental and Law Use Law	Kristie Elliott, Chair
Family Law	Rhea Rolfe, Chair
Health Law	Lee Kuo, Chair
Indian Law	Claire Newman, Chair
Intellectual Property	Kevin Zeck, Chair
International Practice	Matthew Dresden, Chair
Juvenile Law	Daewoo Kim, Chair Jana Heyd, Co-Chair
Labor and Employment Law	James Shaker, Chair
Legal Assistance to Military Personnel (LAMP)	Sharon Powell, Chair
LGBT Law	Dana O'Day-Senior Betsy Crumb
Litigation	Phil Havers, Chair
Low Bono	John Varga, Chair
Real Property, Probate and Trust	RoseMary Reed, Chair
Senior Lawyers	Brian Comstock, Chair
Solo and Small Practice	Nancy Pacharzina, Chair
Taxation	Sandra Veliz, Chair
World Peace Through Law	Vacant

Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Stephanie Wyatt
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	David Nelson
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Trevor Bevier
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Eileen Baratuci
King County	Andrew J. Prazuch, Executive Director
	Andrew Maron, President
Kitsap County	Tom Weaver
Kittitas County	John Ufkes
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Samuel L. Groberg
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Michael O'Meara

Stakeholders List

COUNTY BAR ASSOCIATIONS	
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director Marla Koskins, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director Diane Clarkson, President
Thurston County	Trevor Zandell
Walla Walla County	Michelle Mulhern
Whatcom County	David Brown
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O'Conner (Superior Court) Alex Frix (District Court) Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit) Jean O'Loughlin, Lead Attorney (Delinquency Unit)

Stakeholders List

OTHER STAKEHOLDERS	
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Geoffrey Revelle, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Shelley Miner, Chair
MCLE Board	Melissa Skelton, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Procedure Committee	Phil Havers
N/A	Elizabeth Turner

MEMORANDUM

To: WSBA President, President-Elect, Immediate Past President, and Board of Governors

From: Shannon Kilpatrick, Chair, WSBA Court Rules and Procedures Committee

Date: September 12, 2018

Re: Suggested Amendments to CrR 1.3, 3.4, and 4.4; CrRLJ 4.2, 4.4, and 7.3; and CR 30

ACTION: Approve suggested amendments to CrR 1.3, 3.4, and 4.4; CrRLJ 4.2, 4.4, and 7.3; and CR 30 for submission to the Washington Supreme Court.

This item was on the agenda for first reading at the July 27-18, 2018, BOG meeting. There are no changes to the materials since the July BOG meeting.

As part of the Supreme Court's rules review cycle, the WSBA Court Rules & Procedures Committee (Committee) reviewed the CrRLJ's and the CrR's for the 2017-18 year. The Committee also reviewed a proposal to amend CR 30. Based on this study, the Committee recommends the following actions on the above-referenced rules.

For all of the suggested amendments, the Subcommittee reached out to the long list of stakeholders maintained by the WSBA. That stakeholder list is attached as **Enclosure 1**, which includes (among others) judicial organizations, all WSBA sections, all minority bar associations, specialty bar associations, prosecutor and public defender agencies, the ACLU, legal aid organizations, the Access to Justice Task Force, county bar associations, and civil litigation groups.

If approved, the Committee anticipates submitting these amendments to the Washington Supreme Court after the BOG has completed its consideration.

Superior Court Criminal Rules (CrR)

The CrR Subcommittee reviewed the CrR's with an eye toward correcting errors and bringing the rules up to date with current law.

Based on its review, the CrR Subcommittee recommended the following suggested amendments, which were adopted by the full Committee:

1. CrR 1.3. Attached as **Enclosure 2** are the redlined and clean versions of the suggested amendments to CrR 1.3. CrR 1.3 governs the effect of the Superior Court Criminal Rules.

The suggested amendment eliminates subsection (a) to remove the reference stating that the adoption of these rules did not impair any actions taken under prior versions of the rules. The CrR's were adopted in 1973. Subsection (a) was originally designed to provide continuity in procedure for cases pending on the date the CrR's first became effective. As that is no longer a concern, the suggested amendment will clarify the rule and be consistent with case law that new criminal rules apply to pending cases, regardless of when the case began, unless the court finds the interest of justice would be served by adhering to the prior formulation. *State v. Matlock*, 27 Wn. App. 152, 157, 616 P.2d 684 (1980); *State v. Olmos*, 129 Wn. App. 750, 757, 120 P.3d 139 (2005).

The suggested amendment also eliminates the last clause of the last sentence in subsection (b), "...or because of infeasibility of application of the procedures of these rules." The rule already allows the court to find the prior procedures should be used if it is in the "interest of justice." The last clause about infeasibility is redundant. The court already has the authority to apply the prior rules if it is in the "interest of justice," which can include that it is infeasible.

The Subcommittee did not receive any stakeholder feedback.

This suggested amendment passed the Committee 19-0.

2. CrR 3.4(c). Attached as **Enclosure 3** are the redlined and clean versions of the suggested amendments to CrR 3.4(c). CrR 3.4 governs when the presence of the defendant is required. Subsection (a) requires the presence of the defendant at all "necessary stages, unless excused or excluded for good cause shown. Subsection (c) allows the court to issue a warrant where the defendant is absent when his or her presence is necessary.

This amendment is intended to clarify that bench warrants can issue post-sentencing, but not for failure to pay legal financial obligations (LFO's), unless that failure to pay was willful. The Subcommittee was concerned about the reported practice of bench warrants being issued for the failure to pay LFO's in some counties without any sort of individualized finding that the failure to pay is willful. Committee members who practice in this area reported significant problems with this practice in eastern parts of the state. There are reportedly several lawsuits against counties for this kind of practice.

The current rule arguably does not explicitly allow for bench warrants to be issued for post-sentencing matters because the definition of when the defendant's presence is "necessary" under (a) does not include matters that occur after the imposition of sentence. Thus, this amendment is intended to clarify that courts may issue bench warrants post-sentencing, but not for failure to pay LFO's until there has been a hearing in which the court has found a willful failure to pay. (The analysis on willfulness necessarily includes a review of whether the defendant has the ability to pay the LFO's.) However, the

amendment allows a bench warrant to issue for other types of post-sentencing hearings for which there has been an order to appear.

During the drafting process, the Washington State Association of County Clerks expressed concern that the rule preserve the ability to issue bench warrants after the court finds the failure to pay is willful. The addition of the last sentence addresses this concern:

“However, no warrant shall issue for failure to pay legal financial obligations unless, after a hearing on the record, the court finds the failure to pay is willful.”

No other stakeholder provided any feedback opposing these changes.

The Committee was satisfied the WSACC concerns were met. This suggested amendment passed the Committee by a vote of 15-4.

At the suggestion of the Committee, the Subcommittee withdrew a separate suggested amendment to CrR 3.4(b) because of concerns about the unintended consequences it could create.

3. CrR 4.4(b). Attached as **Enclosure 4** are the redlined and clean versions of the suggested amendments to CrR 4.4(b). Rule 4.4 governs the severance of offenses and defendants. CrR 4.4(b) allows the severance of offenses under certain circumstances.

As currently written, in Section (b), the reference to “other than under section (a)” in Section (b) was confusing and made little sense. Section (a) governs the timeliness of a motion to sever. But according to the language of Section (b), the court shall grant a severance “other than under section (a).” It’s unclear why this confusing reference was in the rule or if it was the victim of a prior amendment at some point that failed to update references.

The proposed amendment reinforces that all defense motions to sever must be timely “pursuant” to Section (a).

The next change was to (c)(2). Section (c) governs severance of defendants. In subsection (c)(2), the change would correct an unclear reference back to an earlier section. Subsection (c)(2) directs the court to grant a severance of defendant “other than under subsection (i).” It was unclear However, the only (i) was in subsection (c)(1)(i). The proposedThe reference to subsection (i) is confusing since there are two subsections (i) in the rule. Specific reference to (c)(1) clarifies that a defense motion to sever defendants will not be granted under (c)(2) on the basis of out-of-court statements of a co-defendant where it does not meet the requirements of (c)(1).

There was some stakeholder feedback to this suggested amendment. The Washington Defender Agency felt the “timely” requirement should apply to both the prosecution and defense. A practitioner responded that he felt that the word “timely” had no meaning in this circumstance.

The Committee discussed this feedback and several Committee members voiced these same concerns. Several felt like the “timely” requirement should be reciprocal and apply to both the prosecution and defense.

Some Committee members thought there was no point of including “timely” in Section (c) because Section (a) already governs timeliness. After discussion, the Subcommittee accepted a friendly amendment to remove the word “timely.” Because timeliness was already addressed in Section (a), the Committee felt it was best to leave out any further requirement of “timely” and avoid any unintended consequences.

This suggested amendment, which included the friendly amendment, passed the Committee 15-0 with four abstentions.

The CrR Subcommittee had two other suggested amendments that were pulled back for further study after discussion with the full Committee.

Criminal Rules for Courts of Limited Jurisdiction (CrRLJ)

The CrRLJ Subcommittee reviewed the rules with an eye toward correcting any obvious errors and to consider whether any proposals adopted by the CrR Subcommittee would be appropriate for the CrRLJ’s.

After its review, the CrRLJ Subcommittee recommended the following suggested amendments, which were adopted by the full Committee:

1. CrRLJ 4.2. Attached as **Enclosure 5** are the redlined and clean versions of the suggested amendments to CrRLJ 4.2. CrRLJ 4.2 governs pleas and pretrial disposition. The suggested amendments are not substantive. They simply correct transposed numbers in references to certain RCWs. Specifically, the suggested amendments propose correcting the following statutory references in CrRLJ 4.2(g)(6):
 - From RCW **64.61.504** to RCW **46.61.504**;
 - From RCW **456.20.740(3)** to RCW **46.20.740(3)**; and
 - From RCW **64.61.504** to RCW **46.61.504**.

No stakeholders opposed these suggested amendments. The Washington Defender Association supported the changes. One practitioner provided additional corrected references, which were then verified and incorporated into the suggested amendment before the Committee.

This proposal was adopted by the Committee unanimously.

2. CrRLJ 4.4(c). Attached as **Enclosure 6** are the redlined and clean versions of the suggested amendments to CrRLJ 4.4(c). CrRLJ 4.4(c) governs the severance of offenses and defendants in courts of limited jurisdiction. The suggested amendment was intended

to mirror the language in the suggested amendment to CrR 4.4(b) above, to ensure the references to other subsections are correct and not confusing. The reason for this suggested amendment is the same as the suggested amendment to CrR 4.4(b). Please see explanation above of the CrR 4.4(b) suggested change.

The only stakeholder feedback received on this proposal was from the Washington Defender Association, which supported the amendment.

After a friendly amendment to ensure the language was identical to CrR 4.4(b) (taking out the timely requirement), the full Committee adopted the suggested amendment 16-0 with two abstentions.

3. CrRLJ 7.3. Attached as **Enclosure 7** are the redlined and clean versions of the suggested amendments to CrRLJ 7.3. CrRLJ 7.3 governs judgments. This suggested amendment simply removes unnecessary **bold** text. It wasn't clear why the text was bold to begin with since bolding is usually reserved for headings, not text. The only stakeholder who provided feedback, the Washington Defender Association, supported the proposal. This suggested amendment passed the Committee unanimously.

Superior Court Civil Rule (CR) 30

Attached as **Enclosure 8** are the redlined and clean versions of the suggested amendments to CR 30(b)(8).

Last fall, the Committee received a request from a practitioner to amend CR 30, which governs the taking of depositions in civil cases, to account for technology changes that have occurred since the rule's last revision. Subcommittee X—the subcommittee that takes up any out of cycle rule proposals—was tasked with reviewing the proposal.

This suggested amendment recommends updating the language of Civil Rule 30(b)(8), which addresses depositions being recorded by videotape. The proposed revisions aimed to accomplish two changes:

1. Remove all references to “video tape(s)” or “video taping,” and replace them with the more generic term “video record” or “video recording;” and
2. Address circumstances in which the original video recording is stored in the cloud or on a remote server (as opposed to storing on a fixed medium, such as a video tape) and to require information about such storage to be included in the certificate provided by videographers.

The Subcommittee worked with the practitioner to make a few minor changes to his proposal. The Subcommittee ultimately believed these changes are not substantive, but necessary to update the rule to reflect how litigants are using video recordings.

In addition to the long stakeholder list, the Subcommittee reached out to videographer firms in Seattle to get their input. The only firm to respond, Prolumina, supported the first change, it did not support the second change, the new certification requirement because it would require changes to the existing format of the certification. The District and Municipal Court Judges' Association was the only other stakeholder to provide feedback, and it supported the suggested amendment.

The Committee's discussion focused on the second of the proposed changes, which adds a sentence to subsection CR 30(b)(8)(H):

After the deposition has been taken, the operator of the videotape recording equipment shall ~~attach to~~ submit with the videotape recording a certificate that the recording is a correct and complete record of the testimony by the deponent. If the video recording is stored exclusively on a computer or service (including cloud storage) and not on an easily removable and portable storage device, the certificate shall so state and indicate measures taken to preserve it.

There was concern on the Committee that this new sentence imposed an additional requirement on those video recording depositions, which would require them to not only to update their form, but to also provide information about how the recording is being preserved. This could create a burden on some, though it likely wouldn't be burdensome to most large videographer firms.

Others on the Committee felt that the burden was minimal. Those who video record depositions already needed to provide a form with a certification on it. This new certification language would be added to the form once, and could then be used for all video recordings thereafter.

The Committee took up the two suggested amendments separately. The Committee adopted unanimously the suggested amendment to change "video tape(s)" or "video taping" to "video record" or "video recording."

The second part, the new certification language, passed 8-7 with two abstentions.

ENCLOSURES:

- Enclosure 1: WSBA Court Rules & Procedures Committee stakeholder list.
- Enclosure 2: redline and clean versions of suggested amendments to CrR 1.3.
- Enclosure 3: redline and clean versions of suggested amendments to CrR 3.4(c).
- Enclosure 4: redline and clean versions of suggested amendments to CrR 4.4(b).
- Enclosure 5: redline and clean versions of suggested amendments to CrRLJ 4.2.
- Enclosure 6: redline and clean versions of suggested amendments to CrRLJ 4.4(c).
- Enclosure 7: redline and clean versions of suggested amendments to CrRLJ 7.3.
- Enclosure 8: redline and clean versions of suggested amendments to CR 30(b)(8).

ENCLOSURE 1

Stakeholders List

COURTS	
Organization	Name
Supreme Court	Shannon Hinchcliffe AOC Liaison
Court of Appeals, Div. 1	Presiding Chief Judge Laurel Siddoway
Court of Appeals, Div. 2	Chief Judge Brad Maxa
Court of Appeals, Div. 3	Judge Kevin Korsmo
Superior Court Judges Association (SJCA)	Judge Harold Clarke (term ends 4/24/17) Judge Michael Downes (term starts 4/25/17)
District & Municipal Court Judges Association (DMCJA)	Judge G. Scott Marinella, President Judge Franklin Dacca, Chair of Rules Committee

SPECIALTY BARS	
Organization	Name
WA Defense Trial Lawyers (WDTL)	Jon Morrone (Court Rules)
	Lori O'Tool, President
	Peter Ritchie, President-elect
WA Association for Justice (WSAJ)	Darrell Cochran, President
	Jane Morrow(Chair, Court Rules)
NW Justice Project	Deborah Perluss, Director of Advocacy/General

Stakeholders List

SPECIALTY BARS	
	Counsel
WA Association of Criminal Defense Lawyers	Patricia Fulton, President
WA Appellate Lawyers Association	David Zuckerman, Co-Chair
	James Whisman, Co-Chair
WA Defender Association	Keith Tyne, President Daryl Rodrigues, President-elect
International Assoc. of Defense Counsel (IADC)	John T. Lay Jr.
WA Assoc. of Prosecuting Attorneys (WAPA)	Pam Loginsky, Staff Attorney
WA State Assoc. of Municipal Attorneys (WSAMA)	Cary Driskell, President
	Flannary Collins, Secretary
Public Defenders Association	Lisa Daugaard, Director
ACLU of WA	Kathleen Taylor, Executive Director
International Association of Defense Counsel (IADC)	Mary Beth Kurzak, Executive Director
Columbia Legal	Nick Allen

MINORITY BAR ASSOCIATIONS	
Organization	Name
Asian Bar Association	Janene Sohng President

Stakeholders List

MINORITY BAR ASSOCIATIONS	
Cardozo Society	Aric Bomsztyk President
Filipino Lawyers of WA	Eilene Limric President Jennifer Cruz President-Elect
QLaw – LGBT Bar Assoc.	Alison L. Warden President Dan Shih President-Elect
Korean Bar Assoc.	Crystal Nam President Paige Hardy President-Elect
Latina/Latino Bar Assoc.	Aimee Sutton President Veronica Quinonez President-Elect
Loren Miller Bar Assoc.	Chris Sanders President Erika Evans President-Elect
Middle Eastern Legal Assoc.	Shamimi Mohandessi President Mohamed Khalil President-Elect
Mother Attorneys Mentoring Assoc.	Stephanie Berntsen President
Northwest Indian Bar Assoc.	Sarah Lawson President Christina Parker

Stakeholders List

MINORITY BAR ASSOCIATIONS	
	President-Elect
Pierce County Minority Bar Assoc.	Mark Brady
Slavic Bar Assoc.	Barry Wallis President
South Asian Bar Assoc.	Shathi Raghu President Smriti Chandrashekar President-Elect
Vietnamese American Bar Assoc.	Linda Tran President D.Sho Ly President-Elect
WA Attorneys with Disabilities Assoc.	Conrad Reynoldson President
WA Veterans Bar Assoc.	Thomas Jarrad President
WA Women Lawyers	Jacki Badal President Lisa Keeler President-Elect

SECTIONS ¹	
Organization	Name
Administrative Law	Polly McNeill, Chair
Alternative Dispute Resolution (ADR)	Courtney Kaylor, Chair
Animal Law	Adam Karp, Chair
Antitrust, Consumer Protection and Unfair Business Practices	Christopher Wyant, Chair

¹ Paris Eriksen, WSBA Sections Program Manager, distributed all rule proposals by email to Section Leaders.

Stakeholders List

SECTIONS ¹	
Business Law	Andrew Steen, Chair
Civil Rights Law	La Rond Baker, Chair
Construction Law	Athan Tramountanas, Chair
Corporate Counsel	Scott Schrum, Chair
Creditor Debtor Rights	Tom Linde, Chair
Criminal Law	Hugh Birgenheier, Chair
Elder Law	Megan Farr, Chair
Environmental and Law Use Law	Kristie Elliott, Chair
Family Law	Rhea Rolfe, Chair
Health Law	Lee Kuo, Chair
Indian Law	Claire Newman, Chair
Intellectual Property	Kevin Zeck, Chair
International Practice	Matthew Dresden, Chair
Juvenile Law	Daewoo Kim, Chair Jana Heyd, Co-Chair
Labor and Employment Law	James Shaker, Chair
Legal Assistance to Military Personnel (LAMP)	Sharon Powell, Chair
LGBT Law	Dana O'Day-Senior Betsy Crumb
Litigation	Phil Havers, Chair
Low Bono	John Varga, Chair
Real Property, Probate and Trust	RoseMary Reed, Chair
Senior Lawyers	Brian Comstock, Chair
Solo and Small Practice	Nancy Pacharzina, Chair
Taxation	Sandra Veliz, Chair
World Peace Through Law	Vacant

Stakeholders List

COUNTY BAR ASSOCIATIONS	
Organization	Name
Adams County	Steven Herbert Sackmann
Asotin, Columbia, Garfield County (Hells Canyon Bar Assoc.)	Kate Hawkins
Benton-Franklin County	Diana N. Ruff
Chelan-Douglas County	Travis C. Brandt
Clallam County	Stephanie Wyatt
Clark County	Mark Sampath
Cowlitz-Wahkiakum County	David Nelson
East King County	Chris Pirnke
Ferry County	James Von Sauer
Grant County	Trevor Bevier
Grays Harbor County	Jean Cotton
Island County	Anna Thompson
Jefferson County	Eileen Baratuci
King County	Andrew J. Prazuch, Executive Director
	Andrew Maron, President
Kitsap County	Tom Weaver
Kittitas County	John Ufkes
Klickitat-Skamania County	Joanne Gallagher
Lewis County	Samuel L. Groberg
Lincoln County	Lee Russell McGuire Jr.
Mason County	Julie Sund Nichols
Okanogan County	Ted Reinbold
Pacific County	Edward Penoyar
Pend Oreille County	Douglas Lambarth
San Juan County	John Chessell
Skagit County	Heather Webb
Snohomish County	Michael O'Meara

Stakeholders List

COUNTY BAR ASSOCIATIONS	
South King County	Katelyn Smythe
Spokane County	Julie Griffith, Executive Director
	Marla Koskins, President
Stevens County	Nicholas Force
Tacoma-Pierce County	Kit Kasner, Executive Director
	Diane Clarkson, President
Thurston County	Trevor Zandell
Walla Walla County	Michelle Mulhern
Whatcom County	David Brown
Whitman County	Luke E. Baumgarten
Yakima County	Quinn Dalan

OTHER STAKEHOLDERS	
Organization	Name
Office of Assigned Counsel (Thurston County)	Patrick O’Conner (Superior Court)
	Alex Frix (District Court)
	Sharonda D. Amamilo (Family and Juvenile Court)
Office of Assigned Counsel (Pierce County)	Kriston McDonough, Lead Attorney (Civil Contempt Unit)
	Jean O’Loughlin, Lead Attorney (Delinquency Unit)

Stakeholders List

OTHER STAKEHOLDERS	
	Jessica Campbell (District Court)
Tacoma Municipal Court Unit	Denise Whitley
Access to Justice Board	Geoffrey Revelle, Chair
Limited License Legal Technician Board	Steve Crossland, Chair
Limited Practice Board	Shelley Miner, Chair
MCLE Board	Melissa Skelton, Chair
N/A	Karl Tegland
AGs Office	Rebecca Glasgow
Kitsap County Bar Assoc. Civil Practice & Procedure Committee	Phil Havers
N/A	Elizabeth Turner

ENCLOSURE 2

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 1.3 - EFFECT

~~Except as otherwise provided elsewhere in these rules, o~~On their effective date:

~~(a) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules and any constitutional right are not impaired by these rules.~~

~~(b) T~~hese rules ~~also~~ apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice ~~or because of infeasibility of application of the procedures of these rules.~~

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 1.3 - EFFECT

1 On their effective date these rules apply to any proceedings in court then pending or
2 thereafter commenced regardless of when the proceedings were commenced, except to the extent
3 that in the opinion of the court, the former procedure should continue to be made applicable in a
4 particular case in the interest of justice.
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ENCLOSURE 3

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 3.4 – PRESENCE OF THE DEFENDANT

1 **(a)** [Unchanged]

2 **(b) Effect of Voluntary Absence.** The defendant's voluntary absence after the
3 trial has commenced in his or her presence shall not prevent continuing the trial to
4 and including the return of the verdict. A corporation may appear by its lawyer for all purposes.
5 In prosecutions for offenses punishable by fine only, the court, with the written consent of the
6 defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's
7 absence.
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9 **(c) Defendant not present.** If ~~a in any case the~~ defendant is not present when the
10 defendant's personal attendance is necessary as provided in subsection (a), or post-sentencing in
11 response to service of an order to appear or show cause, the court may order the clerk to issue a
12 bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other
13 cases. However, no warrant shall issue for failure to pay legal financial obligations unless, after a
14 hearing on the record, the court finds the failure to pay is willful.
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16 **(d) – (e)** [Unchanged]
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 3.4 – PRESENCE OF THE DEFENDANT

1 **(a)** [Unchanged]

2 **(b) Effect of Voluntary Absence.** The defendant's voluntary absence after the
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5 In prosecutions for offenses punishable by fine only, the court, with the written consent of the
6 defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's
7 absence.
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9 **(c) Defendant not present.** If a defendant is not present when the defendant's
10 personal attendance is necessary as provided in subsection (a), or post-sentencing in response to
11 service of an order to appear or show cause, the court may order the clerk to issue a bench
12 warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.
13 However, no warrant shall issue for failure to pay legal financial obligations unless, after a
14 hearing on the record, the court finds the failure to pay is willful.
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16 **(d) – (e)** [Unchanged]
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ENCLOSURE 4

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 **(a)** [Unchanged]

2 **(b) Severance of Offenses.** The court, on application of the prosecuting attorney, or
3 on application of the defendant ~~pursuant to other than under~~ section (a), shall grant a severance
4 of offenses whenever before trial or during trial with consent of the defendant, the court
5 determines that severance will promote a fair determination of the defendant's guilt or innocence
6 of each offense.

7
8 **(c) Severance of Defendants.**

9 (1) A defendant's motion for severance on the ground that an out-of-court statement of
10 a codefendant referring to him is inadmissible against him shall be granted unless:

11 (i) the prosecuting attorney elects not to offer the statement in the case in chief; or

12 (ii) deletion of all references to the moving defendant will eliminate any prejudice
13 to him from the admission of the statement.

14
15 (2) The court, on application of the prosecuting attorney, or on application of the
16 defendant other than under subsection ~~(c)(1)(i)~~, should grant a severance of defendants
17 whenever:

18 (i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy
19 trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a
20 defendant; or

21 (ii) if during trial upon consent of the severed defendant, it is deemed necessary to
22 achieve a fair determination of the guilt or innocence of a defendant.

SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (3) When such information would assist the court in ruling on a motion for severance of
2 defendants, the court may order the prosecuting attorney to disclose any statements made by the
3 defendants which he intends to introduce in evidence at the trial.

4 (4) The assignment of a separate cause number to each defendant of those named on a
5 single charging document is not considered a severance. Should a defendant desire that the case
6 be severed, the defendant must move for severance.

7 (d) – (e) [Unchanged]
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 **(a)** [Unchanged]

2 **(b) Severance of Offenses.** The court, on application of the prosecuting attorney, or
3 on application of the defendant pursuant to section (a), shall grant a severance of offenses
4 whenever before trial or during trial with consent of the defendant, the court determines that
5 severance will promote a fair determination of the defendant's guilt or innocence of each offense.
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7 **(c) Severance of Defendants.**

8 (1) A defendant's motion for severance on the ground that an out-of-court statement of
9 a codefendant referring to him is inadmissible against him shall be granted unless:

10 (i) the prosecuting attorney elects not to offer the statement in the case in chief; or

11 (ii) deletion of all references to the moving defendant will eliminate any prejudice
12 to him from the admission of the statement.

13 (2) The court, on application of the prosecuting attorney, or on application of the
14 defendant other than under subsection (c)(1), should grant a severance of defendants whenever:

15 (i) if before trial, it is deemed necessary to protect a defendant's rights to a speedy
16 trial, or it is deemed appropriate to promote a fair determination of the guilt or innocence of a
17 defendant; or
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19 (ii) if during trial upon consent of the severed defendant, it is deemed necessary to
20 achieve a fair determination of the guilt or innocence of a defendant.

21 (3) When such information would assist the court in ruling on a motion for severance of
22 defendants, the court may order the prosecuting attorney to disclose any statements made by the
23 defendants which he intends to introduce in evidence at the trial.
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SUGGESTED AMENDMENT
SUPERIOR COURT CRIMINAL RULES (CrR)
CrR 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (4) The assignment of a separate cause number to each defendant of those named on a
2 single charging document is not considered a severance. Should a defendant desire that the case
3 be severed, the defendant must move for severance.

4 **(d) – (e)** [Unchanged]
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COMMENTS RECEIVED

From: [Chris Van Vechten](#)
To: [WSBA CourtRules](#)
Subject: Proposed Rule Changes
Date: Monday, April 02, 2018 6:29:13 PM

Greetings,

I wanted to voice some thoughts on the proposed changes to various rules of procedure.

It is proposed that **CrR 4.4(b)** include the phrase "timely" in front of the word "application" in reference to a motion to sever brought by the Defense. The word does not appear to have any meaning, however, since subsequent and previous rules emphasize that what justice demands will control.

It is proposed that **CrR 8.2** include a 10 day window to file motions for reconsideration. I do not know what prompted this suggestion - but I would prefer to give courts and the respective parties flexibility to prevent injustices. Evidence does not accumulate in every county at the same pace. Last year I lost a 3.6 motion partially because it was the officer's word against my client in Pierce County Superior Court. 2 months later, the Prosecutor sent me a Brady Affidavit informing me that one of the officers that testified against my client in the suppression motion had been disciplined several years prior for - among other things - falsifying evidence. This would warrant reconsideration, but under the proposed language of the new rule, I do not know how we would get it. Pierce County is notoriously slow at delivering evidence to defense counsel, and given that it is a leading forum in terms of sheer volume of criminal defendants, I would be very concerned about the nature of the practice in Pierce County subsequent.

Best

--

Chris Van Vechten
Attorney at Law
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253-666-8987
www.soundlawyering.com
705 S 9th St #206,
Tacoma, WA, 98405-4622

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From: jjd32181@aol.com
To: [WSBA CourtRules](#)
Subject: Proposed amendments to court rules
Date: Tuesday, April 03, 2018 10:09:24 AM

I have the following comments with regard to proposed rule changes:

1.3 this is a practical proposal and I have no objection to it;
3.4 I am in agreement with the proposed change;
8.2 this is a good proposal and I have no objection to it;
5.2 this is a good proposal and I have not objection to it.

Respectfully,
Joanna J. Daniels WSBA#19702
5042 Mariner Street
Gig Harbor, WA 98332
253 649 0926

From: [Schueler, Michael](#)
To: [WSBA CourtRules](#)
Subject: Feedback on proposed changes to CrR 8.2
Date: Tuesday, April 03, 2018 5:29:22 PM

To whom it may concern:

For the sake of efficiency and clarity, I would ask the rules committee to note whether the 10 day requirement is 10 court days or 10 actual days. This would create a more uniform practice across the various courts.

Further, I believe this rule should also indicate that the court, in its discretion, may extend the time to file a motion for reconsideration. Sometimes issues prevent a motion from being noted within a timely manner, and it would seem that fundamental fairness would allow a court to grant leave of this 10 day requirement. Explicitly stating that would again provide clarity and uniformity in application.

Michael A. Schueler

Attorney at Law
Associated Counsel for the Accused Division
King County Department of Public Defense
420 West Harrison Street, Suite 201
Kent, WA 98032
Phone: 206.477.7893
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Michael.Schueler@kingcounty.gov
[Department of Public Defense](#)

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May 23, 2018

WSBA Rules Committee
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539

RE: Proposed amendments to CrR 4.4 – Severance of Offenses and Defendants and CrR 8.2 Motions

Dear WSBA Rules Committee:

The Washington Defender Association (WDA) is writing to express our concerns with several of the proposed amendments under consideration by the WSBA Rules Committee. Specifically:

- **CrR 4.4 – Severance of Offenses and Defendants.** We strongly believe the “timely” requirement under 4.4(b) should be applied to all parties not just the defense. We would suggest the language be amended to say, “The court, on timely application of the prosecuting attorney or on timely application of the defendant...”
- **CrR 8.2 – Motions.** We have serious concerns with the proposed change as it fails to address the defense’s obligation to perfect the record and to provide effective assistance of counsel. There are a number of motions that the defense must bring on a repeated basis to preserve their clients’ rights on appeal or to address changing circumstances, such as CrR3.2(k) - Bail, CrR 4.4 - Severance and CrR 4.7(h)(2) - Continuing Duty To Disclose. To address these concerns, we would suggest the language be amended to say:

Rules 3.5 and 3.6 and CR 7(b) shall govern motions in criminal cases. A motion for reconsideration shall be filed not later than 10 days after the entry of the order or other decision unless the court finds good cause to extend the time frame.

In addition we would note that if the rule is to be amended in Superior Court, it also should be amended in the District Court rule.

No concerns were identified with the other proposed changes to CrR 1.3, CrR 3.4 and RAP 5.2.

Thank you for your consideration. Please let us know if you have any questions or if we can provide further information.

Sincerely,

A blue ink signature of Harry Gasnick, consisting of a stylized 'H' and 'G'.

Harry Gasnick
Chair, WDA Court Rules Committee

A blue ink signature of Christie Hedman, written in a cursive style.

Christie Hedman
Executive Director

ENCLOSURE 5

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

(a)-(f) [unchanged]

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

1-5 [unchanged]

6. *In Considering the Consequence of My Guilty Plea, I understand That:*

(a)-(u) [unchanged]

[](v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055. RCW ~~456.20.740(3)~~ 46.20.740(3).

[](w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~ 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

(x)-(z) [unchanged]

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

1 (a)-(f) [unchanged]

2 (g) **Written Statement.** A written statement of the defendant in substantially the form
3 set forth below shall be filed on a plea of guilty:

4 1-5 [unchanged]

5 6. *In Considering the Consequence of My Guilty Plea, I understand That:*

6 (a)-(u) [unchanged]

7 [](v) If this case involves a conviction for operating a vehicle without an
8 ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any
9 sentences imposed under RCW 46.20.750, 46.61.502, 64.61.504, or 46.61.5055. RCW
10 46.20.740(3).
11

12 (w)-(z) [unchanged]

ENCLOSURE 6

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [unchanged]

2 (b) **Severance of Offenses.** The court, on application of the prosecuting authority, or
3 on application of the defendant ~~pursuant to other than under~~ section (a), shall grant a severance
4 of offenses whenever before trial or during trial with consent of the defendant, the court
5 determines that severance will promote a fair determination of the defendant's guilt or innocence
6 of each offense.
7

8 (c) **Severance of Defendants.**

9 (1) [unchanged]

10 (2) The court, on application of the prosecuting authority, or on the application of the
11 defendant other than under ~~subsection (i)~~ subsection (c)(1), should grant a severance of
12 defendants whenever:

13 (i)-(ii) [unchanged]

14 (3) [unchanged]
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SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 4.4 – SEVERANCE OF OFFENSES AND DEFENDANTS

1 (a) [unchanged]

2 (b) **Severance of Offenses.** The court, on application of the prosecuting authority, or
3 on application of the defendant pursuant to section (a), shall grant a severance of offenses
4 whenever before trial or during trial with consent of the defendant, the court determines that
5 severance will promote a fair determination of the defendant's guilt or innocence of each
6 offense.
7

8 (c) **Severance of Defendants.**

9 (1) [unchanged]

10 (2) The court, on application of the prosecuting authority, or on the application of the
11 defendant other than under subsection (c)(1), should grant a severance of defendants whenever:

12 (i)-(ii) [unchanged]

13 (3) [unchanged]
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ENCLOSURE 7

SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)

CrRLJ 7.3 – JUDGEMENT

1 [unchanged]

2 (a)-(b) [unchanged]

3 (c) ~~Citation~~ Citation to the statute or ordinance, including subsections, ~~under~~ under
4 which the defendant was sentenced;

5 (d) ~~Identification of any charge to which the defendant pled guilty or was~~
6 ~~found guilty that is a crime of domestic violence under state law~~ Identification of any charge
7 to which the defendant pled guilty or was found guilty that is a crime of domestic violence under
8 state law;

9
10 (e)-(l) [unchanged]

**SUGGESTED AMENDMENT
CRIMINAL RULES FOR COURTS OF LIMITED
JURISDICTION (CrRLJ)**

CrRLJ 7.3 – JUDGEMENT

1 [unchanged]

2 (a)-(b) [unchanged]

3 (c) Citation to the statute or ordinance, including subsections, under which the
4 defendant was sentenced;

5 (d) Identification of any charge to which the defendant pled guilty or was found
6 guilty that is a crime of domestic violence under state law;

7 (e)-(l) [unchanged]

COMMENTS RECEIVED

From: Espinoza, Jesse
To: Sherry Lindner; Pam Loginsky; Bartlett, Aaron; Miller, Andy; O'Brien, Brian; McEachran, David; Wise, Donna; Pedersen, Erik; Jenny, Frank; Verhoef, Gretchen; Thomas, Hilary; Joseph, Jennifer; Whisman, Jim; Jackson, Joe; Cross, John; Webber, Kathy; Ramm, Ken; McCrae, Kevin; Thulin, Kimberly; Proctor, Kit; Steinmetz, Larry; Hyer, Michelle; Weissner, Paul; Rogers, Rachael; Sutton, Randy; Valaas, Ryan; Beigh, Sara; Fine, Seth; Hanlon, Tamara; Chen, Teresa; Higgs, Tim; James, Salina; McBride, Tom; Clark, Andrew; Santos, Ben; Wevodau, Cailen; Weaver, Carla; Nohavec, Erika; Couper, Fiona; Zaug, Justin; Newberg, Matthew; Sterett, Rachel; Penner, Stephen; Haslett, Amber
Subject: RE: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)
Date: Wednesday, May 16, 2018 10:14:11 AM
Attachments: [image001.png](#)
[Comment on SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION.docx](#)

Hello Sherry,

I attached a comment on the suggested amendment for CrRLJ 4.2. There were just a couple more typos in the hard copy of the rules that need to be corrected. I used track changes to point them out.

Thanks,
Jesse

Jesse Espinoza
Clallam County Deputy Prosecuting Attorney
223 East 4th Street, Suite 11
Port Angeles, WA 98362
Phone: (360) 417-2527
Fax: (360) 417-2469
E-mail: jespinoza@co.clallam.wa.us

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From: Pam Loginsky [mailto:Pamloginsky@waprosecutors.org]
Sent: Wednesday, May 16, 2018 8:55 AM
To: Bartlett, Aaron; Miller, Andy; O'Brien, Brian; McEachran, David; Wise, Donna; Pedersen, Erik; Jenny, Frank; Verhoef, Gretchen; Thomas, Hilary; Joseph, Jennifer; Espinoza, Jesse; Whisman, Jim; Jackson, Joe; Cross, John; Webber, Kathy; Ramm, Ken; McCrae, Kevin; Thulin, Kimberly; Proctor, Kit; Steinmetz, Larry; Hyer, Michelle; Weissner, Paul; Rogers, Rachael; Sutton, Randy; Valaas, Ryan; Beigh, Sara; Fine, Seth; Hanlon, Tamara; Chen, Teresa; Higgs, Tim; Loginsky, Pam; James, Salina; McBride, Tom; Clark, Andrew; Santos, Ben; Wevodau, Cailen; Weaver, Carla; Nohavec, Erika; Couper, Fiona; Zaug, Justin; Newberg, Matthew; Sterett, Rachel; Penner, Stephen; Haslett, Amber
Subject: Fwd: Feedback Requested: WSBA Court Rules and Procedures Committee/CrRLJ 4.2, 4.4, 7.3 (External Email: USE Caution)

Please consider sending in comments.

Pam

>>> Sherry Lindner <sherryl@wsba.org> 5/7/2018 2:46 PM >>>

Greetings,

The Court Rules and Procedures Committee is proposing to amend the Criminal Rules for Courts of Limited Jurisdiction "CrRLJ" CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3. The Committee is reaching out to stakeholders for comments and feedback on its proposals.

Stakeholder input is crucially important in the rulemaking process and assists the Committee in making an informed decision.

Please find attached materials submitted by Jefferson Coulter.

Please submit your feedback/comments to WSBACourtRules@wsba.org by June 8, 2018.

Thank you,



Sherry Lindner | Paralegal | Office of General Counsel

Washington State Bar Association | T 206-733-5941 | F 206-727-8314 | sherryl@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org

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SUGGESTED AMENDMENT CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION (CrRLJ) CrRLJ 4.2 – PLEAS AND PRETRIAL DISPOSITION

The errors below appear in the book but not the online version of the court rules attachment for CrRLJ 4.2

[] (v) If this case involves a conviction for operating a vehicle without an ignition interlock device under RCW 46.20.740, then my sentence will run consecutive to any sentences imposed under RCW 46.20.750, 46.61.502, ~~64.61.504~~ 46.61.504, or 46.61.5055. RCW ~~46.20.740(3)~~ 46.20.740(3).

[] (w) If this case involves a conviction for tampering with or circumventing an ignition interlock device under RCW 46.20.750, then my sentence will run consecutive to any sentences imposed under RCW 46.20.740(3), 46.61.502, ~~64.61.504~~ 46.61.504, 46.61.5055, 46.61.520(1), or 46.61.522(1)(b).

From: [Christie Hedman](#)
To: [WSBA CourtRules](#)
Cc: [Harry Gasnick](#)
Subject: Support for Technical Amendments to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3
Date: Tuesday, May 22, 2018 4:30:59 PM
Attachments: [image002.png](#)
[image003.png](#)

Dear Mr. Coulter,

The Washington Defender Association's Court Rules Committee has reviewed the draft proposals to amend CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3 and are supportive of the proposed changes.

Please let me know if there is any further information we may be able to provide.

Christie Hedman
Executive Director
she/her/hers
Tel: 206.623.4321 | Fax: 206.623.5420
hedman@defensenet.org



ENCLOSURE 8

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 **(a) When Depositions May Be Taken.** After the summons and a copy of the complaint are
2 served, or the complaint is filed, whichever shall first occur, any party may take the testimony of
3 any person, including a party, by deposition upon oral examination. Leave of court, granted with
4 or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the
5 expiration of 30 days after service of the summons and complaint upon any defendant or service
6 made under rule 4(e), except that leave is not required (1) if a defendant has served a notice of
7 taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in
8 subsection (b)(2) of this rule. The attendance of witnesses may be compelled by subpoena as
9 provided in rule 45. The deposition of a person confined in prison may be taken only by leave of
10 court on such terms as the court prescribes.

12 **(b) Notice of Examination: General Requirements; Special Notice; Nonstenographic**
13 **Recording; Production of Documents and Things; Deposition of Organization; Video Tape**
14 **Recording.**

16 (1) A party desiring to take the deposition of any person upon oral examination shall
17 give reasonable notice in writing of not less than 5 days (exclusive of the day of service,
18 Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if
19 not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing
20 agent of a party may be given by mail or by any means reasonably likely to provide actual
21 notice. The notice shall state the time and place for taking the deposition and the name and
22 address of each person to be examined, if known, and, if the name is not known, a general
23 description sufficient to identify the deponent or the particular class or group to which the
24 deponent belongs. If a subpoena duces tecum is to be served on the person to be examined, the

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 designation of the materials to be produced as set forth in the subpoena shall be attached to or
2 included in the notice. A party seeking to compel the attendance of a deponent who is not a party
3 or a managing agent of a party must serve a subpoena on that deponent in accordance with rule
4 45. Failure to give 5 days notice to a deponent who is not a party or a managing agent of a party
5 may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute
6 grounds for quashing the subpoena.

7 (2) Leave of court is not required for the taking of a deposition by plaintiff if the notice
8 (A) states that the person to be examined is about to go out of the state and will be unavailable
9 for examination unless the person's deposition is taken before expiration of the 30-day period,
10 and (B) sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and
11 the attorney's signature constitutes a certification by the attorney that to the best of the attorney's
12 knowledge, information, and belief the statement and supporting facts are true. The sanctions
13 provided by rule 11 are applicable to the certification.

14 If a party shows that when the party was served with notice under this subsection (b)(2)
15 the party was unable through the exercise of diligence to obtain counsel to represent him at the
16 taking of the deposition, the deposition may not be used against the party.

17 (3) The court may for cause shown enlarge or shorten the time for taking the deposition.

18 (4) The parties may stipulate in writing or the court may upon motion order that the
19 testimony at a deposition be recorded by other than stenographic means. The stipulation or the
20 order shall designate the person before whom the deposition shall be taken, the manner of
21 recording, preserving, and filing the deposition, and may include other provisions to assure that
22 the recorded testimony will be accurate and trustworthy. A party may arrange to have a
23 stenographic transcription made at the party's own expense. Any objections under section (c),
24 any changes made by the witness, the witness's signature identifying the deposition as the

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 witness's own or the statement of the officer that is required if the witness does not sign, as
2 provided in section (e), and the certification of the officer required by section (f) shall be set
3 forth in a writing to accompany a deposition recorded by nonstenographic means.

4 (5) The notice to a party deponent may be accompanied by a request made in compliance
5 with rule 34 for the production of documents and tangible things at the taking of the deposition.
6 The procedure of rule 34 shall apply to the request, including the time established by rule 34(b)
7 for the party to respond to the request.

8 (6) A party may in a notice and in a subpoena name as the deponent a public or private
9 corporation or a partnership or association or governmental agency and designate with
10 reasonable particularity the matters on which examination is requested. In that event the
11 organization so named shall designate one or more officers, directors, or managing agents, or
12 other persons who consent to testify on its behalf, and may set forth, for each person designated,
13 the matters known on which the deponent will testify. A subpoena shall advise a nonparty
14 organization of its duty to make such a designation. The persons so designated shall testify as to
15 the matters known or reasonably available to the organization. This subsection (b)(6) does not
16 preclude taking a deposition by any other procedure authorized in these rules.

17 (7) The parties may stipulate in writing or the court may upon motion order that a
18 deposition be taken by telephone or by other electronic means. For the purposes of this rule and
19 rules 28(a), 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic
20 means is taken at the place where the deponent is to answer the propounded questions.

21 (8) ~~Videotaping~~ Video Recording of Depositions.

22 (A) Any party may video record ~~tape~~ the deposition of any party or witness without
23 leave of court provided that written notice is served on all parties not less than 20 days before the
24 deposition date, and specifically states that the deposition will be ~~recorded on videotape-video~~

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 recorded. Failure to so state shall preclude the use of ~~videotape~~ video recording equipment at the
2 deposition, absent agreement of the parties or court order.

3 (B) No party may ~~videotape~~ video record a deposition within 120 days of the later of the
4 date of filing or service of the lawsuit, absent agreement of the parties or court order.

5 (C) On motion of a party made prior to the deposition, the court shall order that a
6 ~~videotape~~ video recorded deposition be postponed or begun subject to being continued, on such
7 terms as are just, if the court finds that the deposition is to be taken before the moving party has
8 had an adequate opportunity to prepare, by discovery deposition of the deponent or other means,
9 for cross examination of the deponent.

10 (D) Unless otherwise stipulated to by the parties, the expense of ~~videotaping~~ video
11 recording shall be borne by the noting party and shall not be taxed as costs. Any party, at that
12 party's expense, may obtain a copy of the ~~videotape~~ video recording.

13 (E) A stenographic record of the deposition shall be made simultaneously with the
14 ~~videotape~~ video recording at the expense of the noting party.

15 (F) The area to be used for ~~videotaping~~ video recording testimony shall be suitable in
16 size, have adequate lighting and be reasonably quiet. The physical arrangements shall be fair to
17 all parties. The deposition shall begin by a statement on the record of: (a) the operator's name,
18 address and telephone number, (b) the name and address of the operator's employer, (c) the date,
19 time and place of the deposition, (d) the caption of the case, (e) the name of the deponent, and (f)
20 the name of the party giving notice of the deposition. The officer before whom the deposition is
21 taken shall be identified and swear the deponent on camera. At the conclusion of the deposition,
22 it shall be stated on the record that the deposition is concluded. When more than one ~~tape storage~~
23 device is used, to record the video recording, the operator shall announce on camera the end of
24

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

each ~~tape~~ separate storage device upon which the video recording is preserved, such as each tape or disk (if any) and the beginning of the next ~~tape one~~.

(G) Absent agreement of the parties or court order, if all or any part of the ~~videotape~~ video recording will be offered at trial, the party offering it must order the stenographic record to be fully transcribed at that party's expense. A party intending to offer a ~~videotape~~ video recording of a deposition in evidence shall notify all parties in writing of that intent and the parts of the deposition to be offered within sufficient time for a stenographic transcript to be prepared, and for objections to be made and ruled on before the trial or hearing. Objections to all or part of the deposition shall be made in writing within sufficient time to allow for rulings on them and for editing of the ~~tape~~ video recording. The court shall permit further designations of testimony and objections as fairness may require. In excluding objectionable testimony or comments or objections of counsel, the court may order that an edited copy of the ~~videotape~~ video recording be made, or that the person playing the tape at trial suppress the objectionable portions of the ~~tape recording~~. In no event, however, shall the original ~~videotape~~ video recording be affected by any editing process.

(H) After the deposition has been taken, the operator of the ~~videotape~~ video recording equipment shall ~~attach to~~ submit with the ~~videotape~~ video recording a certificate that the recording is a correct and complete record of the testimony by the deponent. If the video recording is stored exclusively on a computer or service (including cloud storage) and not on an easily removable and portable storage device, the certificate shall so state and indicate measures taken to preserve it. Unless otherwise agreed by the parties on the record, the operator shall retain custody or control of the original ~~videotape~~ video recording. The custodian shall store it under conditions that will protect it against loss, ~~or~~ destruction, or tampering, and shall preserve as far as practicable the quality of the ~~tape recording~~ and the technical integrity of the testimony

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 and images it contains. The custodian of the original ~~videotape~~ video recording shall retain
2 custody of it until 6 months after final disposition of the action, unless the court, on motion of
3 any party and for good cause shown, orders that the ~~tape~~ recording be preserved for a longer
4 period.

5 (I) The use of ~~videotape~~ video recorded depositions shall be subject to rule 32.

6 **(c) Examination and Cross Examination; Record of Examination; Oath; Objections.**

7 Examination and cross examination of witnesses may proceed as permitted at the trial under the
8 provisions of the Washington Rules of Evidence (ER). The officer before whom the deposition is
9 to be taken shall put the witness on oath and shall personally, or by someone acting under the
10 officer's direction and in the officer's presence, record the testimony of the witness. The
11 testimony shall be taken stenographically or recorded by any other means ordered in accordance
12 with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be
13 transcribed.

14 All objections made at the time of the examination to the qualifications of the officer taking
15 the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of
16 any party, and any other objection to the proceedings, shall be noted by the officer upon the
17 deposition. Evidence objected to shall be taken subject to the objections. A judge of the superior
18 court, or a special master if one is appointed pursuant to rule 53.3, may make telephone rulings
19 on objections made during depositions. In lieu of participating in the oral examination, parties
20 may serve written questions in a sealed envelope on the party taking the deposition and the party
21 shall transmit them to the officer, who shall propound them to the witness and record the answers
22 verbatim.

23 **(d) Motion to Terminate or Limit Examination.** At any time during the taking of the
24 deposition, on motion of a party or of the deponent and upon a showing that the examination is

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
2 the deponent or party, the court in which the action is pending or the court in the county where
3 the deposition is being taken may order the officer conducting the examination to cease forthwith
4 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
5 provided in rule 26(c). If the order made terminates the examination, it shall be resumed
6 thereafter only upon the order of the court in which the action is pending. Upon demand of the
7 objecting party or deponent, the taking of the deposition shall be suspended for the time
8 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
9 expenses incurred in relation to the motion.

10 **(e) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed
11 the deposition shall be submitted to the witness for examination and shall be read to or by the
12 witness, unless such examination and reading are waived by the witness and by the parties. Any
13 changes in form or substance which the witness desires to make shall be entered upon the
14 deposition by the officer with a statement of the reasons given by the witness for making them.
15 The deposition shall then be signed by the witness, unless the parties by stipulation waive the
16 signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed
17 by the witness within 30 days of its submission to the witness, the officer shall sign it and state
18 on the record the fact of the waiver or of the illness or absence of the witness or the fact of the
19 refusal to sign together with the reason, if any, given therefore; and the deposition may then be
20 used as fully as though signed unless on a motion to suppress under rule 32(d)(4) the court holds
21 that the reasons given for the refusal to sign require rejection of the deposition in whole or in
22 part.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

(f) Certification and Service by Officer; Exhibits; Copies; Notice.

(1) The officer shall certify on the deposition transcript that the witness was duly sworn and that the transcript is a true record of the testimony given by the witness. The officer shall then secure the transcript in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly serve it on the person who ordered the transcript, unless the court orders otherwise. Documents and things produced for inspection during the examination of the witness, shall, upon the request of a party, be marked for identification and annexed to and returned with the deposition, and may be inspected and copied by any party, except that: (A) the person producing the materials may substitute copies to be marked for identification, if the person affords to all parties fair opportunity to verify the copies by comparison with the originals; and (B) if the person producing the materials requests their return, the officer shall mark them, give each party an opportunity to inspect and copy them, and return them to the person producing them, and the materials may then be used in the same manner as if annexed to and returned with the deposition. Any party may move for an order that the original be annexed to the deposition transcript and filed with the court, pending final disposition of the case.

(2) Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition transcript to any party or the deponent.

(3) The officer serving or filing the deposition transcript shall give prompt notice of such action to all parties and file such notice with the clerk of the court.

(g) Failure To Attend or To Serve Subpoena; Expenses.

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 (1) If the party giving the notice of the taking of a deposition fails to attend and proceed
2 therewith and another party attends in person or by attorney pursuant to the notice, the court may
3 order the party giving the notice to pay to such other party the reasonable expenses incurred by
4 such party and such other party's attorney in attending, including reasonable attorney fees.

5 (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a
6 subpoena upon the witness and the witness because of such failure does not attend, and if another
7 party attends in person or by attorney because such party expects the deposition of that witness to
8 be taken, the court may order the party giving the notice to pay to such other party the reasonable
9 expenses incurred by such other party and such other party's attorney in attending, including
10 reasonable attorney fees.

11
12 **(h) Conduct of Depositions. The following shall govern deposition practice:**

13 (1) Conduct of Examining Counsel. Examining counsel will refrain from asking questions he
14 or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

15 (2) Objections. Only objections which are not reserved for time of trial by these rules or
16 which are based on privileges or raised to questions seeking information beyond the scope of
17 discovery may be made during the course of the deposition. All objections shall be concise and
18 must not suggest or coach answers from the deponent. Argumentative interruptions by counsel
19 shall not be permitted.

20 (3) Instructions Not to Answer. Instructions to the deponent not to answer questions are
21 improper, except when based upon privilege or pursuant to rule 30(d). When a privilege is
22 claimed the deponent shall nevertheless answer questions related to the existence, extent, or
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSTIONS UPON ORAL EXAMINATION

1 waiver of the privilege, such as the date of communication, identity of the declarant, and in
2 whose presence the statement was made.

3 (4) Responsiveness. Witnesses shall be instructed to answer all questions directly and
4 without evasion to the extent of their testimonial knowledge, unless properly instructed by
5 counsel not to answer.

6 (5) Private Consultation. Except where agreed to, attorneys shall not privately confer with
7 deponents during the deposition between a question and an answer except for the purpose of
8 determining the existence of privilege. Conferences with attorneys during normal recesses and at
9 adjournment are permissible unless prohibited by the court.

10 (6) Courtroom Standard. All counsel and parties shall conduct themselves in depositions
11 with the same courtesy and respect for the rules that are required in the courtroom during trial.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 **(a) When Depositions May Be Taken.** After the summons and a copy of the complaint are
2 served, or the complaint is filed, whichever shall first occur, any party may take the testimony of
3 any person, including a party, by deposition upon oral examination. Leave of court, granted with
4 or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the
5 expiration of 30 days after service of the summons and complaint upon any defendant or service
6 made under rule 4(e), except that leave is not required (1) if a defendant has served a notice of
7 taking deposition or otherwise sought discovery, or (2) if special notice is given as provided in
8 subsection (b)(2) of this rule. The attendance of witnesses may be compelled by subpoena as
9 provided in rule 45. The deposition of a person confined in prison may be taken only by leave of
10 court on such terms as the court prescribes.

12 **(b) Notice of Examination; General Requirements; Special Notice; Nonstenographic**
13 **Recording; Production of Documents and Things; Deposition of Organization; Video**
14 **Recording.**

16 (1) A party desiring to take the deposition of any person upon oral examination shall
17 give reasonable notice in writing of not less than 5 days (exclusive of the day of service,
18 Saturdays, Sundays and court holidays) to every other party to the action and to the deponent, if
19 not a party or a managing agent of a party. Notice to a deponent who is not a party or a managing
20 agent of a party may be given by mail or by any means reasonably likely to provide actual
21 notice. The notice shall state the time and place for taking the deposition and the name and
22 address of each person to be examined, if known, and, if the name is not known, a general
23 description sufficient to identify the deponent or the particular class or group to which the
24 deponent belongs. If a subpoena duces tecum is to be served on the person to be examined, the

SUGGESTED AMENDMENT
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1 designation of the materials to be produced as set forth in the subpoena shall be attached to or
2 included in the notice. A party seeking to compel the attendance of a deponent who is not a party
3 or a managing agent of a party must serve a subpoena on that deponent in accordance with rule
4 45. Failure to give 5 days notice to a deponent who is not a party or a managing agent of a party
5 may be grounds for the imposition of sanctions in favor of the deponent, but shall not constitute
6 grounds for quashing the subpoena.

7 (2) Leave of court is not required for the taking of a deposition by plaintiff if the notice
8 (A) states that the person to be examined is about to go out of the state and will be unavailable
9 for examination unless the person's deposition is taken before expiration of the 30-day period,
10 and (B) sets forth facts to support the statement. The plaintiff's attorney shall sign the notice, and
11 the attorney's signature constitutes a certification by the attorney that to the best of the attorney's
12 knowledge, information, and belief the statement and supporting facts are true. The sanctions
13 provided by rule 11 are applicable to the certification.

14 If a party shows that when the party was served with notice under this subsection (b)(2)
15 the party was unable through the exercise of diligence to obtain counsel to represent him at the
16 taking of the deposition, the deposition may not be used against the party.

17 (3) The court may for cause shown enlarge or shorten the time for taking the deposition.

18 (4) The parties may stipulate in writing or the court may upon motion order that the
19 testimony at a deposition be recorded by other than stenographic means. The stipulation or the
20 order shall designate the person before whom the deposition shall be taken, the manner of
21 recording, preserving, and filing the deposition, and may include other provisions to assure that
22 the recorded testimony will be accurate and trustworthy. A party may arrange to have a
23 stenographic transcription made at the party's own expense. Any objections under section (c),
24 any changes made by the witness, the witness's signature identifying the deposition as the

SUGGESTED AMENDMENT
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CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 witness's own or the statement of the officer that is required if the witness does not sign, as
2 provided in section (e), and the certification of the officer required by section (f) shall be set
3 forth in a writing to accompany a deposition recorded by nonstenographic means.

4 (5) The notice to a party deponent may be accompanied by a request made in compliance
5 with rule 34 for the production of documents and tangible things at the taking of the deposition.
6 The procedure of rule 34 shall apply to the request, including the time established by rule 34(b)
7 for the party to respond to the request.

8 (6) A party may in a notice and in a subpoena name as the deponent a public or private
9 corporation or a partnership or association or governmental agency and designate with
10 reasonable particularity the matters on which examination is requested. In that event the
11 organization so named shall designate one or more officers, directors, or managing agents, or
12 other persons who consent to testify on its behalf, and may set forth, for each person designated,
13 the matters known on which the deponent will testify. A subpoena shall advise a nonparty
14 organization of its duty to make such a designation. The persons so designated shall testify as to
15 the matters known or reasonably available to the organization. This subsection (b)(6) does not
16 preclude taking a deposition by any other procedure authorized in these rules.

17 (7) The parties may stipulate in writing or the court may upon motion order that a
18 deposition be taken by telephone or by other electronic means. For the purposes of this rule and
19 rules 28(a), 37(a)(1), 37(b)(1), and 45(d), a deposition taken by telephone or by other electronic
20 means is taken at the place where the deponent is to answer the propounded questions.

21 (8) Video Recording of Depositions.

22 (A) Any party may video record the deposition of any party or witness without leave of
23 court provided that written notice is served on all parties not less than 20 days before the
24 deposition date, and specifically states that the deposition will be video recorded. Failure to so

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 state shall preclude the use of video recording equipment at the deposition, absent agreement of
2 the parties or court order.

3 (B) No party may video record a deposition within 120 days of the later of the date of
4 filing or service of the lawsuit, absent agreement of the parties or court order.

5 (C) On motion of a party made prior to the deposition, the court shall order that a video
6 recorded deposition be postponed or begun subject to being continued, on such terms as are just,
7 if the court finds that the deposition is to be taken before the moving party has had an adequate
8 opportunity to prepare, by discovery deposition of the deponent or other means, for cross
9 examination of the deponent.

10 (D) Unless otherwise stipulated to by the parties, the expense of video recording shall be
11 borne by the noting party and shall not be taxed as costs. Any party, at that party's expense, may
12 obtain a copy of the video recording.

13 (E) A stenographic record of the deposition shall be made simultaneously with the video
14 recording at the expense of the noting party.

15 (F) The area to be used for video recording testimony shall be suitable in size, have
16 adequate lighting and be reasonably quiet. The physical arrangements shall be fair to all parties.
17 The deposition shall begin by a statement on the record of: (a) the operator's name, address and
18 telephone number, (b) the name and address of the operator's employer, (c) the date, time and
19 place of the deposition, (d) the caption of the case, (e) the name of the deponent, and (f) the name
20 of the party giving notice of the deposition. The officer before whom the deposition is taken
21 shall be identified and swear the deponent on camera. At the conclusion of the deposition, it shall
22 be stated on the record that the deposition is concluded. When more than one storage device is
23 used to record the video recording, the operator shall announce on camera the end of each
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 separate storage device upon which the video recording is preserved, such as each tape or disk (if
2 any) and the beginning of the next one.

3 (G) Absent agreement of the parties or court order, if all or any part of the video
4 recording will be offered at trial, the party offering it must order the stenographic record to be
5 fully transcribed at that party's expense. A party intending to offer a video recording of a
6 deposition in evidence shall notify all parties in writing of that intent and the parts of the
7 deposition to be offered within sufficient time for a stenographic transcript to be prepared, and
8 for objections to be made and ruled on before the trial or hearing. Objections to all or part of the
9 deposition shall be made in writing within sufficient time to allow for rulings on them and for
10 editing of the video recording. The court shall permit further designations of testimony and
11 objections as fairness may require. In excluding objectionable testimony or comments or
12 objections of counsel, the court may order that an edited copy of the video recording be made, or
13 that the person playing the tape at trial suppress the objectionable portions of the recording. In no
14 event, however, shall the original video recording be affected by any editing process.

15 (H) After the deposition has been taken, the operator of the video recording equipment
16 shall submit with the video recording a certificate that the recording is a correct and complete
17 record of the testimony by the deponent. If the video recording is stored exclusively on a
18 computer or service (including cloud storage) and not on an easily removable and portable
19 storage device, the certificate shall so state and indicate measures taken to preserve it. Unless
20 otherwise agreed by the parties on the record, the operator shall retain custody or control of the
21 original video recording. The custodian shall store it under conditions that will protect it against
22 loss, destruction, or tampering, and shall preserve as far as practicable the quality of the
23 recording and the technical integrity of the testimony and images it contains. The custodian of
24 the original video recording shall retain custody of it until 6 months after final disposition of the

SUGGESTED AMENDMENT
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CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 action, unless the court, on motion of any party and for good cause shown, orders that the
2 recording be preserved for a longer period.

3 (I) The use of video recorded depositions shall be subject to rule 32.

4 **(c) Examination and Cross Examination; Record of Examination; Oath; Objections.**

5 Examination and cross examination of witnesses may proceed as permitted at the trial under the
6 provisions of the Washington Rules of Evidence (ER). The officer before whom the deposition is
7 to be taken shall put the witness on oath and shall personally, or by someone acting under the
8 officer's direction and in the officer's presence, record the testimony of the witness. The
9 testimony shall be taken stenographically or recorded by any other means ordered in accordance
10 with subsection (b)(4) of this rule. If requested by one of the parties, the testimony shall be
11 transcribed.

12 All objections made at the time of the examination to the qualifications of the officer taking
13 the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of
14 any party, and any other objection to the proceedings, shall be noted by the officer upon the
15 deposition. Evidence objected to shall be taken subject to the objections. A judge of the superior
16 court, or a special master if one is appointed pursuant to rule 53.3, may make telephone rulings
17 on objections made during depositions. In lieu of participating in the oral examination, parties
18 may serve written questions in a sealed envelope on the party taking the deposition and the party
19 shall transmit them to the officer, who shall propound them to the witness and record the answers
20 verbatim.

21 **(d) Motion to Terminate or Limit Examination.** At any time during the taking of the
22 deposition, on motion of a party or of the deponent and upon a showing that the examination is
23 being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress
24 the deponent or party, the court in which the action is pending or the court in the county where

SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 the deposition is being taken may order the officer conducting the examination to cease forthwith
2 from taking the deposition, or may limit the scope and manner of the taking of the deposition as
3 provided in rule 26(c). If the order made terminates the examination, it shall be resumed
4 thereafter only upon the order of the court in which the action is pending. Upon demand of the
5 objecting party or deponent, the taking of the deposition shall be suspended for the time
6 necessary to make a motion for an order. The provisions of rule 37(a)(4) apply to the award of
7 expenses incurred in relation to the motion.

8 **(e) Submission to Witness; Changes; Signing.** When the testimony is fully transcribed
9 the deposition shall be submitted to the witness for examination and shall be read to or by the
10 witness, unless such examination and reading are waived by the witness and by the parties. Any
11 changes in form or substance which the witness desires to make shall be entered upon the
12 deposition by the officer with a statement of the reasons given by the witness for making them.
13 The deposition shall then be signed by the witness, unless the parties by stipulation waive the
14 signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed
15 by the witness within 30 days of its submission to the witness, the officer shall sign it and state
16 on the record the fact of the waiver or of the illness or absence of the witness or the fact of the
17 refusal to sign together with the reason, if any, given therefore; and the deposition may then be
18 used as fully as though signed unless on a motion to suppress under rule 32(d)(4) the court holds
19 that the reasons given for the refusal to sign require rejection of the deposition in whole or in
20 part.

21 **(f) Certification and Service by Officer; Exhibits; Copies; Notice.**

22 (1) The officer shall certify on the deposition transcript that the witness was duly sworn and
23 that the transcript is a true record of the testimony given by the witness. The officer shall then
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 secure the transcript in an envelope endorsed with the title of the action and marked "Deposition
2 of (here insert name of witness)" and shall promptly serve it on the person who ordered the
3 transcript, unless the court orders otherwise. Documents and things produced for inspection
4 during the examination of the witness, shall, upon the request of a party, be marked for
5 identification and annexed to and returned with the deposition, and may be inspected and copied
6 by any party, except that: (A) the person producing the materials may substitute copies to be
7 marked for identification, if the person affords to all parties fair opportunity to verify the copies
8 by comparison with the originals; and (B) if the person producing the materials requests their
9 return, the officer shall mark them, give each party an opportunity to inspect and copy them, and
10 return them to the person producing them, and the materials may then be used in the same
11 manner as if annexed to and returned with the deposition. Any party may move for an order that
12 the original be annexed to the deposition transcript and filed with the court, pending final
13 disposition of the case.
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16 (2) Upon payment of reasonable charges therefore, the officer shall furnish a copy of the
17 deposition transcript to any party or the deponent.

18 (3) The officer serving or filing the deposition transcript shall give prompt notice of such
19 action to all parties and file such notice with the clerk of the court.

20 **(g) Failure To Attend or To Serve Subpoena; Expenses.**

21 (1) If the party giving the notice of the taking of a deposition fails to attend and proceed
22 therewith and another party attends in person or by attorney pursuant to the notice, the court may
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 30 – DEPOSITIONS UPON ORAL EXAMINATION

1 order the party giving the notice to pay to such other party the reasonable expenses incurred by
2 such party and such other party's attorney in attending, including reasonable attorney fees.

3 (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a
4 subpoena upon the witness and the witness because of such failure does not attend, and if another
5 party attends in person or by attorney because such party expects the deposition of that witness to
6 be taken, the court may order the party giving the notice to pay to such other party the reasonable
7 expenses incurred by such other party and such other party's attorney in attending, including
8 reasonable attorney fees.
9

10 **(h) Conduct of Depositions. The following shall govern deposition practice:**

11 (1) Conduct of Examining Counsel. Examining counsel will refrain from asking questions he
12 or she knows to be beyond the legitimate scope of discovery, and from undue repetition.

13 (2) Objections. Only objections which are not reserved for time of trial by these rules or
14 which are based on privileges or raised to questions seeking information beyond the scope of
15 discovery may be made during the course of the deposition. All objections shall be concise and
16 must not suggest or coach answers from the deponent. Argumentative interruptions by counsel
17 shall not be permitted.
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19 (3) Instructions Not to Answer. Instructions to the deponent not to answer questions are
20 improper, except when based upon privilege or pursuant to rule 30(d). When a privilege is
21 claimed the deponent shall nevertheless answer questions related to the existence, extent, or
22 waiver of the privilege, such as the date of communication, identity of the declarant, and in
23 whose presence the statement was made.
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SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
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1 (4) Responsiveness. Witnesses shall be instructed to answer all questions directly and
2 without evasion to the extent of their testimonial knowledge, unless properly instructed by
3 counsel not to answer.

4 (5) Private Consultation. Except where agreed to, attorneys shall not privately confer with
5 deponents during the deposition between a question and an answer except for the purpose of
6 determining the existence of privilege. Conferences with attorneys during normal recesses and at
7 adjournment are permissible unless prohibited by the court.
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9 (6) Courtroom Standard. All counsel and parties shall conduct themselves in depositions
10 with the same courtesy and respect for the rules that are required in the courtroom during trial.
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COMMENTS RECEIVED

From: [Benway, Jennifer](#)
To: [WSBA CourtRules](#)
Cc: ["Sherry Lindner "](#)
Subject: Comment on proposal to amend CR 30
Date: Wednesday, May 23, 2018 4:35:11 PM

This comment is provided on behalf of DMCJA Court Rules Committee Chair Judge Frank Dacca:

Hello,

Thank you for providing the DMCJA Court Rules Committee the opportunity to review the proposal to amend CR 30, which it did on May 9. The Committee has no opposition to this proposal.

Please let me know if I can be of any further assistance.

Thank you!

Jennifer (J) Amanda Benway

Legal Services Senior Analyst

Administrative Office of the Courts

360-357-2126

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Margaret Shane
DATE: September 13, 2018
RE: Report from the WSBA Committee on Mission Performance and Review

ACTION: Approve Recommendations from the WSBA Committee on Mission Performance and Review (CMPR).

Attached please find the cover memo and materials related to the CMPR recommendations that were on the agenda at the July 27-28, 2018, Board of Governors meeting for first reading. No changes have been made to the materials since the July Board meeting.

WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors

FROM: William Pickett, WSBA President and Chair of the WSBA Committee on Mission Performance and Review

DATE: July 12, 2018

RE: Report from the WSBA Committee on Mission Performance and Review

First Reading: Recommendations from WSBA Committee on Mission Performance and Review.

The charge of the Board of Governors' Committee on Mission Performance and Review (CMPR) is threefold: (1) to ensure WSBA's committees continue to do the work of the BOG, as directed by the BOG, consistent with our mission, guiding principles and strategic goals; (2) to make sure WSBA's regulatory boards are fulfilling their Supreme Court mandates and any other issues the BOG may have asked them to explore; and (3) to monitor the ongoing activities of the Supreme-Court-created boards administered by WSBA, consistent with their charges from the Court. To accomplish these goals, the CMPR reviews annual reports submitted by these entities and forwards recommendations to the BOG for review and action as appropriate.

The FY18 CMPR met on July 2, 2018. CMPR members who participated either in person or by telephone: Chair Bill Pickett, Dan Clark, Jean Kang, Paula Littlewood, Chris Meserve, Rajeev Majumdar, Kyle Sciuchetti. Also attending were WSBA staff members Pam Inglesby and Russell Johnson.

The CMPR thanks all the WSBA committees and boards, as well as the Supreme Court-created boards administered by WSBA, for their work over the past year. After reviewing and discussing the attached annual reports the CMPR makes the below recommendations and comments.

- **Board of Bar Examiners:** The Board of Governors looks forward to receiving and discussing the results of the national three-year study being conducted in New York regarding possible bias in the Uniform Bar Exam.
- **Disciplinary Board:** The CMPR appreciates that the trend toward greater diversity in Board membership is continuing into the coming year.

(cont.)



- Limited Legal License Technician Board: The CMPR encourages the Board to emphasize gender diversity in its recruitment.
- Limited Practice Board: The CMPR encourages the Board to continue its efforts to increase diversity among its membership.
- Washington Young Lawyers Committee: The CMPR applauds the Committee's progress in gender diversity among its membership, and asks it to focus on increasing diversity in other respects.
- The CMPR encourages WSBA to implement a volunteer recognition program, which an internal staff group has already been exploring.

The CMPR has no recommendations or comments regarding the following committees and boards:

- Access to Justice Board
- Character & Fitness Board
- Client Protection Fund Board
- Committee on Professional Ethics
- Continuing Legal Education Committee
- Council on Public Defense
- Court Rules & Procedures Committee
- Disciplinary Advisory Round Table
- Editorial Advisory Committee
- Judicial Recommendation Committee
- Law Clerk Board
- Mandatory Continuing Legal Education Board
- Practice of Law Board
- Pro Bono and Public Service Committee
- WSBA Diversity Committee
- WSBA Legislative Review Committee



2018 Committee and Board annual reports

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Board of Bar Examiners	6
Character & Fitness Board	9
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Judicial Recommendation Committee	37
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Practice of Law Board	49
Pro Bono and Public Service Committee	52
Washington Young Lawyers Committee	55
WSBA Diversity Committee	59
WSBA Legislative Review Committee	62

Note: The reports were prepared in early June, 2018.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Access to Justice Board (ATJ Board) Chair: Geoff Revelle Staff Liaison: Diana Singleton BOG Liaison: Kim Risenmay	Size of Committee: 11 Number of FY19 Applicants: 19 FY18 direct expenses: \$37,500 FY18 indirect expenses: \$198,653
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: The Access to Justice (ATJ) Board derives its authority from a 1994 Washington Supreme Court Order and 2016 reauthorization (NO. 25700-B-567) at the request of the Washington State Bar Association Board of Governors in response to a growing need to coordinate access to justice efforts in Washington. The ATJ Board works closely with its justice system partners to achieve equal access to the civil justice system for those facing economic and other significant barriers.	
Strategy to Fulfill Purpose: The ATJ Board's <i>2018-2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low Income People</i> (State Plan) is the current guide for its work. The ATJ Board also adopted two-year priorities in December 2017 to structure its work. The ATJ Board accomplishes its priorities through the work of a number of standing committees and special initiatives to address current and ongoing access issues.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Promote Racial Equity. The ATJ Board continues to support statewide efforts to promote racial equity working toward a vision where race does not determine the availability and quality of legal services and fairness of outcomes and opportunities, as outlined in the State Plan. The ATJ Board joined the Race Equity and Justice Initiative by signing on to its Commitments and Acknowledgements. In October 2017, the ATJ Board sponsored an implicit bias training for all Administrative Law Judges in the state. The ATJ Board supports JustLead WA in delivering race equity trainings and developing an organizational race equity assessment and toolkit for the Board and the Alliance for Equal Justice (Alliance). The ATJ Board also engaged in its own internal race equity work at its all-day Board retreat in June 2018. 2) Implement 2018-2020 State Plan. The ATJ Board launched the State Plan Action and 	

Resource Committee (SPARC), which is charged with overseeing the implementation of the plan and coordinating “collaboratories” which are in-person and virtual spaces for trainings and sharing of resources amongst Alliance organizations implementing the plan.

- 3) **Improve Communications about the Work of the Board and Alliance.** The ATJ Board’s Communications Committee launched a quarterly Alliance Communications Toolkit (ACT) webinar series to share best practices and tools for Alliance organizations to strengthen how they communicate about their work. The committee also launched a redesigned Alliance for Equal Justice website (www.allianceforequaljustice.org) as a tool to facilitate intra-Alliance communications and produced several Alliance videos which are available on the website.
- 4) **Update the Access to Justice Technology Principles.** The ATJ Board’s Technology Committee is overseeing a rigorous process to update the Access to Justice Technology Principles, which were originally developed in 2004 to ensure technology enhances, not hinders, access to justice. The process has included partnership with Diverse Voices at the UW Tech Policy Lab to get input on the revised principles from focus groups.
- 5) **Launch the Technology Assisted Forms (TAF) Project.** The Board’s TAF Committee developed protocols and priorities to guide the development of an automated document assembly system for the plain language family law forms. The Committee will continue to provide advice and guidance as the new technology is developed.

2018-2019 Goals:

- 1) **Build Stronger Bridges with Other Justice Partners.** The ATJ Board aims to build stronger bridges with partners in the criminal and juvenile justice systems, child welfare systems, non-legal community organizations, and the Limited License Legal Technician and low bono communities serving clients of moderate means.
- 2) **Convene the 2019 Access to Justice Conference.** The ATJ Board will hold the Access to Justice Conference in Spokane on June 14-16, 2019.
- 3) **Implement 2018-2020 State Plan.** As noted, the ATJ Board is overseeing the implementation of the three-year State Plan. This is an ongoing and critical element of the ATJ Board’s work.
- 4) **Promote racial equity.** The Board will continue to promote racial equity systemically in the justice system, organizationally amongst Alliance organizations and internally within the Board’s own practices and organizational culture.
- 5) **Communicate about the Updated ATJ Technology Principles.** As noted, the ATJ Board’s Technology Committee is currently updating the Principles. The next year will involve an extensive effort to share the Principles broadly with the justice system community.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to

promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Over the years, the ATJ Board has utilized the expertise of the WSBA's diversity experts through trainings and consultation. The Board is exploring ways to collaborate more closely with the WSBA Public Service and Diversity team, such as partnering on networking events in 2019.
- 2) Yes. Most recently, the ATJ Board received an implicit bias training from WSBA Inclusion and Equity Specialist Robin Nussbaum at its retreat in May 2016 and a structural and institutionalized racism training at the Chairs retreat in October 2016.
- 3) The ATJ Board meetings are well-attended by a variety of stakeholders. We seek and obtain input at these meetings as well as soliciting input from various list serves and other outreach efforts. The ATJ Technology Principles update process, for example, has involved extensive outreach, focus groups and a joint drafting process involving a wide array of stakeholders.
- 4) The ATJ Board engaged in its own race equity work at its June 2018 retreat by using an organizational race equity assessment and identifying what internal work its needs to engage in over the next year to ensure a culture of inclusion.
- 5) The ATJ Board has been updating its Operational Rules which sets out a commitment to diversity in the Board and Committees and creates a process for new leaders to get involved.
- 6) Addressing racial inequities is spotlighted in the State Plan and the Board's two-year priorities and has been a focus of the Board's most recent Access to Justice Conferences. Also, the Board is a leader in encouraging race equity work among its counterparts in other states.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) The ATJ Board supports the Equal Justice Community Leadership Academy and other trainings which promote leadership competencies like self-awareness and achieving workable unity in the legal profession and beyond. As a convener of civil legal aid organizations, the Board facilitates how they and the larger legal community can coordinate and collaborate to create more equitable access to justice.
- 2) No. This is not within the ATJ Board's charge from the Supreme Court.
- 3) To the extent that professionalism includes having self-awareness about one's own biases, the Board sponsored the implicit bias training for Administrative Law Judges and supports JustLead WA which offers many trainings involving working against implicit bias.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The ATJ Board Manager has given presentations to the Washington Young Lawyers Committee and Leadership Academy cohorts to encourage their participation on the Board and its committees and to engage in statewide activities like the biannual Access to Justice Conferences.
- 2) Yes, in the following ways: a) ATJ Board has supported summer orientations, trainings and networking events for public interest minded-law students; b) the ATJ Board recently expressed its support for the federal Public Service Loan Forgiveness program; and c) the ATJ Board Manager delivered a training on Leadership Story-Telling to the Washington Young Lawyers Committee in October 2017.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Board of Bar Examiners	Size of Committee: 50 maximum (currently 35)
Chair: Monica Wasson	Number of FY19 Applicants: 19
Staff Liaison: Gus Quiniones	FY18 direct expenses: \$25,000
BOG Liaison: Jim Hunter	FY18 indirect expenses: \$14,567
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 17:16:0 (2 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 5 (2 did not answer)• Number of members self-identified as having a disability: 4 (3 did not answer)• Number of members self-identified as LGBT: 6 (3 did not answer)	
Background & Purpose: <p>The Board of Bar Examiners (BBE) derives its authority from the Admission and Practice Rules, which provide for appointment by the Board of Governors.</p> <p>The BBE grades the Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) answers for the Uniform Bar Examination, and produces the content for the Washington Law Component (WLC) test, in accordance with the APR as approved by the Washington Supreme Court.</p>	
Strategy to Fulfill Purpose: <p>The Multistate Bar Examination is scored by the National Conference of Bar Examiners (NCBE) and the MEE and MPT are graded by the BBE. The grading is completed over the course of one long weekend in March and August in Seattle.</p> <p>The winter exam requires a total of 10 examiners to grade the MEE and MPT and the summer exam requires a total of 18 examiners. Each examiner must attend the mandatory scheduled National Conference of Bar Examiners grading workshop in person, by teleconference, or by review of the conference video prior to grading the exams.</p> <p>The WLC is reviewed and updated by members of the BBE every other year.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) Two examiners attended the National Conference of Bar Examiners Annual Conference for purposes of education, networking and exposure to the multistate exams format.2) Conducted a successful grading conference for the grading of the July 2017 and February 2018 MEE and MPT exams.3) Will be conducting in July 2018 a New Examiner Training meeting for newly appointed	

members to the Board.

- 4) Currently working with Chair, Vice Chair, and select members of the Board of Bar Examiners to review the Washington Law Component (WLC) test materials for a September 1, 2018 publishing.
- 5) Increase diversity among BBE members.

2018-2019 Goals:

- 1) Continue to encourage board members to attend the NCBE the annual education conference and the NCBE grading workshop.
- 2) Complete the review of the WLC test materials by September 1, 2018.
- 3) Conduct a successful grading conference for the grading of the July 2018 and February 2019 MEE and MPT exams.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The BBE actively seeks to increase diversity among its members with the assistance of the Bar staff to promote outreach, and to notify minority and specialty bar associations of vacancies on the BBE.
- 2) Not yet, but we will be trying to arrange this in the near future.
- 3) Current members of the BBE include a range of geographic and other facets of diversity; however, the Board will always look to improve in this area.
- 4) BBE leadership will place greater consideration to diversity when screening applications to the Board. In addition, the Board and staff work to ensure that all members are welcomed into the Board and provided with the training and materials needed to help them be successful in performing this work.
- 5) N/A
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The exam process for admission to the practice of law covers ethical and legal judgment issues that lawyers may face when engaging in their chosen profession. Demonstrating knowledge in these areas should increase the professionalism of applicants who are admitted to practice.
- 2) The function of the BBE is to determine which applicants are capable of meeting the high competency standards of this profession, and this helps to ensure their

professionalism.

3) N/A

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

1) The BBE continues to make efforts to recruit lawyers who are newer to the profession, although most current members have been in practice for a number of years.

2) The BBE recently appointed two members who meet the description of a new and young lawyer.

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Character and Fitness Board Chair: David Ruzumna Staff Liaison: Jean McElroy BOG Liaison: Chris Meserve	Size of Committee: 14 minimum (currently 15) Number of FY19 Applicants: 13 FY18 direct expenses: \$20,000 FY18 indirect expenses: \$101,350
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 6:10:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 0 (1 did not answer) • Number of members self-identified as LGBT: 2 (1 did not answer) 	
Background & Purpose: The Character and Fitness Board (CFB) derives its authority from the Washington Supreme Court under APR 20 - 25.6, most recently amended in 2016. The CFB conducts hearings upon referral from Regulatory Services Counsel to determine: (1) if applicants to take the Bar Examination have demonstrated good moral character and fitness to be admitted or re-admitted to the practice of law, or (2) have met the requirements to be reinstated after disbarment.	
Strategy to Fulfill Purpose: Upon referral from Bar counsel, the CFB conducts hearings, prepares written decisions, and makes recommendations to the Washington Supreme Court. The CFB meets as frequently as necessary, generally meeting one day a month for hearings.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Conduct Character and Fitness Hearings as necessary. So far during FY'17-18, the Board has conducted 7 hearings, recommending admission in 4 and recommending denial of admission in 3 others; all of those recommendations have been approved by the Washington Supreme Court. 3 more hearings are scheduled for this fiscal year. 2) Continue to use electronic tools (Box, templates, etc.) and to provide members with staff assistance so as to reduce time between hearing (and the oral decision) and the issuance of written opinions. 3) The CFB will be receiving diversity training from the WSBA Inclusion and Equity Specialist at the Board's next meeting. 	

2018-2019 Goals:

- 1) Continue to conduct hearings as necessary, completing all written findings and recommendations in a timely fashion.
- 2) Provide additional diversity training at the start of FY'18-19.
- 3) Continue to use electronic tools (Box, templates, etc.) and provide Board members with staff assistance in order to produce written opinions in a timely fashion while ensuring the confidentiality of the underlying proceedings.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CFB is not currently using specific tools provided by WSBA.
- 2) The CFB will be receiving diversity training from the WSBA Inclusion and Equity Specialist at the Board's next meeting. A particular focus at this training will be implicit and structural bias. The Supreme Court's recent opinion in the Tarra Simmons bar application matter will also be reviewed and discussed as part of the training. The CFB will receive additional training at the start of FY'18-19.
- 3) The CFB's makeup is governed by Court rule (APR 23(a)). The members of the CFB come from each congressional district and a wide variety of practice areas and settings, and therefore represent broad geographic, practice, and experiential diversity; the Board also includes public representatives and it can include additional members from each Congressional district (which occurs sometimes in order to include additional members from historically underrepresented backgrounds). The Chair encourages discussion and input from all members, and the CFB works cooperatively, even when there are significant disagreements in particular cases; diversity of viewpoints is paramount to the deliberative process.
- 4) The Chair always ensures that each member in attendance at a particular hearing has an opportunity to speak during questioning and deliberations, and encourages thorough discussion of all viewpoints.
- 5) The hearings involve applicants who come from a wide range of backgrounds and experiences, many of whom have overcome very difficult personal, societal, and institutional obstacles in order to reach the point of applying for admission. The Board recommends the admission of many of these applicants after consideration of their individual circumstances, thereby helping applicants from historically underrepresented groups enter the profession (if the Court approves the Board's recommendation for admission). C&F hearings, by design, require a holistic view of the individual applicant; such a view necessarily requires the Board to take account of each applicant's individual circumstance.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) Among other considerations, the CFB may consider factors that affect and relate to respect and civility within the legal community. (APR 21(a)(5), (6), (8) and (9).)
- 2) Among other considerations, the CFB may consider factors that affect and relate to relationships between and among lawyers, judges, staff and clients. (APR 21(a)(5), (6), (8) and (9)).
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?*
- 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) Other?*

- 1) In order to reduce the need for recusals by CFB members, and to ensure that Board members have an adequate understanding of the stresses associated with practicing law once removed from any supports that might be provided by law schools for new grads, the rules governing the Board require lawyer members to have been admitted for at least 5 years. Nevertheless, the CFB continues to make efforts to recruit lawyers who are newer to the profession.
- 2) The CFB indirectly helps some young lawyers, because going through the Character and Fitness hearing process may encourage or require applicants to have, and provide evidence to the CFB about, supports in place to assist them in maintaining the fitness to practice law despite obstacles and stressors in an actual practice setting.
- 3) N/A
- 4) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Client Protection Fund Board	Size of Committee: 13
Chair: Efrem Krisher	Number of FY19 Applicants: 7
Staff Liaison: Sandra Schilling	FY18 direct expenses: \$2,000
BOG Liaison: Angela Hayes	FY18 indirect expenses: \$104,163
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 9:4:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 4 (0 did not answer)• Number of members self-identified as having a disability: 1 (0 did not answer)• Number of members self-identified as LGBT: 0 (0 did not answer)	
Background & Purpose: <p>The Client Protection Board derives its authority from Admission to Practice Rules (APR) 15. The WSBA Board of Governors (BOG) serves as trustees of the Fund, while the CP Board, working with WSBA staff, administers it. Most WSBA members and other licensed lawyers are required to pay an assessment each year to the fund.</p> <p>The CP Board helps relieve or mitigate pecuniary losses sustained by clients by reason of the dishonesty of, or failure to account for money or property entrusted to, their lawyers. The CP Board reviews fund applications investigated by WSBA staff. Under APR 15, a decision by the CP Board to make a payment on an application for \$25,000 or less is final; a decision on an application for above \$25,000 is a recommendation to the BOG and must be approved by the BOG.</p>	
Strategy to Fulfill Purpose: <p>The CP Board has a staff analyst and counsel/liaison in the WSBA Office of General Counsel. The CP Board meets four times per year to review applications. In accordance with APR 15, the CP Board provides a detailed report to the BOG and the Washington Supreme Court annually.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) The electronic database has been modified to increase accuracy, efficiency and reporting functionality.2) Continue to review CP Board procedures to streamline application and decision making processes.3) Continue to monitor CP fund balance, which has increased in recent years due to an increase in the assessment in 2012. On October 1, 2016 the WSBA BOG increased the maximum allowable gift from \$75,000.00 to \$150,000. The fund approved \$186,045.00	

more in gifts during FY 17 than in FY 16, including one gift for \$150,000.00.

- 4) The name change to "Client Protection Fund" and other amendments to APR 15 recently approved by the Washington Supreme Court have been successfully implemented.

2018-2019 Goals:

- 1) Continue to educate WSBA members about the CP Board.
- 2) Increase the public awareness of the CP Board.
- 3) Continue to operate a fiscally responsible fund.
- 4) Continue to work to decide difficult claims.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CP Board is not using specific tools; however it is cognizant of diversity and prioritizes it.
- 2) The CP Board has not yet sought training or consultation from the Inclusion and Equity Specialist.
- 3) The CP Board actively recruits members from different backgrounds and areas of the state. It includes members who work in government, solo practice and in larger firms, as well as two community members.
- 4) The CP Board respects the voice and vote of each member. Each application is discussed extensively before a vote is taken.
- 5) The CP Board consists of eleven lawyers and two community members. It currently has a diverse membership, including members who are African American, Latinx and who have multiracial backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The CP Board promotes respect for the legal profession by relieving or mitigating losses caused by those few lawyers who betray the trust of their clients. Applicants (and lawyers who assist them in filing applications) frequently express appreciation for the CP Board's role in restoring some degree of trust in the legal profession by those injured.

- 2) See (1) above.
- 3) The CP Board promotes professionalism by righting wrongs of members of the legal profession who dishonestly deprive clients of their funds. The Board issues an annual report which details the amounts paid out to applicants, and the lawyers involved.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The CP Board nominating Committee recommended the appointment of a newer lawyer (approximately three years of practice) last year. The BOG approved the nomination. He has been a valuable addition to the Board.
- 2) APR 15 does not have a minimum number of years of admission requirement for lawyer members. The Board is well suited to integrating young lawyers, and we will continue to do so. Younger lawyers can apply to be Chair or Vice-Chair.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Committee on Professional Ethics Chair: Don Curran Staff Liaison: Jeanne Marie Clavere BOG Liaison: Kyle Sciuchetti	Size of Committee: 9 Number of FY19 Applicants: 20 FY18 direct expenses: \$4,000 FY18 indirect expenses: \$37,533
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 4:5:0 (0 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 0 (0 did not answer)• Number of members self-identified as having a disability: 0 (0 did not answer)• Number of members self-identified as LGBT: 0 (0 did not answer)	
Background & Purpose: <p>The Committee on Professional Ethics (CPE) prepares advisory opinions addressing recurring or emerging ethics issues facing WSBA members. The advisory opinions cover a broad context and provide in-depth guidance on the Rules of Professional Conduct (RPCs) as applied to a wide variety of practice areas. The CPE also prepares recommendations for amendments to the RPCs.</p>	
Strategy to Fulfill Purpose: <p>The CPE meets in-person as a full committee six times a year and holds conference calls between meetings as needed to review and edit draft advisory opinions and potential RPC amendments. In addition, subcommittees tasked with developing drafts in particular areas spend significant time between meetings on their assignments.</p> <p>Committee meeting work on proposed advisory opinions includes a review of considerations related to the North Carolina Dental Board case so as to be mindful of maintaining and promoting freedom of competition in the ethical practice of law. Moreover, advisory opinions are now provided to the Board of Governors (BOG) for information purposes before posting on the WSBA website.</p>	
2017-2018 Accomplishments and Work in Progress: <p><u>Current Accomplishments:</u></p> <p>The CPE issued new Advisory Opinion 201801 regarding ethical obligations of lawyers moving from firm to firm. This opinion was included as information to the Board of Governors at the May 2018 meeting.</p> <p>The CPE will issue a new advisory opinion in June or July 2018 regarding client confidentiality in</p>	

the context of quadripartite relationships. The opinion resulted from a member inquiry.

The CPE proposed amendments to RPC 7.1, 7.2, 7.3, 7.4, 7.5, and 5.5 on the regulation of lawyer advertising and communication about legal services. The Board of Governors approved the committee's recommendation at its March 2018 meeting. The suggested amendments are being submitted to the Supreme Court for consideration.

The CPE reviewed over 60 Washington advisory opinions on trust accounts and withdrew a number of the older opinions and set aside others for future revision. The impetus for the review started with the Bar auditors who referred the matter to the CPE.

Work in Progress:

The CPE has projects in process that should be released in final form during the 2018-2019 committee year to include: (1) recommendations to amend Comment 18 to RPC 1.2; (2) consideration of changes to RPC 4.2 regarding private attorney contact with government employees deemed to be represented by counsel; (3) recommend amendments to RPC 1.15A on the ability of retired lawyers to maintain trust accounts; and (4) an advisory opinion regarding lawyer-mediators preparing legal documents for unrepresented parties.

2018-2019 Goals:

- 1) Increase member familiarity and use of BOX, a secure online file sharing and storage service to receive meeting materials and collaborate on existing work, and thereby improve committee efficiency.
- 2) Continue collaboration with the LLLT Board regarding the signing of trust account checks.
- 3) Finalize a proposed revision to Comment 18 to RPC 1.2 regarding advising clients under Washington State marijuana law and proposed an amendment to RPC 8.4.
Consideration of amendments to Advisory Opinion 201501 – *Providing Legal Advice and Assistance to Clients Under I-502; Lawyer Participation in Retail and Medical marijuana Business; Lawyer Purchase of Marijuana in Compliance with State Law* (2015).
- 4) Continue with its objective to address recurring or emerging ethics issues to provide in-depth guidance on the Rules of Professional Conduct.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CPE sought and received assistance from the Communications and Outreach department and Advancement department to reach out to the executive committees of WSBA Sections and other stakeholders to obtain feedback regarding possible changes to RPC 4.2 regarding private attorney contact with government employees deemed to be represented by counsel.

- 2) N/A
- 3) The CPE membership is structured so that three positions open each year and all members are encouraged to apply. Four of the nine members of the CPE are from historically underrepresented groups.
- 4) Our diversity members chair several of the CPE subcommittees.
- 5) Through its advisory opinions and analysis of the Rules of Professional Conduct, the CPE assists members of all backgrounds in clarifying their ethical duties under the rules thereby helping them to maintain their practices and thrive in the profession.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) The CPE promotes and supports professionalism through its work on advisory opinions and analysis of legal ethical practice for members.
- 2) N/A
- 3) The CPE integrates concepts of professionalism with the analysis of the Rules of Professional Conduct in its advisory opinions.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) *Other?*

- 1) The CPE includes younger members within its ranks and takes into account the practices of all members when formulating advisory opinions.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Continuing Legal Education Committee</p> <p>Chair: Craig Sternberg</p> <p>Staff Liaison: Kevin Plachy</p> <p>BOG Liaison: Kim Hunter</p>	<p>Size of Committee: 14</p> <p>Number of FY19 Applicants: 7</p> <p>FY18 direct expenses: \$500</p> <p>FY18 indirect expenses: \$9,198</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:10:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 0 (0 did not answer) • Number of members self-identified as LGBT: 4 (0 did not answer) 	
<p>Background & Purpose:</p> <p>The purpose of the Continuing Legal Education (CLE) Committee is to support the Washington State Bar Association’s (WSBA) development of continuing legal educational programming that ensures competent and qualified legal professionals, supports member transitions throughout the life of their practice, and helps to prepare members for the future with skills required for the 21st century practice of law.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The CLE Committee provides input to the WSBA CLE Team in fulfilling its mission of serving the ongoing education needs of Washington legal professionals. The CLE Committee maintained two subcommittees in FY18: Marketing Intelligence and Programming.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <p>The CLE Committee maintained the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee continued working with the WSBA Presents Education Programs Lead on CLE topic ideas for FY18. In FY18 the Programming Subcommittee informed WSBA CLE on the development of several seminars including Collaborative Law, Ethics and Non-Practicing Attorneys, Artificial Intelligence and Immigration Law. The Marketing Intelligence Subcommittee continued to work with WSBA CLE in adapting to the changing market, with a focus on balancing program offerings between live seminars and on-demand programs. The Marketing Intelligence Subcommittee provided input on WSBA CLE marketing materials and processes. Suggestions were given to tailor eblast communications to program type and assess the timing of the ebasts for different practice areas. The subcommittee suggested that Sections could also provide guidance in this area. Because of this recommendation, WSBA CLE has opened a dialogue with Sections about ebasts on a program by program basis. The subcommittee recommended that the marketing brochure have a prominent display on the back page with a message to “Register Now” with an indication of how to register online and by</p>	

phone. This suggestion has been implemented by WSBA CLE. The subcommittee also suggested WSBA CLE look further into social media advertising utilizing platforms such as Facebook, Twitter and LinkedIn. Pursuant to this advice, WSBA CLE has been working with the WSBA Communications and Outreach Department to leverage more social media advertising.

2018-2019 Goals:

The CLE Committee plans to maintain the Programming and Marketing Intelligence Subcommittees. The Programming Subcommittee will continue to work with the WSBA Presents Education Programs Lead to develop continuing legal education seminars that are useful and relevant to the members and align with the overall mission of WSBA. The Marketing Intelligence Subcommittee will work with WSBA CLE in reviewing our attendee survey feedback documents and to assist in the development of a customer feedback survey that will help inform how the membership prefers to obtain continuing legal education credit (i.e. through on-demand, in person, webcast, etc.) and further inform a marketing strategy for WSBA CLE.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The faculty database is currently being used by WSBA CLE staff in helping to ensure a diverse faculty pool for WSBA CLE.
- 2) The CLE Committee has not had training from the WSBA Inclusion and Equity Specialist but will request training in FY19.
- 3) The CLE committee encourages WSBA CLE staff to engage with a wide range of stakeholders in program development. WSBA CLE engages with a wide range of stakeholders including the WSBA practice sections, the District and Municipal Court Judges Association, the WSBA Diversity Committee and Pro Bono and Public Service Committee, the Washington Young Lawyers Committee and a variety of outside nonprofit organizations and local and minority bar associations.
- 4) The CLE Committee works affirmatively to identify and recruit a diverse group of committee members.
- 5) Through the work undertaken to adopt the faculty database, the committee has promoted a culture of inclusivity in recruitment of faculty to teach at WSBA CLE programs. By actively recruiting faculty from historically underrepresented backgrounds, WSBA CLE provides leadership opportunities for underrepresented populations.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*

4) Other?

- 1) The CLE Committee continues to address professionalism throughout all of its work by ensuring the most timely and relevant legal education is delivered to Washington legal professionals. The Legal Lunchbox series offered by WSBA CLE continues to focus on many topics that promote professional and personal development which aids in civility and professionalism. WSBA CLE also offers an annual Ethics, Professionalism and Civility program that directly deals with the topics of civility and professionalism along with ethics issues associated with those topics.
- 2) Many of the CLE programs that the CLE Committee supports specifically address relationships between lawyers and judges and professionalism in the legal profession. Law of Lawyering is an annual program that addresses these specific topics.
- 3) WSBA CLE delivers many programs that deal directly with the consequences of unprofessional or unethical behavior within the profession. In FY18 WSBA CLE delivered at least five seminars related to this specific topic.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) WSBA CLE continues to engage the Washington Young Lawyers Committee (WYLC) in developing a current topic CLE which addresses a relevant and timely topic for young lawyers. In FY18 WSBA CLE is developing a CLE on student loan debt restructuring under the new regulations. In collaboration with the WSBA New Lawyer Program, WSBA CLE is working with the WYLC on the selection of another topic for FY19.
- 2) In conjunction with the WSBA New Lawyer Program, WSBA CLE develops a Trial Advocacy Program that specifically assists new lawyers in learning and developing trial skills.
- 3) In association with the WSBA New Member Education, the CLE team is developing Learning Tracks that take a substantive area of law and build out a full curriculum from introductory to more advanced topics over the course of three learning tracks and approximately 18 hours of education. The goal of this programming is to provide new members (or transitioning members) a foundational education to jump start their entry into the substantive area of practice. New Member programming is deeply discounted for members who have been licensed for less than five years. WSBA CLE delivered a Learning Track on Estate Planning in FY17/FY18 and delivered another Learning Track in Business Law during FY18. In FY19 the plan is to develop a learning track in Employment Law.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Council on Public Defense (CPD) Chair: Eileen Farley Staff Liaison: Diana Singleton BOG Liaison: Dan Bridges	Size of Committee: 23 Number of FY19 Applicants: 13 FY18 direct expenses: \$8,400 FY18 indirect expenses: \$24,046
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (7 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (7 did not answer) • Number of members self-identified as having a disability: 1 (8 did not answer) • Number of members self-identified as LGBT: 1 (8 did not answer) <p><i>Note: Because of its unique appointment process, most CPD members do not complete the WSBA committee application form which accounts for the lack of demographic information.</i></p>	
Background & Purpose: The Council on Public Defense (CPD) was established in 2004 to implement recommendations of the Washington State Bar Association (WSBA) Blue Ribbon Panel on Criminal Defense for maintaining and improving constitutionally effective public defense services in Washington. The WSBA Board of Governors (BOG), finding that the CPD provided a unique and valuable forum for bringing together representatives across the criminal justice system, subsequently established the CPD as a standing entity.	
Strategy to Fulfill Purpose: The CPD unites members of the public and private defense bar, the bench, elected officials, prosecutors, and the public to address new and recurring issues impacting public defenders, the public defense system and the public that depends upon it. The CPD, after review of its Charter obligations, identified five current issues in which it has the expertise to provide assistance to public defenders and formed the Pre-Trial Reform Committee, Legal Financial Obligations (LFO) Committee, Standards Committee, Mental Health/Involuntary Treatment Act Committee, and Public Defense and Independence Committee.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) The CPD completed the Performance Guidelines for attorneys who represent juveniles, which had been requested by the Supreme Court. The Board of Governors approved the Guidelines for transmission to the Supreme Court and the Court adopted the Guidelines, making them effective immediately upon adoption. CPD members are working with others to develop a webinar discussing the Guidelines that will be presented June 25, 2018. The CPD is also exploring presenting the Guidelines through 	

the WSBA Legal Lunchbox series in 2019.

- 2) The CPD Mental Health Committee has completed proposed Performance Guidelines for attorneys who represent respondents in civil commitment hearings. The drafting process included circulating proposed Guidelines to practitioners for comment. The full CPD has approved them for circulation to a larger group of stakeholders, seeking their input. Once comments are received the CPD will review the proposed Guidelines again before sending them to the BOG, with a request that the BOG send the proposed Guidelines to the Supreme Court for adoption. The Mental Health Committee will continue work on clarifying the definition of a civil commitment proceeding for purposes of assessing caseload standards and the requirement that attorneys representing clients in civil commitment proceedings must file certificates of compliance with the Standards for Indigent Defense adopted by the Supreme Court. The Committee will again ask practitioners for input on these issues.
- 3) The CPD will continue the work of its Pre-Trial Reform, LFO, Mental Health/Involuntary Treatment Act, and Public Defense and Independence Committees. The Pre-Trial Reform Committee has completed a first draft of a tool for public defenders representing clients in bail hearings. The LFO Committee is updating a LFO bench card for judges describing significant 2018 legislative changes. The LFO Committee will refine the card for use by public defenders with the support of the WSBA Communications and Outreach Department.
- 4) The CPD provided input on a change to Criminal Rule (CrR) 3.4 being considered by the WSBA Court Rules and Procedures Committee.
- 5) The CPD discussed and supported an amendment to Rule on Appeal (RAP) 14.2, which has been adopted by the Supreme Court. The CPD has supported a parallel amendment to the Rules on Appeal from Courts of Limited Jurisdiction (RALJ).

2018-2019 Goals:

- 1) The CPD will complete work on the Mental Health Performance Guidelines as described under work in progress, section 2 above.
- 2) The CPD will complete work of the Pre-Trial Reform Committee as described under work in progress, section 3 above.
- 3) The CPD will complete work of the LFO Committee as described under work in progress, section 3 above.
- 4) The CPD will work with the WSBA Rules and Procedures Committee to have the Juvenile Court Rules, which are not included in the GR9 schedule, reviewed.
- 5) The CPD will evaluate how to specifically incorporate the American Bar Association's First Principle of Public Defense-Independence into the WSBA Standards for Indigent Defense.
- 6) The CPD hopes to collaborate with the Juvenile Offender subcommittee of the WSBA Juvenile Law Section on a statewide survey of statutorily authorized juvenile diversion programs. This will be a first step in developing recommendations and resources for such programs.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out

training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The CPD Chairs will distribute the race equity planning tool developed by the WSBA for committee chairs to use in their project planning. The CPD is interested in learning what other tools are available for future use.
- 2) No. The CPD is open to learning what types of trainings are available.
- 3) In its most recent work, the CPD has engaged with practitioners in local jurisdictions and circulated for comment a proposed Performance Guidelines for attorneys representing clients in civil commitment proceedings to the following entities which work with indigent clients:
 - TeamChild
 - Washington Association of Counties
 - Gender and Justice Commission
 - Minority and Justice Commission
 - Public Defense Agencies
 - Washington Association of Criminal Defense Lawyers
 - Washington Defender Association
 - Disability Rights Washington
 - National Association for the Mentally Ill (NAMI) various chapters
- 4) The Chair and Vice Chair have emphasized that during discussions all CPD members will be asked for their input, not only those who volunteer input.
- 5) The CPD pays attention to issues of diversity and inclusion as it relates to recruiting and filling positions. The CPD takes diversity, including geographic diversity, into account when making its recommendations about appointments. The CPD has continued to focus on bringing together a broad group of criminal justice system stakeholders. The most recent member is the prosecutor for the Colville Confederated Tribes. A Clallam County Commissioner has agreed to seek appointment for the government position that will open in October, when the Clark County Public Defense Administrator becomes an emeritus member.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
 - 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
 - 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
 - 4) *Other?*
- 1) The CPD unites diverse members of the legal community and public in a shared project of the WSBA to support work of public defenders to provide their clients with strong and accessible public defense services. The CPD has worked to include prosecutors and city attorneys as members in order to assure all voices and perspectives are at the table and

engaged in the Council's discussions.

- 2) The CPD actively promotes professionalism so all members can express, debate, and consider competing views respectfully and productively to fulfill this shared WSBA mission.
- 3) The CPD makes an effort to have discussions about ethical practices, which includes professionalism.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The CPD reaches out to younger members of the bar and law school students to participate in its work, both as active members and as interested parties. Some members, particularly those who teach at the Washington law schools, invite students and new and young lawyers to attend meetings. To the extent possible we encourage these individuals to attend meetings and contribute to the conversation.
- 2) New and young lawyers are invited to attend meetings and find ways to get involved. New and Young Lawyers are encouraged to voice their opinions in meetings and actively participate in the work of the committees. CPD Chair Eileen Farley participated in the MentorLink Mixer on Bar Leadership in January 2018 and used the opportunity to connect with New and Young Lawyers about the work of the Council. In 2018 staff will present to the New and Young Lawyers Committee about the work of the Council as they have done in years past.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p>Court Rules and Procedures Committee</p> <p>Chair: Shannon Kilpatrick</p> <p>Staff Liaison: Nicole Gustine</p> <p>BOG Liaison: Brian Tollefson</p>	<p>Size of Committee: 28</p> <p>Number of FY19 Applicants: 21</p> <p>FY18 direct expenses: \$4,000</p> <p>FY18 indirect expenses: \$26,217</p>
<p>FY18 Demographics:</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 15:11:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (2 did not answer) • Number of members self-identified as having a disability: 3 (1 did not answer) • Number of members self-identified as LGBT: 5 (1 did not answer) 	
<p>Background & Purpose:</p> <p>The Court Rules and Procedure Committee (Committee) studies and develops suggested amendments to designated sets of Washington court rules on a regular cycle of review established by the State Supreme Court. It occasionally responds to requests for comment from the Supreme Court on proposals developed by others. The Committee performs the rules-study function outlined in General Rule 9 and reports its recommendations to the BOG.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The Committee consists of several subcommittees that review the court rules and obtain input from stakeholders as to possible amendments. The subcommittees vet, draft and discuss proposed amendments and submit them to the full Committee for discussion and approval. Proposed amendments approved by the Committee are forwarded to the BOG for approval. If the BOG approves, the proposed amendments are forwarded to the Supreme Court in accordance with General Rule 9.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <p>In 2018, the Committee has been reviewing the Criminal Rules (CrR) and the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) as part of the regular cycle of review established by the Supreme Court. The Committee focused on CrR 1.3, CrR 3.4, CrR 4.4, CrR 8.2 and RAP 5.2, and CrRLJ 4.2, CrRLJ 4.4, and CrRLJ 7.3.</p> <p>The Committee also considered out of cycle a proposed amendment to Civil Rule 30 proposed by practitioner Aaron Rocke.</p> <p>On May 23, 2018, the Court asked the Committee to review the Mandatory Arbitration Rules (MAR) that will be affected by the EHB 1128 legislation. The Committee will form an ad hoc subcommittee to address the effect of the legislation on the MAR's.</p>	

The Committee will be forwarding recommendations to the BOG in the next few weeks and months.

2018-2019 Goals: To continue to carefully vet and scrub new proposals. Next year the Committee will review the Evidence Rules and the Infraction Rules for Courts of Limited Jurisdiction.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee is cognizant of diversity in selecting its members. It is an important factor in recruitment and consideration of applicants.
- 2) The Committee has not received training or consultation from the Inclusion and Equity Specialist.
- 3) The Committee seeks input from a wide variety of stakeholders before finalizing proposals, including reaching out to several minority bar associations. We have also reached out to organizations that represent minority viewpoints that might not normally be aware of the Committee's work.
- 4) During the application period, the current Chair reached out to the leadership of several specialty and minority bar associations to encourage their membership to apply to be on the Committee. The Committee is currently quite diverse, as noted above.
- 5) The current Committee membership comes from a wide range of backgrounds, experiences, and identities.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee seeks to engage members and the wider legal community in the process of studying and reviewing court rules. It promotes respect and civility by encouraging vigorous but civil debate even when members and/or stakeholders have strongly held but opposing views.
- 2) By engaging WSBA members and stakeholders outside of the Committee in the rule review process, the Committee's work seeks to improve relationships among lawyers and judges. The Committee includes three judges who serve as liaisons (non-voting), one each from the Superior Court, Court of Appeals, and District/Municipal Court. In addition, the Supreme Court Rules Committee seeks input from the WSBA Court Rules

Committee, which furthers dialogue between WSBA lawyers and Justices of the state's highest court.

3) N/A

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The Committee does not have a minimum number of years of admission requirement to serve. Its lawyer members purposefully have a wide range of years of experience, including members who have only a few years of practice experience. The Committee often attracts some applicants who are newer to the profession, some of whom are usually selected to serve.
- 2) The Committee provides opportunities for all members, including young lawyers, to chair subcommittees and the larger Committee. It provides opportunities for younger members to meet and be mentored by experienced members, as well as judges.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Disciplinary Advisory Round Table	Size of Committee: 8 (plus standing members)
Chair: Hon. Charles K. Wiggins	Number of FY19 Applicants: 8
Staff Liaison: Darlene Neumann	FY18 direct expenses: \$1,500
BOG Liaison: NA	FY18 indirect expenses: \$26,782
FY18 Demographics: Not available, as DART was not an ongoing entity when the FY18 members were appointed.	
<p>Background & Purpose: In 2010, the Board of Governors created the Disciplinary Advisory Round Table (DART) following a recommendation from the BOG Discipline Review Committee, which was approved by the Court. The purpose of DART is to act as a forum for the discussion of issues and concerns regarding the lawyer discipline system in Washington. Initially, DART was given a two-year pilot term after which it would be reviewed and evaluated by the Board and the Court.</p> <p>In 2012, with approval from the Board and the Court, DART was extended for another two years. DART began its second term in July 2013. In September 2015, DART requested a third two-year extension of its charter, which was approved by the Board and the Court. On September 29, 2017, DART became an ongoing entity to maintain a forum for the discussion of issues affecting the discipline system. This amended charter was approved by the Court on November 8, 2017.</p>	
<p>Strategy to Fulfill Purpose: The DART meets on an ad hoc basis to address concerns and issues that may be raised by its members or originate from other sources, such as the Court. Members are given training on the discipline system so they may gain a thorough understanding of the process and procedures.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <p>DART held discussions on:</p> <ul style="list-style-type: none">• The proposed adoption of the ABA Model Rule on Payee Notification by the Washington State Office of Insurance Commissioner;• The proposed Coordinated Discipline System;• Audio and Video Recordings in disciplinary hearings and the lack of ELC rules addressing the issue;• Order of argument procedure in ELC 7.2(a)(2) Interim Suspension Hearings;• Confidentiality in Diversion contracts under proposed amendments to ELC 3.3, 3.4, and 6.6; and• Changes to DART's charter to clarify its status as continuing entity and establishment of	

member terms and appointments.

Since the member terms officially expired September 30, 2017, and the future of DART had not yet been determined, there was no further recruitment for DART. Once the Board of Governors approved DART as an ongoing entity at the September 2017 meeting, it also authorized a temporary extension by one year of the existing members' terms (with their consent) to act as a bridge until a new DART committee could be appointed under the regular cycle of committee members appointments beginning in September 2018.

2018-2019 Goals:

1) The DART will hold an orientation for new members regarding the process and procedures of the discipline system. 2) DART will meet as needed to discuss emergent issues in the discipline system.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) Staff enlisted the Bar's diversity staff and Communications and Outreach Department to assist in recruiting diverse members. The Bar's diversity staff directly contacted the executive committees of the minority bar associations on DART's behalf. Additional efforts were targeted to the LLLTs and LPOs.
- 2) We consulted with the diversity staff, Dana Barnett and Joy Williams. We also received assistance from Bar Services Manager, Pam Inglesby.
- 3) N/A
- 4) N/A
- 5) In the past, DART has asked its MBA representative to solicit input from the MBA community on issues of concern regarding the discipline system.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) DART has considered issues that affect the relationships between ODC and Respondent's Counsel, Hearing Officers, and the Disciplinary Board. The issues generally involve modifying certain processes and procedures within the discipline system, thereby

improving the working relationships and promoting respect and civility among all participants.

2) See answer to question 1.

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

1) DART has seats for a lawyer member not otherwise involved in the disciplinary process, for a LLLT and for an LPO. Any of these positions could be fulfilled by a new or young lawyer or licensed legal professional.

2) N/A

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Disciplinary Board (D-Board) Chair: Marc Silverman Staff Liaison: Julie Shankland BOG Liaison: Kim Hunter	Size of Committee: 14 Number of FY19 Applicants: 10 FY18 direct expenses: \$10,000 FY18 indirect expenses: \$218,789
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 9:6:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: The Disciplinary Board (D-Board) derives its authority from the Supreme Court (see ELC 2.3). The D-Board performs an important role in the disciplinary/regulation process by: (1) serving as an intermediate appellate body for contested disciplinary and disability matters; (2) approving, conditionally approving or rejecting certain stipulations negotiated by the Office of Disciplinary Counsel (ODC) and respondents; and (3) through its review committees, acting on requests from the ODC to order matters to hearing, and on requests from grievants for review of matters that have been dismissed by ODC.	
Strategy to Fulfill Purpose: The D-Board is made up of four review committees, one of which meets every three weeks, plus the Board chair and vice-chair. The D-Board meets six times each year as a full board. At these meetings, the D-Board reviews hearing officer recommendations for suspension and disbarment when a timely request for review/appeal is filed (or sua sponte review is ordered by the Board), and automatically reviews stipulations for suspension or disbarment. The D-Board issues a written recommendation to the Supreme Court in contested matters. The D-Board holds oral arguments in some cases, which are open to the public. The four review committees meet by telephone to review requests for hearings and grievant appeals from dismissals. The review committees' work is confidential and not open to the public.	
2017-2018 Accomplishments and Work in Progress: The Disciplinary Board met 27 times (review committees plus full board meetings) and reviewed 527 matters.	

2018-2019 Goals:

The Disciplinary-Board's work is determined by Court Rule (ELC). The goal is to continue to perform high quality work in a timely manner in accordance with Court Rules.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Disciplinary Selection Panel (DSP), which is a separate entity from the D-Board, makes nominations to the BOG for members to serve on the Board. Under ELC 2.2(f), the DSP considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice and practice experience.
- 2) The D-Board has not sought training/input from the Inclusion and Equity Specialist but is open to such training.
- 3) The D-Board seeks input from all of its members, who must vote on each order/decision in matters involving the full Board. The D-Board has four public members, who provide a different perspective. One public member serves on each review committee.
- 4) By court rule, the D-Board has ten lawyer members and four community representative members. The current D-Board includes members self-identified as several different races/ethnicities. The DSP interviews prospective members and makes nominations to the BOG. As noted above, ELC 2.2(f) states that in making selections, the DSP and the BOG consider diversity.
- 5) The D-Board provides many leadership opportunities for interested Board members to serve, as Chair or Vice-Chair of the full Board, or as Chairs of each of the four review committees.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The D-Board adjudicates cases in which lawyers have behaved both unprofessionally and unethically. These issues are often raised in oral arguments and briefs, which are part of the public record.
- 2) Although not directly part of its mission, the D-Board is mindful of the need to conduct itself in a manner that models cooperative and respectful relationships, even if people disagree.
- 3) The D-Board serves important functions in the disciplinary process. In performing its court mandated functions, the D-Board raises awareness of ethical rules and of the consequences of unprofessional behavior. Most oral arguments in discipline cases

before the D-Board are open to the public. In addition, the D-Board issues public orders and decisions in most of the matters that come before it (certain matters are nonpublic by court rule).

4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

1) Per court rule, the D-Board's lawyer members must have been WSBA members for at least five years.

2) N/A

3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Editorial Advisory Committee Chair: Renee McFarland Staff Liaison: Margaret Morgan BOG Liaison: Dan Bridges	Size of Committee: 14 Number of FY19 Applicants: 6 FY18 direct expenses: \$800 FY18 indirect expenses: \$9,758
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:6:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 1 (2 did not answer) • Number of members self-identified as having a disability: 1 (2 did not answer) • Number of members self-identified as LGBT: 0 (2 did not answer) 	
Background & Purpose: The Editorial Advisory Committee (EAC) derives its authority from the WSBA Bylaws. The Editorial Advisory Committee's members assist WSBA staff in overseeing publication of <i>NWLawyer</i> , WSBA's official magazine. <i>NWLawyer's</i> mission statement is: <i>NWLawyer will inform, educate, engage, and inspire by offering a forum for members of the legal community to connect and to enrich their careers.</i>	
Strategy to Fulfill Purpose: EAC members consult with WSBA staff regarding content selection, recruit authors or write articles themselves, and provide suggestions for feature stories and columns that will provide readers with information about other bar members and their practices, current events and trends of interest to the legal community, programs and services provided to members by WSBA, and the work of the Board of Governors.	
2017–2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Created an "overflow" letters page in the online version, to handle increased number of letters to the editor and space limits in the print magazine. WSBA staff are vetting potential vendors for an upgraded platform for the online version that will be mobile-friendly and fully word-searchable and will support online ads. 2) Added "teasers" on the cover about features in the magazine other than the cover story, to increase reader interest. Striking cover art/design sparked reader interest (as evidenced by letters in response) in articles such as: (1) "Hate Speech, Guns and the First Amendment," Dec 2017/Jan 2018 (use of strong editorial photo from Charlottesville protest on cover); (2) "The Therapist and the Murderer," Feb 2018 (special varnish applied to cover art for more dramatic effect). Monthly graphic feature, "Bar Buzz," launched in Sept. 2017 issue designed to attract the eye (with minimal text), highlighting a WSBA benefit or discount. 	

- 3) Get more committee engagement, through using the Zoom videoconferencing app and addressing follow-up to committee members' suggestions: Members of EAC actively reviewed unsolicited submissions and gave feedback as to suitability for inclusion in the magazine. EAC members generated numerous story ideas that have been written or are in development. EAC member-authored articles in FY18 issues to date:
 - a. Oct. 2017: 2
 - b. Nov 2017: 1
 - c. Feb. 2018: 1
 - d. Mar 2018: 2
 - e. Apr/May: 1 (cover story) + 1 article whose author was recruited by an EAC member
- 4) New editor hired end of Nov. 2017 and is working with EAC members on developing story ideas and recruiting authors.
- 5) Four-hour annual planning meeting held April 18, 2018, with good attendance. Long-range planning for magazine done and story ideas developed.

2018-2019 Goals:

- 1) Continue to increase reader interest and engagement/response with timely, relevant, and provocative articles.
- 2) Work to include voices from divergent backgrounds and areas of practice, with a variety of views and perspectives.
- 3) Work to include member-authors from all parts of the state, as well as topics important to areas other than the Seattle metropolitan corridor.
- 4) Get the word out to members about the work the WSBA and its Board of Governors is doing and solicit member feedback.
- 5) Increase ad sales revenue by diversifying types of advertisements run.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A
- 2) We plan to have the Inclusion and Equity Specialist attend the next annual planning meeting and give committee members a training.
- 3) There is diversity in background, years in practice, areas of practice, and perspectives among the EAC members who weigh in on story ideas and unsolicited submissions. We are in regular dialogue with the WSBA Inclusion and Equity Specialist regarding language and images used in the magazine.
- 4) We encourage EAC members to help us, by reaching out through their networks and soliciting authors, to include within the magazine voices that are not as frequently heard from, so that many different points of view are expressed.
- 5) We have worked to ensure that these members are well represented in the magazine,

via solicitation of “Beyond the Bar Number” members to feature as well as in articles such as “Coming In From the Outside: Stories of Lawyers Who Don’t Fit the Norm,” March 2018; and “Decoding the Law: Outtakes From the Washington State Bar Association December Panel on Race Relations,” Feb. 2018. An upcoming issue will explore the Character and Fitness process, including first-person experiences of applicants to the bar who overcame obstacles.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board’s work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

The following are relevant to all the questions above:

- Our frequent ethics columnist and former chair of the Committee on Professional Ethics, Mark Fucile, has agreed to write a column “Ethics and the Law” for every issue that will address not just avoiding violations of the RPCs but issues of professionalism and civility.
- Additional articles promoting civility and professionalism: “Listen: How Emotional Intelligence and ‘Soft Skills’ Can Make Us Better Lawyers,” Feb. 2018 (civility); and “Summoned: A Lawyer’s View From Inside the Jury Room,” April/May 2018 (promoting respect and appreciation for the jury system); “Celebrate Pro Bono Month,” Oct. 2017 (promoting pro bono volunteering).
- Beginning with the June 2018 issue, we will run a feature documenting our new “Professionalism in Practice” (PIP) awards, which WSBA will be presenting continually throughout the year to practitioners who have been nominated for acts of outstanding professionalism and are being recognized for advancing the rule of law through day-to-day acts of integrity, respect, cooperation, and customer service.
- Every issue includes current disciplinary notices.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) *Other?*

- 1) One member of the EAC is a new/young lawyer (admitted fewer than five years ago).
- 2) The committee is intentional about developing article ideas for the magazine that will be of interest and useful to new and young lawyers. E.g., “Practice, Practice, Practice: WSBA’s Learning Tracks,” March 2018 (focusing on a new type of CLE series designed for new/young lawyers who want an immersive, “primer” experience in a practice area). An upcoming article, in development, will feature questions that undergraduates ask their professor (a lawyer and EAC member) about law school and the legal profession; we will be reaching out to WSBA members (especially new and young lawyers) to ask how they would respond.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Judicial Recommendation Committee (JRC) Chair: Anne Hall Staff Liaison: Sanjay Walvekar BOG Liaisons: Paul Swegle and Alec Stephens	Size of Committee: 22 Number of FY19 Applicants: 18 FY18 direct expenses: \$4,500 FY18 indirect expenses: \$8,433
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 11:10:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 1 (1 did not answer) • Number of members self-identified as having a disability: 0 (2 did not answer) • Number of members self-identified as LGBT: 3 (3 did not answer) 	
Background & Purpose: The Judicial Recommendation Committee (JRC) derives its authority from the Bylaws of the WSBA. The JRC screens and interviews candidates for state Court of Appeals and Supreme Court positions. Recommendations are reviewed by the WSBA Board of Governors (BOG) and referred to the Governor for consideration when making judicial appointments. Per the JRC Guidelines, “[t]he proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.”	
Strategy to Fulfill Purpose: The JRC screens and interviews candidates for the state’s appellate courts, the Washington Supreme Court and the Washington State Court of Appeals. Thereafter, it makes recommendations to the BOG. Following Board approval, the recommendations are sent to the Washington State Governor's Office as part of the committee’s role of preparing and maintaining a list of individuals who are well-qualified for and interested in appointment to the appellate bench.	
2017-2018 Accomplishments and Work in Progress: The JRC has held two meetings as of June and is scheduled for one more meeting in August before the close of FY18: <ol style="list-style-type: none"> 1) Achieved quorum for two scheduled meetings; 2) Interviewed six candidates; 3) Contacted 237 references; and 4) Recommended four candidates to be included on the well-qualified list thus far this fiscal year. 	
2018-2019 Goals: <ol style="list-style-type: none"> 1) Continue to offer a thorough and fair process aimed at ensuring well-qualified 	

candidates are presented to the Governor's office for open positions on the Washington Supreme Court and Court of Appeals.

- 2) Continue to educate committee members about the importance of reference check assignments, in-person attendance, and ability to make quorum.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) A diversity of perspectives is embedded in the JRC Guidelines under "Composition," for selection of committee members.
- 2) The committee will consult with the WSBA inclusion and equity specialist.
- 3) Please see 1, above.
- 4) Please see 1, above.
- 5) Without going into too much detail due to confidentiality of the process, some of the criteria the committee considers when recommending a candidate are related to a commitment to diversity.

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) Without going into too much detail due to the confidential nature of this committee, some of the criteria the committee considers when recommending a candidate are related to aspects of professionalism.
- 2) N/A
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) While there are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting), the nature and work of this committee is most suited to those who have familiarity and experience with the appellate bench.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Law Clerk Board Chair: Benjamin Phillabaum Staff Liaison: Chris Coleman BOG Liaison: Dan Clark	Size of Committee: 9 Number of FY19 Applicants: 7 FY18 direct expenses: \$4,000 FY18 indirect expenses: \$33,920
FY18 Demographics: <ul style="list-style-type: none"> Gender (Female: Male: Not Listed): 6:3:0 (0 did not answer) Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) Number of members self-identified as having a disability: 1 (0 did not answer) Number of members self-identified as LGBT: 2 (1 did not answer) 	
Background & Purpose: The Law Clerk Board (LCB) derives its authority from Rule 6 of the Admission and Practice Rules (APR). The Board of Governors (BOG) appoints the members of the LCB. The purpose of the LCB is to assist the WSBA in supervising the APR 6 Law Clerk Program (Program).	
Strategy to Fulfill Purpose: The LCB considers applications for enrollment in the Program, interviews and evaluates law clerks and tutors before and during the course of study to ensure they are meeting the requirements of the Program.	
2017-2018 Accomplishments and Work in Progress: In order to improve efficiency, the LCB delegated additional authority to WSBA staff to perform certain administrative tasks, including approving certain fourth year course requests. The LCB also reviewed the law clerk annual fee and has proposed an increase which will soon be considered by the BOG.	
2018-2019 Goals: <ol style="list-style-type: none"> 1) Continue to find ways to improve efficiency of the LCB to accommodate potential influx of law clerks. 2) Explore ways to promote the program to high school and college students. 	
Please report how this committee/board is addressing diversity: <i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to</i>	

enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LCB continues to seek board members who represent diversity in geography as well as members who self-identify as individuals that are underrepresented in the legal profession including, but not limited to, race, sexual orientation, disability, and ethnicity. The LCB will schedule a training with WSBA's Inclusion and Equity Specialist in fiscal year 2019.
- 2) The LCB seeks to have a diverse group of board members in order to bring a variety of perspectives to the table.
- 3) N/A
- 4) The Program itself provides an alternative to law school for those who may have barriers to attending law school. The LCB will consider other ways to increase the diversity of the law clerks enrolled in the Program by, for example, reaching out to the diversity staff at the Bar to contact minority and local bar associations. The LCB also plans on collaborating with WSBA staff to engage in outreach efforts to promote the Program to broader audiences.
- 5) N/A

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

- 1) Clerks participating in the Program learn about professionalism during the course of their education while working in the law firm. The LCB raises issues of professionalism during interviews and evaluations when necessary.
- 2) No
- 3) No
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) *Other?*

- 1) Lawyers who have recently completed the Law Clerk Program currently serve and will serve next year on the LCB. While there are limited positions available, clerks who are about to complete the Program and take the bar exam are encouraged to participate with other WSBA boards and committees to share the Program perspective with the broader WSBA community.
- 2) The Law Clerk Program is intended to be an affordable alternative to law school which allows new and young lawyers to start their careers without having to worry about student loan debt. In addition, through their work experience they have already begun making connections within the legal community.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited License Legal Technician (LLLT) Board Chair: Steve Crossland Staff Liaison: Renata Garcia BOG Liaison: Dan Clark	Size of Committee: 15 Number of FY19 Applicants: 6 FY18 direct expenses: \$17,000 FY18 indirect expenses: \$92,636
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 12:2:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 3 (0 did not answer) • Number of members self-identified as having a disability: 2 (0 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
Background & Purpose: <p>The Limited License Legal Technician (LLLT) Board derives its authority from the Washington Supreme Court under Rule 28 of the Admission to Practice Rules (APR), adopted effective September 1, 2012. By order of the Court, the WSBA is to administer and fund the LLLT Board and the program.</p> <p>APR 28 authorizes persons who meet certain educational and licensing requirements to advise clients on specific areas of law. The only currently approved practice area is domestic relations. The Supreme Court established the LLLT Board to oversee the LLLT license.</p>	
Strategy to Fulfill Purpose: <p>From 2013-2016, the LLLT Board concentrated on creating the operational details for the LLLT license; the LLLT Board is now focusing on the promotion, expansion, and development of the license.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) In February 2018, the LLLT Board submitted suggested amendments to APR 28, the LLLT RPC and the RPC for lawyers for consideration by the Washington Supreme Court. These amendments would enhance the scope of the current family law practice area. The Court recently published the suggested amendments for comment. Comments are due by no later than September 14, 2018. 2) The LLLT Board is currently circulating a new proposed practice area, Consumer, Money, and Debt, for comment before taking further action, i.e., developing curriculum requirements, seeking approval by the Court, etc. The LLLT Board hopes to engage as many subject matter experts as possible in the development of this and any future proposed practice areas. 	

- 3) The LLLT Board recently approved the University of Washington Continuum College Paralegal Studies Program to teach the LLLT core curriculum.
- 4) The LLLT Board has been engaging in discussions to explore ways in which LLLT students may qualify for financial aid.

2018-2019 Goals:

- 1) The LLLT Board will continue to consider and recommend new practice areas for approval by Supreme Court.
- 2) If the family law enhancements are approved by the Court, the LLLT Board will develop the required training for currently licensed LLLTs.
- 3) The LLLT Board also plans to expand the accessibility of the LLLT core curriculum across the state by continuing to approve core class programs at additional community colleges.
- 4) The LLLT Board will continue to engage in outreach efforts, including working with the WSBA communication team to expand outreach to a diverse pool of LLLT candidates, including college and high school students.
- 5) The LLLT Board also plans to advance its efforts to provide access to financial aid for students in the LLLT practice area classes.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LLLT Board seeks members from different backgrounds and experiences who work together to foster a positive work environment in concert with WSBA's commitment to diversity and inclusion.
- 2) The LLLT Board will schedule training with WSBA's Inclusion and Equity Specialist.
- 3) The LLLT Board seeks input from all WSBA members as well as the legal community in general when making important decisions such as developing a new practice area.
- 4) APR 28 has been amended at the request of the LLLT Board to allow LLLTs and LPOs as well as attorneys with judicial and emeritus pro bono status to serve as Board members.
- 5) The core curriculum educational approval process reflects the LLLT Board's commitment to diversity in that it requires any institution offering the core curriculum to have diversity, inclusion, and equal access policies and practices in place. The LLLT Board also sought to increase diversity within the LLLT profession by extending the limited time waiver (see APR 28 Regulation 4) to 2023 in order to allow a group of candidates qualified by work experience rather than by education to enroll in the practice area classes. The ongoing effort to provide a pathway to financial aid for the practice area classes also aims to provide more opportunities to join the LLLT profession to prospective applicants from diverse socio-economic backgrounds.
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?
- 4) Other?

- 1) The LLLT Board has set up rules of professional conduct and a disciplinary system for LLLTs, as well as requiring LLLTs to carry malpractice insurance and conform to the same rules as lawyers regarding IOLTA accounts.
- 2) The LLLT Board has worked to promote LLLTs in the legal community and educate all legal professionals about the permitted scope and models for LLLT practice, as well as highlighting the ways in which collaboration with LLLTs can contribute to the efficiency and accessibility of any legal practice.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?
- 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?
- 3) Other?

- 1) All WSBA members are invited to provide comments on rules and new practice area suggestions and development, including new and young lawyers.
- 2) N/A
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Limited Practice Board Chair: Shelley Miner Staff Liaison: Renata Garcia BOG Liaison: Angela Hayes	Size of Committee: 9 Number of FY19 Applicants: 7 FY18 direct expenses: \$3,000 FY18 indirect expenses: \$42,709
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 3:5:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 0 (1 did not answer) • Number of members self-identified as having a disability: 0 (1 did not answer) • Number of members self-identified as LGBT: 0 (1 did not answer) 	
Background & Purpose: The Limited Practice Board (LPB) derives its authority from the Washington Supreme Court under rule 12 of the Admission and Practice Rules (APR). The purpose of the LPB is to oversee the Limited Practice Officer (LPO) license program.	
Strategy to Fulfill Purpose: The LPB will meet four to six times a year to develop and grade the LPO exam and discuss issues and items of concern or that are relevant to the LPO license.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) LPOs have been and will continue to be incorporated into the coordinated Admission and Licensing processes. 2) LPOs currently do not have an education requirement. The LPB has been discussing the possibility of implementing an education requirement without unnecessarily compromising accessibility to enter the legal profession. The Board has decided that the industry has been adequately preparing LPO applicants and that an education requirement should not be implemented. 3) The LPB reviewed the LPO license fees and recommended an increase for active LPOs to \$200; this recommendation will soon be considered by the BOG. 	
2018-2019 Goals: Review and improve the LPO exam including analysis of current exam by Ergometrics, a review and improvement of essay questions and an evaluation of the grading method for the problem section of the exam.	
Please report how this committee/board is addressing diversity: <i>1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a</i>	

culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The LPB is dedicated to furthering WSBA's commitment to diversity and inclusion through Board recruitment and ongoing interactions with each other, members, and the general public.
- 2) The LPB will schedule training with WSBA's Inclusion and Equity Specialist in fiscal year 19.
- 4) The license provides an opportunity to enter the legal profession, albeit in limited practice, for those who have had barriers to completing higher education.
- 5) The LPB plans on working with WSBA staff to expand outreach to a diverse pool of LPO candidates, including high school students.

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) LPB members are invited to speak at LPO Continuing Education seminars; examples of situations regarding the LPO Rules of Professional Conduct are a popular topic.
- 2) N/A
- 3) No.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) There is no "years-of-practice" requirement for the LPB so all are welcome to apply. At least one board member is a new lawyer. However, LPO members of the LPB tend to be more experienced.
- 2) Regarding the focus on services for new practitioners, the WSBA has not defined a group of "new and young LPOs" such as the lawyer group defined as "admitted to practice fewer than 5 years or under 36 years of age." However, as members of the bar, LPOs, including new and young LPOs, are now able to take advantage of many services.
- 3) N/A

MCLE BOARD ANNUAL REPORT – FY18

Mandatory Continuing Legal Education Board Chair: Melissa Skelton Staff Liaison: Adelaine Shay BOG Liaison: Paul Swegle	Size of Committee: 7 Number of FY19 Applicants: 5 FY18 direct expenses: \$2,000 FY18 indirect expenses: \$83,350
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 3:4:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (0 did not answer) • Number of members self-identified as having a disability: 1 (0 did not answer) • Number of members self-identified as LGBT: 0 (0 did not answer) 	
Background & Purpose: <p>The Mandatory Continuing Legal Education Board (MCLE Board) derives its authority from the Washington Supreme Court under Admission and Practice Rule 11.</p> <p>The Supreme Court-appointed MCLE Board accredits courses and educational programs that satisfy the educational requirements of the mandatory CLE rule, considers MCLE policy issues as well as reporting and exception situations, and considers member and sponsor petitions for waivers from requirements and appeals from decisions.</p>	
Strategy to Fulfill Purpose: Timely and accurately review an average of 20,000 courses and educational programs per year, monitor member compliance with MCLE requirements, respond to all MCLE-related inquiries, and fairly consider all member and sponsor requests.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) Reviewed all MCLE related fees and proposed changes to the existing fee structure. Those changes were approved by the WSBA Board of Governors. 2) The MCLE team is coordinating the LLLT and LPO MCLE compliance. Full database integration with the current lawyer system is currently scheduled to take place during the 2018-19 fiscal year. 3) Continued to work to increase the diversity of the MCLE Board through recruitment efforts. 4) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in October 2017. 5) Completed and resolved by motion 74 petitions from members (through May 2018) for modifications and waivers of one or more MCLE requirements. 	

- 6) Held 3 member MCLE hearings.
- 7) Audited 3 courses, made presentations about each to the full MCLE Board, and provided detailed reports to each sponsor regarding the strengths and weaknesses of the course as well as recommendations for improvement.

2018-2019 Goals:

- 1) Review financial hardship qualifications for undue hardship petitions and, if appropriate, propose changes to the existing qualifications.
- 2) Continue to work to increase the diversity of the MCLE Board.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Board has not attempted to use tools provided by WSBA.
- 2) Participated in a diversity training presented by WSBA Inclusion and Equity Specialist Robin Nussbaum in October 2017.
- 3) The MCLE Board continues to seek members who represent diversity in geography, and all other diversity criteria used by the WSBA. In addition, the MCLE Board has done targeted outreach to members and/or sponsors regarding topics that the Board has considered during the year. Also, the Board routinely receives and considers input from members affected by the MCLE rules when considering petitions filed by the members.
- 4) We foster an atmosphere of civility and collegiality insofar as how we receive comments from Bar members, staff, fellow board members and others. This is accomplished by active listening to all and discussions focused on fairness and similar treatment of issues. Consistency in the application of the rules is maintained by active discussion on the merits with the goal being consensus.
- 5) Although this may or may not apply directly or only to members from historically underrepresented groups, the MCLE rules and the Board's considerations include requests for accommodation of various disabilities as well as consideration of issues causing "undue hardship" and financial issues.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The MCLE Board is primarily regulatory. However, through auditing courses, the Board is able to gauge and monitor the level of professionalism presented during seminars.

In addition, the Board treats members with respect and courtesy while enforcing the Supreme Court's MCLE requirements and ensuring protection of the public.

- 2) The Board seeks to improve relationships between lawyers, judges, and clients by reviewing and approving quality continuing legal education courses that provide the skills necessary for making and maintaining successful relationships.
- 3) Although the Board itself is not involved in raising such awareness, the Supreme Court's MCLE rules that are applied by the Board do allow for accreditation of MCLE activities that raise awareness about the causes and/or consequences of unprofessional behavior.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The MCLE Board continues to seek members who represent new and young lawyers.
- 2) The Board supports young lawyers by encouraging mentorship as a tool for professional and personal development.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Practice of Law Board (POLB) Chair: Paul Bastine Staff Liaison: Julie Shankland BOG Liaison: Brian Tollefson	Size of Committee: 13 Number of FY19 Applicants: 4 FY18 direct expenses: \$15,000 FY18 indirect expenses: \$82,826
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 6:6:0 (1 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (1 did not answer) • Number of members self-identified as having a disability: 1 (1 did not answer) • Number of members self-identified as LGBT: 2 (3 did not answer) 	
Background & Purpose: The Practice of Law Board (POLB) derives its authority from GR 25 and the Court’s 2015 Order reconstituting the Board and refocusing its mission. The POLB directed the Board to increase its focus on educating the public about how to receive competent legal assistance and considering new avenues for other legal professionals to provide legal and law-related services.	
Strategy to Fulfill Purpose: In pursuit of the above directive, the POLB seeks to reach beyond the mainstream to identify cutting edge strategies that track and anticipate developments in the profession, in technology, the market for legal services, and in consumer needs generally. The POLB works with strategic affiliates to develop new ideas on delivering safe, effective and efficient legal services to everyone in the State of Washington, while assisting with public protection from unauthorized delivery of legal services, in support of this State's reputation as a national leader in innovative legal practice. To this end, the POLB works with stakeholders to think strategically, creatively and beyond existing models of dispute resolution and legal service delivery, including assisting licensed legal professionals in integrating new ideas while maintaining effective and successful legal practices. The POLB appointed a liaison to the Access to Justice Board to ensure that the two boards have frequent communication and to prevent duplication of effort. The POLB also works and communicates with the Limited License Legal Technician (LLLT) Board to make sure that we are working together toward our mutual goals.	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none"> 1) The Legal Health Check Up is being tested with user groups and vendor proposals are being reviewed for development of an application. The Board received \$10,000 in funding from the Court for this project in June 2018. 	

- 2) The Court published the proposed GR 25 amendments for comment.
- 3) The Board continues to work to determine appropriate changes to GR 24.

2018-2019 Goals:

- 1) Complete and launch the Legal Health Check Up in both paper and web application form.
- 2) Provide a white paper and recommendations to the Court about regulating online legal services providers.
- 3) Continue to consider ways that GR 24 should be amended; discuss these changes with stakeholders and recommend to the Court if appropriate.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A.
- 2) The PLB will likely seek training from the Inclusion and Equity Specialist during 2018-19.
- 3) Diversity is considered when the POLB members are appointed and is considered in every appointment request sent to the Court. This PLB's success in its "blue sky" mission will depend heavily on diversity.
- 4) The Board actively seeks diverse perspectives from Board members and from stakeholders.
- 5) N/A.
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The PLB is dedicated to promoting professionalism through its purpose of promoting appropriate and competent legal services and ensuring that the public receives legal services from those dedicated to being ethical, professional, competent and appropriate to the needs of the public.
- 2) N/A
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and

prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) The POLB has new and young lawyer members and will continue to actively seek new and young lawyer participation.
- 2) The POLB has heard presentations from new and young lawyers.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Pro Bono and Public Service Committee	Size of Committee: 18
Co-chairs: Emily Nelson and Paul Okner	Number of FY19 Applicants: In process
Staff Liaison: Joy Williams	FY18 direct expenses: \$2,000
BOG Liaison: Athan Papailiou	FY18 indirect expenses: \$77,968
FY18 Demographics: <ul style="list-style-type: none">• Gender (Female: Male: Not Listed): 13:5:0 (1 did not answer)• Number of members self-identified with a racial/ethnic under-represented group: 5 (0 did not answer)• Number of members self-identified as having a disability: 0 (0 did not answer)• Number of members self-identified as LGBT: 2 (1 did not answer)	
Background & Purpose: <p>The Pro Bono and Public Service Committee's (Committee) purpose is to work to enhance a culture of legal service.</p>	
Strategy to Fulfill Purpose: <p>The Committee fulfills its purpose by promoting opportunities and best practices that encourage WSBA members to engage in pro bono and public service, with a particular emphasis on services to low and moderate income people.</p>	
2017-2018 Accomplishments and Work in Progress: <ol style="list-style-type: none">1) Developed a model law firm pro bono policy, along with corporate and government model policies, for promulgation throughout the bar membership.2) Prompted by years of increasing member apathy and an unclear understanding of our purpose, our committee took a hard look at our mission and effectiveness, and how we as an organization can be effective in encouraging pro bono work in our community. This was a difficult process that occupied a large portion of the year. We looked at our past and current projects, and worked hard to develop a clearer sense of what types of work our committee is particularly suited to undertake. We came away from this deep dive with a new framework of subcommittees in the areas of:<ol style="list-style-type: none">a. Policies / Rulesb. Outreach / Promotionsc. Programming / CLEd. Data	

2018-2019 Goals:

We aim to accomplish our goals via subcommittee activity in the following areas:

- 1) Policies / Rules
 - a) Finish model pro bono policies
 - b) Promulgate and promote adoption of the policies in the community
 - c) Rules – investigate and advocate for possible rule changes to encourage pro bono work and effectiveness.
- 2) Outreach / Promotions
 - a) Increase interaction with existing pro bono organizations, such as ATJ
 - b) Establish a system for closer interaction with statewide volunteer legal providers to solicit feedback and potential areas of collaboration
 - c) Implement, when possible, collaborative projects with such providers.
 - d) Use available avenues to promote pro bono work and opportunities for WSBA members
- 3) Programming / CLE
 - a) Call to Duty program
 - i) Establish partnerships with 3 statewide volunteer legal providers to host day of service CLE/clinic events to bring legal services to US military veterans.
 - b) Moderate Means Program
 - i) Work closely with staff to collaborate with the three law schools to promote and encourage participation in the Moderate Means Program.
 - c) Pilot Project for partnerships
 - i) Work with staff on a pilot project to provide grants to Minority Bar Associations for facilitation of legal clinics in distant parts of the state to enhance access to justice.
 - d) CLE – work with staff to create and host one or more legal lunchbox CLEs with an eye toward encouraging pro bono service in the state.
- 4) Data
 - a) Monitor Probonowa.org website and determine if further assistance is required.
- 5) Pro Bono Month
 - a) Work with staff to create CLE, programming, and promotions for pro bono month in October.
- 6) Include regular equity and inclusion focused training at each in-person meeting; facilitated by the WSBA Public Service and Inclusion and Equity Specialist and the WSBA Diversity and Inclusion Specialist who is the liaison to the WSBA Diversity Committee.
- 7) Conduct Public Service/Pro Bono Awareness presentations to the WSBA Diversity Committee at least twice in FY 19; the goal is to increase collaboration and raise awareness in the broader legal community regarding the need for attorneys from underrepresented groups to participate in the area of public service/pro bono.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to

enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Diversity and Public Service Programs Manager provided information on the work of the WSBA Diversity Committee at a Committee meeting. This presentation was intended to be a catalyst for collaboration between the two committees.
- 2) N/A
- 3) The co-chairs worked to solicit input from every committee member regarding next steps in the committee's future.
- 4) We sought out as much participation as possible from the entire group.
- 5) N/A
- 6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) The Committee promoted volunteer opportunities and RPC 6.1, which states that "[a] lawyer should aspire to render at least thirty (30) hours of pro bono publico service per year."
- 2) Not directly, but there's a case to be made that participation in pro bono work helps to increase communication between lawyers, judges and clients, and therefore facilitates better relationships between such parties.
- 3) Yes, in that failure to do pro bono work arguably constitutes unprofessional behavior (see RPC 6.1), and we are encouraging attorneys to avoid this failure.
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?*

- 1) Several of our Committee members are new lawyers.
- 2) The Committee promoted the Moderate Means Program which the majority of panel attorneys are new lawyers. The Moderate Means Program provides free referrals and opportunities for mentorship to participating attorneys. The committee also encourages a variety of other pro bono work, which is often open to new lawyers. The committee is planning a CLE that will likely be particularly relevant to young and new lawyers in its exploration of a new practice area, and provide resources in which these practice area skills can be put into use in a pro bono environment.
- 3) N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

Washington Young Lawyers Committee Chair: Mike Mocerì Staff Liaison: Ana Selvidge BOG Liaison: Jean Kang	Size of Committee: 18 Number of FY19 Applicants: 14 FY18 direct expenses: \$15,000 FY18 indirect expenses: \$40,668
FY18 Demographics: <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 5:11:0 (2 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 2 (3 did not answer) • Number of members self-identified as having a disability: 0 (2 did not answer) • Number of members self-identified as LGBT: 1 (2 did not answer) 	
Background & Purpose: <p>The Washington Young Lawyers Committee (WYLC) derives its authority from the WSBA Bylaws, WSBA Board of Governors (BOG) Committees and Boards Policy, and WYLC Appointment Policy.</p> <p>The WYLC’s purpose is to support new and young lawyers as they transition into practice; connect new and young lawyers with WSBA programs, services, and activities including pro bono and public service; and be a resource for new and young lawyers through membership outreach and leadership.</p>	
Strategy to Fulfill Purpose: <p>The WYLC prioritizes four key issues facing new and young lawyers, as identified in the November 2014 new lawyer survey and the July 25, 2015, Generative Discussion of the BOG with the WYLC: Employment, Debt, Community, and Leadership. The accomplishments and FY18 goals outlined in this document reflect how the work of the WYLC addresses these four priorities and fulfills the purpose of the WYLC.</p>	
2017–2018 Accomplishments and Work in Progress: Debt <ol style="list-style-type: none"> 1. The WYLC selected volunteers to be part of Practice Management Assistance’s focus group for the member benefit review and to provide feedback on potential practice management discounts. The WYLC will continue to advocate and promote the financial planning resources WSBA currently provides. 2. The WYLC is partnering with the New Member Education team to develop another 	

Financial Planning CLE to be delivered this August. This seminar will be free to anyone within their first five years of practice and will focus on assisting new and young lawyers to manage their student loan debt.

Community

1. Across the state, outreach is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC has:
 - a. Created, planned, and sponsored networking events each time the WYLC held a traveling meeting.
 - b. Attended WSBA events hosted around the state, including Open Sections Night, WSBA Diversity Community Networking Events, and MentorLink Mixers.
 - c. Explored opportunities to connect with county young lawyer divisions and other new and young lawyer communities, and identified opportunities to develop local CLEs that would benefit new and young lawyers.
2. The WYLC is still exploring its purpose statement and what it means to be part of the new and young lawyer community in Washington State. Should the WYLC members see a need for change, they will send a proposal to the BOG.

Leadership

1. American Bar Association Young Lawyers Division (ABA YLD) Representation—The WYLC worked this year to select a recipient for the ABA YLD District Representative (DR). The DR is the eyes, ears, and voice of the ABA YLD District 29, which includes Washington and Oregon, and serves a two-year term. The WYLC selected a current WYLC member to serve as the DR to create a stronger connection between the WYLC/WSBA and the ABA YLD. The WYLC is also administering the scholarship to new and young lawyers who attend ABA meetings as delegates. The WYLC has opened the scholarship and will select two scholarship recipients. Recipients will write a NWSidebar blog post highlighting what they learned from attending the ABA meeting, report back to the WYLC, and provide content to be shared in the WYLC Quarterly Contact emails.
2. Public Service and Leadership Award—to expose new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the each lawyer's work in the community. Applications have closed and selections will take place later on in June.
3. The WYLC participated in the nominations process for filling the BOG At-Large Young Lawyer seat by nominating two candidates for the BOG to review and appoint for a three-year term.

Employment

1. Due to scheduling and funding challenges the Northwest Regional Summit will take place in spring of 2019. The Summit is in partnership with the Oregon Young Members Division and will focus on rural retention, recruitment and retirement.

2018-2019 Goals:

1. ABA YLD Representation—The WYLC will continue to provide the ABA YLD Meeting Scholarships for new and young lawyers attending ABA meetings as delegates. Scholarship recipients will share resources with the nearly 7,000 new and young lawyers in Washington by: (1) writing a NWSidebar blog post highlighting what they learned that is of benefit to new and young lawyers in Washington State, and (2) providing content to the WYLC to be shared in the WYLC Quarterly Contact emails. The WYLC will also work closely with the ABA YLD District Representative and scholarship recipients to identify additional ABA opportunities of value to new and young lawyers.
2. Public Service and Leadership Award—to connect new and young lawyers to the value of public service and leadership, the WYLC will award four Public Service and Leadership Awards to new or young lawyers and write an article for the *NWLawyer* highlighting the impact of the new lawyer's work in the community.
3. Summit—the WYLC will co-host the Northwest Regional Summit in partnership with the Oregon New Lawyers Division in 2019. The WYLC will focus on developing a summit that leads to proposals and recommendations for the region to address concerns of legal professionals in rural communities.
4. Outreach and Communication—it is vital to connect new and young lawyers with WSBA programs, services, and activities. To accomplish this, the WYLC plans to:
 - a. Work on a stronger social media presence by liking, posting, and sharing relevant content and WSBA posts with their new and young lawyer social networks.
 - b. Focus on developing in-person outreach/communications/events/mixers in partnership with WYLC regional representatives and local bar association young lawyer divisions.
 - c. Determine the best way of distributing a calendar of new lawyer regional events for the year to new admittees.
5. Preadmission Education Program (PREP)—work with WSBA staff to support PREP and work with local and minority bar associations to host live PREP programs.
6. Rural Placement Pilot Project—the WYLC will work with staff to connect WYLC regional representatives to fellows, help identify counties to participate in pilot, and provide additional support for this pilot program.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

1. The WYLC received training from the WSBA Inclusion and Equity Specialist in October 2017. Also at that training, WSBA staff presented the results from the Race Equity Impact Analysis Tool and WYLC demographic trends over the years.
2. The WYLC Leadership team used the Race Equity Impact Analysis Tool results to review the WYLC's previous and current make-up to identify which perspectives the WYLC

lacked. The WYLC then used that information during the WYLC nomination process. More specifically, the Leadership team (Chair, Chair-elect, Past Chair, BOG Liaison, and Staff Liaison) identified areas they were not represented and sought out applicants to bring in perspectives from those areas. The WYLC also recognized its geographical diversity representing all parts of Washington State.

3. The WYLC has a collaborative leadership style with key decisions made either by the Leadership team that includes multiple perspectives and members of the WYLC, or by all members of the WYLC. The Leadership team encourages subcommittees to work collaboratively and bring ideas to the entire WYLC for discussion. The WYLC also promotes their meetings beyond WYLC members and encourages other new and young lawyers to attend meetings. When guests attend, the WYLC encourages them to participate in discussion.

Please report how this committee/board is addressing professionalism:

- 1) *Does the committee/board's work promote respect and civility within the legal community?*
- 2) *Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) *Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) *Other?*

1. The WYLC regularly invites speakers to educate WYLC members and guests on various topics so that members have the information they need.
2. The WYLC seeks to build and maintain relationships between all new and young lawyers and the legal community. The WYLC hosts outreach events across the state to build relationships with new and young lawyers. Additionally WYLC members attend WSBA events on behalf of their districts and the new and young lawyer community to build relationships with other members of the legal profession.
3. The WYLC is on-boarded to understand WSBA communication norms, values, and conflict resolution expectations. Over the course of the year, the WYLC has continued to discuss the value of following the communication norms and consequences of failing to do so.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) *How have you brought new and young lawyers into your decision making process?*
- 2) *Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) *Other?*

1. The WYLC is entirely made up of new and young lawyers.
2. Yes, the WYLC focuses entirely on those four topic areas.
3. N/A

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p><u>WSBA Diversity Committee</u></p> <p>Co-Chairs: Ailene Limric and Alec Stephens</p> <p>Staff Liaison: Dana Barnett</p> <p>BOG Liaison: n/a</p>	<p>Size of Committee: 14</p> <p>Number of FY19 Applicants: 12</p> <p>FY18 direct expenses: \$16,200</p> <p>FY18 indirect expenses: \$130,560</p>
<p>FY18 Demographics: Demographic data represents non-BOG committee members</p> <ul style="list-style-type: none"> • Gender (Female: Male: Not Listed): 9:5:0 (0 did not answer) • Number of members self-identified with a racial/ethnic under-represented group: 9 (0 did not answer) • Number of members self-identified as having a disability: 1 (1 did not answer) • Number of members self-identified as LGBT: 2 (0 did not answer) 	
<p>Background & Purpose:</p> <p>The Washington State Bar Association’s Diversity Committee (Committee) is dedicated to implementing WSBA’s Diversity and Inclusion Plan. The work of the Committee promotes historically underrepresented groups to enter and stay in the profession of law.</p>	
<p>Strategy to Fulfill Purpose:</p> <p>The Diversity Committee fulfills its purpose through collaborative relationships and community building activities which highlight the numerous societal benefits of a diverse law profession.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) Host a 5-Year Celebration of the Diversity Plan’s Adoption. 2) Host six Community Networking Events throughout Washington state. 3) Assist with the planning and act as mentors at the Experience Exchange in Seattle and Spokane. 4) Collaborate with the Mentorship team and act as mentors for the diversity themed MentorLink mixer. 5) Provide programming and assistance to 1L students diversity fellowship applications at UW and Seattle U Law. 6) Provide mentorship and welcome to the practice of law at the ARC reception. 7) Attend check-in meetings with Minority Bar Organizations. 8) Host and present at the LBAW board meeting in August of 2018. 9) Host and serve as panelists for the Disability and Ableism Beyond the Dialogue 10) Serve as the development team for three diversity themed legal lunchbox CLEs. 11) Develop criteria for the Pro Tem CLE scholarship and select awardees. 12) Publish an article in <i>NWLawyer</i> about non-traditional attorneys. 13) A subcommittee will coordinate and award scholarship grantees for the Judge Pro 	

Tem CLE program.

2018-2019 Goals:

- 1) Committee members take on more leadership in their role as hosts of the Community Networking events.
- 2) All committee members feel equipped to represent the work of the committee and WSBA diversity staff.
- 3) Leadership of the IL program is transferred to upcoming committee members and a process is established for leadership development.
- 4) Committee members are equipped with the knowledge and tools necessary to conduct diversity and inclusion training in the legal profession through participation in train the trainer sessions led by Diversity Program staff.
- 5) Committee members assist with the development of three diversity themed Legal Lunchboxes.
- 6) Committee members participate in several mentorship events with underrepresented law students and new/young members of the bar.
- 7) Increase the opportunities for interaction and collaboration between the WSBA Diversity Committee and MBAs.

Please report how this committee/board is addressing diversity:

1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) The Committee utilizes the Diversity Dictionary to be grounded in a common understanding of the terms and values that WSBA holds as it relates to diversity, inclusion, and equity.
- 2) The Inclusion and Equity Specialist presented a diversity training to all Committee members during the orientation. The Committee is staffed by the Diversity Program Manager and the Diversity and Inclusion Specialist, both of whom have educational experience and expertise in diversity topics and lead workshops with committee members throughout the year.
- 3) We have integrated more group discussion and collaboration in decision making, as well as supported committee members with resources, tools and training to be confident ambassadors about the work of diversity and inclusion at WSBA.
- 4) Training, education and awareness building activities on diversity and inclusion are all consistent elements integrated in and throughout our meetings, events and programming.
- 5) All of our programming and work is focused on these goals. We have done programming with first year diversity fellowship students and hosted CLE and town hall discussions on related topics. Committee members have met with minority bar associations to identify any areas of support and collaboration. Committee members have acted as program ambassadors at networking events throughout the state, and mentored attorneys from

underrepresented groups. Committee members are currently working on articles and blogs to highlight these issues.

6) N/A

Please report how this committee/board is addressing professionalism:

- 1) Does the committee/board's work promote respect and civility within the legal community?*
- 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients?*
- 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior?*
- 4) Other?*

- 1) The Committee integrates and connects a focus on professionalism throughout its programming. The substantive content of workshops, seminars, etc. provide interpersonal and organizational skills necessary to support the professional development of attorneys.
- 2) The Committee seeks to educate the legal community on diversity issues through legal lunchboxes and town halls, and to build strong networks of trust, mentorship, and positive relationships throughout the state with our Community Networking events.
- 3) The Committee raises awareness of the consequences of unprofessional behavior that are rooted in personal bias and systemic inequity.
- 4) Committee members mentor new attorneys and advise on issues of professionalism.

Please report how this committee/board is integrating new and young lawyers into its work:

- 1) How have you brought new and young lawyers into your decision making process?*
- 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?*
- 3) Other?*

- 1) We have new and young lawyers on our committee.
- 2) Our Experience Exchange programming is focused on mentorship of new and young lawyers from underrepresented groups.
- 3) We offer WYLC members the opportunity to partner on our community networking events and to speak publicly to represent the committee.

WSBA COMMITTEE/BOARD ANNUAL REPORT – FY18

<p><u>WSBA Legislative Review Committee</u></p> <p>Chair: Kyle Sciuchetti</p> <p>Staff Liaison: Sanjay Walvekar</p> <p>BOG Liaison: Chris Meserve</p>	<p>Size of Committee: 9</p> <p>Number of FY19 Applicants: 14</p> <p>FY18 direct expenses: \$2,500</p> <p>FY18 indirect expenses: \$11,244</p>
<p>FY18 Demographics: Not available due to transition in committee size and structure</p>	
<p>Background & Purpose: The WSBA Legislative Review Committee (Committee) reviews internal legislative proposals before making a recommendation for sponsorship or support to the Board of Governors (BOG). The Committee's primary purpose is to ensure that WSBA-request legislation fulfills GR12 and is vetted both internally and externally. The Committee may also consider non-WSBA proposals submitted to the Committee for the purpose of seeking WSBA input and support. WSBA-request bills approved by the Board are introduced in the upcoming legislative session.</p>	
<p>Strategy to Fulfill Purpose: The Committee determines if a legislative proposal fulfills GR 12.1. If the Committee determines a legislative proposal fulfills GR 12.1, the Committee conducts a thorough analysis of the issue, discusses details with the WSBA entity offering the proposal, and ensures input is included from a broad stakeholder network.</p>	
<p>2017-2018 Accomplishments and Work in Progress:</p> <ol style="list-style-type: none"> 1) The WSBA Legislative Affairs team worked with WSBA entities on proposed legislation for the 2018 session. 2) The Committee received details on one legislative proposal. 3) The Committee vetted the legislative proposal and determined that it fulfilled GR 12.1 requirements. The Committee conducted a thorough analysis of the issue and discussed details with representatives of the Business Law Section's Corporate Act Revision Committee. 4) The Committee sponsored the legislative proposal which ultimately reached final passage and was signed into law by the Governor during the 2018 legislative session. 	
<p>2018-2019 Goals: The Committee will continue to work collaboratively with WSBA entities to thoroughly vet and analyze legislative proposals impacting the practice of law and our justice system.</p>	
<p>Please report how this committee/board is addressing diversity: 1) Are you using any of the tools provided by WSBA and if so, how? 2) Have you sought out training or consultation from the Inclusion and Equity Specialist? 3) How have you elicited input from a variety of perspectives in your decision-making? 4) What have you done to promote a</p>	

culture of inclusion within the board or committee? 5) What has your committee/board done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession? 6) Other?

- 1) N/A
- 2) Yes, in past years. The Inclusion and Equity Specialist will lead Committee members in a discussion and training regarding WSBA inclusion and equity policies and procedures during the Committee's fall 2018 meetings.
- 3) Committee appointments follow WSBA's diversity guidelines and the Committee includes representatives from multiple districts, a variety of practice areas, new/young lawyers, gender, race/ethnicity and other factors.
- 4) Please see 3, above.
- 5) N/A
- 6) N/A

Please report how this committee/board is addressing professionalism:

1) Does the committee/board's work promote respect and civility within the legal community? 2) Does it seek to improve relationships between and among lawyers, judges, staff and clients? 3) Does it raise awareness about the causes and/or consequences of unprofessional behavior? 4) Other?

- 1) The Committee practices a team-based approach in executing its charge: proposals are created in collaboration with various WSBA entities and external stakeholders throughout the broader legal community. In addition to the Committee playing a critical role within the organization, individual members also play a critical role in reviewing legislative proposals from their own unique perspective, area of practice, professional experience, and knowledge of the legislative process (including key legislative stakeholders). Professionalism is a cornerstone of relationship building and ultimately legislative success.
- 2) The work of the Committee is grounded in relationship building, similar to Washington's Legislature. The Committee continues to promote professionalism through various communication mechanisms including its annual fall meetings and member training opportunities.
- 3) N/A
- 4) N/A

Please report how this committee/board is integrating new and young lawyers into its work:

1) How have you brought new and young lawyers into your decision making process? 2) Has the committee/board supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities? 3) Other?

- 1) There are several new and young lawyers on the committee who have an equal say in the vetting process (e.g., voting).
- 2) With a changing profession and evolving legislative dynamics, the Committee recognizes the critical role new/young lawyers play in the long-term success of the Bar and WSBA's

legislative agenda. The Committee strives for institutional knowledge to be passed from longer-serving committee members to new members such as new/young lawyers. The knowledge shared is not only related to legislative and public policy issues, but also information related to the profession itself.

3) N/A

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: WSBA Board of Governors

From: Paul Crisalli, Chair, WSBA Judicial Recommendation Committee; Sanjay Walvekar, staff liaison to the Judicial Recommendation Committee

Date: September 10, 2018

Re: WSBA Judicial Recommendation Committee Guidelines

ACTION: Approve changes to the WSBA Judicial Recommendation Committee Guidelines

In April 2018, the Judicial Recommendation Committee Chair requested that the WSBA General Counsel and Human Resources Director review the Committee's evaluation criteria, per Section II(B)4 of the Committee Guidelines. The WSBA General Counsel and Human Resources Director reviewed these materials and made the following recommended change to the Committee Guidelines in order to focus the Committee's assessment on the skills and abilities of judicial applicants to perform the job and to avoid bringing into consideration mental health questions which are prohibited under the law:

Change the language in Criterion 5 from "Is the applicant willing to and physically, mentally, and emotionally capable of sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?" to read: "**Does the applicant have the ability to do** sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?"

WASHINGTON STATE BAR ASSOCIATION

Anne Hall
Chair, WSBA Judicial Recommendations Committee

April 24, 2018

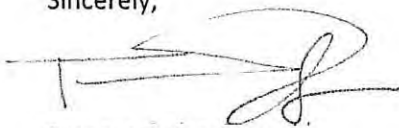
Dear Ms. Hall,

I am responding to the Judicial Recommendations Committee request to review Criterion 5 of the JRC Guidelines and assess the interview questions listed in Section 6 of the questions used by the JRC when interviewing candidates. As a result of my review I make the following recommendations:

1. Change the language in Criterion 5 from "Is the applicant willing to and physically, mentally, and emotionally capable of sustained work..." to read: **"Does the applicant have the ability to do sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?"** The aforementioned language focuses the assessment on the skills and abilities of the applicant to perform the job and does not bring into consideration the mental health questions which are prohibited under law.

I hope these recommendations are helpful to you in addressing any concerns you may have about the criterion or questions. Please do not hesitate to contact me if you have any questions.

Sincerely,



Frances Dujon-Reynolds
Director of Human Resources



Sean Davis
General Counsel

Cc: Paul Crisalli, Vice Chair of the Judicial Recommendations Committee
Alec Stephens, Board of Governors, Liaison to the Judicial Recommendations Committee
Paul Swegle, Board of Governors, Liaison to the Judicial Recommendations Committee
Paula Littlewood, WSBA Executive Director
Jennifer Olegario, WSBA Staff Liaison to the Judicial Recommendations Committee
Sanjay Walvekar, WSBA Staff Liaison to the Judicial Recommendations Committee



WSBA Judicial Recommendation Committee Guidelines

I. GENERAL

A. Authorization and Organization

The committee exists and functions under the Bylaws of the Washington State Bar Association.

1. Composition

The JRC shall be composed of 22 members.

Factors to consider shall include:

- a. Age/Years in Practice
- b. Geographic location
- c. Size of Firm
- d. Race/Ethnicity
- e. Gender
- f. Sexual orientation
- g. Disability status
- h. Nature of Practice/Areas of Expertise
- i. Employer
- j. Number of lawyers in law firm
- k. Typical client representation (i.e.: civil plaintiff or defense, criminal prosecution or defense, government regulatory)

Annually, the JRC Chair, with WSBA staff, shall inventory the JRC membership based upon composition goals and committee tenure to determine membership needs.

A member of the Board of Governors shall serve as a non-voting liaison to the committee.

2. Appointment Process

- a. Interested members must submit an application, a resume, and letter of interest in order to be considered for the JRC.
- b. The JRC Chair shall be appointed by the WSBA President for one year.

- c. A Vice-Chair shall be appointed by the WSBA President for one year. Subject to confirmation by the Board of Governors' appointment, the Vice-Chair shall serve that year, and assume the position of JRC Chair the following year, unless such individual declines to serve in that capacity. Prior to the end of each committee year, WSBA staff to the JRC and the Vice-Chair, in consultation with the Chair, shall make a recommendation to the President, President-elect, and BOG for one or more candidates to serve as Vice Chair. Selection of candidates will take into account the need to make leadership opportunities available to individuals across the full spectrum of the JRC membership.
- d. WSBA staff to the JRC, the Chair and (if applicable the Vice-Chair) of the JRC, shall review all applications and make a recommendation to the President, President-elect and Board of Governors for candidates to fill the vacant positions, with reference to the Committee's existing composition and its composition goals. All resumes and cover letters shall be submitted with the recommendation.
- e. Subject to the requirements outlined above, the WSBA President and President-elect shall each nominate JRC 4 members. Each governor shall nominate one JRC member.
- f. The Board of Governors shall vote on all nominations to appoint JRC members.
- g. One-third of its members shall be appointed each year for a term of three years, subject to annual review and approval by the Board of Governors.
- h. If a committee member is absent from two consecutive meetings without reasonable cause, that member shall be replaced.

3. **Orientation**

All committee members with less than one full year of service on the Committee shall attend an orientation/training meeting once a year prior to participating in any interviews. Essential components of the training shall include: the judicial recommendations process, confidentiality, criteria for ranking, prohibited questions and issues of diversity, and appeal of the committee's decision.

B. Records

The chair or a designee shall keep confidential records of the committee, which shall include the following material:

- 1. The information questionnaire furnished by each applicant, or such other information as the chair or committee deems appropriate;
- 2. The recommended list of judicial candidates;
- 3. The letter of transmittal of the recommended list and other official correspondence;
- 4. A list of persons who have declared an interest in judicial office, but whose applications are held pending because no vacancy then exists or because they have not yet been considered for inclusion on the list; and
- 5. Abbreviated minutes of committee meetings, including attendance.

C. Confidentiality

1. The proceedings and records of the committee, including the comments of applicants, committee discussions, and committee votes, shall be kept strictly confidential.
2. All members of the committee shall be advised of the requirements of committee membership and shall be informed of the procedures and criteria to be used by the committee at the time of their appointment to the committee.
3. As a precondition to being interviewed and rated by this committee, each applicant must agree in writing that he or she will not use in any election campaign a rating the applicant received from the committee as an applicant for appointment.

D. Participation

1. Any member of this committee shall be ineligible for appointment to any judicial vacancy as to which this committee has responsibilities while a member of this committee, and shall not seek a rating from the committee for such a position for a period of two years following the close of the individual's last term of service.
2. Committee members shall not endorse, campaign for, or individually contribute to any candidates who are running for election to any office as to which the committee has responsibilities.
3. At least 12 committee members must be present to constitute a quorum.

II. PROCEDURES

A. Objectives and Means of Accomplishment

The primary objective of the committee is to assist in the appointment of excellent judges. To accomplish this, the committee shall:

1. Prepare and maintain a list of individuals who are well qualified for and interested in appointment to the appellate bench.
2. When a vacancy occurs, send a list of presently well-qualified and interested individuals to the WSBA Board of Governors for transmission to the Governor.

B. Review of Candidates

1. The committee shall require candidates to complete the Judicial Evaluation Questionnaire required by the Governor's Office as well as a supplemental WSBA questionnaire, if needed. The WSBA will seek a meeting with each newly elected Governor to review the questionnaire(s) currently in use, as well as the committee's procedures, and discuss potential revisions. Each candidate for appointment to judicial office should complete this form and deliver it to the committee before the committee meets to consider his or her qualifications. If possible, a copy of each candidate's questionnaire should be sent to each committee member before the candidate's interview. All candidates should be required to advise the committee of any material changes to

- the answers to their questionnaire on file with the committee.
2. Prior to an interview, members of the committee shall call references and others who may have information about the candidates' qualifications and shall report the results of the calls to the committee.
 3. Every candidate shall be interviewed by the committee and shall be provided with a copy of the committee's procedures and criteria prior to the interview. Additional information from the candidate may be requested. The Board of Governors shall be advised of those applicants to be interviewed by the committee prior to the interview date, so as to give the Board of Governors an opportunity to provide confidential feedback to the committee in advance of the interview.
 4. The committee's list of permissible interview questions and evaluation criteria will be reviewed periodically by WSBA's General Counsel and Human Resources Director.
 5. The committee shall be scheduled to conduct committee business and review candidates on a quarterly basis with the schedule being set annually, in advance, by WSBA staff to the JRC with the concurrence of the chair and the vice chair. Under appropriate circumstances, including but not limited to the absence of a sufficient number of candidates to rate for the meeting, the Chair may, in his or her discretion cancel a scheduled meeting of the committee; *provided however*, that interviews shall be held at least twice each year. A member of the Board of Governors shall attend every interview. Notice of interview dates shall be published monthly in the *Washington State Bar News*. A continuing list of well-qualified individuals shall be formulated following each series of interviews.
 6. Individuals shall be removed from the list when they are no longer well-qualified or interested. No candidate should remain on an approval list for more than four years without again submitting to the interview and application process. A candidate being interviewed for purposes of remaining on the list shall be treated and considered in the same manner as a new candidate.
 7. Reapplication and Reconsideration:
 - a. Any individual removed from the list or not rated shall be eligible for reapplication to the committee at his or her request at a subsequent scheduled meeting of the committee two years following the date on which the committee's last action related to the individual was taken.
 8. When a vacancy occurs, each individual on the list shall be contacted to verify continuing interest.
 9. Each applicant shall be required to submit a release of his or her disciplinary record pursuant to ELC 3.4(c)(2). Refusal to do so shall be grounds for the committee to refuse to interview the applicant.

C. Voting

1. Each JRC member rates candidates on a *Rating Form* that sets forth criteria upon which each candidate shall be rated, as enumerated in Section III. Committee members shall use the form to document their

- evaluations of each criterion for each candidate.
2. To be rated as "well-qualified," a candidate must receive an affirmative vote of two-thirds of the committee members voting at the interview, but in no event shall an applicant be rated well qualified who receives less than nine affirmative votes.
 3. Votes shall only be cast in person at a committee meeting. Exception: A committee member may participate in the meeting remotely (by videoconference or telephone) only if (1) his or her schedule changes shortly before the meeting and that is the only way he or she can participate, and (2) if the loss of the member's participation would mean the meeting could not proceed because of a lack of a quorum.
 4. Where a candidate is voted NOT well-qualified by a two-thirds vote of the committee, each JRC member who voted NOT well-qualified shall identify each criterion that was not met and the reason that committee member believes the criterion was not met.
 5. Committee members shall disclose any relationship with an applicant that might affect their impartiality.
 6. Each committee member making a disclosure under C.5 above shall be free to express his or her views or present pertinent information, but shall neither vote nor be present at the interview or during the committee's deliberations regarding any applicant with respect to whom the committee member cannot be impartial.

D. Notification to Candidates

Following communication of the decision of the committee to the Board of Governors, the chair of the committee shall promptly notify in writing all applicants of the decision of the committee, without indicating the votes of the committee.

E. Inadequate information

Notwithstanding Section II, paragraph C.1. above, if following the interview process, the committee believes there is inadequate information on which to rate an applicant, the committee meeting at which the applicant is being considered may be continued, at the discretion of the chairs, to obtain whatever additional information is necessary to evaluate and rate said applicant. The continued committee meeting may be conducted either in person or via telephone conference, and only those members of the committee who were present at the original committee meeting may participate in said continued committee meeting. The committee vote on an applicant at a continued meeting shall be subject to all applicable requirements that apply to a regular meeting, except that each committee member may fax or email his or her decision form to WSBA staff to the committee promptly after the continued meeting. A member of the committee who was present at the original committee meeting and is not present for the continued meeting shall not vote on the candidate.

F. Appeal of Committee Decisions and Request for Review

In addition to the procedures set forth in section II.5 for reapplication and for submitting new information, the applicant or any member of the committee

may appeal a JRC decision on an applicant's rating as follows:

1. Who may seek a Review

The applicant and/or a member of the JRC Committee who was present at the interview and/or the BOG member who was present at the interview may request a review.

2. Grounds for Review

The only grounds for invoking this review process are:

- a. The committee materially failed to follow its procedures, and such failure affected the outcome of the decision.
- b. The committee posed unfair or inappropriate questions to the applicant; or
- c. The committee's decision was materially affected by considerations, or by applying criteria, which are not set forth under section III ("Criteria"); or
- d. The JRC decision was materially influenced by considerations of bias or prejudice.

3. Request for Review

The party desiring a review shall deliver a written request for a review of the committee's decision to (1) the committee chair, and (2) the WSBA President. The request must be made within 30 days of the date of mailing of the letter of notification of the committee's decision. The request for a review shall state in detail the facts, events, and circumstances that cause the party to believe that one of the grounds for review is satisfied.

4. Procedure for Review

- a. Within 20 days of receiving a written request for review, the WSBA President and the JRC Chair shall establish a Review Committee consisting of:
 - The JRC Chair
 - The JRC Vice-Chair (especially if the Chair is unavailable)
 - Two JRC committee members who vote that the applicant was well qualified (if fewer than two members voted that the applicant was well-qualified, then this category shall consist of the member, if any, who voted that the applicant was well-qualified);
 - Two JRC committee members who voted that the applicant was not well-qualified;
 - The Board of Governors liaison to the committee; and
 - Two members of the Board of Governors, designated by the WSBA President, one of whom shall be designated as Chair of the Review Committee.
- b. The Review Committee shall meet and evaluate the request for a review. The meeting may be conducted via telephone or video conference. Physical presence of Review Committee members in one meeting room is not required.
- c. Review Committee members shall be provided, reasonably in advance of meeting to deliberate on the request for review, (1) the copy of the statement requesting review (2) all materials considered

by the JRC (3) the rating forms and (4) a written reminder that the materials are highly confidential and that the Review Committee members have an ethical obligation to prevent the disclosure of those materials to any unauthorized third party.

- d. The appeal shall be based upon the written materials submitted by the applicant and/or the party requesting review and other information as may be deemed necessary –by the Review Committee Chair. The applicant and/or party

requesting review shall only be invited to meet with the Review Committee if deemed necessary by the Review Committee Chair to discuss his or her basis for appeal. The meeting may only occur after confirmations from all participants the proceedings are confidential.

- e. Other than as provided above, the applicant requesting review shall not be present during the Review Committee's discussions or deliberations.
- f. The Review Committee may conduct more than one meeting to evaluate a request for review, and may undertake to gather such further information as it deems appropriate.
- g. Review Committee members shall at all times keep confidential the information assembled or generated in connection with its review except to the extent reasonably necessary to report to, or respond to inquiries from the WSBA President or Board of Governors.

5. Decision on Review

The Review Committee shall, by majority vote, rule whether there is sufficient basis for believing that in its rating of the applicant:

- a. the JRC materially failed to follow its procedures, and such failure affected the outcome of the decision; or
- b. the JRC posed unfair or inappropriate question(s) to the applicant and such unfair or inappropriate question(s) affected the outcome of the decision; or
- c. the JRC's decision was materially affected by considerations, or by applying criteria, which are not set forth under section III ("Criteria") ; or
- d. the JRC decision was materially influenced by considerations of bias or prejudice to require, in fairness, a reconsideration of the JRC's original rating.

If a majority of the Review Committee votes that reconsideration is required, the Review Committee Chair shall so advise the applicant.

The Review Committee shall direct the JRC to reconsider the applicant's request for a rating following such procedures as the Chair of the JRC determine are reasonable under the circumstances.

The JRC shall take measures to avoid the defects in the earlier proceeding, which led to the need for reconsideration.

With regard to the decision of the Review Committee, the BOG Liaison shall not have a vote. The JRC Chair shall not have a vote except in the event of a tie vote of the other committee members.

The Review Committee Chair shall inform the candidate of the Review Committee's decision promptly after communicating the decision to the Board of Governors

6. Report to the Board of Governors

The Review Committee shall provide a confidential written report to the Board of Governors consisting of:

- a. a copy of the request for review;
- b. a detailed explanation of the process by which the Review Committee considered the request;
- c. the Review Committee's conclusions, with an explanation of the basis for the decision;
- d. if the decision was to cause the JRC to reconsider the applicant's rating, an explanation of what occurred during the course of the reconsideration, including the JRC's subsequent action on the application.

A Review Committee member disagreeing with the decision on review shall be provided with the report to the Board of Governors, and may submit an addendum thereto setting forth his or her differences with the committee's decision or report.

CRITERIA

Only well-qualified applicants shall be recommended by the committee for appointment to the Supreme Court and the Court of Appeals. The committee shall consider the following:

1. Is the applicant a member of the Washington State Bar Association and in good standing
in every bar in which that person is a member, where applicable?
2. Does the applicant have integrity, courage, good character, common sense, and respect for the judicial process and the dignity of the court?
3. Is the applicant fair and open minded and committed to equal justice under the law?
4. Has the applicant exhibited biases against any group or class of citizens?
5. ~~Does the applicant have the ability to do sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic decisions? Is the applicant willing to and physically, mentally, and emotionally capable of sustained work on difficult intellectual problems for the purpose of rendering diligent and energetic advice?~~
6. Has ~~the~~ applicant ~~demonstrated~~ excellent ~~legal~~ ability and competence? Relevant criteria shall include:
 - A. An analytical ability to deal with a variety of legal problems;

- B. An interest in and aptitude for legal scholarship and writing;
 - C. Sufficient legal experience;
 - D. Qualities of wisdom, intellect, insight and impartiality; and
 - E. Judicial temperament.
7. Has the applicant demonstrated an ability to work with others?
 8. Has the committee taken prior action with respect to this candidate?

*As adopted by the Board of Governors on
January 13, 1995. Updated August 4, 2000
Updated June 2003
Updated April 2005
Updated April 2006
Updated April 26, 2008
Updated May 31, 2013*

MEMORANDUM

TO: WSBA Board of Governors, President and Executive Director

FROM: Paul Swegle 
Governor, District 7N,
Immediate Past Chair, Corporate Counsel Section
Member, Securities Law Committee

DATE: September 12, 2018

SUBJECT: Cover Memo re Policy Changes Requiring Greater Financial Transparency

In the view of many WSBA Members and current and former WSBA Governors, the WSBA needs to greatly improve its financial transparency.

The proposed policy change says:

"The WSBA shall make the following financial statements available on its website for public download no later than 60 days after the last day of each fiscal quarter:

- *Fiscal year-to-date income statement providing members and the public clear and detailed insights into the WSBA's expenses by category and sub-category, consistent with the attached (need to come up with acceptable sample showing appropriate level of detail).*
- *Fiscal year-to-date statement of cash flows*
- *Balance sheet."*

These are hardly onerous or unusual requirements to impose on an organization that self-identifies as a quasi governmental entity and that is solely supported by dues paying Members.

WASHINGTON STATE BAR ASSOCIATION

Board of Governors

William D. Pickett, President

TO: WSBA Board of Governors
FROM: William Pickett, WSBA President
RE: 2018-2019 Committee Chair Appointments, continued
DATE: September 18, 2018

Action: Please appoint the 2018-19 WSBA committee and board chairs listed below.

In July the Board appointed most of the WSBA committee chairs for the 2018-19 year. Below are my four remaining nominations. The candidates' resumes are attached. All eligible members of the committees listed below were encouraged to apply for the listed position.

Committee/Board	Recommended for Appointment
Character & Fitness Board:	Chair: Russ Hermes* Vice-chair: Jeremy Rogers
Client Protection Board:	Chair: Efreem Krisher**
Pro Bono and Public Service Committee	Co-chair: Nick Larson

* Moving up from Vice-chair position

** Reappointment

Appointed in July (FYI only):

Committee/Board	Recommended for Appointment
Board of Bar Examiners	Chair: Monica Wasson** Vice-chair: Laura Spradley
Committee on Professional Ethics	Chair: Don Curran
Continuing Legal Education Committee:	Chair: Wil (Douglas) Miller
Council on Public Defense	Chair: Daryl Rodrigues Vice-chair: Travis Stearns
Court Rules & Procedures Committee	Chair: Jefferson Coulter
Editorial Advisory Committee	Chair: Ralph Flick
Judicial Recommendation Committee	Chair: Paul Crisalli Vice-chair: Michiko Fjeld
Law Clerk Board	Chair: Ben Phillabaum
Legislative Committee	Chair: Kyle Sciuchetti
Pro Bono and Public Service Committee	Co-chair: Paul Okner
WSBA Diversity Committee	Co-Chair: Ailene Limric

RUSSEL JOHN HERMES

EDUCATION	University of Puget Sound School of Law	1986-89
	Juris Doctor Degree, 1989	
	Central Washington University	1981-85
	BA Degree, Law & Justice Major, 1985	
EMPLOYMENT	Attorney/Principal: Hermes Law Firm, PSC,	
	Everett, WA 98201. 1999 – Present.	
	Attorney/PLLC Member: Riach, Gese, Seather & Watts, PLLC,	
	Lynnwood, WA 98046. 1989 - 1999	
PROFESSIONAL AFFILIATIONS	Washington State Bar Association:	Admitted, 1989
	U. S. District Court, W.D. Wash.	Admitted, 1990
	U. S. Court of Appeals, Ninth Circuit	Admitted, 2007
	Professional Memberships:	American Bar Association Washington Bar Association Snohomish County Bar Association
PROFESSIONAL ACTIVITIES	Five Star Wealth Manager Recipient	– 2010, 2011, 2012, 2016
	WSBA Fee Arbitrator	– 1998 - 2007
	MAR Arbitrator:	King, Snohomish, and Skagit County Superior Courts
	Author/Drafter:	Senate Bill 5741, enacted into law May 16, 1997
	Published Litigator:	<u>McMahan & Baker, Inc. v. Continental Casualty Company</u> , 68 Wn.App. 573 (1993)
	Legal Clinic Director:	Ken Baxter Senior Citizens' Center, Marysville, WA 2000 – 2017.
COMMUNITY ACTIVITIES	Social Member:	Everett Golf and Country Club, 2004 – Present.
	Past President:	Camp Fire USA: Snohomish County Council, 1987 - 1988. Past Vice President and Secretary; Board Member, 1990 - 1998.
	Member:	Everett Rotary Club 5050, Everett WA 2001-Present

JEREMY H. ROGERS

EDUCATION

WASHINGTON UNIVERSITY SCHOOL OF LAW, St. Louis, Missouri J.D., 2004
Notes Editor, *Washington University Law Quarterly* (Law Review)
Secretary, Black Law Students Association

BROWN UNIVERSITY, Providence, Rhode Island A.B., Political Science, 2001

O'DEA HIGH SCHOOL, Seattle, Washington Diploma, 1997

JUDICIAL CLERKSHIP

WASHINGTON SUPREME COURT, Olympia, Washington 8/2004 – 8/2005

Law Clerk for Chief Justice Gerry L. Alexander. Evaluated appellate briefs and researched issues to be argued before the Washington Supreme Court. Wrote prehearing memoranda, initial majority, dissenting, and concurring opinions for the Chief Justice. Supervised judicial externs.

LITIGATION EXPERIENCE

MIX SANDERS THOMPSON, PLLC, Seattle, Washington 3/2018 – Present

Attorney. Represent insured individuals and corporations in matters involving torts, nuisance, product liability, property rights, insurance disputes, and insurance coverage.

SMITH FREED EBERHARD, P.C., Seattle, Washington 10/2014 – 3/2018

Senior Counsel. Represented insured clients in civil matters as lead counsel. Aided clients in managing pre-litigation risks, claim investigations, insurance coverage analysis, and appellate matters.

MONTGOMERY SCARP, PLLC, Seattle, Washington 1/2010 – 9/2014

Associate Attorney. Represented railroad company client in matters filed under the Federal Employers' Liability Act. Defended client in administrative proceedings and employment discrimination actions.

FORSBERG & UMLAUF, P.S., Seattle, Washington 4/2007 – 1/2010

Associate Attorney. Defended insured clients in personal injury, products liability, construction defect and wrongful death lawsuits. Drafted briefs filed in state and federal appellate courts.

MCINTYRE & BARNS, PLLC, Seattle, Washington 9/2005 – 9/2006

Associate Attorney. Defended hospitals and professionals in medical malpractice litigation. Prepared briefing and argued matters on behalf of respondents before the Washington Court of Appeals.

SINDEL, SINDEL & NOBLE, P.C., Clayton, Missouri 5/2003 – 9/2003

Summer Associate. Wrote arguments for criminal appeals in Missouri state and federal courts.

LEGAL SERVICES OF EASTERN MISSOURI, INC. St. Louis, Missouri

1/2002 – 9/2002

Law Clerk. Assisted in representing over 90 indigent clients in St. Louis County family law matters. Drafted dissolution pleadings and requests for protective and/or restraining orders. Worked with other departments to coordinate services for victims of domestic violence and child abuse.

KING COUNTY PROSECUTING ATTORNEY'S OFFICE, Seattle, Washington

5/2000 – 9/2000

Intern. Analyzed and organized trial exhibits for the Felony and Homicide Trial Unit. Cataloged discovery materials. Attended pretrial hearings, trials, public inquests, and jury selections.

ADJUDICATIVE EXPERIENCE

SNOHOMISH COUNTY DISTRICT COURT, Everett, Washington

6/2017 – Present

Judge Pro Tempore. Preside over civil bench trials. Evaluate written motions consider oral argument, issue rulings, and enter judgments. Preside over criminal trial readiness docket, accept pleas, assess legal financial obligation fees, and impose sentences pursuant to jurisdictional guidelines.

KING COUNTY MANDATORY ARBITRATION DEPARTMENT, Seattle, Washington 5/2013 – Present

Arbitrator. Serve as an appointed arbitrator in civil matters. Consider motions regarding discovery disputes and issue rulings. Analyze prehearing documents, preside over contested hearings, accept testimony and evaluate evidence, and issue written decisions and awards.

BAR & COURT ADMISSIONS

State of Washington (Bar Number 36292)	2005
United States District Court, Western District of Washington	2005
United States District Court, Eastern District of Washington	2010
United States Court of Appeals, Ninth Circuit	2013
State of Oregon (Bar Number 160076)	2016
United States District Court of Oregon	2016

COMMUNITY & CIVIC EXPERIENCE

WSBA CHARACTER & FITNESS BOARD, Seattle, Washington

4/2017 – Present

Board Member, District 9. Examine voluminous record, question applicants and witnesses in confidential, evidentiary hearings. Write detailed analysis and recommendations to the Washington Supreme Court on whether applicants for membership to the WSBA meet the good moral character and fitness to practice law requirements set forth in the Admission to Practice Rules.

KING COUNTY PARTNERSHIP FOR YOUTH JUSTICE, Auburn, Washington

3/2017 – Present

Volunteer. Analyze files with other volunteers and meet youths in the King County Diversion Program. Listen to youths and their parents, and make collaborative recommendations to foster accountability and responsibility (e.g., community service, counseling, apologies, and/or restitution).

FBA-WESTERN WASHINGTON, LOCAL RULES COMMITTEE, Seattle, Washington 5/2016 - Present

Member. Work with committee members to edit, revise, and propose select provisions of the United States District Court, Western District of Washington's Local Rules.

WSBA COURT RULES & PROCEDURES COMMITTEE, Seattle, Washington 10/2013 – 10/2015

Member. Discussed policy issues and worked on proposed to amendments to Washington State Court Rules and recommendations to the Board of Governors. Participated in subcommittee discussions regarding proposals and analyzed select rules for possible revision.

KCBA NEIGHBORHOOD LEGAL CLINIC, Kent, Washington 9/2006 – 1/2010

Attorney Volunteer. Consulted more than 75 indigent clients in matters ranging from domestic violence to workplace discrimination, and landlord-tenant disputes to personal injuries. Assisted clients in preparing or responding to legal documents.

SWEARER CENTER FOR PUBLIC SERVICE, Providence, Rhode Island 9/1999 – 5/2001

Student Staffer. Recruited student volunteers for public service opportunities with local organizations, schools, and governmental agencies. Placed volunteers in programs involving arts & society, language & literacy, health & development, youth & education, and advocacy & activism.

PUBLICATIONS & PRESENTATIONS

Author, *The Keodalah Decision: An Evolving Personal Liability Exposure for Claims Handlers*, Professional Times, Vol. 2, No. 1 (Summer 2018)

Author, *How to Avoid Overpaying for Defense Costs*, Claims Magazine, Vol. 66, No. 6 (June 2018)

Author, *Upholding Civility: A Lawyer's Challenge & Obligation*, King County Bar Association Bar Bulletin, Vol. 35, No. 10 (June 2017)

Speaker, *Avenues of Reducing Exposure when Covering Autonomous Vehicles*, America's Claims Event (ACE) Conference, Minneapolis, Minnesota (June 2016)

Author, *Self-Driving Cars: Who's Liable when Software is Behind the Wheel*, Claims Magazine, Vol. 63, No. 12 (December 2015), reprinted in ERIC A. WHENING & DAVID D. THAMANN, PERSONAL AUTO POLICY COVERAGE GUIDE, at 212 (4th ed. 2016)

Author, *What's Behind the Wall? Ethical Guidelines for Investigating Social Media Sites*, Claims Magazine, Vol. 63, No. 7 (July 2015)

Author, *Living on the Fat of the Land: How to Have Your Burger and Sue It Too*, 81 WASH. U. L.Q. 859 (2003)

Efrem R. Krisher

Summary of Qualifications

- Over fifteen years insurance claims experience, with an emphasis in Professional Liability, Environment, Surety and Fidelity, and Major Bodily Injury claims
 - Proficient at coverage determination and policy interpretation
 - Experienced in settlement negotiations, including structured settlements
-

Current Employment

Negotiating Attorney, Buckley and Associates, Seattle, WA (February, 2000 to present)

Negotiation of Personal Injury Cases, Legal Research, Handling of Ex Parte Matters. Case Manager Supervisor (6 case managers)

Insurance Industry Claims Experience

Claims Representative, Travelers Property/Casualty
(Insurance Overload), Seattle, WA (July, 1999 to January 2000)

Handled Commercial General Liability Bodily Injury and Property Damage Claims, Personal Lines Bodily Injury and Property Damage Claims.

Executive Claims Representative, Claims Representative, Unigard Insurance Company, Bellevue, WA (1997 to June, 1999)

Handled Environmental and Toxic Tort Claims, Bodily Injury and Property Damage Claims

Claims Specialist, Safeco Select Markets, Seattle, WA (1995 to 1997)

Handled Attorney Malpractice, Insurance Agent E&O, and Heavy Trucking Bodily Injury claims on a nationwide basis. Served as lead for Media claims. Majority of claims were litigated. Sold numerous Structured Settlements, including the offices, largest Structure at \$932,000. Claims settlement authority of \$75,000.

Efrem R. Krisher

Staff Attorney, Utica Mutual Insurance Company, New Hartford, NY
(1991 to 1995)

Handled Miscellaneous and Construction Surety, Environmental and Toxic Tort, Fidelity, Non-Profit Directors and Officers claims. Home Office Examiner for Insurance E&O claims. Performed reinsurance audits for Republic Franklin Insurance Company. Claims settlement authority of \$220,000.

Errors & Omissions Claims Examiner, Utica Mutual Insurance Company,
New Hartford, NY (1988 to 1991)

Handled Insurance Agent E&O claims nationwide, with the majority of claims in California, Massachusetts and New York. Majority of claims were litigated. Claims settlement authority of \$50,000.

Vice President, Arthur E. Campbell-Husted Co., Seattle, WA
(1985 to 1988); (1978 to 1981)

Handled a wide variety of claims including False Arrest, Professional Liability, Insurance and Real Estate Agent E&O, Trucking Auto, General Liability, Bodily Injury, Longshore and Harborworkers claims.

Insurance Designations And Courses

Associate in Fidelity and Surety Bonding
Registered Professional Liability Underwriter

Licensed Independent Adjuster, State of Washington

Legal Experience

Arbitrator, Washington Arbitration Service, Seattle, WA
(1996 to present); (1985 to 1988)

Arbitrate Lemon Law claims and other consumer programs. Have served as Arbitrator in over 200 cases.

Associate Attorney, Forsch and Maslan, Seattle, WA (1981 to 1985)

General Practice, which included Family Law, Administrative Law, Bodily Injury, Insurance Subrogation, and the representation of inmates in Washington State prisons.

Effrem R. Krisher

Lieutenant Colonel, Judge Advocate General Corps, Retired

Washington Army National Guard, US Army Reserve (1977-1994)

US Army Transportation Advanced Course

US Army JAG Basic & Advanced Course

Command & General Staff College

Army Instructor

NOAA Commissioned Corps (1967-1973)

NOAA Ships Oceanographer, Surveyor, Davidson

Hydrographic Field Party 742

US Coast Guard Auxiliary

Vice Flotilla Commander — 130-02-04

FSO-DV

Vessel Examiner

Instructor

Education

Juris Doctorate, Tulane University School of Law

B.S. in Meteorology & Oceanography, SUNY Maritime College

Third Mate (unlimited)

Active Member, Washington State Bar Association

NICHOLAS CHRISTOPHER LARSON

EXPERIENCE

Partner, Murphy, Pearson, Bradley, & Feeney (MPBF), Seattle, WA

- Represent businesses, individuals, and government agencies in all phases of civil litigation, including drafting pleadings, preparing discovery, taking & defending depositions & negotiating settlements in professional liability, corporate, antitrust, environmental, public agency & insurance litigation; also represent and advise government agencies, professionals, executives, and businesses in civil and criminal proceedings, internal investigations, and corporate transactions (see http://www.mpbf.com/attorneys/larson_nicholas.php for more info)
- Admitted to practice in California and Washington State; the 9th Circuit & 5 Fed. Dist. Courts

Judicial Extern, United States District Court, Northern District of California

- Drafted orders for Judge William Alsup after reviewing and analyzing legal arguments and authority in motions, oppositions, and reply briefs filed in variety of actions before the Court

Senior Analyst, U.S. Government Accountability Office

- Managed a team of analysts evaluating federal public policy to help improve the performance and accountability of the U.S. Government – researched and drafted reports & testimony for Congress on national security, education, retirement, environment, and health care policy issues for 7 years

Public Affairs Assistant, Stanford University Office of Public Affairs, Stanford, CA

- Facilitated university PR campaigns working directly with VP of gov't & community affairs

EDUCATION

UNIVERSITY OF SAN FRANCISCO SCHOOL OF LAW

- Juris Doctor, *Magna Cum Laude*
- Editorial Board and Symposium Editor, *USF Law Review*, Volume 44
- Research Assistant & Fellow, *University of San Francisco Center for Law & Ethics*
- Member of McAuliffe Honor Society; CALI Award for Legal Ethics; *USF Law Dean's Scholarship*; *Agnes O'Brien Smith Scholarship* from Queen's Bench of San Francisco; *Douglas M. Raskin Scholarship*; *Arthur Zief, Jr. Scholarship*; and *Pro Bono Publico Award* (for pro bono work)
- Case Counsel, Moot Court Program; Coursework in Law & Economics at Boalt Hall School of Law

STANFORD UNIVERSITY

Master of Arts in Psychology

- Focus in Negotiation, Mediation, Conflict & Dispute Resolution with a Master's Thesis: The Effects of Prior Cooperation & Co-Action on Responses in Ultimatum Bargaining
- Teaching Assistant that led 4 sections; evaluated papers & exams – received highest TA rating

Bachelor of Arts in Public Policy and Psychology

- Public Policy Department Award for "Outstanding Contributions to University"
- *Psi Chi* National Psychology Honor Society
- Stanford Program at Oxford University (Brasenose College) – studied Political Psychology
- Stanford Program in D.C. – studied Economic Analysis of Law & interned at White House OMB
- Elected Senior Class President; Co-founder of the Stanford Pre-Law Society (SPLS)

COMMUNITY

Member, Washington State Bar Association Pro Bono and Public Service Committee

- Contributing member of State Bar Committee dedicated to serving our community

Co-Chair, Bar Assoc. of San Fran. Barristers Pro Bono & Community Service Committee

- Served as co-chair for two years on committee dedicated to connecting attorneys, law firms and non-profit organizations to pro bono opportunities in the Bay Area, while also setting policy to encourage attorneys and law students to give back to the community through pro bono

Board Member, Past-President, Stanford Club of Washington State

- Organize community, educational, & social events for over 6,000 alumni in Puget Sound

SKILLS & INTERESTS

- Certified Mediator (Snohomish Dispute Resolution Center)
- Volunteer with Tax-Aid and Hopelink
- KZSU (Stanford student radio – 90.1 FM) Men's and Women's Basketball Broadcaster

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: President, President-elect, and Governors

From: Don Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Professional Responsibility Counsel and staff liaison

Date: September 19, 2018

Re: Technical correction to RPC 1.12, Comment 1

ACTION: To approve a minor technical correction to Comment 1 of RPC 1.12

The Committee on Professional Ethics was informed of an outdated reference in Comment 1 of RPC 1.12 to the CJC rules, which had been revised in June 2015. After comparing the RPC comment to the current CJC rule, the CPE recommends updating the RPC comment to reflect the correct citation to the CJC rules.

No other substantive changes to RPC 1.12 is required.

Attachment: RPC 1.12 Redline

**SUGGESTED AMENDMENT TO
RULES OF PROFESSIONAL CONDUCT**

RPC 1.12 – FORMER JUDGE, ARBITRATOR, MEDIATOR OR OTHER THIRD-PARTY NEUTRAL

(a) – (d) Unchanged.

Comment

[1] [Washington revision] This Rule generally parallels Rule 1.11. The term "personally and substantially" signifies that a judge who was a member of a multimember court, and thereafter left judicial office to practice law, is not prohibited from representing a client in a matter pending in the court, but in which the former judge did not participate. So also the fact that a former judge exercised administrative responsibility in a court does not prevent the former judge from acting as a lawyer in a matter where the judge had previously exercised remote or incidental administrative responsibility that did not affect the merits. Compare the Comment to Rule 1.11. The term "adjudicative officer" includes such officials as judges pro tempore, referees, special masters, hearing officers and other parajudicial officers, and also lawyers who serve as part-time judges. There are corresponding provisions in the Code of Judicial Conduct. See CJC paragraphs ~~(A)(1)(b)~~II.(B) and ~~(2)(b)~~III.(C). (application of the Code of Judicial Conduct to part-time and pro tempore judges).

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Board of Governors Meeting
WSBA Conference Center
Seattle, WA
September 27-28, 2018

How the Consent Calendar Operates: The item listed below is proposed for approval on the Consent Calendar. Following introductions in the Public Session, the President will ask the Board if they wish to discuss any matter on the Consent Calendar. If they do, the item will come off the Consent Calendar and be included for discussion under First Reading/Action Items on the regular agenda. If no discussion is requested, a Consent Calendar approval form will be circulated for each Governor’s signature.

Consent Calendar Approval

a. July 27-28, 2018, Public Session Minutes431

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

BOARD OF GOVERNORS MEETING

Public Session Minutes

Vancouver, WA

July 27-28, 2018

The Public Session of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Bill Pickett on Friday, July 27, 2018, at 1:15 p.m., recessed at 4:55 p.m., and reconvened on Saturday, July 28, 2018, at 8:25 a.m. at the Hilton, Vancouver, Washington. Governors in attendance were:

Dan W. Bridges
Daniel D. Clark
James K. Doane
Angela M. Hayes
Carla Higginson
Kim E. Hunter
Jean Y. Kang
Christina A. Meserve
Athanasios P. Papailiou
G. Kim Risenmay
Kyle D. Sciuchetti
Alec Stephens
Paul Swegle
Judge Brian Tollefson (ret.)

Also in attendance were President-elect Rajeev Majumdar, Immediate Past-President Bill Hyslop, Executive Director Paula Littlewood, Interim General Counsel Julie Shankland, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Director of Human Resources Frances Dujon-Reynolds, Chief Operations Officer Ann Holmes, Director of Advancement/Chief Development Officer Terra Nevitt, Chief Communications and Outreach Officer Sara Niegowski, and Executive Assistant Margaret Shane. Also in attendance were Governors-elect Michael Cherry, P. J. Grabicki, and Russell Knight (Friday only).

The following items were discussed on Friday, July 27, 2018.

REPORT ON EXECUTIVE SESSION

President Pickett welcomed Chief Justice Fairhurst, Justice Madsen, and other guests to the Board meeting and stated that the Board held a retreat the previous day focused on communication; reported on his attendance at the Arizona State Bar Convention; and advised that members of the Oregon State Bar Board of Governors joined the Board for dinner the previous evening.

CONSENT CALENDAR

- a. May 17-18, 2018, Public Session Minutes
- b. June 25, 2018, Special Meeting Public Session Minutes

MEMBER AND PUBLIC COMMENTS

Jean Cotton announced she would be handing over the baton as liaison of the Family Law Executive Committee to Nancy Hawkins at the Board's September 27-28, 2018, meeting and would continue to attend meetings as the President of the Grays Harbor County Bar Association.

BUDGET AND AUDIT COMMITTEE RECOMMENDATIONS – Governor Kim Risenmay, Treasurer; Ann Holmes, Chief Operations Officer; and Tiffany Lynch, Associate Director of Finance

Treasurer Risenmay introduced four recommendations of the Budget and Audit Committee: (1) consideration of the draft FY2019 budget on first reading; (2) for action, approving fiscal policy revisions to the Continuing Legal Education (CLE) revenue sharing model with Sections; (3) for action, increasing the annual fee for the Law Clerk Program from \$1,500 to \$2,000; and (4) for action, increasing license fees for active Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLTs) to \$200, and requiring LLTs to pay an annual \$30 Client Protection Fund assessment.

Draft WSBA FY2019 Budget (first reading)

Treasurer Risenmay advised that the FY2019 draft budget reflects Board policy decisions about the programs, services, and operations needed to advance WSBA's mission, as well as the cost of that programming. He noted that the FY2019 budget was developed and recommended by the Budget and Audit Committee after considering actual and projected revenues, costs, and reserves.

He then apprised the Board of a proposal to reallocate \$50,000 in FY2018 unused capital funds to enhance the sound systems in the WSBA public meeting rooms in this fiscal year. He noted that if reallocation is approved, this same cost would be eliminated from the draft FY2019 capital budget. Discussion ensued regarding the proposed reallocation, as well as other suggestions to enhance virtual and in-person participation in WSBA's onsite and offsite meetings. Governor Stephens moved to authorize reallocation of \$50,000 in the FY2018 capital budget to improve the sound system in the WSBA Conference Center, Hearing Room, and Mountain Rooms in FY2018. Motion passed unanimously. Governor Higginson was not present for the vote.

After introducing WSBA's Associate Director of Finance, Tiffany Lynch, Chief Operations Officer Ann Holmes gave an overview of the draft WSBA FY2019 budget, including the General Fund, Capital Fund, CLE Fund, and Client Protection Fund budgets, noting that the Sections Fund budgets would be presented to the Committee at its September 6, 2018, meeting and the Board at its September 27-28, 2019, meeting. She then presented the meeting materials, which detailed the purpose of each fund; depicted the General Fund expense budget by WSBA programs and operations; compared revenue and cost changes between the FY2018 and FY2019 budgets; and examined revenue, cost and General Fund reserve projections through FY2022.

President Pickett advised that the FY2019 draft budget includes additional funding for conference attendance, in particular, for all Board members and Officers to attend the Western States Bar Conference (WSBC). He noted that the current policy limits attendance. He stated that the Board rarely has time together outside of Board meetings in order to build

relationship, discuss thoughts and ideas, and brainstorm about the practice of law and how the Board is functioning, and that WSBC is very valuable for gathering information, sharing information, and collaborating with other Bars. He expressed the belief that WSBC would be good for the Board and for the members, and would be money well spent. Chief Operations Officer Holmes advised that \$23,000 had been allocated in the proposed budget for President Pickett's request. Discussion ensued regarding the costs and benefits of sending the entire Board to WSBC; the option of some attendees paying their own costs rather than being reimbursed by WSBA; not using license fees to fund attendance at the Conference; increased Board travel around Washington state; the President attending the Conference when it is in Hawaii and the Board attending when it is on the mainland; and the importance of looking at the entire Budget rather than focusing only on parts of it.

Governor Stephens suggested that the FY2019 Capital Budget should include unassigned funds that may be used to address capital issues that arise during the year. Chief Operations Officer Holmes recommended that the Capital Budget include an additional \$40,000 more for this purpose. Questions were raised regarding the adequacy of Section legislative support and the budget increase for the administration of the LLLT license. Treasurer Risenmay asked the Board to let the Budget and Audit Committee know of any other questions or concerns regarding the FY2019 draft budget by August 10, 2018.

Law Clerk Program Annual Fee

Treasurer Risenmay presented the Budget and Audit Committee's recommendation that the annual fee for the Law Clerk Program be increased from \$1,500 to \$2,000 in order to more adequately cover the cost of administering the program. He noted that the fee had been at \$1,500 for the past 20 years. Law Clerk Board Member Maureen Wickert, who became an attorney through the program, advised that the Law Clerk Board felt comfortable with this recommendation. She noted that WSBA staff support has been and remains critical to the success of the program. Discussion ensued regarding the possibility of a step increase in the fee. Treasurer Risenmay moved to approve the Budget and Audit Committee recommendation that the Admission and Practice Rule (APR) 6 Law Clerk program annual fee be increased from

\$1,500 to \$2,000. Motion passed unanimously. Governor Higginson was not present for the vote.

Continuing Legal Education (CLE) Revenue Sharing Model

Treasurer Risenmay reviewed the current and proposed Section CLE revenue sharing models, and advised that there is broad general support among the Sections for the proposed model, although some individual Section leaders have raised questions. He explained that under the proposed model, net revenue would be split with the Sections after WSBA's costs have been covered, and that overall, WSBA revenue would decrease and Sections revenue would increase. Appreciation was expressed to staff for the time taken to explain the proposed change in fiscal policy in detail. Governor Hayes suggested further explanation take place at the Fall Section Leaders meeting so the attendees can understand what is involved in producing CLEs and further education regarding indirect costs. Treasurer Risenmay moved to approve the Budget and Audit Committee recommendation to revise the Continuing Legal Education (CLE) Revenue Sharing Model. Motion passed unanimously. Governor Higginson was not present for the vote.

Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund (CPF) Assessment:

Treasurer Risenmay explained that the LPO license fee has been at \$110 since 2004 and the program is now losing money. For that reason, the Budget and Audit Committee recommended the LPO license fee increase to \$200, and inactive LPO license fees be set at \$100. The Committee also recommended that the active LLLT license fee be increased from \$175 to \$200, and inactive LLLT license fee be set at \$100. With respect to the Client Protection Fund assessment, the Budget and Audit Committee recommended that LLLTs pay the \$30 assessment as lawyers now do, but not LPOs as they have other client protection mechanisms required by law.

Treasurer Risenmay moved to approve the Budget and Audit Committee recommendation to increase active Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) license fees to \$200, set inactive LPO and LLLT license fees at \$100, require active LLLTs to pay a \$30 (CPF) assessment fee annually, and not require active LPOs to pay any CPF fee since they are

covered by other laws that cover malfeasance. He noted that fees should be commensurate with the scope of the license and that there is a difference in how LLLTs and LPOs, as contrasted to lawyers, are allowed to practice law in Washington state.

Governor Meserve moved to amend the motion and make the license fee for active LPOs and active LLLTs the same as the license fee for active attorneys. She clarified that her motion anticipates new members would pay half of the fee, as stipulated by WSBA Bylaws, and explained that she believes all license fees should be the same for all licensed legal professionals in order to help relieve the angst among the membership regarding the costs to run the limited license programs. Chief Regulatory Counsel McElroy explained that the Washington Supreme Court does not issue partial licenses, or limited licenses, to practice law except as set forth in Court Rule. She also stated that the only WSBA lawyer member type that can practice only a limited type of law by Court Rule is Emeritus Pro Bono; these members pay the same license fee as inactive lawyers and this was the model that was looked to in formulating an approach to the license fees for the other members with limited licenses to engage in the practice of law. She noted that this is not a situation where these members of the Bar were licensed to practice and they chose to limit their practice; their license provides for a limited ability to practice and a limited scope of practice, so the idea was that their license fees also should be limited.

Discussion ensued regarding the increased fee resulting in a high burden on the existing LPO license type and the new LLLT license type and a discouragement to obtaining the licenses, resulting in a continued failure to adequately provide access to justice; and regarding the possibility of tabling the motion until those affected could be present at the meeting to comment.

Governor Stephens moved to postpone the vote on this item until the September 27-28, 2018, Board meeting so interested stakeholders could have notice. Motion failed 4-8-1. Governor Higginson was not present for the vote. Governor Meserve's motion to amend passed 9-4. Governor Higginson was not present for the vote. Governor Risenmay's original motion

regarding license fees, as amended, passed 10-3. Governor Papailiou was not present for the vote.

Governor Hayes moved to amend the Budget and Audit Committee's recommendation regarding the annual CPF fee assessment, to require that both LLLTs and LPOs be assessed the \$30 CPF fee annually. Motion passed 13-1. Governor Risenmay's original motion regarding the CPF assessment, as amended, passed 12-1-1.

COMMITTEE ON PROFESSIONAL ETHICS (CPE) REPORT AND RECOMMENDATION RE SUGGESTED AMENDMENTS TO RPC 1.2 AND RPC 8.4 CONCERNING MARIJUANA-RELATED CONDUCT – Don Curran, CPE Chair (by phone); Lucinda Fernald, CPE Subcommittee Chair; and Jeanne Marie Clavere, Professional Responsibility Counsel (by phone)

CPE Chair Curran referred the Board to the information contained in the meeting materials and reviewed the background of the request. CPE Subcommittee Chair Fernald reviewed and explained the recommendations. She emphasized that the recommendations would not undermine Washington's rule of law but rather would serve to ensure that Washington lawyers are authorized to provide services to clients in need of advice and assistance in order to comply with state law. Governor Swegle moved to approve the CPE's revision of Washington-specific Comment 18 to RPC 1.2 and adoption of Washington-specific Comment 8 to RPC 8.4 to be sent to the Washington Supreme Court. Motion passed 13-0-1. Governor Bridges requested his abstention be recorded in the Minutes.

UPDATE FROM WASHINGTON NEW AND YOUNG LAWYERS COMMITTEE (WYLC) – Mike Mocer, Chair; Kim Sandher, Chair-elect, and Ana LaNasa-Selvidge, Member Services and Engagement Manager

Chair Mocer explained the makeup of the WYLC. Chair-elect Sandher advised that the WYLC is looking for the Board's support regarding health care exchanges and public service loan forgiveness for new and young lawyers. Executive Director Littlewood stated she would be happy to be a resource since she spent much of her early career working on loan repayment initiatives and advised that the Bar Foundation previously had a loan repayment program until the primary funder, Sallie Mae, discontinued its support. Chair Mocer noted that the WYLC Debt Subcommittee might be able to help explore this angle. Chair Mocer then advised that

several of the WYLC's themes this year include improving communication within the Committee and its constituents by increasing utilization of social media; and improving the nomination and selection process for the BOG At-Large (WYLC) Governor.

The following items were discussed on Saturday, July 28, 2018.

APPROVE MARCH 19, 2018, SPECIAL MEETING PUBLIC SESSION MINUTES

Governor Risenmay referred the Board to the information contained in the meeting materials and moved to approve the Minutes of the March 19, 2018, Special Meeting Public Session as amended by his redline version contained in the meeting materials in order to more clearly reflect the proceedings for the March 19, 2018, meeting. Motion passed 11-0-3. Governors Doane and Higginson requested that their abstentions be recorded in the Minutes.

SELECTION OF 2018-2019 WSBA TREASURER

Treasurer Risenmay shared his experiences as Treasurer with the Board and noted that it is helpful to have training and experience in finances. He explained that it is a fiduciary duty to ensure that license fees are being used appropriately and to examine each of the programs to ascertain whether they are effective and efficient. He stated that Chief Operations Officer Holmes and her staff were a tremendous resource to him. He concluded by stating that being Treasurer of this organization was challenging but rewarding. Former Treasurer Jill Karmy also shared her experience as Treasurer, echoing much of what was said by Treasurer Risenmay. President Pickett appointed Executive Director Littlewood, Interim General Counsel Shankland, and Chief Justice Fairhurst as Canvassers.

Treasurer Risenmay nominated Governor Stephens as the 2018-2019 Treasurer. Governor Hunter nominated Governor Bridges as the 2018-2019 Treasurer. Discussion ensued regarding whether the nominees should be in the room when they each spoke to their candidacy and whether they should be allowed to vote. It was decided by the Board that each candidate would be out of the room while the other candidate spoke, and that the candidates could vote

in the secret ballot voting process. Each candidate spoke to his background and experience, and answered questions from the Board. The Board then held a discussion regarding the candidates and a secret ballot was taken. Governor Bridges was announced as the 2018-2019 Treasurer.

UPDATE FROM PERSONNEL COMMITTEE – Governor Angela Hayes, Chair

Chair Hayes reviewed the work of the Personnel Committee this year. She stated that the compensation survey confirmed that the Executive Director's salary is within the market for that position. She then referred the Board to the updated Executive Director job description contained in the meeting materials and noted that it was an education for the Board to learn what the position requires and the time spent in each area. She explained that a significant amount was added to the Regulatory function, which is outside the Board's purview. She concluded by expressing her gratitude for Human Resources Director Dujon-Reynolds and the Committee members.

UPDATE RE FREE LEGAL RESEARCH TOOL FOR MEMBERS – Terra Nevitt, Director of Advancement/Chief Development Officer; Ana LaNasa-Selvidge, Member Services and Engagement Manager; and Destinee Evers, Practice Management Assistance Advisor

Director of Advancement Nevitt provided background regarding WSBA's history with Casemaker, the legal research tool currently offered free of charge to WSBA members as a member benefit. She advised that the contract with Casemaker would expire on October 1, 2018, and that the team had initiated an RFP to determine what other legal research tools might be available. Manager LaNasa-Selvidge reported that two responses were received: one from Casemaker and one from Fastcase. She referred the Board to the comparison of the two tools contained in the meeting materials. She further advised that two member surveys had been conducted, as well as usability studies with focus groups, and that counterparts across the country were interviewed regarding Fastcase since staff had not previously worked with it.

Advisor Evers reported that over 600 responses were received during the general member survey regarding the legal research tools members are using and their needs. She referred the Board to the results of the survey contained in the meeting materials and explained the findings. Advisor Evers noted that both platforms are expected to undergo significant upgrades

in the coming year. Manager LaNasa-Selvidge noted that neither platform was perfect and that both would present challenges. She stressed that there would be a need for training and available resources for members to use whatever tool is provided. Executive Director Littlewood noted that staff would need guidance from the Board at this meeting on how to proceed. Discussion ensued regarding waiting to make any change until the platforms are updated in the near future; whether to provide one option or both; offering both and getting member feedback; negotiating a contract for the shortest amount of time until the platforms are upgraded; the length and cost of the contracts; the importance of being frugal with this item; and a good member benefit to continue. It was the consensus of the Board to move forward with renewing the Casemaker contract, continue discussions with Fastcase, and report back to the Board at its September 27-28, 2018, meeting.

UPDATE RE MEMBER HEALTH INSURANCE – Kim Hunter, Governor; Terra Nevitt, Director of Advancement/Chief Development Officer; and Ana LaNasa-Selvidge, Member Services and Engagement Manager

Governor Hunter reviewed her research on health plans through Washington state and the need among WSBA members. Director of Advancement Nevitt reviewed the history and research involved and reported on the two solutions used by other bar associations: (1) a private exchange or (2) a multiple employer welfare arrangement (MEWA). She suggested that the private exchange would likely be the better model, as MEWAs are expensive to set up and there is currently some regulatory uncertainty. Discussion ensued regarding the possibility of engaging with Member Benefits, Inc. based in Florida to set up a private exchange with the understanding that there is no guarantee of significant savings, but the exchange will provide members with more options; that staff has been told, but not yet confirmed, that ABA health benefits are no longer offered in Washington state; that some county bar associations may offer health insurance; and that HB 24008 signed by Governor Inslee requires health care providers to provide health insurance in Washington state. It was the consensus of the Board to move forward to establish a private exchange through Members Benefits, Inc..

UPDATE RE MANDATORY MALPRACTICE INSURANCE – Hugh Spitzer, Chair; Doug Ende, Chief Disciplinary Counsel; and John Bachofner

Chief Disciplinary Counsel Ende advised the Board that this was an interim report and that no action was being requested. He emphasized that although he is the staff liaison to the Task Force, a mandatory malpractice proposal would not be a disciplinary initiative. He noted that the idea is aligned with the core purposes for regulating the practice of law as reflected in the regulatory objectives of General Rule 12.1: that legal services must be regulated in the public interest, including the objective to protect the public. He then reviewed the background, charter, and composition of the Task Force. Chair Spitzer reviewed the current status of the Task Force, its key findings, feedback received, and possible approaches. He stated that the tentative recommendation is that malpractice insurance should be required for Washington state lawyers based on a free market model with mandated minimum coverage levels and a “continuing” coverage requirement, and with specific exemptions to be developed further. He concluded by stating that the next steps are to obtain and consider feedback from the Board, continue information-gathering efforts, inform WSBA members about the initiative, and consider additional comments. He noted that the Task Force will continue to refine the proposal and prepare a draft court rule for consideration by the Board when the Task Force final report is submitted.

RECOMMENDATIONS FROM COURT RULES AND PROCEDURES COMMITTEE – Jefferson Coulter, Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) Subcommittee Chair (phone), and Julie Shankland, Interim General Counsel (first reading)

Subcommittee Chair Coulter reported that the Criminal Rules were on the Court Rules and Procedures Committee’s schedule this year. He reviewed the process and work of the Committee and listed the stakeholders. There were no questions or discussion.

RECOMMENDATIONS FROM CIVIL LITIGATION RULES DRAFTING TASK FORCE – Ken Masters, Chair (first reading)

Chair Masters reported that the recommendations from the Civil Litigation Rules Drafting Task Force were the result of a 10-year voluntary effort, including the work of the Escalating Cost of Civil Litigation Task Force. He reviewed the Roster and noted that the mandate of the Task Force was to find ways to reduce the cost of civil litigation in Washington state. He advised that the Board needs to take the long view when considering the proposed amendments. He stated that the proposed amendments aspire to change the culture of litigation by making

cooperation the lynchpin in the effort to lower the cost of civil litigation and ending the trend toward larger and larger sanctions. He advised the Board that it is important for the Board to make a recommendation and comments to the Supreme Court on these Rules and urged the Board to review all the rules in context, not just look at individual rules. He reviewed the proposed amendments to the Civil Litigation Rules and reminded the Board that policies are set by the Board, not by the Task Force, and so the Task Force drafted rules consistent with policies the Board had set. He concluded by noting that the President of the District and Municipal Court Judges Association (DMCJA) agreed with the Cooperation Rule and would be reviewing the remainder of the proposed amendments. There were no questions or discussion.

APPOINT CHAIRS AND VICE-CHAIRS TO WSBA COMMITTEES AND BOARDS

Chief Regulatory Counsel McElroy advised the Board that the Character and Fitness Board Vice-Chair position had been pulled from the slate as they had more than one individual interested in the position. Governor Clark moved to approve the slate as contained in the meeting materials with the exception of the Character and Fitness Board. Motion passed 12-0-1. Governor Papailiou was not present for the vote.

MEMBER ENGAGEMENT WORK GROUP CHARTER AND ROSTER – Rajeev Majumdar, President-elect, and Sara Niegowski, Chief Communications and Outreach Officer

Governor Bridges moved to approve the Member Engagement Work Group Charter and Roster as contained in the meeting materials. Motion passed unanimously. Governors Hunter and Papailiou were not present for the vote.

COMMITTEE ON MISSION PERFORMANCE AND REVIEW (CMPR) UPDATE AND RECOMMENDATIONS (first reading)

Governor Risenmay noted that the only issue he had seen addressed by the CMPR in the past three years was the diversity and inclusion issue on committee memberships. He suggested that the Board is not looking at mission performance, only at diversity and inclusion, and that there had been no meaningful report or analysis regarding whether the committees are effectively performing the tasks they had been given.

UPDATE FROM ADDITION OF NEW GOVERNORS WORK GROUP – Governor Alec Stephens and Governor Dan Bridges, Co-Chairs

Co-Chair Bridges reported that the Addition of new Governors Work Group Roster has been filled and that the Work Group is working diligently. He advised that the next meeting of the Work Group would be on August 14, 2018.

PROPOSED BYLAW AMENDMENT RE ENDORSING CANDIDATES – Governor Chris Meserve (first reading)

Governor Meserve referred the Board to the information contained in the meeting materials and stated that she assumed everyone had read the proposed amendment. President Pickett advised that this item would be on the Board's September 27-28, 2018, agenda for action.

CONTINUED DISCUSSION OF REFERENDUM PROCESS REVIEW WORK GROUP RECOMMENDATIONS – Governor Kim Risenmay, Chair, and Julie Shankland, Interim General Counsel

President Pickett announced that this item would be taken up at the Board's September 27-28, 2018, meeting.

ADJOURNMENT

There being no further business, the Public Session portion of the meeting was adjourned at 12:20 p.m. on Saturday, July 28, 2018.

Respectfully submitted,

Paula C. Littlewood
WSBA Executive Director & Secretary

EXECUTIVE DIRECTOR'S REPORT

September 24, 2018

Another Great Year for WSBA in Food Frenzy!

Continuing a long tradition, WSBA participated again in Food Lifeline's annual Food Frenzy. The team organizing WSBA's efforts set an ambitious goal of raising \$7,000 and WSBA staff exceeded the goal by raising a total of \$8,190.60! Other highlights from this year: we exceeded our record from prior years for volunteer hours by contributing 195 hours packing and sorting food at the warehouses! All of these efforts from WSBA translated into over 32,762 meals for those in need, particularly school children in the summer who may rely on meals at school during the school year. And, once again, WSBA garnered first place in the per capita total for the category of public legal organizations! For an organization our size that achievement is indeed impressive! The results in our category this year:

Overall:

- 1st Place: King County Prosecuting Attorney's Office
- **2nd Place: Washington State Bar Association**
- 3rd Place: Office of the Attorney General, Criminal Justice Division

Per Capita:

- **1st Place: Washington State Bar Association**
- 2nd Place: King County Prosecuting Attorney's Office
- 3rd Place: Office of the Attorney General, Criminal Justice Division

Once again, a huge thank you to those who participated and, in particular, to our staff leaders and enthusiasts Sherry Lindner from the Office of General Counsel and Jon Dawson from IT!!

Update on Coordinated Discipline System Work

The required rule drafting continues apace by WSBA staff from the Office of Disciplinary Counsel, the Regulatory Services Department, and the Office of General Counsel in order to create a coordinated discipline system for all license types that includes both paid adjudicators and volunteer adjudicators. The purpose of the drafting group, which meets every week, is to manifest the Supreme-Court approved concept for a coordinated system in the form of a workable set of rules, with the following primary objectives: (1) to merge the procedures for the three license types into a single system; (2) to include designated regulatory hearings within the adjudicative component of the system; (3) to professionalize in part the adjudicative component of the system in an entity to be known as the Office of the Regulatory Adjudicator (ORA) while preserving a meaningful adjudicative role for volunteers; and (4) to improve the efficiency, effectiveness, and clarity of the procedural rules to the extent possible.

The team is working towards preparation of a single-document comprehensive draft of all titles for circulation internally and to designated stakeholder representatives, who will meet with the team and share feedback and suggestions. Because a wholesale review of the disciplinary-procedural rules has not occurred for more than 15 years, the drafting project has provided an important opportunity to evaluate a significant number of innovations and efficiencies. For this reason, however, and because the drafting requires meticulous coordination of regulatory rule sets to account for the changes in the functioning of key adjudicative entities, the drafting has taken more time than anticipated, and it will be December before a comprehensive draft is ready for distribution to stakeholders. It is anticipated that the suggested rules will be submitted to the Supreme Court for the 2019 GR 9 cycle.



Given the extension in time needed to complete drafting, the regulatory Chiefs and I have been updating all of our regulatory entities and gathering additional feedback. Below is the list of the entities we met with over the last three months:

- Character and Fitness Board: July 13
- LPO Board: August 14
- LLLT Board: August 16
- MCLE Board: August 17
- Disciplinary Board: September 7
- DART: September 12
- Hearing Officers (TBD)

As with the Coordinated Admissions and Licensing system (already implemented and in effect last fiscal year), the drafting of the Coordinated Discipline rules has involved extraordinary amounts of work by staff and has been a model for collaboration with our various volunteers serving on regulatory entities.

Attached is a graphic of the proposed system being shared with various regulatory boards and the letter from the Chief Justice received in July 2017.

Survey Regarding Decline in Section Membership

Following a modest overall decline in section memberships this year, we initiated a one-question survey to all lapsed sections members to learn more about why they chose not to renew in 2018. The survey was sent to 1,601 members and we received 312 responses, representing a 19% response rate. The survey asked members "What factors contributed to your decision not to renew your section membership this year?"

We received a range of responses, which we grouped into three categories: natural causes (59%), cost vs. benefit (45%), and policy (6%). Note that some responses fell into more than one category, which is why the total number of responses exceeds 100%. The category of "natural causes" includes members who had not renewed their membership due to a change in status or practice area, as well as those who had moved out of state. This group also included a surprisingly large number of respondents who were either not aware or had not intended to let their membership lapse (27%). The category of "cost vs. benefit" included all comments that referenced the cost of section membership or the perceived benefit of section membership as reasons for not renewing. "Policy" refers to responses that indicated dissatisfaction with Section Executive Committee's practices and/or WSBA, activities, communications, cultures, or decisions. We have shared these results with section leaders and hope that it can help all of us better understand what drives section membership trends.

Executive Director Activity Report (attached)

WSBA Demographics Report (attached)

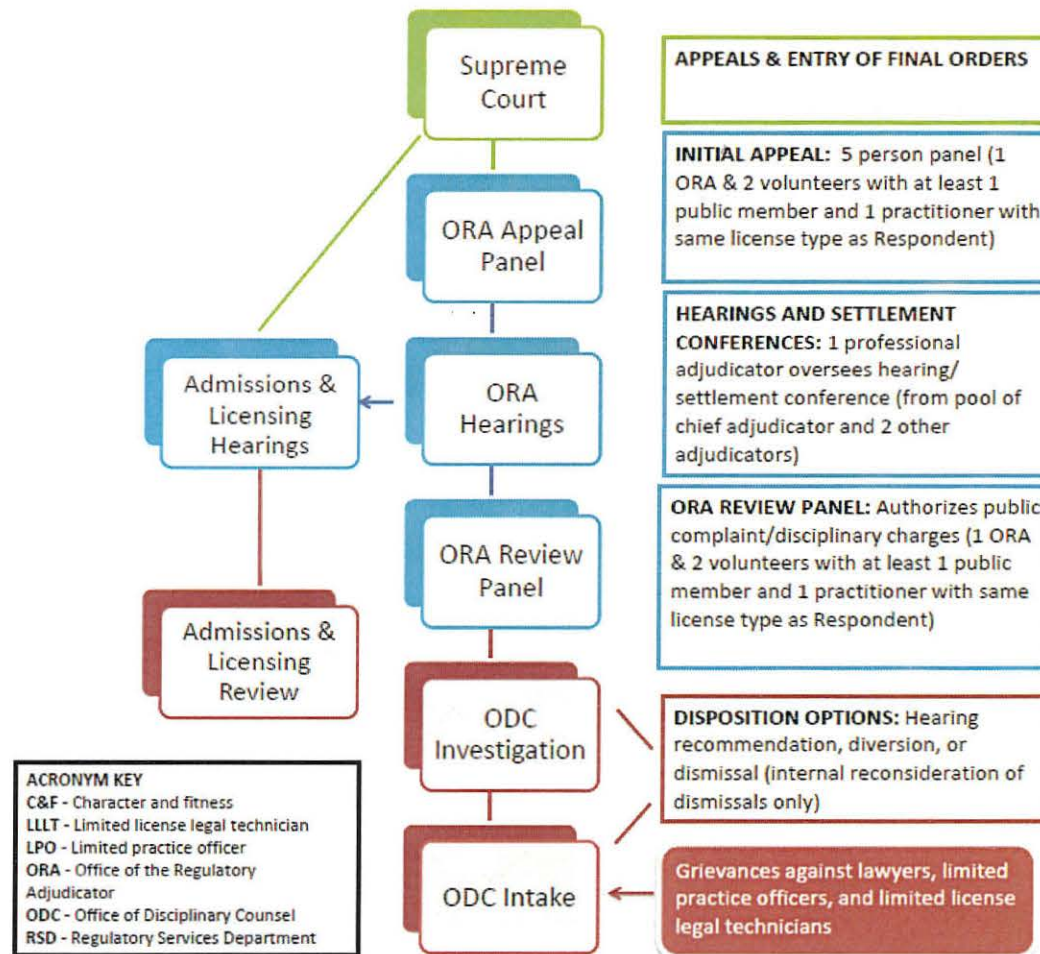
Correspondence and Other Informational Items (attached)

Summary of WSBA Outreach Visits (attached)

Media Contacts Report (attached)

Update on Various Court Rules (attached)

COORDINATED DISCIPLINE AND ADMISSIONS AND LICENSING PROCEEDINGS SYSTEM



The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

JUL 05 2017

July 3, 2017

Paula Littlewood, Executive Director
Washington State Bar Association
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

Re: Disciplinary Advisory Round Table

Dear Paula:

At the court's June 29, 2017 en banc conference, the court discussed the WSBA's proposal to coordinate the regulatory and disciplinary systems for all licenses to practice law that have been approved by the court. In your June 6, 2017 memo to the court, you informed the court that the proposal had been presented to the Disciplinary Advisory Round Table and that the WSBA is poised to begin drafting proposed rules to implement the proposal. You stated that if the court had reservations about particular aspects of the proposed system, it would be helpful to know that before intensive drafting begins.

The court recognizes the significant amount of work involved in drafting rules and agreed that some indication by the court is appropriate in light of the WSBA's concern. As you recognize in your memo, this vote by the court does not approve the final product or the rules that will accompany the proposal for a coordinated system. With that understanding, a majority of the court voted to approve, in concept, the proposed coordinated system.

As always, the court appreciates the tremendous work that the WSBA undertakes on behalf of its members and this court. We commend the many staff members and volunteers who have dedicated their time and expertise to this project.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

cc: Justices

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director

Paula C. Littlewood, Executive Director

ACTIVITY REPORT

Paula C. Littlewood

July 29, 2018 – September 28, 2018

Current Service on Boards and Committees

Local: University of Washington School of Law Leadership Council, Executive Committee Member; University of Washington School of Law Public Interest Law Association Board of Advisors.

National: Institute for the Advancement of the American Legal System (IAALS) Board of Advisors.

International: International Institute of Law Association Chief Executives (IILACE), Vice President.

Meetings with Other WSBA and External Constituents

Board for Judicial Administration Meetings – Presentation re overview, upcoming projects & current priorities	September 21
Legal Community Leaders	12
Meeting with University of Washington School of Law Dean Mario Barnes	July 25
Meeting with Gonzaga School of Law Dean Jacob Rooskby	August 14
New Lawyers and Law Students	4
Other	3

WSBA- and BOG-Related Meetings:

Access to Justice Board Meeting with the Supreme Court in Olympia	September 6
BOG Emergency Execution Session Meeting	September 7
BOG Executive Committee Meeting	September 6
BOG Meeting	September 27-28
BOG Personnel Committee Meeting	2
BOG President Weekly Calls	9
Budget & Audit Committee Meeting	September 7
Columbia Legal Services/Disability Rights WA Meeting re: JRC	August 13
Committee Chairs and Liaisons Annual Meeting	September 19
Coordinated Discipline Updates to Supreme-Court Created Boards	3
Discipline Advisory Round Table (DART) Meeting	September 12
Other (POLB)	1

Staff-Related Meetings:

Coffees with New Staff	3
Executive Management Team Meetings	8
General Counsel Candidate Interviews	4
Management Culture and Norms Training with New Staff	September 20
S.A.F.E. (Staff Advocacy Forum for Employees)	September 13
Reception for all Employees	September 18
Washington Legal Link Project Meeting	3
Weeklies with Staff Direct Reports	39

National/International-Related Meetings:

International Institute of Law Association Chief Executives (IILACE) Executive Committee Conference Calls	August 7
National Association of Bar Executives (NABE) in Chicago	July 31-Aug 2

Presentations

Orientation Presentation at Gonzaga University School of Law	August 14
Orientation Presentation at Seattle University School of Law	August 16
Orientation at University of Washington School of Law	September 20
Professionalism Presentation at University of Washington School of Law in Hugh Spitzer's class	September 25

Organizational Events

APEX Awards Dinner	September 27
University of Washington School of Law Reception for Dean Mario Barnes	September 13
Appleseed Lunch at the Renaissance	September 25

WSBA Member* Licensing Counts 8/30/18 9:58:51 AM GMT-07:00

Member Type	In WA State	All	By District			By State and Province		By WA County		By Admit Yr	
				All	Active						
Attorney - Active	26,011	32,412	0	2,539	1,750	Alabama	29	Adams	14	1940	3
Attorney - Emeritus	113	118	1			Alaska	201	Asotin	29	1941	2
Attorney - Honorary	345	390	1	2,896	2,393	Alberta	8	Benton	320	1942	1
Attorney - Inactive	2,333	5,403	2	1,963	1,584	Arizona	333	Chelan	229	1944	1
Judicial	613	638	3			Arkansas	14	Clallam	146	1945	1
LLLT - Active	35	35	4	2,051	1,729	Armed Forces Americas	4	Clark	726	1946	2
LLLT - Inactive	3	3	4	1,344	1,133	Armed Forces Europe, Middle East	25	Columbia	5	1947	6
LPO - Active	773	784	5	3,154	2,561	Armed Forces Pacific	19	Cowlitz	127	1948	8
LPO - Inactive	153	164	6	3,210	2,691	British Columbia	95	Douglas	23	1949	18
	30,379	39,947	7N	5,296	4,511	California	1,713	Ferry	13	1950	16
			7S	7,003	5,781	Colorado	237	Franklin	46	1951	27
			8	2,154	1,830	Connecticut	50	Garfield	2	1952	27
			9	4,828	4,094	Delaware	4	Grant	106	1953	26
			10	2,802	2,355	District of Columbia	330	Grays Harbor	96	1954	29
				39,240	32,412	Florida	237	Island	126	1955	20
						Georgia	89	Jefferson	88	1956	40
						Guam	19	King	13,976	1957	32
						Hawaii	146	Kitsap	661	1958	39
						Idaho	412	Kittitas	73	1959	39
						Illinois	157	Klickitat	22	1960	32
						Indiana	38	Lewis	90	1961	29
						Iowa	28	Lincoln	12	1962	35
						Kansas	27	Mason	90	1963	33
						Kentucky	24	Okanogan	89	1964	41
						Louisiana	53	Pacific	23	1965	57
						Maine	11	Pend Oreille	18	1966	62
						Maryland	118	Pierce	1,961	1967	61
						Massachusetts	85	San Juan	64	1968	95
						Michigan	69	Skagit	244	1969	105
						Minnesota	100	Skamania	16	1970	114
						Mississippi	4	Snohomish	1,381	1971	121
						Missouri	63	Spokane	1,530	1972	189
						Montana	166	Stevens	42	1973	284
						Nebraska	16	Thurston	1,376	1974	276
						Nevada	137	Wahkiakum	8	1975	339
						New Hampshire	9	Walla Walla	98	1976	412
						New Jersey	63	Whatcom	512	1977	407
						New Mexico	60	Whitman	69	1978	461
						New York	243	Yakima	394	1979	499
						North Carolina	72			1980	516
						North Dakota	9			1981	549
						Northern Mariana Islands	7			1982	526
						Nova Scotia	1			1983	563
						Ohio	69			1984	642
						Oklahoma	26			1985	456
						Ontario	14			1986	701
						Oregon	2,646			1987	615
						Pennsylvania	72			1988	588
						Puerto Rico	2			1989	621
						Quebec	1			1990	760
						Rhode Island	14			1991	752
						Saskatchewan	1			1992	745
						South Carolina	30			1993	786
						South Dakota	7			1994	810
						Tennessee	54			1995	819
						Texas	339			1996	767
						Utah	176			1997	857
						Vermont	20			1998	808
						Virginia	273			1999	851
						Virgin Islands	1			2000	864
						Washington	30,379			2001	925
						West Virginia	7			2002	1,004
						Wisconsin	44			2003	1,029
						Wyoming	19			2004	1,046
										2005	1,069
										2006	1,100
										2007	1,175
										2008	1,094
										2009	998
										2010	1,085
										2011	1,061
										2012	1,104
										2013	1,240
										2014	1,365
										2015	1,628
										2016	1,319
										2017	1,396
										2018	736

Misc Counts		
All License Types **	40,236	
All WSBA Members	39,947	
Members in Washington	30,379	
Members in western Washington	21,711	
Members in King County	13,976	
Members in eastern Washington	3,134	
Active Attorneys in western Washington	18,523	
Active Attorneys in King County	12,321	
Active Attorneys in eastern Washington	2,552	
New/Young Lawyers	6,888	
MCLE Reporting Group 1	10,566	
MCLE Reporting Group 2	11,056	
MCLE Reporting Group 3	11,179	
Foreign Law Consultant	19	
House Counsel	260	
Indigent Representative	10	

By Section ***	All	Previous Year
Administrative Law Section	281	278
Alternative Dispute Resolution Section	361	382
Animal Law Section	109	118
Antitrust, Consumer Protection and Unfair Business Practice	222	212
Business Law Section	1,282	1,384
Cannabis Law Section	68	
Civil Rights Law Section	175	202
Construction Law Section	511	526
Corporate Counsel Section	1,088	1,164
Creditor Debtor Rights Section	516	550
Criminal Law Section	424	536
Elder Law Section	662	709
Environmental and Land Use Law Section	796	839
Family Law Section	1,151	1,290
Health Law Section	389	415
Indian Law Section	323	337
Intellectual Property Section	901	991
International Practice Section	246	278
Juvenile Law Section	204	218
Labor and Employment Law Section	996	1,048
Legal Assistance to Military Personnel Section	100	100
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	117	136
Litigation Section	1,038	1,187
Low Bono Section	105	132
Real Property Probate and Trust Section	2,352	2,389
Senior Lawyers Section	268	299
Solo and Small Practice Section	961	1,036
Taxation Section	663	666
World Peace Through Law Section	105	116

* 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 WSBA fiscal year (Oct 1). The Previous Year column is the total from the last day of the fiscal year (Sep 30). WSBA staff with complimentary membership are not included in the counts.

WSBA Member* Demographics Report 8/30/18 9:59:49 AM GMT-07:00

By Years Licensed		By Firm Size		By Practice Area		By Languages Spoken	
Under 6	8,451	Solo	5,985	Administrative-regulator	2,327	Afrikaans	6
6 to 10	5,504	Solo in Shared Office or	1,741	Agricultural	234	Akan /twi	4
11 to 15	5,567	Government/ Public Sector	5,228	Animal Law	115	Albanian	2
16 to 20	4,611	In House Counsel	3,063	Antitrust	304	American Sign Language	14
21 to 25	4,062	2-5 Lawyers in Firm	5,031	Appellate	1,692	Amharic	16
26 to 30	3,484	6-10 Lawyers in Firm	2,191	Aviation	169	Arabic	53
31 to 35	3,037	11-20 Lawyers in Firm	1,590	Banking	462	Armenian	6
36 to 40	2,467	21-35 Lawyers in Firm	972	Bankruptcy	1,098	Bengali	11
41 and Over	2,764	36-50 Lawyers in Firm	729	Business-commercial	5,381	Bosnian	8
		51-100 Lawyers in Firm	756	Civil Litigation	5,556	Bulgarian	13
		100+ Lawyers in Firm	2,350	Civil Rights	1,098	Burmese	2
				Collections	620	Cambodian	6
				Communications	235	Cantonese	94
				Constitutional	666	Cebuano	3
				Construction	1,374	Chamorro	4
				Consumer	818	Chaozhou/chiu Chow	1
				Contracts	4,351	Chin	3
				Corporate	3,594	Croatian	7
				Criminal	4,026	Czech	18
				Debtor-creditor	1,052	Danish	3
				Disability	718	Dari	23
				Dispute Resolution	1,400	Dutch	2
				Education	508	Egyptian	59
				Elder	986	Farsi/persian	1
				Employment	2,946	Fijian	7
				Entertainment	331	Finnish	699
				Environmental	1,340	French	3
				Estate Planning-probate	3,661	French Creole	4
				Family	3,015	Fukienese	2
				Foreclosure	577	Ga/kwa	428
				Forfeiture	92	German	28
				General	2,947	Greek	15
				Government	2,888	Gujarati	2
				Guardianships	944	Haitian Creole	38
				Health	993	Hebrew	88
				Housing	325	Hindi	1
				Human Rights	335	Hmong	13
				Immigration-naturaliza	1,048	Hungarian	4
				Indian	625	Ibo	2
				Insurance	1,793	Icelandic	9
				Intellectual Property	2,294	Ilocano	11
				International	943	Indonesian	151
				Judicial Officer	397	Italian	210
				Juvenile	942	Japanese	4
				Labor	1,203	Kannada/canaries	1
				Landlord-tenant	1,411	Khmer	1
				Land Use	860	Kongo/kikongo	229
				Legal Ethics	297	Korean	6
				Legal Research-writing	779	Lao	6
				Legislation	423	Latvian	4
				Litigation	4,689	Lithuanian	3
				Lobbying	178	Malay	9
				Malpractice	811	Malayalam	337
				Maritime	313	Mandarin	5
				Military	383	Marathi	2
				Municipal	980	Mongolian	1
				Non-profit-tax Exempt	635	Navajo	4
				Not Actively Practicing	1,754	Nepali	37
				Oil-gas-energy	224	Norwegian	31
				Patent-trademark-copyr	1,336	Not_listed	3
				Personal Injury	3,461	Oromo	23
				Real Property	2,616	Other	1
				Real Property-land Use	2,402	Pashto	33
				Securities	820	Persian	121
				Sports	163	Polish	1
				Subrogation	103	Portuguese	56
				Tax	1,364	Portuguese Creole	20
				Torts	2,211	Punjabi	230
				Traffic Offenses	751	Romanian	9
				Workers Compensation	759	Russian	18
						Samoan	8
						Serbian	3
						Serbo-croatian	22
						Sign Language	2
						Singhalese	2
						Slovak	1
						Somali	1,775
						Spanish	8
						Spanish Creole	3
						Swahili	53
						Swedish	66
						Tagalog	2
						Taishanese	19
						Taiwanese	10
						Tamil	3
						Telugu	14
						Thai	3
						Tigrinya	1
						Tongan	10
						Turkish	40
						Ukrainian	39
						Urdu	85
						Vietnamese	9
						Yoruba	2451
						Yugoslavian	

Respondents 29,636

No Response 10,311

All Member Types 39,947

By Ethnicity	
American Indian / Native America	251
Asian	1,433
Black/African descent	640
Caucasian/White	23,950
Multi Racial	794
Not Listed	181
Pacific Islander	58
Spanish/Hispanic/Latina/o	694
Respondents	28,001
No Response	11,946
All Member Types	39,947

By Gender		By Disabled Status	
FEMALE	12,153	N	18,056
MALE	17,218	Y	952
Respondents	29,371		
No Response	10,576		
All Member Types	39,947		

By LGBT	
N	17,872
Y	1,034

By Age	All	Active
21 to 30	1,869	1,804
31 to 40	9,121	8,192
41 to 50	9,668	8,001
51 to 60	8,701	6,873
61 to 70	7,746	5,877
71 to 80	2,281	1,539
Over 80	561	126
Total:	39,947	32,412

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

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

July 30, 2018

Honorable Charles W. Johnson
Associate Chief Justice, Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Comment 18 to RPC 1.2 and RPC 8.4

Dear Associate Chief Justice Johnson,

On March 22, 2018, you directed a letter to the Washington State Bar Association asking the WSBA to consider and comment on a member concern directed to the Supreme Court Rules Committee regarding the continued applicability of Comment 18 to RPC 1.2- Scope of Representation and Allocation of Authority Between Client and Lawyer, in light of the reversal of the Department of Justice's position regarding state-legalized marijuana. Accordingly, the WSBA Committee on Professional Ethics (CPE), who had taken up Comment 18 at its February meeting, continued to investigate and research the issue and drafted a final Report submitted to the WSBA Board of Governor's meeting for its July meeting. Enclosed is the CPE report and recommendation which the Board of Governors approved on July 27, 2018.

In summary, the report recommends amending RPC 1.2, Comment 18 to eliminate the federal enforcement clause and places an additional duty on the lawyer to inform his/her client of related federal or tribal laws if there is a conflict with Washington state laws. The CPE also recommends a new comment to RPC 8.4 that a lawyer who counsels or assists a client in conduct reasonably permitted by Washington's marijuana laws would not violate Rule 8.4.

If you have any questions about the enclosed materials, please direct them to Don Curran, Chair of the WSBA Committee on Professional Ethics, at (509) 455-9500, email jdcvlc@dctpw.com, or to Jeanne Marie Clavere, Professional Responsibility Counsel and staff liaison to the CPE. at (206) 727-8298, email jeannec@wsba.org.

Sincerely,



Paula C. Littlewood

Enclosures

cc (w/o enclosures):

William D. Pickett, President, WSBA
Don Curran, Chair, WSBA Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison, WSBA Committee on Professional Ethics
Shannon Hinchcliffe, Administrative Office for the Courts

MEMORANDUM

TO: WSBA President, President-Elect, and Board of Governors

FROM: J. Donald Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Staff Liaison

SUBJECT: Recommendation to Revise and Adopt RPC Comments in Response to
Development in Federal Enforcement Priorities Regarding Marijuana

DATE: July 9, 2018

Executive Summary

In 2014 Washington adopted Comment [18] to RPC 1.2 in response to the passage of Initiative 502. Washington became the fifth state in the nation to allow¹ its lawyers to assist clients in complying with state marijuana laws even if their clients' activity would violate federal law.

In recommending Comment [18] to address a novel ethical issue in highly unusual circumstances, the Committee on Professional Ethics (CPE) based its rationale in significant part on federal enforcement priorities specific to marijuana that had been articulated by the U.S. Department of Justice (DOJ). Comment [18] reflected that reliance by inclusion of the phrase "At least until there is a change in federal enforcement policy . . ."

The CPE revisited Comment [18] initially at its February 9, 2018 meeting in light of the DOJ's rescission of its nationwide guidance regarding enforcement of federal law in relation to activity involving marijuana. Subsequent correspondence to the Washington State Bar Association dated March 22, 2018 from Justice Charles Johnson on behalf of the Supreme Court Rules Committee underscored the directive to review and advise on the ethical implications of Comment [18].

After deep analysis, comparative jurisdiction research and robust discussions, the CPE recommends deleting the reference to federal enforcement priorities, consistent with the majority of states that have considered this issue. The CPE believes the public will be benefited, not jeopardized, by continuing to allow Washington lawyers to assist those participating in the marijuana industry in their efforts to comply with state law.

Discussion

A. Background

¹ In this memo, a statement that a jurisdiction "allows" or "permits" its lawyers to assist clients in complying with marijuana laws means that one of the following actions occurred to express the view that such conduct did not violate RPC 1.2: amendment of RPC 1.2, adoption of a comment to RPC 1.2, issuance of a formal or advisory ethics opinion, or adoption of a policy by the bar disciplinary authority. Subsequent footnotes detail which jurisdictions took which type of action.

In November 2012 voters approved Initiative 502, which legalized the manufacture, distribution and possession of marijuana for recreational purposes in Washington State. During 2013, at the direction of the BOG, the CPE undertook a comprehensive review of options to address professional responsibility issues raised by the new law.

In January 2014 the CPE recommended adoption of two Washington-specific comments together with a cross-referenced ethics advisory opinion. In November 2014 the Washington State Supreme Court adopted a modified version of one comment, Comment [18] to RPC 1.2, and thereafter the WSBA issued Advisory Opinion 201501. The comment states:

At least until there is a change in federal enforcement policy, a lawyer may counsel a client regarding the validity, scope and meaning of Washington Initiative 502 (Laws of 2013, ch. 3) and may assist a client in conduct that the lawyer reasonably believes is permitted by this statute and the other statutes, regulations, orders and other state and local provisions implementing them.

Both the comment and the opinion were premised on the enforcement priorities of the DOJ at that time, as articulated through multiple memoranda providing nationwide guidance specific to enforcement of the Controlled Substances Act, 21 U.S.C. § 801 et seq., with respect to activities involving marijuana. These memoranda indicated that DOJ would not ordinarily prosecute individuals for violating federal law as long as their conduct complied with state law.

In January 2018 U.S. Attorney General Sessions rescinded the DOJ memoranda setting forth those enforcement priorities. This development prompted the CPE to review Comment [18] to RPC 1.2.

B. Developments in Ethics Guidance in Other States

When the CPE undertook its earlier analysis, only four states had issued ethics opinions to guide lawyers representing clients regarding activity that was legal under state marijuana laws but illegal under federal law. The ethics opinions from Colorado (2013), Connecticut (2013) and Maine (2010) concluded that a lawyer could *advise* clients regarding interpretation and application of federal and state law but could not generally *assist* clients in violating federal law.

One opinion, from Arizona, took note of the DOJ guidance and concluded that lawyers may ethically assist clients in conduct permitted by that state's medical marijuana law so long as certain requirements were satisfied.² The CPE recommended taking an approach similar to Arizona's by incorporating a reference to DOJ enforcement priorities in proposed Comment 18 to RPC 1.2.

² The requirements were: (1) at the time the assistance is provided, no court decision has held the state law to be preempted, void or otherwise invalid; (2) the lawyer reasonably concludes the client's activity complies with state law; and (3) the lawyer advises the client regarding the implications of federal law (or recommends the client seek such advice elsewhere and appropriately limits the scope of the representation). Arizona Ethics Op. 11-01 (2011).

By the time the Washington Supreme Court adopted a modified version of the proposed comment in November 2014, Colorado and Connecticut had reversed their positions to allow lawyers to assist clients in complying with marijuana laws, and Nevada had joined them in taking that position.³

Washington was the fifth state to permit its lawyers to assist clients in complying with state marijuana law. Those five states were split in their approaches. Arizona and Washington relied on federal enforcement priorities in their pronouncements, whereas Colorado, Connecticut and Nevada did not.

Since November 2014 the ethics guidance in other states has continued in the direction of allowing lawyers to assist clients in complying with marijuana laws, and few states have tied their permission to federal enforcement priorities:

- Maine also reversed its position to permit its lawyers to assist clients in complying with state marijuana laws and did not condition that permission on federal enforcement priorities.⁴
- Nine states have now legalized recreational marijuana. Apart from Washington, seven states allow their lawyers to assist clients in complying with state marijuana laws without regard to federal enforcement priorities.⁵ The State Bar of California has made a similar recommendation to its Supreme Court.⁶
- Of fourteen states that have legalized only medical marijuana and for which ethics guidance is available online,⁷ ten states adopted the same position as those discussed in the two bullet points above.⁸ Three states took the same approach as Washington and qualified their permission based on federal enforcement priorities.⁹ One state declined to

³ Comment [14] to Colorado RPC 1.2; Connecticut RPC 1.2(d)(3) and Commentary to Connecticut RPC 8.4; Comment [1] to Nevada RPC 1.2

⁴ Maine Ethics Op. 215 (2017).

⁵ Alaska RPC 1.2(f) and Comment to Alaska RPC 8.4; Comment [14] to Colorado RPC 1.2; Maine Ethics Op. 215 (2017); Joint Policy of Massachusetts Board of Bar Overseers and Office of Bar Counsel dated March 29, 2017; Comment [1] to Nevada RPC 1.2; Oregon RPC 1.2(d); Comment [14] to Vermont RPC 1.2.

⁶ The California Supreme Court recently adopted comprehensive amendments to its Rules of Professional Conduct to conform its rules more closely to the model rules. It did not adopt the State Bar of California's proposal for RPC 1.2.1 (Advising or Assisting the Violation of Law) or the proposed six comments "pending the State Bar's submission of additional revisions to proposed rule 1.2.1." Administrative Order 2018-05-09. The bar has requested public comment on two versions of proposed rule 1.2.1. Both versions of proposed comment [6] would allow a lawyer to assist a client in complying with state law, so long as the lawyer also advises regarding any conflict with federal or tribal law. Neither incorporates any reliance on federal enforcement priorities or limits the scope of the comment to marijuana laws.

⁷ Seven states are silent on this subject: Arkansas, Delaware, Michigan, Montana, New Hampshire, New Mexico, and North Dakota.

⁸ Connecticut RPC 1.2(d)(3) and Commentary to Connecticut RPC 8.4; Florida Bar Board of Governors, Policy Adopted May 2014 as reported in *Florida Bar News*, June 15, 2014; Hawaii RPC 1.2(d); Illinois RPC 1.2(d)(3); Minnesota Ethics Op. No. 23 (2015); New Jersey RPC 1.2(d); Ohio RPC 1.2(d)(2); Pennsylvania RPC 1.2(e); Rhode Island Ethics Advisory Panel Op. 2017-01; West Virginia RPC 1.2(e).

⁹ Arizona Ethics Op. 11-01 (2011); Maryland Ethics Docket No. 2016-10; New York Ethics opinion #1024 (9/29/14). These states have not yet reviewed their positions in light of Attorney General Session's recent action.

take action to permit its lawyers to advise clients on compliance with state medical marijuana laws.¹⁰

- Five states did not limit their ethics guidance to marijuana laws. In Connecticut, Hawaii, Illinois, Pennsylvania, and West Virginia, a lawyer may ethically assist a client regarding conduct authorized by any state law, as long as the lawyer also advises regarding the consequences under other applicable law.¹¹

Thus, the states that rely on declared federal enforcement priorities as a condition of allowing lawyers to assist clients in complying with state marijuana laws are now a small minority: they comprise only four (including Washington) of the twenty-three states that have a publicly available position on the issue.¹²

C. Marijuana Regulation and Industry in Washington State

Ethics Advisory Opinion 201501 notes that, at the time it was issued, much governmental and private effort had been invested in the establishment of a licensing and regulatory system for the retail marijuana business under the jurisdiction of the Washington State Liquor and Cannabis Board. It further notes that, despite the tension between Washington state law and the federal Controlled Substances Act, the Washington Attorney General and then U.S. Attorney General Eric Holder had devoted considerable time and effort to crafting Washington marijuana law provisions subject to federal guidelines.

The marijuana industry has expanded quickly in Washington. From July 1, 2014 through June 30, 2015, marijuana sales in Washington totaled \$259,522,322. Two years later this figure had climbed to \$1,371,795,851, and the state received \$314,839,660 in excise tax during fiscal year 2017.¹³

D. Recommendation to Revise Washington-Specific Comment [18] to RPC 1.2

The CPE unanimously recommends that Comment [18] be revised to eliminate reliance on federal enforcement priorities as a reference point for judging whether a Washington-admitted lawyer may ethically assist a client in complying with state marijuana laws.

The committee recognizes that, although attitudes toward marijuana have changed in Washington, along the West Coast, and in many other states, the same shift has not occurred nationwide. Marijuana may be a political issue in national politics for years to come, which means that related federal enforcement priorities may also be in flux for an extended period of time.

¹⁰ In Louisiana the Rule of Professional Conduct Committee declined to recommend an amendment to that state's RPC 1.2 that would have permitted lawyers to provide legal advice regarding marijuana cultivation and distribution. See lalegaletics.org, a blog maintained by Professor Dane S. Ciolino.

¹¹ Connecticut RPC 1.2(d)(3); Hawaii RPC 1.2(d); Illinois RPC 1.2(d)(3); Pennsylvania RPC 1.2(e); West Virginia RPC 1.2(e). California is poised to join this group, as explained in Footnote 6.

¹² Attachment 2 summarizes our research regarding ethics guidance in other states that have legalized marijuana.

¹³ <https://lcb.wa.gov/records/frequently-requested-lists>.

The CPE believes that clients in Washington should have dependable access to legal advice regarding compliance with state marijuana laws and that Washington lawyers should have consistent and reliable guidance concerning their ethical responsibilities in relation to these clients.

Advisory Opinion 201501 provides persuasive reasoning on this point:

As a general matter, and as noted in Official Comment 14 to the Preamble and Scope of the Washington Rules of Professional Conduct:

The Rules of Professional Conduct are rules of reason.
They should be interpreted with reference to the
purposes of legal representation and of the law itself.

RPC 1.2(d) and 8.4(b), (i), (k), and (n) are designed to ensure that lawyers do not undermine the rule of law, whether through assisting clients in or their own acts of criminal behavior. [Endnote omitted] In this unprecedented situation, it would be the failure to allow lawyers to advise their clients rather than allowing them to do so, that would undermine the rule of law.

Page 6. The opinion also notes that the predominant purpose of lawyer discipline is to protect the public, but the Washington public does not need protection from lawyers who assist clients in complying with state law. To the contrary, the Washington public is protected when the boundaries of state law are respected. Lawyers are instrumental in reinforcing respect for state law, and they should not have to fear discipline for playing that important role.

In addition to deleting the reference to federal enforcement priorities, the CPE recommends incorporating a direction that lawyers “shall” advise their clients about other applicable law.¹⁴ In adding this requirement, the CPE recommends that Washington follow the approach of Oregon, and that proposed by the State Bar of California, by referencing tribal law as well as federal law.

The CPE’s recommended revisions to Comment [18] are attached in red-lined form. If adopted, the comment would read as follows:

Under paragraph (d), a lawyer may counsel a client regarding Washington’s marijuana laws and may assist a client in conduct that the lawyer reasonably believes is permitted by those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal or tribal law and policy.

E. Recommendation to Adopt Washington-Specific Comment [8] to RPC 8.4

¹⁴ Of the states that permit their lawyers to assist clients in complying with state marijuana laws, virtually all express a similar expectation with mandatory or quasi-mandatory words such as “shall,” “provided,” or “so long as.” Maine expresses its expectation by saying that lawyers “should” provide this advice.

In 2014 the CPE recommended the adoption of a Washington-specific comment to RPC 8.4 to confirm that a lawyer who engaged in conduct permitted under Initiative 502 did not, without more, violate RPC 8.4(b), (i), (k), or (n). The Supreme Court did not adopt the suggested comment or any comment to RPC 8.4. In the CPE's opinion, the protection afforded by Comment [18] to RPC 1.2 would be incomplete without a counterpart comment to RPC 8.4.

By a vote of 5 to 2, the CPE recommends adopting a Washington-specific comment to RPC 8.4, as follows, which is more narrowly focused than the comment recommended in 2014:

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. *See also* Washington Comment [18] to RPC 1.2.

Such a comment would clarify that a lawyer's conduct in counseling or assisting a client regarding state marijuana law, which is protected under the "safe harbor" of Comment [18] to RPC 1.2, would not violate RPC 8.4 and therefore could not establish the basis for disciplinary action under that rule.¹⁵ The comment would not, however, provide a "safe harbor" for personal possession, sale, and distribution of state-legal marijuana by lawyers.¹⁶

If a lawyer is convicted of any felony, WSBA Disciplinary Counsel must file a formal complaint and petition the Washington Supreme Court for an order suspending the lawyer during the pendency of the disciplinary proceedings. ELC 7.1(c)(1). Upon the filing of the petition, the Washington Supreme Court must enter an order immediately suspending the respondent lawyer from the practice of law. ELC 7.1(e)(1). This would be the case even in the unlikely event that a lawyer were prosecuted and convicted of a federal felony based solely upon the providing of legal advice or assistance expressly permitted under Comment [18] to RPC 1.2.

The CPE is concerned that application of ELC 7.1(c)(1) and 7.1(e)(1) in the circumstance just described would be inconsistent with the rationale underlying Comment [18] to RPC 1.2. Recognizing that the application and amendment of the Rules for Enforcement of Lawyer Conduct are beyond the purview of the CPE, the committee nevertheless believes adoption of proposed Comment [8] to RPC 8.4 is important. Our objective is to confirm the "safe harbor" provided by Comment [18] to RPC 1.2 to the greatest extent possible within the RPCs, even

¹⁵ This approach would be consistent with that adopted by Alaska and Connecticut, the two states that have taken action with respect to RPC 8.4. Alaska's comment provides: "Although assisting a client under Rule 1.2(f) may violate federal drug laws, it is not a violation of Rule 8.4(b)." Connecticut's comment provides: "Counseling or assisting a client with regard to conduct expressly permitted under Connecticut law is not conduct that reflects adversely on a lawyer's fitness notwithstanding any conflict with federal or other law."

¹⁶ The dissenting members of the CPE favored a broader option that would also have added "or engaging in conduct that is permitted by those laws" to the safe harbor of Comment [8] so as to encompass personal possession, sale and distribution of state-legal marijuana by lawyers. They believe lawyers should be able to engage in the same activities as their clients and want to provide a safe harbor to lawyers who are now unsure of the scope of permissible conduct.

though the proposed comment would not prevent the filing of a petition for interim suspension or a formal complaint under ELC 7.1.

F. Status of Ethics Advisory Opinion 201501

The CPE intends to revisit Advisory Opinion 201501 after the Washington Supreme Court takes action with respect to the issues addressed by this recommendation.

Attachments:

Attachment 1: Proposed Amendment to Comment 18 to RPC 1.2 (Redline) and proposed new Comment 8 to RPC 8.4

Attachment 2: Survey of Other States That Have Legalized Medical and/or Recreational Marijuana

Attachment 1

Red-line of proposed revision to Comment [18] to RPC 1.2

Special Circumstances Presented by Washington's Marijuana Laws Initiative 502 (Laws of 2013, ch. 3)

~~At least until there is a change in federal enforcement policy~~ Under paragraph (d), a lawyer may counsel a client regarding ~~the validity, scope and meaning of~~ Washington's marijuana laws Initiative 502 (Laws of 2013, ch. 3) and may assist a client in conduct that the lawyer reasonably believes is permitted by ~~this statute and the other statutes, regulations, orders and other state and local provisions implementing them~~ those laws. If Washington law conflicts with federal or tribal law, the lawyer shall also advise the client regarding the related federal or tribal law and policy.

Proposed Comment [8] to RPC 8.4

[8] A lawyer who counsels a client regarding Washington's marijuana laws or assists a client in conduct that the lawyer reasonably believes is permitted by those laws does not thereby violate RPC 8.4. *See also* Washington Comment [18] to RPC 1.2.

Attachment 2

Positions of States (Other Than Washington) That Have Legalized Marijuana Activity (as of June 2018)

A. States That Have Legalized Both Recreational and Medical Marijuana

Eight states, including Washington, have legalized both recreational and medical marijuana. None of the other seven have qualified their blessing to advise marijuana clients based on federal enforcement priorities. Five of the seven gave their blessing by revising RPC 1.2(d) and/or adding a comment. Maine issued an ethics opinion, and Massachusetts issued a policy statement.

State	Action
AK	RPC 1.2(f) provides: “A lawyer may counsel a client regarding Alaska’s marijuana laws and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. If Alaska law conflicts with federal law, the lawyer shall also advise the client regarding related federal law and policy.” In addition, the last paragraph of the comment to RPC 8.4 provides: “Although assisting a client under Rule 1.2(f) may violate federal drug laws, it is not a violation of Rule 8.4(b).”
CA	The State Bar of California has requested public comment by July 3, 2018 on two versions of proposed rule 1.1.2. Both versions of Comment [6] would allow a lawyer to assist a client in complying with state law, so long as the lawyer also advises regarding any conflict with federal or tribal law. Neither version incorporates any reliance on federal enforcement priorities or limits the scope of the comment to marijuana laws.
CO	Comment [14] to RPC 1.2 provides: “A lawyer may counsel a client regarding the validity, scope, and meaning of Colorado constitution article XVIII, secs. 14& 16, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and the statutes, regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.”
ME	Ethics Opinion 215 (issued March 1, 2017) concludes: “[N]otwithstanding current federal laws regarding the use and sale of marijuana, Rule 1.2 is not a bar to assisting clients to engage in conduct that the attorney reasonably believes is permitted by Maine laws regarding medical and recreational marijuana, including the statutes, regulations, Orders and other state or local provisions implementing them. The Commission cautions that, because the DOJ guidance on prosecutorial discretion is subject to change, lawyers providing advice in this field should be up to date on federal enforcement policy, as well as any modifications of federal and state law and regulations, and advise their clients of the same.”
MA	Policy issued March 29, 2017: “The Massachusetts Board of Bar Overseers and Office of the Bar Counsel will not prosecute a member of the Massachusetts bar solely for advising a client regarding the validity, scope, and meaning of Massachusetts statutes and laws regarding medical or other legal forms of marijuana or for assisting a client in

	conduct that the lawyer reasonably believes is permitted by Massachusetts statutes, regulations, orders, and other state or local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy.”
NV	Comment [1] to RPC 1.2: “A lawyer may counsel a client regarding the validity, scope, and meaning of Nevada Constitution Article 4, Section 38, and NRS Chapter 453A, and may assist a client in conduct that the lawyer reasonably believes is permitted by these constitutional provisions and statutes, including regulations, orders, and other state or local provisions implementing them. In these circumstances, the lawyer shall also advise the client regarding related federal law and policy.”
OR	RPC 1.2(d): “Notwithstanding paragraph (c), a lawyer may counsel and assist a client regarding Oregon’s marijuana-related laws. In the event Oregon law conflicts with federal or tribal law, the lawyer shall also advise the client regarding related federal and tribal law and policy.”

B. States That Have Legalized Only Medical Marijuana

In the chart below, “Q” means that the state has expressly *qualified* its pronouncement that advising marijuana clients does not violate RPCs based on federal enforcement priorities.¹ Most states that have legalized medical marijuana have not qualified their positions.

State	Not Q	Q	Notes
AR			No revision of RPC 1.2 or adoption of a comment. Ethics opinions not publicly available online. Upon inquiry to the Arkansas voluntary bar association, we learned that it had proposed a comment to RPC 1.2 that would have allowed lawyers to counsel and assist clients regarding conduct expressly permitted by Arkansas law (not limited to marijuana laws), which the Arkansas Supreme Court declined to adopt.
AZ		X	Ethics op. 11-01: “The following is a reasonable construction of ER 1.2(d)’s prohibitions in the unique circumstances presented by Arizona’s adoption of the Act: <ul style="list-style-type: none"> • If a client or potential client requests an Arizona lawyer’s assistance to undertake the specific actions that the Act expressly permits; and • The lawyer advises the client with respect to the potential federal law implications and consequences thereof or, if the lawyer is not qualified to do so, advises the client to seek other legal counsel regarding those issues and limits the scope of his or her representation; and • The client, having received full disclosure of the risks of proceeding under the state law, wishes to proceed with a course of action specifically authorized by the Act; then • The lawyer ethically may perform such legal acts as are necessary or desirable to assist the client to engage in the conduct that is expressly permissible under the Act. This opinion and its construction of ER 1.2(d) are strictly limited to the

¹ The chart does not list states that have not legalized medical marijuana.

			unusual circumstances occasioned by the adoption of the Act. Any judicial determination regarding the law, <i>a change in the Act or in the federal government's enforcement policies could affect this conclusion.</i> "
CT	X		RPC 1.2(d): "... a lawyer may ... (3) counsel or assist a client regarding conduct expressly permitted by Connecticut law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct." RPC 8.4 Commentary: "Counseling or assisting a client with regard to conduct expressly permitted under Connecticut law is not conduct that reflects adversely on a lawyer's fitness notwithstanding any conflict with federal or other law."
DE			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
FL	X		Policy adopted by Bar Board of Governors in May 2014: "The Florida Bar will not prosecute a Florida Bar member solely for advising a client regarding the validity, scope, and meaning of Florida statutes regarding medical marijuana or for assisting a client in conduct the lawyer reasonably believes is permitted by Florida statutes, regulations, orders, and other state or local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy." Florida Bar News 6/15/2014
HI	X		RPC 1.2(d): "... a lawyer ... may counsel or assist a client regarding conduct expressly permitted by Hawai'i law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct."
IL	X		RPC 1.2(d): "... a lawyer may ... (3) counsel or assist a client in conduct expressly permitted by Illinois law that may violate or conflict with federal or other law, as long as the lawyer advises the client about that federal or other law and its potential consequences."
LA		Not OK	Annotation to RPC 1.2: "On November 2, 2016, the Louisiana State Bar Association Rule of Professional Conduct Committee debated the issue and declined to recommend an amendment to the Louisiana rules that would have permitted lawyers to give legal advice to LSU and Southern [University] regarding marijuana cultivation and distribution. In so doing, the committee respected the basic federalism principle of supremacy embodied in Article VI § 2 of the United States Constitution. Indeed, if the State of Louisiana were to permit racial discrimination in the workplace in violation of federal civil rights laws, the rules would not allow a lawyer to advise a restaurant as to how to refuse to hire African-American waiters. Allowing advice regarding illicit marijuana cultivation and distribution would have been just as unacceptable in our federal system."
MD		X	Ethics Docket No. 2016-10: RPCs do not prohibit advice or legal services, subject to limitations. Caveats: U.S. has expressly acquiesced to state action by stating it will not interfere with activity complying with state law (#1). <i>Position is largely predicated upon DOJ's stated</i>

			<i>position it will leave appropriately state regulated medical marijuana activities unmolested; should DOJ alter stance, the proposed conduct may no longer be appropriate (#3). Opinion is limited to application of MRPC to activities that the DOJ has acquiesced to under state medical marijuana law (#6).</i>
MI			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
MN	X		Opinion No. 23 (4/6/2015): "A lawyer may advise a client about the Minnesota Medical Marijuana Law and may represent, advise and assist clients in all activities relating to and in compliance with the Law, including the manufacture, sale, distribution and use of medical marijuana, without violating the Minnesota Rules of Professional Conduct, so long as the lawyer also advises his or her client that such activities may violate federal law, including the federal Controlled Substance Act, United States Code, title 21, section 841(a)(1)." Also, Minn. Stat. § 152.32(2)(i) (May 2014) (an attorney may not be subject to disciplinary action by the Minnesota Supreme Court or professional responsibility board for providing assistance related to Minnesota's medical marijuana laws). (Minnesota Supreme Court denied to petition to add comment to RPC 1.2 because not the appropriate place.)
MT			No revision of RPC 1.2; no comments at all; no ethics opinion.
NH			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
NJ	X		RPC 1.2(d): "A lawyer may counsel a client regarding New Jersey's medical marijuana laws and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. The lawyer shall also advise the client regarding related federal law and policy."
NM			Formal Op. 2016-01 (Lawyer's Ability to Represent Medical Cannabis Businesses) has been withdrawn.
NY		X	Ethics opinion #1024 (9/29/14): " <i>In light of current federal enforcement policy</i> , the New York Rules of Professional Conduct permit a lawyer to assist a client in conduct designed to comply with state medical marijuana law, notwithstanding that federal narcotics law prohibits the delivery, sale, possession and use of marijuana and makes no exception for medical marijuana."
ND			No revision of RPC 1.2 or adoption of a comment. No ethics opinion.
OH	X		RPC 1.2(d)(2): "A lawyer may counsel or assist a client regarding conduct expressly permitted under Sub. H.B. 523 of the 131 st General Assembly authorizing the use of marijuana for medical purposes and any state statutes, rules, orders, or other provisions implementing the act. In these circumstances, the lawyer shall advise the client regarding related federal law."
PA	X		RPC 1.2(e): "A lawyer may counsel or assist a client regarding conduct expressly permitted by Pennsylvania law, provided that the lawyer counsels the client about the legal consequences, under other applicable law, of the client's proposed course of conduct."
RI	X		Ethics Advisory Panel Op. 2017-01: "The inquiring attorneys may

		ethically advise clients about Rhode Island's medical marijuana law, and may ethically represent, advise, and assist clients in all activities relating to and in compliance with the law, provided that the lawyers also advise clients regarding federal law, including the federal Controlled Substances Act.
VT	X?	<p>Comment [14] to RPC 1.2(d): "With respect to paragraph (d), a lawyer may counsel a client regarding the validity, scope, and meaning of Title 18, chapters 84, 84A, and 86 of the Vermont Statutes Annotated, and may assist a client in conduct that the lawyer reasonably believes is permitted by these statutes and the rules, orders, and other state and local provisions implementing the statutes. In these circumstances, the lawyer shall also advise the client regarding the potential consequences of the client's conduct under related federal law and policy."</p> <p>Board's Notes: "Given the conflict between state and federal law, <i>and DOJ's current enforcement policy</i>, this is an area in which advice from an attorney is critical and into which clients should not be forced to enter without counsel."</p>
WV	X	RPC 1.2(e): "A lawyer may counsel a client regarding West Virginia law and assist the client to engage in conduct that the lawyer reasonably believes is authorized by those laws. If West Virginia law conflicts with federal law, the lawyer shall also advise the client regarding related federal law and its potential consequences."



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THE ALLIANCE
for Equal Justice

MEMBER

August 7, 2018

SENT VIA ELECTRONIC MAIL TO mary.fairhurst@courts.wa.gov

Chief Justice Mary Fairhurst
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Access to Justice Technology Principles Update

Dear Chief Justice Fairhurst:

On behalf of the Access to Justice (ATJ) Board, I am writing about the updated Access to Justice Technology Principles. In response to the Supreme Court's 2015 request to update the 2004 Principles, the ATJ Board's Technology Committee has been working diligently to make the Principles more relevant and meaningful given that that the original Principles are now almost 14 years old.

I am pleased to report that the ATJ Board approved the enclosed draft of the updated Principles and respectfully requests the Supreme Court's approval and direction on next steps.

The ATJ Board's Technology Committee facilitated a thorough and inclusive process in evaluating the enclosed 2004 Principles and identifying what kind updates were necessary. The following is a summary of the process the Committee went through:

- **September 9-10, 2016:** The Technology Committee organized the Access to Justice Technology Symposium at the University of Washington School of Law where nearly 100 people gathered together and focused on legal technology innovation. The symposium launched the process for updating the Technology Principles.
- **March 15, 2017:** Following the symposium, a small workgroup formed to identify a Chair for the Tech Principles Update Workgroup and to lay out a timeline for the updating process. Sart Rowe agreed to serve as the Chair, recruitment of workgroup members started and the first meeting took place in March 2017.
- **April 2017 to October 2017:** The workgroup created an online survey and solicited feedback on the 2004 Principles. Some workgroup members

facilitated in-person interviews to gather feedback. Sart Rowe attended the Spokane Regional Justice Planning Group meeting and solicited feedback on the 2004 Principles.

- **October 27, 2017:** In an effort to solicit more feedback and engage in updating the Principles, the workgroup organized an event called “Rethink, Retool, Reboot: Technology and Justice” where over 50 people gathered together at the University of Washington School of Law. The event started with a panel of speakers to provide context on how much has changed since the 2004 Principles were adopted. The remainder of the event was a hackathon style format where attendees split up into facilitated small group discussions focusing on each principle.
- **November 2017 to February 2018** – Following the event, the workgroup set out an ambitious schedule of reviewing the feedback and drafting newly revised Principles. The workgroup split up into smaller groups focusing on each principle and engaging in a rigorously drafting process.
- **February 9, 2018** – The workgroup met as a larger group for the day at Seattle University School of Law to review the work of the smaller groups and discuss the revisions together. At the end of the day, the workgroup had a working draft of the updated Principles.
- **April to June 2018** – In recognition of the need to get feedback from diverse voices including client communities, the workgroup asked the University of Washington Tech Policy Lab to gather input using their Diverse Voices process. Enclosed is the feedback the Tech Lab solicited from the following four different focus groups: formerly or currently incarcerated people, legal professionals, immigrant communities, and rural communities.
- **July 2018** – The workgroup reviewed, evaluated and incorporated the feedback received through Diverse Voices into the final proposed draft. The Technology Committee approved the final draft and presented it to the ATJ Board on July 13th. The Board unanimously approved presenting the updated Principles to the Supreme Court for your approval and guidance on an implementation process.

The ATJ Board is grateful for the many volunteers who spent countless hours poring through the Principles. The Board is also thankful for the many people who shared their feedback throughout the updating process. The enclosed updated Principles are the result of a commitment to the intersection of technology and justice shared by many.

The ATJ Board respectfully requests the Supreme Court’s adoption of the revised Technology Principles and guidance on an implementation process. There are many ways the Principles can be implemented. The 2004 Technology Principles were printed in the Washington Court Rules

book at one time. At the "Rethink, Retool, Reboot: Technology and Justice" event in October 2017, it was suggested that the newly revised Principles be adopted as Court Rules. Please let me know if the Court prefers a presentation of the updated Principles and/or to discuss the implementation possibilities in person. You can reach me at geoff.revelle@FisherBroyles.com or Diana Singleton, Access to Justice Manager, at dianas@wsba.org. I look forward to hearing from you.

Respectfully,



Geoffrey Revelle
Access to Justice Chair

cc: Judge Laura Bradley, ATJ Board Member and Technology Co-Chair
Destinee Evers, Outgoing Technology Committee Co-Chair
Jordan Couch, Incoming Technology Co-Chair
Sart Rowe, Technology Principles Update Workgroup Chair
Paula Littlewood, WSBA Executive Director

encl: Current Technology Principles
Updated Technology Principles
Diverse Voices Feedback

Updated ATJ Technology Principles

For Review: Access to Justice Technology Court Rules	pp 1-5
Stakeholder Feedback from Diverse Voices	pp 6-29
Current ATJ Technology Principles (adopted 2004)	pp 30-46

Access to Justice Technology Court Rules

Scope

The Access to Justice Technology Court Rules are adopted to

- Guide the justice system's use of technology,
- Combat discrimination, unfair treatment, and unjust biases in the justice system, and
- Ensure that technology does not create unfair results or processes for resolving legal problems.

The Access to Justice Technology Court Rules apply to everyone involved in the justice system, including:

- Courts,
- Clerks of the court,
- Court administrators, and
- Contractors with the courts, clerks, and court administrators.

Definitions of Terms:

- Equity
 - Equal access to participation in the justice system for all people with a focus on fair and understandable processes and outcomes.
- Technology

- Technology includes but is not limited to hardware and software, and all mechanisms and means used for the production, storage, retrieval, aggregation, transmission, communication, dissemination, interpretation, presentation, or application of information, including but not limited to data, documents, records, images, video, sound and other media.

Access to Justice for All

Everyone should have access to the justice system.

Use of technology in our justice system should increase and must not diminish:

- equitable access to justice;
- opportunities for participation; and
- usability, accountability, efficiency, and transparency.

Technology in our justice system must start with a design for fairness and must be evaluated regularly against these rules.

All technology must be designed and used to eliminate discrimination, unfairness, and other unjust systemic biases and practices.

Openness, Privacy and Safety

Technology in the justice system must

- be open to the public and transparent,
- protect the safety of the people involved,
- protect the privacy of the people involved,
- maintain available and understandable definitions of the access levels or authorities of all participants,
- assure that information can be viewed, created, changed or deleted only by participants with the appropriate access levels, and
- assure that confidential information is not introduced into the public domain.

People must have meaningful access to view their own information and have it corrected if inaccurate.

Accountability and Fairness

The justice system must maximize the beneficial effects of technology while continuously improving technology to address the needs of people most impacted by or least able to engage effectively with the justice system. Users should have a voice in the acquisition and implementation of technology, including as testers.

The justice system must ensure that technology, especially algorithms, are continuously evaluated before, during and after development and implementation, for

- inequitable processes;
- unfair outcomes; and
- negative impacts.

Technology in development that results in unfairness or inequity must not be implemented.

Technology that is already implemented that results in unfairness or inequity must be corrected, or if the harm cannot be eliminated, removed from use.

Maximizing Public Awareness and Use

The justice system must provide access to knowledge about itself and promote public awareness of its processes and resources.

Actors in the justice system must

- regularly seek input from and listen to the public, and
- make regular improvements to technology, and the methods of providing information about the technology, based on user needs, experience, and feedback.

Usability

Technology in the justice system must be easy to use, affordable, and efficient.

Accessible Formats

Court information must be available to the public and should be available in ways that best enable its use. Information and resources must be offered in formats that do not place a financial burden upon users.

Plain Language

The justice system must create or provide all public information and resources in plain language.

Best Practices Workgroup

The technology committee of the Access to Justice Board will establish a workgroup that maintains and shares practical information, resources, definitions, and best practices for implementing the ATJ Technology Court Rules. The workgroup will continuously update these resources and publish them at: [URL]. The workgroup will report to the Access to Justice Board annually.

Accessibility

The justice system must consider, design, and implement technology systems for all persons, including those with disabilities.

Cultural Responsiveness

Technology in the justice system must incorporate principles and practices which address and respond to cultural variables and diversity of people and communities.

Human Touch

Technology should be used to increase the level of human interaction, and to preserve or increase the humanity of our justice system.

Language Access

Courts should communicate in the preferred languages of people. Technology must be used in ways which enhance communication.

Dear Sarterus,

We would like to express our sincere thanks to you and the Access to Justice Technology Committee in sharing the revised ATJ Technology Principles with our team, and inviting us to use it with our Diverse Voices Process. The Diverse Voices Project at the UW Tech Policy Lab is a targeted method to include under-represented groups in early-stage tech policy document development. The process solicits feedback on tech policy documents from panels representing diverse communities.

For your paper, we chose to meet with panels representing (i) formerly or currently incarcerated people, (ii) legal professionals, (iii) immigrant communities, and (iv) rural communities. Feedback from other stakeholder groups would also be valuable, for example from youth involved in the justice system and extremely low income people. However, our process is intended to be time and resource efficient; as such we narrowed our panels to four stakeholder groups, which we felt represented communities that are not typically consulted in the policymaking process.

Our panels are designed to draw on multiple kinds of expertise. Each panel session includes members of the stakeholder group itself (expertise based on lived experience), and those who interact closely with the group via a personal relationship (expertise based on social support), or a professional role (expertise based on institutional role). Panelists are provided with a copy of the document in advance, then paid for their time and input to read and comment on the principles. On the day of the panel session, we begin with a segment intended to familiarize all panelists with the topic, and elicit open-ended feedback on the technology itself. Panelists viewed 2-3 videos and two cartoons (see attached, "Technology Introduction"). This part of the session is intended to encourage feedback from all panelists, and to hear which issues are most salient to them with respect to the topic in general. The second segment of the panel session moves to more targeted feedback about the document, and what specifically about the experience of the stakeholder group they would like to see reflected in the principles.

Because of the form and function of the panel sessions, it is important to note that some of the input provided by panelists is addressed to the impact of the justice system for the stakeholder group. This feedback often intersects with the scope of the principles; in our synthesis of the panelists' input attached below, we have located where in the principles these ideas seem to best intersect.

The panel groups found the technology principles timely, well thought out, and an important endeavor. Our panel sessions were spirited discussions around experiences with technology in the justice system. Panelists appreciated the way the principles dealt with the various impacts technology in the justice system could have on those participating in or serving as a part of the system. They found instances where the principles could speak to their experiences. All panelists embraced the idea that principles such as these should guide the procurement and use of technology in the justice system.

Please find attached the results of our panel sessions, presented by individual panel. In each memo, you will find feedback synthesized from our sessions with panelists, tied wherever possible to specific principles, and presented in panelists' own words. We offer this input with the hope that it is constructive.

Thank you again for sharing the ATJ Technology Principles. It has also given us the opportunity to refine and reflect on our own method and approach.

With thanks,

The Diverse Voices Team

Hannah Almeter, Prof. Batya Friedman, Lassana Magassa, Vivek Srinivasan, Meg Young

UW Tech Policy Lab
The University of Washington

Technology Introduction: Technology in the Justice System

To introduce expert panelists to technology in the justice system, we used a combination of videos and cartoons, presented in the order shown below.

1. VIDEOS

- **"Watch the LawHelp Interactive (LHI) Intro Video"**

This video is a promotional video from LawHelp Interactive, an online service that uses AI to assist with filling out legal forms. The video gives a brief overview of the service including examples of the types of forms available. It then walks through the process with the example of applying for guardianship of a minor to enroll a child in school. This video was presented at all four panels, and was cropped to end at 00:01:13.

URL: <https://youtu.be/68vVyT1PwK0>

- **"King County's eCourt"**

This video was produced by KingCounty TV in 2013 to highlight the new technology available in King County's first eCourt. The narrator highlights the positive aspects of the technology, and various court personnel are interviewed to discuss the changes the technology will bring to the courtroom. This video was presented at the Currently and Formerly Incarcerated Panel, Legal Professionals Panel, and Immigrants Panel and was cropped to end at 00:02:09.

URL: <https://www.youtube.com/watch?v=Aozad0Qunhg>

- **"Can An Algorithm Save America's Justice System? | NBC News"**

This video from NBC News discusses a new risk assessment algorithm designed to help with pre-trial detention decisions in New Jersey. It starts with a critical look at the use of money bail, discussing the practice's negative impacts. The narrator then gives an explanation of the risk assessment algorithm, discusses drawbacks such as costs of technology and personnel, and ends by emphasizing the role of the judge in final decisions. This video was presented at all four panels, and was cropped to end at 00:01:56.

URL: <https://www.youtube.com/watch?v=eWDpOpnONL4>

2. CARTOONS



Figure 1 - <http://rall.com/2014/03/13/los-angeles-times-cartoon-robosheriff>



Figure 2 – Image 10 of 10 <http://mchumor.com/law-cartoons-pqA13.html>

Formerly/Currently Incarcerated Expert Panel Insights

Panel Composition:

Lived Experience (Formerly/Currently Incarcerated): 4

Associated with Group: 1

Total: 5

1. ISSUES RELATED TO FORMERLY/CURRENTLY INCARCERATED PEOPLE

- **Access to familial support and timely contextual information**
ATJ ref: in the Technology Principles, see "Access to Justice for All"

Panel commentary: The panelists drew attention to the difficulties incarcerated people face in communicating with their communities of support during incarceration (pre or post-trial). Panelists also discussed barriers formerly and currently incarcerated people face in accessing information, including information about their cases. Panelists emphasized that deprivation of access to these resources can, in some cases, lead to prolonged incarceration and unfair outcomes.

Panelist quotes:

- "I wanted to piggyback on the bail thing. I know that, and I'm not sure if this is on topic, but sometimes bail can be really, really low, but as soon as you're incarcerated, and your phone and all your information is taken from you, and you don't have that information memorized. You can't even call a family member, and they won't allow you to take phone numbers out of your phone, or can I see my phone book? ... I know that one time I sat in county jail for 10 months, because I couldn't remember a phone number for a family member, and they had no idea where I was. They had no idea, until I served my time, and then got released..."
- "Well, it's just their lack of access when they're incarcerated. The law library's mostly paper. They don't get to access information in real time, or even up to date. Even at the jails, right, it's they're asking me, "Do you know people that could donate some stuff to the law library?" It's just outdated. If they even get ..."
- "Can you bring me a copy of the sentencing? Can you bring me a copy of the point stuff and the DOSA information, which is like a drug offender right. And because we don't have access to this information, and so if there's something that the courts could do. Maybe it's a couple of things. Computers, I don't know, that people could access to get this kind of information, to help them understand their case ... Support it. In the meantime, while their public defender is able to see them for whatever reason. That they're able to learn, advocate, or that they want to talk to their attorney about."

- **Consider the barriers technology can introduce for currently incarcerated people interested in accessing the justice system**

ATJ ref: in the Technology Principles, see "Accessible Formats", "Plain language" and "Usability"

Panel commentary: The panelists noted that formerly and currently incarcerated individuals often have limited access to digital devices and capacity to use them. If this context is not accounted for, instead of the advertised enabling impact, technology may inadvertently lead to adverse impact.

Formerly/Currently Incarcerated Expert Panel Insights

Panelist quotes:

- "I had a specific experience at the courts for the law library in prison, and yeah. They have computers, but they're on a totally different system, and you can sit down in front of it, and you can't figure out how to maneuver, navigate inside the system, and there isn't anybody there that's going to help you. That's counterintuitive. They're not helping you. Yeah, we've got these computers here. Good luck. You're on your own. Nobody's answering any of your questions."
- "A lot of the people that we're working with are coming out of prison after significant times. Don't know a computer, haven't used a computer. Don't have an email address, or how to manage an email. Remember passwords, and they may have gotten a password in their phone, but now they don't have it, so it can be daunting as well. Anything electronic, for majority of the people that we see coming through our doors."

- **Substitute equitable access for equal access**

ATJ ref: in the Technology Principles, see "Definitions of Terms"

Panel commentary: The panel felt the terms equity and equality need to be revisited. It was noted that perhaps "equal access" should be replaced with "equitable access towards achieving fair outcomes." What counts as a fair outcome should be defined and could include the idea of minimizing harms to the accused and to the victims.

Panelist quotes:

- "The first thing, really, when I read it, was in the definitions part. There's the very first bullet point says equity, and then it says equality, equal access. One of the things that comes to mind is that equity and equality are not the same thing, and there is often times what happens, is that in order to achieve equity you actually have to give up equality..."
- "I would change where it says equal access. I would put it equitable access, and then where it says with a focus on fair outcomes, I put down here fair points to equality. Not being appropriate at all times, and that equity implies fair by considering the circumstances, and so maybe by rethinking what it means to have fair outcomes. Maybe that needs to be fleshed out and defined a little bit more about what fairness really is."
- "Things can sometimes have to not be equal in order for equity to be achieved, and so if equity is the goal, then we might want to consider removing the whole idea of equality, because I think in a lot of ways, systemically, things are not equal. We're talking about equity, and so there's a different range of what is accessible and what's necessary."

- **Need for efficiency in the criminal justice system**

ATJ ref: in the Technology Principles, see "Access to Justice for All" or possible new principle of Efficiency

Panel commentary: The panel noted that technology could increase the likelihood that the criminal justice system is efficient. Particularly for issues related to criminal and civil court matters. Panelists mentioned that the current draft does not refer to 'efficiency' as a value and it might be worth incorporating it – either into the existing principle of Access to Justice for All or as a separate principle.

Panelist quotes:

- "Well, I think court technology, to me, means that they should have real time information on your status, meaning current and up to date. Not this, that's the fact that

Formerly/Currently Incarcerated Expert Panel Insights

charge was taken off, doesn't show up, because their records aren't current. It needs to be in real time. Information needs to be real-time."

- **Need for technology to support informed decision making**

ATJ ref: in the Technology Principles see "Access to Justice for All", "Openness, Privacy and Safety"

Panel commentary: Panelists noted that people who go through the judicial process should have the capacity to represent themselves in a meaningful way. In order to do this, they need to be informed of their choices during decisive moments (such as a plea bargain). This requires easy access to case documents and the ability to understand them. Those who represent them should also have meaningful information about the individuals.

Panelist quotes:

- "The first video¹ was about processing smaller, streamlining how people have access to forms, and filling out the right paperwork, and all that. What occurs to me is that while that could seem simple to somebody who is familiar with how to do that, it's a really daunting task to sit in front of a computer and fill something out, to certain people."
- "What if somebody is producing the wrong paperwork? Who's checking it? While technology might be able to provide a lot of opportunities, or access, it could equally provide as many disadvantages and leaving people out, if a full spectrum of considerations isn't taken into account."
- "One example was an individual who was in the women's prison, who was trying to get a name change because of death threats, and so she was going to file this paper through the courts, and had no idea how to do it. She goes down to the law library, and I want to do a name change. How do I do that? Well, nobody knows and nobody's going to tell her. The lady at the desk is saying, 'I can't give you advice.' ... Well, so say that you write to a courthouse and say I would like a name change packet. It would be helpful if there was a how to, a step by step instruction that went along with that process. Especially for people that don't even understand the justice system, because then she went through and filled out what she thought was right, and sent it off, and waited weeks and got it back, and said you did the wrong thing. What a waste of time, and resources."

- **Need crisp and concise language**

ATJ ref: in the Technology Principles, see "Access to Justice for All", "Definitions of Terms" and "Openness, Privacy and Safety"

Panel commentary: Participants acknowledged the importance of defining terms. Panelists identified several terms for which introducing a definition or revising a current definition would add value.

Panelist quotes:

- Racism: [Pertains to Access to Justice for All principle] "That's page two, the middle of the page. The last little line, access to justice for all. It says all technology must be designed and used to eliminate racism, so to me, and I think to a lot of people, there's different definitions of what racism is. To some people, it just means the dislike or the oppression of a certain race of people. To me, I understand racism as race prejudice and

¹ Referencing the video introducing technology in the justice system, LawHelp Interactive. See "Technology Introduction" for more information on the video.

power. There's a relationship there that exists, and so I think fleshing out what racism, what definition is the working definition within this document needs to be done"

- Privacy and Transparency: [Pertains to Openness, Privacy, and Safety principle] "... then openness privacy and safety. There's a point that says to be open to the public and transparent, and then two of them down, protect the privacy of people involved, so how do you reconcile being transparent, but at the same time being private? I think you have to give up a little bit each time you're working with either one, and so there's a risk involved when you're being transparent, that you're somehow compromising privacy. If you're trying to be private there's a lack of transparency, so you have to reconcile the two."
- Meaningful Access: [Pertains to Openness, Privacy, and Safety] "It says meaningful access. Meaningful access means different things to different people. Who's defining what meaningful is?"

- **Non-English speakers use of technology to access information**

ATJ ref: in the Technology Principles, see "Plain Language"

Panel commentary: The panelists mentioned that English is not the first language of all of the individuals incarcerated. They emphasized the importance of acknowledging this in the technology principles and suggest providing guidance that calls attention to this fact and helps people address it in their decision making process.

Panelist quotes:

- "Then there's the question, of course, of is it translated in other languages? How many languages? ... While technology might be able to provide a lot of opportunities, or access, it could equally provide as many disadvantages and leaving people out, if a full spectrum of considerations isn't taken into account."
- "Plain language, what does that mean? This a point of potential inequity, because while you're trying to make it plain English, you could also be leaving out an entire, someone who speaks a totally different language ...

- **Low literacy English speakers use of technology to access information**

ATJ ref: in the Technology Principles, see "Plain Language"

Panel commentary: This principle discusses how all information and resources should be made available in plain language. The panelists questioned the meaning of plain language in terms of reading comprehension, clarifying that the reading level of the average population is at sixth grade level. Panelists felt that plain language should be clarified in terms of comprehension level and that the principles should account for those with low literacy.

Panelist quotes:

- "What's interesting about the plain language is for the state we went through plain talk education, but I work with unemployment claimants. I can't understand what they're saying, because the double talk that's in it, it's not clear for the average person who's supposed to be writing it at sixth grade level, and it's not making sense at a fourth grade level."
- "Reading at a level of the average population. I think that [level] was down by the sixth grade."

- **Using a more dynamic phrase for Cultural Competence**

ATI ref: in the Technology Principles, see "Cultural Competence"

Panel Commentary: Panelists agreed that continuously reflecting on culture is valuable. Although some who use the term competency understand that it is a lifelong process, cultural competency does not consider "cross-cultural" interaction and implies that one can achieve competence. The panelists agreed that a more appropriate term would be *cultural responsiveness*. Cultural responsiveness is a more dynamic term that acknowledges that one is always learning and engaging.

Panelist quotes:

- "For me, maybe it's exploring the user of that term altogether. Just because competence assumes that you know something about somebody or you know...which then comes with its whole other set of biases and stuff ... I'm trying to think, of cultural responsiveness. There's other more accountable processes, instead of becoming competent."
- "Most of us, we assume what a cultural issue may be, but are we correct? Maybe it's in more definition of how that could be done, or--"

- **Prioritizing human voice in algorithmic decision making**

ATI ref: in the Technology Principles, see "Access to Justice for All"

Panel Commentary: Panelists discussed the impact that algorithmic decision making can have on currently or formerly incarcerated people in the justice system.² The panelists felt that algorithms cannot capture all facets of consideration for a decision, and emphasized that decisions, especially those that impact formerly or currently incarcerated people, need to be made by a person not an algorithm. The panelists agreed that the principles should highlight the idea that new technologies should not replace human agency in decision making.

Panelist quotes:

- "When someone's in court and you're fighting literally for their life, that decision needs to be made by a person. Not a computer, but by the judge, whoever's going to make the decision, because that person's life is going to be hanging on the line."
- "...just how much weight, or decision making power are we giving technology, right? We're using all these technological systems to give us some information to make decisions, but how much weight are we you know, relying on that, versus human, our decisions?"
- "I think it [the cartoons on algorithmic decision making] also assumes that, I think technology, in some ways, like this. Especially this bottom one [referencing cartoon that reads "The jury and our computers find the defendant guilty"], assumes that right and wrong is always just yes or no. It is or it isn't, and there's a whole gray area of what is right and what is wrong, that I think can be established by what you're saying, which is the nuances of humanity. Of being human. You cannot negate that, so it's those things have to be considered."

² An introductory video and two cartoons discussed the use of AI Risk Assessments. See "Technology Introduction" for more information.

Immigrant Communities Expert Panel Insights

Panel Composition:

Lived Experience (Immigrants): 3

Associated with Group: 1

Total: 4

1. ISSUES RELATED TO IMMIGRANTS

- **Designing technology to minimize bias in the justice system**

ATI ref: in the Technology Principles, see "Scope," "Access to Justice for All," and "Accountability and Fairness"

Panel commentary: In the Scope, Access to Justice for All, and Accountability and Fairness, the document calls out as a goal combating or eliminating unjust biases, unfairness, and inequity. Panelists highlighted that achieving this through technology requires careful design consideration of ways in which unconscious and ingrained biases of actors within the justice system can affect outcomes. These design decisions should be carefully considered during procurement of technology as well as with technology use.

Panelist quotes:

- "The last one, the bottom one, "all technology must be designed and used to eliminate racism", so I wrote, "I don't see how this is possible, unless you remove the individuals' names and gender." Anyone reviewing documents can deduce the heritage, nationality, gender, race, from a name in many cases."

- **Barriers to meaningful participation for immigrant communities**

ATI ref: in the Technology Principles, see "Definition of Terms"

Panel commentary: The Definition of Terms section defines equity in terms of equal access to participation. Panelists questioned whether simply being present constitutes equal access. The panelists emphasized that comprehension and meaning are key components of meaningful participation in the justice system. The definition of equal access should be expanded to include meaningful comprehension as a key facet of participation.

Panelist quotes:

- "So in terms of equal access, it would mean that they clearly understood right? Otherwise, we're assuming that just by presenting these things that they understood."
- [Person 1:] "Yeah, because participation means you're here, you're present, right? It doesn't really necessarily mean that you understand what's going on in terms of the process. So there's a little ambiguity in terms of assuming that just because you're present, you're understanding what's going on in the court and what's happening." ... [Person 2:] "I guess it's a lot to do with comprehension. I might understand what you're telling me, but I don't understand the meaning of what you're telling me."

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- **Acknowledging the importance of human touch and legal advice in the justice system**

ATJ ref: in the Technology Principles, see "Scope" and "Access to Justice for All"

Panel commentary: In Scope and Access to Justice for All, the principles discuss technology's impact on humans and the justice system. Panelists emphasized that for immigrant communities, accessing the justice system mainly via technology can be a barrier – human touch and legal advice are critical to immigrants' access to the justice system. The principle of Access to Justice for All should be amended to encourage those procuring new technology to consider the importance of maintaining human touch and access to legal advice in the justice system.

Panelist quotes:

- [Person 1:] "...in the detention center, they're doing telephonic, or not telephonic, they're doing the video judging. Which, is quite interesting." [Person 2:] "Yeah, so the person who's detained, and potentially if they have an attorney, the attorney is there, but the immigration judge and the ICE attorney are somewhere else. So there's that disconnect and when someone is testifying or telling their story, you don't necessarily feel that connection. So when decision are made, how does the location, being in a different room impact the judge's ultimate decision."
- "...Where is the legal advice part that's needed? Because if there is a [legal] process that's happening, how is that going to impact the other issue potentially that the person is going through? As it relates to immigration, when a minor is no longer considered a child, how that impacts potential petition by the parent. So stuff like that, and there's no room for that legal background, and more in depth intake of "is this something you want to do?"
- "...In most cases an immigrant would need an attorney to work through any legal process, as many are illiterate like I mentioned. Even if the process is localized to the language, sometimes they don't- ... When the words are too hard to understand."

- **Technology-specific challenges: when technology fails and discrepancy in access across the state**

ATJ ref: in the Technology Principles, see "Access to Justice for All"

Panel commentary: Access to Justice for All discusses how technology should improve access to the justice system. Participants brought up barriers that immigrants face when they have encountered technology in the justice system. The first barrier being that technology meant to facilitate access fails to operate as it should. The second being discrepancies in technological and other resources available in resources across the state. The principles should encourage those procuring technology in the justice system to reflect on and plan for those and other insufficiencies. The technology will fail at some point and back-up systems should be in place as part of regular best practice.

Panelist quotes:

- "And when technology doesn't work... I've also seen where they tried to get an interpreter and because the phone in that courtroom wasn't working, the judge didn't want to reconvene at a later time, so then they just tried to push through."

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The technology was there, but then when it falls through there is no backup. While technology is great, there are times that it doesn't work and there has to be a fine line, I think, for people to have a fair right to the legal system."

- "And I think across the board, I mean, maybe Seattle has this [technology], but you go down to Centralia and it's kind of where you land. It's the [local conditions], honestly it's going to determine your outcomes, just because of lack of technology and resources."

- **Consider adding a component on evaluating technology and enforcing the technology principles**

ATJ ref: in the Technology Principles, see "Accountability and Fairness"

Panel commentary: Panelists felt that there was an evaluation or accountability component missing to the principles. They proposed either creating a separate evaluation principle or adding an evaluation component under the principle of Accountability and Fairness. When considering evaluation, panelists suggested defining what parties will be responsible for ensuring compliance.

Panelist quotes:

- "Is it because it's there, I don't know, is there like some check and balances, who's following up on whether we're doing it [that is using technology to promote equal access] so that it's not unjust, who's the person checking that this is happening?"
- "Just the whole evaluation itself. It's not defined here to say what is that evaluation, right. And it's just saying, accountability and fairness when using algorithms has to be done. When, by whom and is it before or after implementation or is there follow up on that ... Somewhere in there to tie in to make sure that there's a test with the technology itself either before implementation or after, or both. To make sure it's not biased."
- [Person 1:] "[Evaluation] Maybe as an overall [section]?" [Person 2:] "Yeah, it would be a whole nother section." [Person 1:] "Because it's really it's a document as a whole right? This is all the process? So, I mean, would you agree, [Person 2:]?" [Person 2:] "Yeah. I mean I feel like, just like with any policy or procedure, there has to be an evaluation piece, and accountability piece, and I don't know, I feel like that's its own entity almost." [Person 1:] "Somebody that can look at the whole document and really evaluate, and I think it really does have to be third party, just like with any other -" [Person 3:] "What do you think?" [Person 4:] "I was thinking maybe it could go under this section, accountability and fairness, but at the end. Like move this [accountability and fairness section] at the end." [Person 2:] Mm-hmm (affirmative). Yeah."

- **Consider adding a new principle: training for court personnel on systemic bias in the justice system, particularly in relation to technology use**

ATJ ref: in the Technology Principles, see "Scope" and "Access to Justice for All"

Panelist commentary: In the Scope and Access to Justice for All, the document lays out goals for the use of technology in the justice system, including eliminating unjust biases and ensuring technology does not create unfairness. Panelists were concerned about how the ingrained and unconscious biases of those in the justice system would impact or hinder these goals. Panelists felt that a missing component of this process would be training for court

Immigrant Communities Expert Panel Insights

personnel on systemic racism and unjust biases to enable those personnel in the justice system to identify unjust biases or unfairness as a result of technology.

Panelist quotes:

- [Referring to the last sentence in "Access to Justice for All"] "I just don't see how this is possible, because it is something, and maybe I got too deep on this, because it is something that is ingrained in an individual's upbringing and a very difficult if not impossible trait to change."
- "So one thing is the sort of training that is going on, because all these different people in different positions are accessing the technology, but are they also being trained on what's systemic racism and unjust biases are? In order to be able to identify whether this [the technology principles] is working, or not?"

- **Language is a significant barrier that immigrant communities face in the justice system**

ATJ ref: in the Technology Principles, see "Usability" and "Plain Language"

Panel commentary: Panelists mentioned language as a significant barrier that immigrants face in accessing justice. They suggest adding an explicit reference to multiple languages or translation in the Plain Language principle along with text clarifying what plain language means in terms of comprehension level or treatment of legal terms. Panelists brought up text or literacy as a barrier to technology, and suggested expanding Usability to consider multiple communicative formats such as video or other non-text formats.

Panelist quotes:

- "One of the things that also, that I see in legal documents, in translations, sometimes they don't make sense. They just don't make sense. Some of the words. So having a good translation in place, people don't want to invest in translators they do it on google translate...Yeah, having a good translator for documents and the technology is going to be in several languages."
- [Person 1:] "I've also seen where they should have had interpreting whether it be telephonic or in person and they didn't. Then that person is struggling through their limited English."
- [Person 1:] "So the formats. Yeah. Should be accessible in multiple formats. Inclusive of Braille, or inclusive of any communicative form that people are going to understand or have access to." [Person 2:] "Yes. That's right." [Person 3:] "So I think we should add that, I think there needs to be more than just this one sentence [in Usability]."
- "So what is, plain language to me would be kind of like an education level, right? Reading level of comprehension or does plain language mean English?"
- "So I'm thinking easily understood, like words, so not too complicated. The vocabulary itself. But I think it's also important to have the legal terms also, because when going back to the guardianship, if I don't know that it's called the guardianship, how am I going to know that's what I'm looking for? So in a way that the legal term is provided, but there's the basic use of vocabulary or explanations, or here's what this means, like a link."

Immigrant Communities Expert Panel Insights

2. GENERAL/OTHER ISSUES

In the course of the immigrant community panel, other issues came to the fore. We highlight some of those here.

- **Clarifying the scope and definition of terms**

ATJ ref: in the Technology Principles, see "Scope" and "Definition of Terms"

Panel commentary: Panelists suggested including attorneys in the scope as they use technology in the justice system and have control over how a case is presented. When reviewing the document, panelists were unsure of the scope or meaning of actors/participants and justice system; they proposed clarifying them in the definition of terms.

Panelist quotes:

- "I think we should be holding, holding the attorneys accountable...Because they have that power and control over how a case is presented...because, the word encourage to me is like an option. It's a suggestion. So I think that they need to be on the list [in the Scope]."
- "And under the definition of terms is the same use in terms of participants so that everybody understands who these actors are...If you're going to use two different terms in the document, and you're really meaning the same people or person, we should choose one term, and put it in the definition as what this group of people is, right?"
- [Person 1:] "...is it just in the courtroom? Or is it really in the jail or in the detention center, that they could have access to-" [Person 2:] "And maybe to address that one definition, one term that should be defined, could be the "justice system." What is that? What does that-" [Person 1:] "Entail or include?" [Person 2:] "Yeah, is it just the courtroom, like you're saying, or is it the process?"

- **Involving the public in the procurement of technology**

ATJ ref: in the Technology Principles, see "Maximizing Public Awareness and Use"

Panel commentary: The panelists felt that missing from Maximizing Public Awareness and Use was how frequently and in what manner the public are consulted. They weren't clear if these activities would be a onetime event during procurement or ongoing. They also wanted to know what educational processes would be used to make the public aware of justice system technology and resources.

Panelist quotes:

- [Person 1:] "Yeah, so for this part [Maximizing Public Awareness and Use], how are we maximizing public awareness? And I know [Person 2], you said something..." [Person 2:] "Just like the educational processes to the public. If that's really the intent, then what's the process?"
- "As well as frequency I would say. How often do you ask the public, right."

Legal Professionals Expert Panel Insights

Panel Composition:

Lived Experience (Legal Professionals): 5

Associated with Group: 0

Total: 5

1. ISSUES RELATED TO LEGAL PROFESSIONALS

- **Confusion about document type**

ATJ ref: in the Technology Principles, see "Scope", "Access to Justice for All" and "Best Practices Workgroup"

Panel Commentary: Panelists were confused on whether these are rules, principles, or standards. Different terms are used throughout the document. The implications are different depending on the type of label attached to the document. Panelists recommended revisiting the language for consistency and clarity.

Panelist quotes:

- "It strikes me that these, to my way of thinking, are not rules. These are principles. And I think there's a significant difference there because if it's a rule, then it ought to be something specific and it's going to be enforced in the following ways or your filings will not be allowed or whatever."
- "Actually, I was thinking the same thing, and I had some involvement with these a long time ago. At that time, I think they were principles. And I was also like, 'Oh, are these rules now? I forget. Are they rules?' and I went out to the AOC website to try to find them and the rules and I couldn't find them. I thought, 'Okay. Well, maybe they're not rules. Are they rules or are they not rules?' Do you know? I couldn't find them."
- "So there are lots of different standards that are available. And we could say, 'Okay, we in Washington State are adopting a certain standard for usability.' The same thing for accessible formats or plain language, okay? How many are the languages I need to support? So we can take those, since ... So my general comment is like, I think that this would be better off as standards or some sort of rules than principles itself, and the principles, if you can go back ... I could not find anything that was wrong with those principles¹ because broadly, they work."

- **Consider adding a component on compliance with the Technology Principles and holding parties accountable**

ATJ ref: in the Technology Principles, see "Scope"

Panel Commentary: The scope section describes who the principles are directed toward. The panel questioned whether the document is in fact principles or some other type of document (see "Confusion about document type"). If the document will function as principles, there was agreement among all participants that there needs to be some thought about how adherence to the principles will be monitored and how accountability will be encouraged and facilitated. For example, as a best practice, courts could require vendors to demonstrate how their system meets the Access to Justice Technology Principles prior to purchase.

¹ Referencing the current tech principles available online.

Panelist quotes:

- "The challenge that I've seen is like, let's say for example, we all agree that multiple languages is a good option. But to add maybe the second language, if it takes a \$100,000 more, who's paying for it? And how does it fall in the priorities? In which case something like this is good in principle but weak in adoption. And so I think it needs to do something which helps us go beyond, and I wouldn't suggest ... you're absolutely right. Going to a rule-making and all of that will run into issues, and especially with the non-unified court system, again adoption needs to be voluntary but I think some of these things are probably better off if we are a little more precise when someone is procuring the system, in which case you can have ... As part of the systems that we have used, procured to AOC, we have actually got ATJ members on the [inaudible] committee to basically look at some of these things. But that doesn't happen uniformly, again."
 - "And that's why I said at the start, I thought the question ... and how is it enforced? Because these principles really can't be enforced as such standing alone, but you could do something like, I think I suggested at the start that when you're contracting with people for technology or a particular service or software, something like that, you just write into the contract, that you will be familiar with and you will demonstrate by such and such date how your system conforms to this. And that can be done, and so then you have a contract right where people are not fulfilling their duty, but in terms of making it otherwise enforceable or if we go through ruling, it's going to take years."
 - "Under the rules, the Access to Justice technology court rules apply to all and it [the Scope] says courts, courts to court, court administration. And that makes sense to me, but in the State of Washington, the biggest kind of supplier of court technology is administrative office for the courts. And I think, in some way, they should be listed here because they provide all the technology for most of the courts around the state, and so obviously they're subject to this but it's not necessarily clearly laid out that way."
- **The use of technologies in the courts should not cause those with less sophisticated technologies to become excluded.**
ATJ ref: in the Technology Principles, see "Scope," "Access to Justice for All," "Accessible Formats"

Panel Commentary: Panelists discussed inequalities and differences across court systems that are caused by a range of factors. The panelists felt having a set of principles that considered these inequalities and differences would increase the likelihood that individuals will not be negatively impacted because, for example, either courts or individuals engaging with the courts do not have the means to participate electronically.

Panelist quotes:

- "I was going to say the court documents. At least in Washington now, I think everyone has court documents available in electronic form, although that, once you really dive into that and ... so for instance, I know King County has electronic filing of documents, whereas in Snohomish County, we would like to be there but we're not due to some infrastructure limitations at AOC."

- **The use of technology to serve people engaging with the justice system should not make access to the justice system financially prohibitive.**

ATJ ref: in the Technology Principles, see "Maximizing Public Awareness and Use"

Panelist Commentary: Panelists mentioned that accessing the justice system includes a financial cost. The use of technology in the justice system does not inherently remove these financial costs and can sometimes increase them. The panelists felt that technology within the justice system should not increase the financial cost of seeking justice. They also indicated that all costs should be transparent.

Panelist quotes:

- "One thing that would be helpful is ... and this is a principle, that if there's a process or a legal thing that they're [people accessing the court system] attempting to get, to let people know up front if there's going to be costs because if they're cost-prohibitive, they won't even try, and it's helpful to know that ahead of time. If it's something that they'll be able to do and complete the process without any costs later in the system, to tell them up front is a huge service to them. So that's one broad principle. Whether it's a protective order or something else with family law to let people know there's no cost in it. I mean, I don't know how many issues that would affect in the court system but that would be a service."

- **Listing additional biases**

ATJ ref: in the Technology Principles, see "Scope" and "Access to Justice for All"

Panel Commentary: The Scope and Access to Justice sections position technology to eliminate unjust biases, specifically racism. Panelists encouraged expanding this to include other specific biases and suggested mentioning those biases. Specifically, panelists identified language barriers and disability as two additional categories, and also suggested looking at the list of protected categories in Washington's law against discrimination.

Panelist quotes:

- "So race is the one thing pulled out and then everybody else is put in the unjust bias category, so I was wondering about that because when I first started reading this, when I thought about my clients who have issues, I thought about language barriers and disability as two of the biggest areas of access. And so I think, by naming race and only race, if people aren't dealing with that issue, then also it's a kind of a shutting down. Like "well this doesn't apply to me or my client" or ... So I think either in the beginning, it needs to be broader, naming a lot of underserved folks. Or not pulling out any..."
- "Generally with the list, one thing we talked about earlier is not just listing race, but I do think at some point in here, it might be helpful to list ... for example, barriers associated with and then actually have a list because if you don't have a list, people are just going to gloss over that Access to Justice ... and one of the places to go [for a list is] Washington's law against discrimination. They have a list of protected categories so that would be a good starting place..."

- **Acknowledging the impact of the transient (impermanent) character of information produced and disseminated by the justice system**

ATJ ref: in the Technology Principles, see "Openness, Privacy and Safety"

Panel Commentary: In Openness, Privacy, and Safety, the principles discuss making information open and editable. The principle also talks about maintaining privacy. Panelists noted that maintaining privacy brings challenges in a digital society. They also mentioned that more often than not it is nearly impossible to alter documents that have been filed in the court system. The panel indicated that there are already rules in place about how data needs to be disseminated. It was not clear if there are rules about the use of the information by third-parties, particularly as it relates to the fact that the label given to a document can change overtime. The panel encouraged the use of language that highlights the importance of encouraging users of the principles to turn towards existing rules and explore ways of encouraging compliance.

Panelist quotes:

- "And then also going back to juvenile cases. Again, access, so we've had situations where someone will successfully have their juvenile case sealed, and under the statute, it specifically says it's to be treated as if it never existed and that anyone responding is to respond that way. And yet there's these companies that data mine and download that information. I recall one case in particular. In fact, I was contacted by the attorney who this individual had applied for a job as a firefighter in another state, had successfully passed all the testing, but when it came to the background check, this person responded that they cannot have any convictions. Had a sealed case, and it happened to be for arson. And it came up on a background check because some company had data mined that information, so that person was excluded from that job opportunity. That's just one example and there's many."
- "I think we have an inherently ... a system that's trying to take into account the justice in an open ... what the Constitution says about justice administered openly, and it's trying to protect some of the people involved in these situations. Those are people who legitimately got their records sealed."
- "Yeah, but in general, do those things happen because we don't have rules? We actually have the rules of how the data needs to be disseminated, so it's not because of the lack of rules, it's more to do with I think the implementation of the technology itself, or the controls."
- "So if you're a vendor and you bought a copy of the database and it had that juvenile record in it, and you didn't update the copy that you bought when that became sealed, so then you released it, so the rules were there that tells you, "I'm a vendor and I'm obligated to, to update my version of what I bought from AOC, but if I let it out ...," either that the company didn't follow the rules or someone found it dug up in an old something or other and it was already purchased by somebody and repurchased. That whole purchase and repurchase, then who's obligated to follow the rules? That secondary release of data, tertiary, and all the others, yeah."

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Panel Composition:

Lived Experience (Rural Communities): 3

Associated with Group: 0

Total: 3

1. ISSUES RELATED TO RURAL COMMUNITIES

- **How technology can interact with human bias**

ATJ ref: in the Technology Principles, see "Scope" and "Access to Justice for All"

Panel commentary: In the Scope and Access to Justice for All, the principles highlight that technology should not create unfairness or bias. Panelists acknowledge the potential for technology to bring bias but feel language about technology's potential to check human bias was missing. Panelists proposed adding language around people's information processing bias.

Panelist quotes:

- "The way I would, it ties into something I got to thinking about when I read this over this morning, it's all about bias. So any program is automatically biased. But human beings are massively biased too so it's really balancing ... maybe using the two to help balance out. So the one thing, the thing that I do that is sort of unique from others is I study conflict psychology. One of the things that's become crystal clear to me is most people have a bias in their information processing. ... So, technologies, it's not going to cure that but maybe help be a check on that. I don't know. I would love to see technology, some kind of language in there about acknowledging that humans have biases in information processing. Technology maybe should be considered as something that can help reduce the incidence of that."
- "So unjust biases and racism, how about racism, unjust cultural and information processing biases. Does that make sense?"

- **Acknowledging the importance of human touch in the justice system**

ATJ ref: in the Technology Principles, see "Scope" and "Access to Justice for All"

Panel commentary: The Scope and Access to Justice for All discuss technology's impact on humans and the justice system. Discussing the emphasis on human touch or a holistic view they felt present in rural justice systems, the panelists voiced concerns that this can get lost when bringing in technology. Panelists proposed adding language around "high touch" as opposed to "high tech."

Panelist quotes:

- "The other thing is I would like to see some kind of language in there about high touch; high tech is great but this is human beings we're dealing with and relationships. People need to be heard in order to feel justice. When I see people talking about tech stuff, that rarely comes in. ... So, I've been doing technology for a long time and it's always the case where whatever the technology is, it's the best, it's going to change everything. People really just kind of tend to get lost in

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it. It's just so easy to lose sight of listening skills. People need to be heard, if they're not heard, then you get problems."

- "I also think the roles of, in using technology to ensure efficiency in the courtroom, we should realize that we're still dealing with human beings. I think we get wrapped up in this tech result or this form result and it's like you're still lost, you've still lost the fact that you have someone with this human problem."

- **Expanding Access to Justice for All to consider aspects of access relevant to rural communities (e.g., ease and efficiency of appearance)**

ATJ ref: in the Technology Principles, see "Access to Justice for All"

Panel commentary: Panelists felt that the first sentence under "Access to Justice for All" could be strengthened and suggest adding "and the ability to be reasonably fully heard," something that they discuss elsewhere as an important dynamic of justice, especially with increasing technology. For rural communities, they also emphasized the importance of ease of appearance in accessing justice due to distance. Panelists proposed adding to the bulleted list that technology must increase and not diminish "ease of appearance" and should not create new inefficiencies for appearance.

Panelist quotes:

- "Yeah, well our system, we have a great phone access system. If someone wants to appear by the phone, the judge picks up the speaker phone and dials them. And they're right there, it's super easy. In Jefferson County, you've got to go through a ridiculous court call, is that what it is? I don't know, you sit on the phone for hours and hours waiting to be heard, listening to everybody else. You haven't been through that. When you can appear by phone, you pay some money, you just call in at 9:00 when the calendar starts and you listen to everybody else and then your case gets called at 11:00 in the morning and they're, oh, are you still awake? Are you there? And it costs money. But for us, there's no charge, the judge just calls. It's beautiful. ... Technology should facilitate, facilitate- ... A little more specifically, I was going to say ease of appearance [to the courtroom]. But it can't be a must, it should be a should because sometimes it just doesn't work. And then sometimes the judge calls and it goes to voicemail or maybe someone's out of service, so it's reasonable, it has to be reasonable."

- **Aspects of physical safety can be of concern for rural justice systems**

ATJ ref: in the Technology Principles, see "Openness, Privacy, and Safety"

Panel commentary: Openness, Privacy, and Safety specifically mentions safety once - protect the safety of the people involved. A panelist felt that safety in this principle focused more on digital privacy, to the exclusion of physical safety. The panelist recommended the document reflect how technology could be used to ensure safety within the courtroom, especially in areas that are short staffed.

Panelist quotes:

- "What was the privacy issue and protection of privacy of confidential information, well that leads to that information safety. It doesn't necessarily lead to courtroom safety. Or it doesn't lead to a safer system. I would wonder if you had a very big, that you knew the entire proceeding was recorded on a video?"

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Whether that would might change some people's behavior in the courtroom? ... And or public, not public but recording so it can be close circuit monitored because a lot of, our court doesn't have a bailiff. So our running joke is that with the camera there it will at least let the folks in the jail know they should call 911."

- **Consider adding a new principle: training on technology used in the justice system**

ATJ ref: in the Technology Principles, see "Maximizing Public Awareness and Use"

Panel commentary: The section Maximizing Public Awareness and Use discusses the need to promote awareness and receive input from the public on technology. Panelists suggested adding to this a training component for those who interact with or are a part of the justice system, discussing challenges of being unfamiliar with technology used in the justice system. They proposed adding a principle that would encourage people to address how people within or interacting with the justice system will be prepared and educated for new or existing technology.

Panelist quotes:

- "I think it's more of that he [a judge mentioned earlier who presided over a cyber-harassment case] hasn't used that type of technology at all. He, that's not what he does, neither does the officer [from the case] and the officer is younger than me. It's just, that's not his world. So it's like that's one of those things where I was kind of reading through this as well going, okay, we've got a whole lot of folks coming in with their phones, having a different system and having that understanding; where the other way, [those] who are making decisions who don't understand the technology that's being presented to them, that's kind of the other part of it."
- "Because there's a lot of information in here but there's really not anything here that says how the people using the technology are going to be prepared or educated in how to use it."

- **Accessible formats and financial barriers faced by rural communities**

ATJ ref: in the Technology Principles, see "Accessible Formats"

Panel commentary: The Accessible Formats principle discusses how information should be made available in formats that best enable use. Panelists questioned whether there are additional ways that technology needs to be made accessible for rural communities that should be mentioned here. Challenges discussed include slow internet connection speeds or limited data access, limited or no access to up to date or proprietary software, and the cost of technology. Panelists proposed that the principle should explicitly mention that documents should be available in at least two formats and that the cost of technology for various stakeholders should be considered during procurement.

Panelist quotes:

- "In rural communities, there are sections of rural parts of Washington that are not able to easily access just, through broadband, a system that is broadband rich. So if something is trying to do an online interview, and it's firing great in this building or in Forks, where I live with a 10 G connection, a mile and a half, two miles in one direction, they don't have that service, more like three miles in

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one direction, they don't have that. It's like a 1 Meg at best, down. So, I mean, you know, that's a problem and in some places, that's not even an option."

- "And then, also, how do you do, there's a lot of ways somebody could also do informational pieces, short segments like your video concepts, they have to be low bandwidth. To where if you download them on your phone, you're paying by the minute, you have a, I don't know what they're called, a clip phone? A flip phone or something? ... And that's pretty common, we have more folks who buy a card and that's their lifeline for a month. ... so if we're trying to say, well, how can they check when they have court cases and all that? Well, we've got it online, okay?"
- "And, again, the thing I encounter quite a lot is, oh, well we're doing it this way and you're doing it this way and I'm like, okay, the cost of the system you're describing is outside of the budget of the District Court or the City Attorney's Office. And, if that becomes a standard, where do we find those resources? And if we're struggling as the government to find those resources, how does a person try to utilize the system do that? And then that's a potential disadvantage. Technology alone can become a discriminatory disadvantage."

- **Accessibility and access to technology in rural communities**
ATJ ref: in the Technology Principles, see "Accessibility"

Panel commentary: Panelists discussed specific aspects of accessibility that impact rural communities, including access to or familiarity with technology. Panelists suggested adding the phrase "and those with limited skills or familiarity with technology" to Accessibility to highlight these challenges.

Panelist quotes:

- "And so I just keep coming back to if you can't access that, you don't have a computer, this assumes you can access this system through a computer. ... there's a lot of folks who still use a very inexpensive phone system because that's all they can ... poverty and access to technology usually don't connect with each other."
- [Person 1:] "Mark [panelist] and I had a client the other day who wasn't a proficient typer. So, it's not necessarily a disability but in a situation where you have to type, type, type, type, type, type, type, type, it's disabling. ... Yeah, I think in some ways we do take it for granted that most people have some sort of computer literacy." [Person 2:] "I was going to add the limited skills or familiarity with technology after disability. Because that gets to what you were saying. What if they don't type or they don't understand how to use the browser system?"

- **Access to translation is a significant barrier that rural communities face in the justice system**
ATJ ref: in the Technology Principles, see "Plain Language," and "Accessibility"

Panel commentary: Plain Language and Accessibility discuss how technology or information in the justice system should be made available to those accessing it. A concern that panelists discussed is the difficulty of accessing translation services in rural areas. They highlighted that lack of access to translation in rural justice systems affects access and fairness for immigrants and others. The principles should address the need for translation or multiple languages when accessing the justice system.

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Panelist quotes:

- "We have a significant portion of the population that are immigrants from Mexico and Latin America ... you watch Defense Counsel, the Judge and also the Prosecutor all sitting here going, okay, we've got to, wait a second, this is not working. Interpreter on the phone speaker, is trying to figure out what language the person is using. And it's a dialect. And we've got the kid, sometimes it's the kid, trying ... that one that occurs probably once a month, is a flag on the field, but how else do you deal with the system out in the far reaches? Everybody is cognizant of it which is interesting. ... Because if nothing else, we're all going to have to explain what we did to someone, right? So we acknowledge that we are going to have to do that if someone says, well, no, they didn't understand this, well, here's what we did, here's what we did, is kind of universal by all the participants. That creates, I would say, a high level of concern, for me, for fairness."
- "But also other things, not just computer literacy but things like, like a language barrier. It would be great if our forms could be easily translated in a way that makes sense. With the click of a button, that would be cool. And it says, all persons [in Accessibility]."

2. GENERAL/OTHER ISSUES

In the course of the rural community panel, other issues came to the fore. We highlight some of those here.

- **Applying the principles to other state agencies who share systems or data with the justice system**

ATJ ref: in the Technology Principles, see "Scope"

Panel commentary: The last sentence of the Scope encourages those who might not be covered by the principles to use them as guidelines. Panelists were concerned that the justice system relies on information from other state agencies' systems to make decisions, but these systems were not a part of the Scope. They suggested adding language encouraging the adoption of principles by state agencies even if mandating adoption is beyond the scope, such as changing "all corporations and people in the Washington justice system" to "all corporations, state agencies, and people in Washington who utilize the justice system or who the justice system relies upon."

Panelist quotes:

- [Person 1:] "And on page three at the top [in Openness, Privacy, and Safety], people must have meaningful access to either their own information or have corrected if inaccurate, can we apply that to the department of licensing? If there is a potential for a discriminatory technological system, it is the D.O.L. driving history. And, this is a prosecutor telling you that." ... [Person 2:] "So you need to put, in this sort of high level document, reference to the court system and other governmental agencies that key in." [Person 1:] "Yeah." [Person 2:] "Or that were relied on by the court system." [Person 1:] "Yeah. And the police, everybody- the D.O.L. system is what everybody uses for driving offenses. What if it's wrong? And the process, and it is wrong, they're getting better, they have made huge strides in the last ten years. But we rely on that. That could be a barrier or a burden as well."

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- [Person 1:] "I think it might be nice for the justice system to realize that some of the things it's relying upon from other state agencies, probably should be encouraged to look at these same issues. ... But also if the court's relying on another agency's data set to make determinations, that should be reviewed under these same, does that system have the potential to create a bias or could it be in error? Could it be presuming things that may not apply?" [Person 2:] "So you're saying like then just add it? And so all corporations, state agencies and what was the other phrase you said?" [Person 1:] "State departments, state agencies would be fine." [Person 2:] "And people in Washington who utilize the justice system or who the justice system relies upon."

- **Comments on the language used in the principles**

ATJ ref: see "Definition of Terms," "Accountability and Fairness," "Plain Language," "Best Practices Workgroup," and "Cultural Competence"

Panel commentary: A panelist requested that sections of the document be checked for readability, concerned that some areas are at a high reading level. These included: the first sentence in accountability and fairness, and the sections on best practices and cultural competence. In the definition of terms, panelists questioned whether equity invokes too narrow of a legal definition and offered equality as an alternative. And while discussing Plain Language, panelists proposed as an addition the use of illustrative language.

Panelist quotes:

- "The other thing I'm going to say is you need to run these phrases and if you're using Word, go and have readability. Because there's one sentence, I've read it three times, I'm like, I know what you're saying. Under Accountability and Fairness, but that first sentence? You're somewhere in year three or four year of college if not above."
- "Well, is equity a right word? I mean, in my mind equity is a specific legal concept and invokes something that is narrower than fairness. ... Equality?"
- "Plain Language is great but I think illustrative language as well. There's value in the U.S.A. Today approach to explaining things."

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ACCESS TO JUSTICE
TECHNOLOGY PRINCIPLES

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ORDER

NO. 25700-B-

WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons; and

WHEREAS, responding to the unmet legal needs of low and moderate income people and others who suffer disparate access barriers or are otherwise vulnerable, and the need for leadership and effective coordination of civil equal justice efforts in Washington State, the Supreme Court established an Access to Justice Board as a permanent body charged with responsibility to assure high quality access for vulnerable and low and moderate income persons and others who suffer disparate access barriers to the civil justice system. The Supreme Court further ordered that, among other responsibilities, the Access to Justice Board shall work to promote, develop and implement policy initiatives which enhance the availability of resources for essential civil equal justice activities, develop and implement new programs and innovative measures designed to expand access to justice in Washington State, and promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and

WHEREAS, in working to fulfill those responsibilities, the Access to Justice Board recognized that developments in information and communication technologies,

including the Internet, pose significant challenges to full and equal access to the justice system, that technology can provide increased pathways for quality access, but it can also perpetuate and exacerbate existing barriers and create significant new barriers. The Board determined it must plan and act proactively to take maximum advantage of the opportunity to destroy or minimize such barriers and to create more effective and efficient means of access to the justice system and increase the quantity and quality of justice provided to all persons in Washington State; and

WHEREAS, in 2001 the Access to Justice Board empowered and charged a Board committee to engage in a broad-based and inclusive initiative to create a body of authoritative fundamental principles and proposed action based thereon to ensure that current and future technology both increases opportunities and eliminates barriers to access to and effective utilization of the justice system, thereby improving the quality of justice for all persons in Washington State; and

WHEREAS, over a three-year period the Board and committee fulfilled the responsibility of broad and inclusive involvement and the development of “The Access to Justice Technology Principles”, with accompanying comments and proposed action based thereon; and The Access to Justice Technology Principles have been endorsed by the Board for Judicial Administration, the Judicial Information System Committee, the Board of Trustees of the Superior Court Judges’ Association, the Board of Trustees of the District and Municipal Court Judges’ Association, the Board of Governors of the Washington State Bar Association, the Minority and Justice Commission, the Gender and Justice Commission, the Attorney General, and the Council on Public Legal Education; and

WHEREAS, a statewide Judicial Information System to serve the courts of the State of Washington was created by the Supreme Court in 1976 to be operated by the Administrative Office of the Courts pursuant to court rule, and charged with addressing issues of dissemination of data, equipment, communication with other systems, security, and operational priorities; and

WHEREAS, consistent with the intent of this Order, pursuant to RCW 2.68.050 the courts of this state, through the Judicial Information System, shall, in pertinent part, promote and facilitate electronic access of judicial information and services to the public at little or no cost and by use of technologies capable of being used by persons without extensive technological ability and wherever possible by persons with disabilities, and;

WHEREAS, the application of the Access to Justice Technology Principles to guide the use of technology in the Washington State justice system is desirable and appropriate; and

WHEREAS, the wide dissemination of the Access to Justice Technology Principles will promote their use and consequent access to justice for all persons;

Now, therefore, it is hereby

ORDERED:

(a) The Access to Justice Technology Principles appended to this Order state the values, standards and intent to guide the use of technology in the Washington State court system and by all other persons, agencies, and bodies under the authority of this Court. These Principles should be considered with other governing law and court rules in deciding the appropriate use of technology in the administration of the courts and the cases that come before such courts, and should be so considered in deciding the

appropriate use of technology by all other persons, agencies and bodies under the authority of this Court.

(b) The Access to Justice Technology Principles and this Order shall be published expeditiously with the Washington Court Rules and on the Washington State Bar Association website, and on the courts website as maintained by the Administrative Office of the Courts. The following introductory language should immediately precede the Access to Justice Technology Principles in all such publications and sites:

“These Access to Justice Technology Principles were developed by the Access to Justice Board to assure that technology enhances rather than diminishes access to and the quality of justice for all persons in Washington State. Comments of the Access to Justice Board committee drafters accompanying the Principles make clear the intent that the Principles are to be used so as to be practical and effective for both the workers in and users of the justice system, that the Principles do not create or constitute the basis for new causes of action or create unfunded mandates. These Principles have been endorsed by the Board for Judicial Administration, the Judicial Information System Committee, the Board of Trustees of the Superior Court Judges’ Association, the Board of Trustees of the District and Municipal Court Judges’ Association, the Board of Governors of the Washington State Bar Association, the Minority and Justice Commission, the Gender and Justice Commission, the Attorney General, and the Council on Public Legal Education.”

(c) The Administrative Office of the Courts in conjunction with the Access to Justice Board and the Judicial Information System Committee shall report annually to the Supreme Court on the use of the Access to Justice Technology Principles in the Washington State court system and by all other persons, agencies, and bodies under the authority of this Court.

DATED at Olympia, Washington this _____ day of October 2004.

Washington State Access to Justice Technology Principles

**Adopted by the Washington State Supreme Court
December 3, 2004**

An Initiative of the Washington State Access to Justice Board

PREAMBLE

The use of technologies in the Washington State justice system must protect and advance the fundamental right of equal access to justice. There is a particular need to avoid creating or increasing barriers to access and to reduce or remove existing barriers for those who are or may be excluded or underserved, including those not represented by counsel.

This statement presumes a broad definition of access to justice, which includes the meaningful opportunity, directly or through other persons: (1) to assert a claim or defense and to create, enforce, modify, or discharge a legal obligation in any forum; (2) to acquire the procedural or other information necessary (a) to assert a claim or defense, or (b) to create, enforce, modify, or discharge an obligation in any forum, or (c) to otherwise improve the likelihood of a just result; (3) to participate in the conduct of proceedings as witness or juror; and (4) to acquire information about the activities of courts or other dispute resolution bodies. Further, access to justice requires a just process, which includes, among other things, timeliness and affordability. A just process also has “transparency,” which means that the system allows the

public to see not just the outside but through to the inside of the justice system, its rules and standards, procedures and processes, and its other operational characteristics and patterns so as to evaluate all aspects of its operations, particularly its fairness, effectiveness, and efficiency.

Therefore, these Access to Justice Technology Principles state the governing values and principles which shall guide the use of technology in the Washington State justice system.

Comment to “Preamble”

Access to justice is a fundamental right in Washington State, and the State Supreme Court has recognized and endeavored to protect that right in its establishment of the Access to Justice Board. From an understanding that technology can affect access to justice, these Access to Justice Technology Principles are intended to provide general statements of broad applicability and a foundation for resolving specific issues as they arise. The various parts of this document should be read as a whole.

A broad definition of the terms used herein is necessary to ensure that our underlying constitutional and common law values are fully protected. The terms used in this document should be understood and interpreted in that light.

These Principles do not mandate new expenditures, create new causes of action, or repeal or modify any rule. Rather, they require that justice system decision makers consider access to justice, take certain steps whenever technology that may affect access to justice is planned or implemented, avoid reducing access, and, whenever possible, use technology to enhance access to justice.

SCOPE

The Access to Justice Technology Principles apply to all courts of law, all clerks of court and court administrators, and to all other persons or parts of the Washington justice system under the rule-making authority of the Court. They should also serve as a guide for all other actors in the Washington justice system.

“Other actors in the Washington justice system” means all governmental and non-governmental bodies engaged in formal dispute resolution or rulemaking and all persons and entities who may represent, assist, or provide information to persons who come before such bodies.

“Technology” includes all electronic means of communication and transmission and all mechanisms and means used for the production, storage, retrieval, aggregation, transmission, communication, dissemination, interpretation, presentation, or application of information.

Comment to “Scope”

This language is intended to make clear that the Access to Justice Technology Principles are mandatory only for those persons or bodies within the scope of the State Supreme Court’s rulemaking authority. It is, however, hoped and urged that these Principles and their values will be applied and used widely throughout the entire justice system.

It is also intended that the Access to Justice Technology Principles shall continue to apply fully in the event all or any portion of the performance, implementation, or accomplishment of a duty, obligation, responsibility, enterprise, or task is delegated, contracted, assigned, or transferred to another entity or person, public or private, to whom the Principles may not otherwise apply.

The definition of the word “technology” is meant to be inclusive rather than exclusive.

1. REQUIREMENT OF ACCESS TO JUSTICE

Access to a just result requires access to the justice system. Use of technology in the justice system should serve to promote equal access to justice and to promote the opportunity for equal participation in the justice system for all. Introduction of technology or changes in the use of technology must not reduce access or participation and, whenever possible, shall advance such access and participation.

Comment to “Requirement of Access to Justice”

This Principle combines promotion of access to justice through technology with a recognition of the “first, do no harm” precept. The intent is to promote the use of technology to advance access whenever possible, to maintain a focus on the feasible while protecting against derogation of access, and to encourage progress, innovation, and experimentation.

2. TECHNOLOGY AND JUST RESULTS

The overriding objective of the justice system is a just result achieved through a just process by impartial and well-informed decision makers. The justice system shall use and advance technology to achieve that objective and shall reject, minimize, or modify any use that reduces the likelihood of achieving that objective.

Comment to “Technology and Just Results”

The reference to a “just process” reaffirms that a just process is integral to a just result. The reference to “well-informed decision makers” is to emphasize the potential role of technology in gathering, organizing, and presenting information in order that the decision maker receives the optimal amount and quality of information so that the possibility of a just result is maximized.

3. OPENNESS AND PRIVACY

The justice system has the dual responsibility of being open to the public and protecting personal privacy. Its technology should be designed and used to meet both responsibilities.

Technology use may create or magnify conflict between values of openness and personal privacy. In such circumstances, decision makers must engage in a careful balancing process, considering both values and their underlying purposes, and should maximize beneficial effects while minimizing detrimental effects.

Comment to “Openness and Privacy”

This Principle underlines that the values of openness and privacy are not necessarily in conflict, particularly when technology is designed and used in a way that is crafted to best protect and, whenever possible, enhance each value. However, when a conflict is unavoidable, it is essential to consider the technology’s effects on both privacy and openness. The Principle requires that decision makers engage in a balancing process which carefully considers both values and their underlying rationales and objectives, weighs the technology’s potential effects, and proceed with use when they determine that the beneficial effects outweigh the detrimental effects.

The Principle applies both to the content of the justice system and its operations, as well as the requirements for accountability and transparency. These requirements may mean different things depending on whether technology use involves internal court operations or involves access to and use of the justice system by members of the public.

4. ASSURING A NEUTRAL FORUM

The existence of a neutral, accessible, and transparent forum for dispute resolution is fundamental to the Washington State justice system. Developments in technology may generate alternative dispute resolution systems that do not have these characteristics, but which, nevertheless, attract users who seek the advantages of available technology. Participants and actors in the Washington State justice system shall use all appropriate means to ensure the existence of neutral, accessible, and transparent forums which are compatible with new technologies and to discourage and reduce the demand for the use of forums which do not meet the basic requirements of neutrality, accessibility, and transparency.

Comment to “Assuring a Neutral Forum”

Technologically generated alternative dispute resolution (including online dispute resolution) is a rapidly growing field that raises many issues for the justice system. This Principle underlines the importance of applying the basic values and requirements of the justice system and all the Access to Justice Technology Principles to that area, while clarifying that there is no change to governing law.

This Principle is not intended in any way to discourage the accessibility and use of mediation, in which the confidentiality of the proceeding and statements and discussions may assist the parties in reaching a settlement; provided that the parties maintain access to a neutral and transparent forum in the event a settlement is not reached.

5. MAXIMIZING PUBLIC AWARENESS AND USE

Access to justice requires that the public have available understandable information about the justice system, its resources, and means of access. The justice system should promote ongoing public knowledge and understanding of the tools afforded by technology to access justice by developing and disseminating information and materials as broadly as possible in forms and by means that can reach the largest possible number and variety of people.

Comment to “Maximizing Public Awareness and Use”

While assuring public awareness and understanding of relevant access to justice technologies is an affirmative general duty of all governmental branches, this Principle expressly recognizes that the primary responsibility lies with the justice system itself. As stated in the Comment to the Preamble, none of these Access to Justice Technology Principles, including this one, mandates new expenditures or creates new causes of action. At the same time, however, planners and decision makers must demonstrate sensitivity to the needs, capacities, and where appropriate, limitations of prospective users of the justice system.

Communicating the tools of access to the public should be done by whatever means is effective. For example, information about kiosks where domestic violence protection forms can be filled out and filed electronically could be described on radio or television public service announcements. Another example might be providing information on handouts or posters at libraries or community centers. Information could also be posted on a website of the Council for Public Legal Education or of a local or statewide legal aid program, using an audible web reader for persons with visual or literacy limitations. The means may be as many and varied as people’s imaginations and the characteristics of the broad population to be reached.

6. BEST PRACTICES

To ensure implementation of the Access to Justice Technology Principles, those governed by these principles shall utilize “best practices” procedures or standards. Other actors in the justice system are encouraged to utilize or be guided by such best practices procedures or standards.

The best practices shall guide the use of technology so as to protect and enhance access to justice and promote equality of access and fairness. Best practices shall also provide for an effective, regular means of evaluation of the use of technology in light of all the values and objectives of these Principles.

Comment to “Best Practices”

This Principle is intended to provide guidance to ensure that the broad values and approaches articulated elsewhere in these Access to Justice Technology Principles are implemented to the fullest extent possible in the daily reality of the justice system and the people served by the justice system. The intent is that high quality practical tools and resources be available for consideration, use, evaluation, and improvement of technologies in all parts of the justice system. This Principle and these Access to Justice Technology Principles as a whole are intended to encourage progress, innovation, and experimentation with the objective of increasing meaningful access to quality justice for all. With these goals in mind, the development and adoption of statewide models for best practices is strongly encouraged.

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

August 28, 2018

The Honorable Mary Fairhurst
Chief Justice
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Notice of 2019 License Fees and Client Protection Fund Assessment for Limited Practice Officers and Limited License Legal Technicians

Dear Chief Justice Fairhurst,

Pursuant to GR 12.2(b)(22), the Washington State Bar Association is authorized to collect funds in order to effectively and efficiently discharge its mission, purposes, and activities.

At its July 27, 2018 meeting, the Board of Governors approved:

- (1) an increase in license fees for Active LPOs and LLLTs for 2019 to the same amount as for Active Lawyers;
- (2) a recommendation that the Court set the license fees for Inactive LPOs and LLLTs for 2019 at \$100; and
- (3) a recommendation that the Court enter an order requiring each Active LPO and LLLT to pay a \$30 assessment to the Client Protection Fund.

The table below identifies 2018 and 2019 Active and Inactive License Fees and Client Protection Fund Assessments for all WSBA members by license type:

License Type	License Fee		Court Action Requested	Client Protection Fund Assessment		Court Action Requested
	2018	2019		2018	2019	
Active Lawyer	\$449	\$453	N/A - Previously Reviewed for Reasonableness	\$30	\$30	N/A - Previously Ordered
Active LPO	\$110	\$453	Subject to Review for Reasonableness	\$ 0	\$30	Order Required
Active LLLT	\$175	\$453	Subject to Review for Reasonableness	\$ 0	\$30	Order Required
Inactive Lawyer	\$200	\$200	N/A - Previously Ordered			
Inactive LPO	\$110	\$100	Order Required			
Inactive LLLT	\$175	\$100	Order Required			

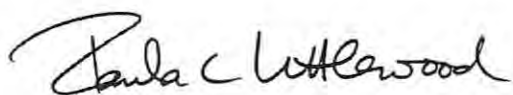
Relevant Rules and WSBA Bylaws:

- (1) Under Admission and Practice Rule (APR) 12(f)(3) and APR 28 (l)(3), the LPO and LLLT annual license fees are established by the BOG and, under GR 12.2(b)(22), are subject to review by the Court for reasonableness;
- (2) Under WSBA Bylaws Art. III. I(b)(1), Inactive member annual license fees are established by the BOG and approved by the Court since the State Bar Act states a specific dollar amount of \$2.00 for Inactive license fees (RCW 2.48.140); in prior years, the Court has entered an order setting the Inactive license fee; and
- (3) Under Admission and Practice Rule (APR) 12(f)(3) and APR 28 I(3), mandatory assessments, such as the Client Protection Fund assessment, must be ordered by the Court.

WSBA Regulatory Services staff plan on sending license renewal materials out to all members on November 1, 2018. In order to provide LPO and LLLT members with proper and timely notice regarding (1) the Inactive license fee amount and (2) the CPF assessment, it would be extremely helpful if the Court could enter orders regarding those amounts by no later than October 8. Regarding Active LPO and LLLT license fees, if the Court chooses to review the amount set by the Board of Governors and/or determines that the new license fee amounts are not reasonable, it would be very helpful for WSBA staff to know that by October 8 as well.

If I can provide additional information, please don't hesitate to contact me.

Sincerely,



Paula C. Littlewood

cc: Bill Pickett, President
G. Kim Risenmay, Treasurer
Julie Shankland, Interim General Counsel
Ann M. Holmes, Chief Operations Officer
Jean McElroy, Chief Regulatory Counsel

August 28, 2018

The Honorable Mary E. Fairhurst, Chief Justice
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, Washington 98504-0929

Re: Limited Practice Officer – Client Protection Fund Assessment

Dear Justice Fairhurst:

I wrote to you concerning the proposed annual license fees for limited practice officers recommended by the Board of Governors of the Washington State Bar. I am writing separately to address a related issue, the \$30 LPO annual assessment for the Client Protection Fund maintained by the WSBA. As noted in the material submitted with my other letter, the recommendation to the BOG by the Budget and Audit Committee of the WSBA was not to assess the client security fee. The BOG decided not to follow this recommendation.

The recommendation to the BOG took into account the unique position of LPOs in the Washington regulatory landscape. LPOs are employed by title insurance companies, financial institutions and escrow companies. These entities are independently regulated by either the Office of the Commissioner of Insurance or the Department of Financial Institutions and are subject to specific statutory provisions concerning financial responsibility to protect the public. The BOG ignored these factors in proposing the assessment and assumed LPOs were in the same situation as practicing attorneys with respect to adequacy of financial reserves to protect clients. This was an erroneous assumption and not factually supported.

Escrow companies, governed by Chpt. 18.44 RCW, are required to maintain a fidelity bond in the amount of \$1 million (RCW 18.44.201(1)(a)) covering all employees, including LPOs; errors and omissions coverage not less than \$50,000 (RCW 18.44.201(1)(b)) and a separate \$10,000 bond to cover any other loss (RCW 18.44.201(1)(c)). Title insurance companies are subject to supervision of the Office of the Insurance Commissioner and are subject to extensive supervision and regulation to maintain adequate financial reserves for their operations. Maintaining mandated financial protection involves significant costs to these entities, but also provides protection to the members of the public dealing with escrow companies, title insurers and their LPO employees. Frankly, the level of public protection afforded by these alternative regulatory schemes is greater than that afforded under the CPF.

Attorneys do not bear the cost of mandatory bonds, errors and omissions insurance and financial reserves. As a means to provide some limited protection for the public dealing with attorneys, the Supreme Court has mandated the maintenance of the client protection fund. Given the regulatory framework applicable to LPOs, this method of client protection is duplicative and unnecessary. The

The Honorable Mary E. Fairhurst, Chief Justice
August 28, 2018

Page 2 of 2


BOGs proposal has the effect of imposing duplicative costs on LPOs in excess of costs imposed on practicing attorneys.

The potential exposure of the client protection fund to claims arising from LPOs is entirely the result of the BOG sponsored amendments to APR 15 making the client protection fund subject to claims from clients harmed by LPOs effective September 1, 2017. Although policy by anecdote is not necessarily the best practice, it is worth noting there is no record of unpaid client losses resulting from LPO defalcations. Given the financial resources available for client protection imposed by other regulatory bodies, there is no indication the client protection fund will ever be exposed to any losses as a result of LPO activity.

In light of these factors, the initial recommendation to the BOG should be adopted and the client protection fund assessment should not be applicable to LPOs.

Thank you again for your consideration.

Very truly yours,


Shelley Miner, Chair
Limited Practice Board

cc: William D. Pickett, President WSBA
Paula Littlewood, Executive Director WSBA



August 28, 2018

The Honorable Mary E. Fairhurst, Chief Justice
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, Washington 98504-0929

Re: Limited Practice Officer License Fees – FY 2018-2019

Dear Justice Fairhurst:

I am the current chair of the Limited Practice Board. At the LPB's meeting on August 14, 2018, we were informed of the recommendation of the Board of Governors of the Washington State Bar Association to increase the annual license fees for limited practice officers from \$110 per year to \$453 per year – an increase of more than four hundred percent (400%). The LPB unanimously instructed me to communicate with you the LPB's belief this proposed increase is unreasonable and financially unnecessary. Toward that end, I am writing to you to urge you to review and reconsider the recommendation of the BOG for the adjustment of the annual license fee charged Washington LPOs.

Attached is a copy of the recommendation of the Budget and Audit Committee of the WSBA concerning the adjustment of LPO license fees presented to the BOG at its July 2018 meeting in Vancouver, Washington. This recommendation accurately reflects the recommendation of the LPB to essentially double the LPO license fees for the upcoming fiscal year from \$110 to \$200. Although this was a substantial percentage increase, the fees have not been adjusted for some time. The proposed adjustment will generate enough revenue to ensure the LPO program covers all of its expenses, including the allocation of indirect overhead assessed by the WSBA.

At the meeting, the BOG did not accept this recommendation and instead approved an adjustment of the LPO license fees to \$453, the same amount proposed for active practicing attorneys. In addition, LPOs will be assessed a \$30 fee to participate in the WSBA client security fund. It is not possible to review the discussion and rationale of the BOG leading to this decision, since the July meeting location lacked audio-visual facilities and the meeting was not recorded.

The LPB believes a 400% increase in the annual LPO license fee is unreasonable and lacks any factual support. The \$200 annual fee proposed to the BOG fully covers all of direct and indirect expenses associated with the LPO program, which currently has approximately 770 licensees. In effect, the BOG wants LPOs to subsidize the expenses associated with licensed attorneys by an additional \$253 per LPO, or a total of approximately \$195,000.

Recently, the BOG proposed and adopted amendments to the WSBA bylaws making LPOs full members of the WSBA. This change in status does not, however, justify license fees for LPOs equal to those paid by practicing attorneys. The Bar's calculations demonstrate the costs of maintaining the LPO program

The Honorable Mary E. Fairhurst, Chief Justice
August 28, 2018

Page 2 of 2

(including an allocable share of WSBA overhead) are fully paid by a \$200 annual license fee. The simple fact is LPOs do not require the same level of administrative support or supervision as active attorneys. While the BOG has made LPOs full members of the Bar, there has been no demonstration the benefits associated with that status are comparable to those available and utilized by practicing attorneys; the very fact LPOs are allowed only to engage in a limited range of the practice of law suggests otherwise. Absent a demonstration the additional fees are required to offset the costs of the LPO program, the suggested annual fee is unreasonable.

The Supreme Court and by extension, the WSBA, have been active supporters of alternative methods of delivering legal services in a cost-effective manner. This broadens the access to the justice system and makes available to the general public the benefits of competent and informed legal assistance in everyday transactions. The LPO program is an essential and successful part of this effort. Imposing unnecessary costs on LPOs in the form of unreasonable license fees is contrary to this policy. I urge you to adjust the annual LPO license fee to \$200 as initially proposed and reject as unreasonable the 400% increase proposed by the BOG.

On behalf of the LPB and the 770 licensed LPOs, thank you for your consideration of this letter.

Very truly yours,

Shelley Miner, Chair
Limited Practice Board

cc: William D. Pickett, President WSBA
Paula Littlewood, Executive Director WSBA



WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors

From: Budget and Audit Committee

Re: Budget and Audit Committee Recommendations to revise CLE Revenue Sharing Model, set LPO and LLLT License Fees and Client Protection Fund Assessment, and Increase Law Clerk Program Annual Fee

Date: July 19, 2018

ACTION: Approve recommendations of the Budget and Audit Committee to: (1) revise the CLE Revenue Sharing Model (Agenda Item 3.a.2), (2) set LPO and LLLT license fees and Client Protection Fund assessment (Agenda Item 3.a.3), and (3) increase Law Clerk Program Annual Fee (Agenda Item 3.a.4).

- **Agenda Item 3.a.2: Budget and Audit Committee Recommendation to Revise the CLE Revenue Sharing Model**

On April 26, 2018, the Budget and Audit Committee recommended that the Board of Governors approve proposed revisions to Chapter 10 of the Fiscal Policies and Procedures Manual regarding WSBA CLE and other programs presented in partnership with sections. The Board of Governors considered this recommendation on first reading at the May 17-18, 2018 Board meeting. All materials provided to the Board on first reading are set forth in Attachment A.

- **Agenda Item 3.a.3: Limited Practice Officer (LPO) and Limited License Legal Technician (LLLT) License Fees and Client Protection Fund Assessment**

On April 26, 2018, the Budget and Audit Committee recommended that, effective FY19, the Board of Governors (1) increase license fees for Active LPOs and LLLTs to \$200, (2) set license fees for inactive LPOs and LLLTs at \$100, (3) require active LLLTs to pay a \$30 assessment fee annually, and (4) not require active LPOs to pay any CPF fee. The Board of Governors considered this recommendation on first reading at the May 17-18, 2018 Board meeting. All materials provided to the Board on first reading, and supplemental background information included in the Budget and Audit Committee June 18, 2018 meeting materials, are set forth in Attachment B.

- **Agenda Item 3.a.4: Law Clerk Program Annual Fee**

On June 18, 2018, the Budget and Audit Committee recommended that the Board of Governors increase the Admission and Practice Rule (APR) 6 Law Clerk program annual fee from \$1,500 to \$2,000. All materials considered by the Committee are set forth in Attachment C.

WASHINGTON STATE
BAR ASSOCIATION

TO: Budget and Audit Committee

FROM: Jean McElroy, Chief Regulatory Counsel
Robert Henry, Regulatory Services Associate Director

DATE: April 16, 2018

RE: Limited Practice Officer and Limited License Legal Technician License Fees and
Client Protection Fund Assessment

ACTION: Recommend to the Board of Governors (BOG) that: (1) license fees for Active Limited Practice Officers (LPO) and Limited License Legal Technicians (LLLT) be increased to \$200; (2) license fees for Inactive LPOs and LLLTs be set at \$100; (3) Active LLLTs pay a \$30 annual Client Protection Fund (CPF) assessment; and (4) Active LPOs not pay any CPF assessment.

Background and Purpose

Historically, as discussed with the Committee in February, LPO license fees were established by the Limited Practice (LP) Board subject to Washington Supreme Court review; LLLT license fees were established by the LLLT Board subject to Court review; and clients of LPOs and LLLTs were not eligible to request gift awards from the WSBA Client Protection Fund (CPF). Effective September 1, 2017, under amended Admission and Practice Rules (APR) and according to the WSBA Bylaws, the BOG is responsible for establishing LPO and LLLT license fees subject to Court review. In addition, under the amended APR, LPO and LLLT clients may receive gifts from the CPF as prescribed by the CPF rules.

This memorandum provides feedback from the LP Board and the LLLT Board about proposed license fees for LPOs and LLLTs and about whether the BOG should recommend to the Court a CPF assessment for each of these limited license types. As requested, this memorandum also provides information showing the budget impact of a two-tier license fee structure. The information is provided so that the Committee can make an informed decision about establishing LPO and LLLT license fees and about whether the BOG should recommend to the Supreme Court that LPOs and LLLTs contribute to the CPF and, if so, how much the assessments should be.

To effect any changes for the 2019 licensing year, the Committee must make its recommendation as soon as possible. This will allow the BOG to similarly review the fees as soon as possible and send them to the Court, for review in time for the fees to be incorporated into the 2019 licensing processes that begin in October of 2018.

Two Tier License Fee Structure

One model we have been discussing with the Committee and with the LP and LLLT Boards is a two-tier license fee structure for WSBA members that has:

- 1) Active license fees for lawyers set at one amount (currently \$449); and
- 2) Active license fees for LPOs, LLLTs, and other licenses to engage in the limited practice of law only within defined scopes of practice, set at a different, lower amount (perhaps \$200, which is the license fee for Emeritus Pro Bono Lawyer members, who have a limited practice of law only within a defined scope of practice).

Discussions with LP Board and LLLT Board

Following the meeting, we continued discussions with the LP and LLLT Boards, including the possibility of the two-tier license fee structure discussed above, among other fee models. Both Boards support the two-tier fee structure, with the Active LPO and LLLT license fees set at \$200. In addition, we continued discussions with the Boards regarding possible CPF assessments. The LLLT Board supports a CPF assessment on Active LLLTs in the amount of \$30. The LP Board, on the other hand, recommends that Active LPOs not be required to pay any CPF assessment because LPO employers (and thereby LPOs) already have systems in place to protect clients. Letters from the chairs of both the LP and LLLT Boards are attached and explain their positions.

Budget Impact

At its February meeting, the Committee asked for information showing the budget impact of: (1) a \$200 license fee for Active LPOs and LLLTs; (2) a \$100 license fee for Inactive LPOs and LLLTs; and (3) the prorated license fee for new LPOs and LLLTs (consistent with the proration in place for new lawyers), as described in the WSBA Bylaw amendments (approved by the BOG on March 8, 2018)

Based on the present number of LPO and LLLT licensees, the implementation of a two-tier license fee structure as described above would result in increased revenue of \$64,185. Pursuant to the WSBA Bylaws adopted on March 8, 2018, new LPO and LLLT members in their first two full years of licensure will pay a prorated license fee regardless of whether there is any change to the license fees next year. The table below demonstrates the sources of license fee revenue from LPOs and LLLTs and how it would change in 2019 based on the license fees suggested by the Committee and recommended by the LP and LLLT Boards. This table does not take into account any anticipated increase in the number of LPO and LLLT licenses for 2019.

	2018 License Count	Current License Fee Structure		Proposed Two Tier Structure		Increase (Decrease) Revenue
		License Fee	Revenue	License Fee	Revenue	
Active LPOs	745	\$110	\$81,950	\$200	\$149,000	\$67,050
New Active LPOs	50	\$110	\$5,500	\$100	\$5,000	(\$500)
Inactive LPOs	174	\$110	\$19,140	\$100	\$17,400	(\$1,740)
Total LPO Fees			\$106,590		\$171,400	\$64,810
Active LLLTs	17	\$175	\$2,975	\$200	\$3,400	\$425
New Active LLLTs	11	\$175	\$1,925	\$100	\$1,100	(\$825)
Inactive LLLTs	3	\$175	\$525	\$100	\$300	(\$225)
Total LLLT Fees			\$5,425		\$4,800	(\$625)
COMBINED FEE REVENUE			\$112,015		\$176,200	\$64,185

As we have informed the BOG over the last two years, with the coordinated admissions and licensing implementation, some of the administrative work associated with the LPO and LLLT programs has been consolidated into the WSBA Admissions, Licensing and MCLE workgroups within RSD. Because of this consolidation, all revenue and expenses related to the LPO and LLLT licenses, except for the board and outreach expenses, were moved out of the LPO and LLLT cost centers and into the appropriate cost center, e.g., Admissions, MCLE, License Fees, etc. However, WSBA accounting and administrative staff are still able to identify and estimate budget items related to the LPO and LLLT licenses when necessary for analysis and planning.

With respect to LPO fiscal impacts, the FY18 budget anticipates a net loss for the LPO license in the amount of \$44,530. All things being equal, the additional LPO license fee revenue of \$64,810 based on the two-tier license fee structure would result in a net income of \$20,280. This figure does not take into account expected increases in expenses, other revenue sources and changes in LPO license numbers. We expect that after taking into account all of the many budgetary forecasts and considerations, there would still be a net income but it would be closer to \$15,000. It is important to note, however, that these numbers could change depending on whether and how much of an increase we see in the numbers of LPOs and LLLTs licensed in FY 2019. With respect to fiscal impacts on the LLLT license, which is still in a start-up phase, the proposed license fee changes would result in a nominal decrease in revenue and have an overall negligible effect on the budget.

Client Protection Fund Assessment

As discussed above, the LLLT Board supports a CPF assessment on Active LLLTs. However, the LP Board does not support a CPF assessment on Active LPOs because LPO employers are already required to have fidelity bonds or insurance, or are lawyers who pay into the CPF. The attached letter from the LP Board explains its position in detail. The table below demonstrates that the CPF would receive approximately \$24,690 annually if a \$30 assessment on both license types were ordered by the Court, based on current license counts. If the Court does not order an assessment on LPOs, the annual additional amount to the CPF would be the approximately \$840 that is paid by LLLTs only.

	2018 License Count	\$30 CPF Assessment
Active LLLT (including new)	28	\$840
Active LPO (including new)	795	\$23,850
Total Potential CPF Revenue	823	\$24,690

ATTACHMENTS:

- 1 Letter from Limited Practice Board
- 2 Letter from Limited License Legal Technician Board

April 11, 2018

Kim Risenmay, Treasurer, and Budget and Audit Committee
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101

RE: LPO License Fees and Client Protection Fund Assessment

Dear Mr. Risenmay and Committee Members:

I write on behalf of the Limited Practice Board (LP Board) regarding Limited Practice Officer (LPO) license fees and an assessment on LPOs for the Client Protection Fund (CPF). The LP Board recommends that the Board of Governors:

- 1) adopt a two tier fee structure for WSBA members that has
 - a) Active license fees for lawyers set at one amount (currently \$449),
 - b) Active license fees for LPOs and Limited License Legal Technicians [LLTs] (both have licenses to engage in the limited practice of law only within defined scopes of practice) set at a different, lower amount, and
 - c) Based on a) and b), an Active LPO license fee set at \$200 (the same amount as the license fee amount for Emeritus Pro Bono lawyer members, who also have a license to engage in the limited practice of law only within a defined scope of practice) with the inactive LPO license fee set at \$100; and
- 2) recommend that the Supreme Court not order LPOs to pay an annual assessment for the CPF, for the reasons stated below.

LPO License Fees

At the LP Board's March 13, 2018 meeting, the LP Board heard from WSBA staff about:

- the reallocation of revenue and expenses from the LPO cost center to various cost centers within the Regulatory Services Department as a result of LPOs becoming members of the WSBA and the efforts to coordinate the admissions, MCLE, and licensing processes for all Washington licensed legal professionals.



Regulatory Services Department, WSBA, Staff Notice
1325 4th Avenue | Suite 600 | Seattle, WA 98101-3510
206.233.5942 | regulatory@wsba.org | www.wsba.org

Tom Rosenmay, Treasurer, and Budget and Audit Committee

April 11, 2018

- the declining net income and, in recent years, the increasing net loss in the LPO cost center,
- the length of time since the last increase to LPO license fees, which occurred in 2006 (from \$85 to \$110);
- the approval by the BOG of the new admittee license fee proration Bylaw for new LPOs, thereby applying the same percentage license fee proration as is applied to new lawyer admittee license fees, resulting in a 50% reduction in the license fee for the first two full years after admission as a LPO; and
- several possible methods that could be recommended to the BOG for setting LPO license fees, including a two tier approach as described in this memo.

After considering and discussing all of the information provided, the LP Board unanimously endorsed and now recommends that the BOG adopt an Active LPO license fee of \$200 and an Inactive LPO license fee of \$100.

Client Protection Fund Assessment

Also at the LP Board's March 13, 2018 meeting, the LP Board was provided with information and had a discussion about the CPF and assessments paid by lawyers for that fund. The LP Board was advised that the Admission and Practice Rules (APR) already permit gifts from the CPF to clients of LPOs who have been harmed by the dishonest acts of, or failure to properly account for client funds by, LPOs. WSBA staff discussed how the CPF currently awards gifts to clients harmed by lawyers (and potentially LPOs and LLLTs). Even though the APR permit gifts to LPO clients, the LP Board believes that LPOs and their employers are already able and required to provide for financial harm caused by LPOs of the type that would potentially be covered by a CPF gift by virtue of several requirements for LPOs and their employers, as described below

LPOs, for the most part, work for three primary types of employers: independent escrow companies, title insurance companies, and lawyers. An independent escrow company operates with a license issued by the Department of Financial Institutions, which requires the company to have a fidelity bond that will pay out in cases of fraud or theft (RCW 18.44.201). Likewise, a title insurance company licensed to do business in Washington must also have a fidelity bond or fidelity insurance (RCW 48.29.155). Finally, a lawyer licensed to practice law in Washington already pays an assessment to the CPF.

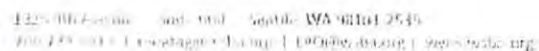
Additionally, although not directly applicable to the types of losses that would be eligible for gifts from the CPF, LPOs are required to prove that they have the ability to respond in damages resulting from their acts or omission to the performance of LPO services by having Errors and



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$$f_{\text{max}} = \frac{1}{2\pi} \left(\frac{1}{\tau_{\text{max}}} \right) = 1.59 \text{ kHz}$$

Chair, Limited Practice Board



**WASHINGTON STATE
BAR ASSOCIATION**
Regulatory Services Department

LLLT Board
Established by Washington Supreme Court APR 23
Administered by the WSBA
Stephen Crossland, Chair

April 12, 2018

Kim Risenmay, Treasurer, and Budget and Audit Committee
Washington State Bar Association
1325 4th Ave Ste 600
Seattle, WA 98101

RE: LLLT License Fees and Client Protection Fund Assessment

Dear Mr. Risenmay and Committee Members:

I write on behalf of the Limited License Legal Technician Board (LLLT Board) regarding Limited License Legal Technician (LLLT) license fees and an assessment on LLLTs for the Client Protection Fund (CPF). The LLLT Board recommends that the Board of Governors:

- 1) adopt a two tier fee structure for WSBA members that has
 - a) Active license fees for lawyers set at one amount (currently \$449),
 - b) Active license fees for LLLTs and Limited Practice Officers [LPOs] (both have licenses to engage in the limited practice law only within defined scopes of practice) set at a different, lower amount, and
 - c) Based on a) and b), an Active LLLT license fee set at \$200 (the same amount as the license fee amount for Emeritus Pro Bono lawyer members, who also have a license to engage in the limited practice of law only within a defined scope of practice) with the inactive LLLT license fee set at \$100; and
- 2) recommend that the Supreme Court order LLLTs to pay an annual assessment for the CPF in the amount of \$30, for the reasons stated below.

LLLT License Fees

At the LLLT Board's January 18, 2018 meeting, the Board unanimously endorsed and now recommends that the BOG adopt an Active LLLT license fee of \$200 and an Inactive LLLT license fee of \$100.

Client Protection Fund Assessment

Also at the LLLT Board's January 18, 2018 meeting, the LLLT Board discussed whether LLLTs should pay an assessment to the CPF. Although LLLTs currently are not required to pay into the



Renata de Carvalho Garcia, WSBA Staff Liaison
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Kim Risenmay, Treasurer, and Budget and Audit Committee

April 11, 2018

Page 2 of 2

fund, CPF funds are available to make gifts to LLLT clients who have been harmed by the dishonest acts of, or failure to properly account for client funds by, LLLTs. The LLLT Board endorsed and now recommends that the BOG should recommend that the Supreme Court order LLLTs to pay an assessment in the amount of \$30 for the CPF.

Thank you for your consideration.

Sincerely,



Stephen Crossland

Chair, LLLT Board



RCW 48.29.155

Agent license—Financial responsibility—Definitions.

(1) At the time of filing an application for a **title insurance** agent license, or any renewal or reinstatement of a title insurance agent license, the applicant shall provide satisfactory evidence to the commissioner of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond or fidelity insurance providing coverage in the aggregate amount of two hundred thousand dollars with a deductible no greater than ten thousand dollars covering the applicant and each corporate officer, partner, escrow officer, and employee of the applicant conducting the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under *RCW 18.44.021(6), or a guarantee from a licensed title insurance company as authorized by subsection (5) of this section; and

(b) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized, or eligible under chapter 48.15 RCW, to do a surety business in this state as surety, or some other security approved by the commissioner, unless the fidelity bond or fidelity insurance obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the commissioner of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the commissioner. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond is not liable for any penalties imposed on the licensee, including but not limited to any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" means a primary commercial blanket bond or its equivalent satisfactory to the commissioner and written by an insurer authorized, or eligible under chapter 48.15 RCW, to transact this line of business in the state of Washington. The bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the bond, acting alone or in collusion with others. The bond shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the title insurance agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(3) For the purposes of this section, "fidelity insurance" means employee dishonesty insurance or its equivalent satisfactory to the commissioner and written by an insurer authorized or eligible under chapter 48.15 RCW, to transact this line of business in the state of Washington. The insurance shall provide coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the policy of insurance, acting alone or in collusion with others. The insurance shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the insurance company be liable under the insurance to any other party. The insurance shall name the title insurance agent as the named insured and shall protect the named insured against the loss of money or other real or personal property belonging to the named insured, or in which the named insured has a pecuniary interest, or for which the named insured is legally liable or held by the named insured in any capacity, whether the named insured is legally liable therefor or not. The insurance coverage may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(4) The fidelity bond or fidelity insurance, and the surety bond or other form of security approved by the commissioner, shall be kept in full force and effect as a condition precedent to the title insurance agent's authority to transact business in this state, and the title insurance agent shall supply the commissioner with satisfactory evidence thereof upon request.

(5) A title insurance company authorized to do business in Washington under RCW 48.05.030 may provide a guarantee in a form satisfactory to the commissioner accepting financial responsibility, up to the aggregate amount of two hundred thousand dollars, for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners of a title insurance agent that is appointed as the title insurance company's agent. A title insurance company providing a guarantee as permitted under this subsection may only do so on behalf of its properly appointed title insurance agents. If the title insurance agent is an agent for two or more title insurance companies, any liability under the guarantee shall be borne by the title insurance company for those escrows for which a title insurance commitment or policy was issued on behalf of that title insurance company. If no commitment or policy was issued regarding the escrow for which moneys were lost, including but not limited to collection escrows, each title insurance company, for which the agent was appointed at the time of the fraudulent or dishonest act, shares in the liability. The liability will be shared proportionally, as follows: The premium the agent remitted to the title insurance company in the year prior to the fraudulent or dishonest act will be compared to the total premium the agent remitted to all title insurance companies, for whom the title insurance agent was appointed, during the same period.

(6) All title insurance agents licensed on or before July 24, 2005, shall comply with this section within thirty days following July 24, 2005.

[2005 c 115 § 1; 2003 c 202 § 1.]

NOTES:

*Reviser's note: RCW 18.44.021 was amended by 2015 c 229 § 1, changing subsection (5) to subsection (1)(f)

RCW 18.44.201

Financial responsibility—Fidelity bond—Errors and omissions policy—Surety bond.

(1) At the time of filing an application for an **escrow agent** license, or any renewal or reinstatement of an escrow agent license, the applicant shall provide satisfactory evidence to the director of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond providing coverage in the aggregate amount of one million dollars with a deductible no greater than ten thousand dollars covering each corporate officer, partner, escrow officer, and employee of the applicant engaged in escrow transactions;

(b) An errors and omissions policy issued to the escrow agent providing coverage in the minimum aggregate amount of fifty thousand dollars or, alternatively, cash or securities in the principal amount of fifty thousand dollars deposited in an approved depository on condition that they be available for payment of any claim payable under an equivalent errors and omissions policy in that amount and pursuant to rules and regulations adopted by the department for that purpose; and

(c) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, unless the fidelity bond obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact this line of business in the state of Washington. Such bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the corporate officers, partners, sole practitioners, escrow officers, and employees of the applicant engaged in escrow transactions acting alone or in collusion with others. This bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party unless the corporate officer, partner, or sole practitioner commits a fraudulent or dishonest act, in which case, the bond shall be for the benefit of the harmed consumer. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is

legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. An escrow agent's bond must be maintained until all accounts have been reconciled and the escrow trust account balance is zero. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent. In the event that the fidelity bond required under this subsection is not reasonably available, the director may adopt rules to implement a surety bond requirement.

(3) For the purposes of this section, an "errors and omissions policy" shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

(4) Except as provided in RCW 18.44.221, the fidelity bond, surety bond, and the errors and omissions policy required by this section shall be kept in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

[2013 c 64 § 4; 2010 c 34 § 7; 1999 c 30 § 5; 1979 c 70 § 1; 1977 ex.s. c 156 § 5; 1971 ex.s. c 245 § 4; 1965 c 153 § 5. Formerly RCW 18.44.050.]



August 29, 2018

Washington State Bar Association
Attn: Paula Littlewood '97
1325 - 4th Avenue, Suite 600
Seattle, WA 98101-2539



Dear Ms. Littlewood:

Thank you very much for WSBA's recent \$60,000 grant to the Washington Leadership Institute (WLI). We are grateful for WSBA's ongoing partnership with us in what is now the most successful program of its kind in the nation. Thank you for your leadership, which has made our partnership possible and which also sustains it.

The WLI is an integral part of increasing diversity in the legal profession. With an emphasis on honoring racial, ethnic, gender, sexual orientation, disability, cultural, and geographic differences, the WLI's program recruits and trains attorneys for leadership positions all over the State of Washington. It also supports our law school mission to foster Leaders for the Global Common Good. Your support of these important endeavors is greatly appreciated.

With your help, we are strengthening our profession and our communities. Thank you for moving us forward.

With kind regards,

Mario L. Barnes
Toni Rembe Dean & Professor of Law

*Thanks again
and I look
forward to collaborating*

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

September 7, 2018

Paula C. Littlewood
Executive Director
Washington State Bar Association
1325 4th Avenue, Ste. 600
Seattle, WA 98101-2539

Re: 2019 License Fees and Client Protection Fund Assessment for Limited Practice
Officers and Limited License Legal Technicians

Dear Paula:

I received your letter dated August 28, 2018 via e-mail and also through the mail. I set this matter on the court's September 5, 2018 administrative en banc because you requested the court to take action by October 8, 2018 to meet your deadline to send license renewals to Limited Practice Officers (LPOs) and Limited License Legal Technicians (LLTs). The court has acted.

A copy of the court's order regarding license fees and client protection fund assessment for LPOs and LLTs is attached. You may have already received a copy from our clerk's office.

Very truly yours,

MARY E. FAIRHURST
Chief Justice

Enc.



THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE SUPREME)
COURT'S REVIEW OF 2019 LICENSE FEES)
AND CLIENT PROTECTION FUND)
ASSESSMENTS FOR WSBA MEMBERS)
)
)
)

NO. 25700-B- 587

ORDER

As provided in General Rule (GR) 12.2(b)(22), the Washington State Bar Association (WSBA) may establish the amount of all license and other related fees, subject to review by the Supreme Court for reasonableness. The rule further provides that license fees established by the WSBA may be modified by order of the Court if the Court determines that a fee is not reasonable. In a letter dated August 28, 2018, from the Executive Director of the WSBA, the Court was advised that at its July 27, 2018, meeting, the WSBA Board of Governors approved the following license fees and Client Protection Fund assessments for 2019:

1. An increase for limited practice officers (LPOs) from \$110 to \$453, and an increase for Limited License Legal Technicians (LLLTs) from \$175 to \$453.
2. A license fee of \$100 for all inactive LPOs and LLLTs; and
3. A requirement that each active LPO and LLLT pay a \$30 assessment to the Client Protection Fund.

The Court considered the license fees as established by the Board of Governors and unanimously determined that the increase to the license fee for active LPOs and LLLTs is unreasonable and that a license fee of \$200 for both LPOs and LLLTs, as recommended by the

WSBA Budget and Audit Committee, is reasonable. In addition, pursuant to APR 15(c), the Court unanimously determined that the recommendation that L.L.Ts be required to pay a \$30 fee to the Client Fund Protection is approved, but the recommendation that LPOs also be required to pay a \$30 fee to the fund is rejected.

Now, therefore, it is hereby

ORDERED:

The WSBA's 2019 license fees for LPOs and L.L.Ts are approved except that the 2019 license fee for active LPOs and active L.L.Ts shall be \$200 and active LPOs shall not be required to pay a Client Protection Fund assessment.

DATED at Olympia, Washington this 6th day of September, 2018.

Fainhurst, CJ.
CHIEF JUSTICE

WASHINGTON STATE BAR ASSOCIATION

Office of the Executive Director
Paula C. Littlewood, Executive Director

September 10, 2018

Hon. Mary Fairhurst
Chief Justice
Washington Supreme Court
PO Box 40929
Olympia WA 98504-0929

Dear Chief Justice Fairhurst,

This letter is to inform you of the changes to the Mandatory Continuing Legal Education (MCLE) fee structure effective October 1, 2018. Pursuant to Washington Supreme Court Admission and Practice Rule 11(d)(2)(v), "[t]he MCLE Board shall determine and adjust fees for the failure to comply with these rules and to defray the reasonably necessary costs of administering these rules. Fees shall be approved by the Board of Governors." Therefore, the new fee structure requires no action by the Washington Supreme Court.

The new fee MCLE structure as shown in the enclosed table has been developed and approved by the MCLE Board, reviewed and recommended by the WSBA Budget and Audit Committee, and approved by the WSBA Board of Governors.

The new fee structure increases CLE sponsor rates, course application and late fees, and provides for an equitable assessment of fees for all license types. For more information, please see the attached memo to the WSBA Budget and Audit Committee, which outlines the adopted changes.

Fee Changes For CLE Sponsors		
Course Application and Late Fees for CLE Sponsors	Current Fees	New Fees <i>Effective October 1, 2018</i>
Course Application	\$ 50 / course	\$ 100 / course
Course Application Late Fee	\$ 35 / course	\$50 / course
Attendance Reporting Fee for Lawyers	\$ 1 / person	\$0 / person
Attendance Reporting Fee for LLLT and LPOs	\$0 / person	\$0 / person
Attendance Late Fee	\$35 / submission	\$50 / submission

Fee Changes For Accredited Sponsor Annual Fees

Accredited sponsors have the same duties as sponsors but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with Washington Supreme Court Admission and Practice Rule 11. Accredited sponsors pay an annual flat fee for all course applications submitted in lieu of an application fee for each individual course.


Number of annual courses	Current Fees	New Fees <i>Effective October 1, 2018</i>
0-50 courses	\$ 500	\$ 500
51-100 courses	\$ 1,000	\$ 1,500
101-250 courses	\$ 1,500	\$ 2,250
251-500 courses	\$ 2,000	\$ 3,000
501-1000 courses	\$ 2,500	\$ 4,500
1001 + courses	\$ 3,000	\$ 6,000

Fee Change For Late Certification By Licensed Legal Professionals

LPOs and LLLTs are now required to earn and certify credits on a three-year cycle, which is the same time frame for lawyers, as opposed to the annual cycle that applied to LPOs and LLLTs previously. Changes regarding LLLT and LPO late certification fees reflect the three-year cycle, and also bring the fees into line with the late certification fees that apply to lawyers.

Certification Late Fees	Current Fees	New Fees <i>Effective October 1, 2018</i>
Lawyer Certification Late Fee	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.	No change
LLLT and LPO Certification Late Fee	\$ 50	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.

Sincerely,



Paula C. Littlewood

cc: William D. Pickett, WSBA President
Melissa Skelton, Chair, Mandatory Continuing Legal Education Board
Jean K. McElroy Chief Regulatory Counsel
Adelaine Shay, Staff Liaison, Mandatory Continuing Legal Education Board

WASHINGTON STATE BAR ASSOCIATION

TO: Budget and Audit Committee
FROM: Melissa Skelton, MCLE Board Chair
Adelaine Shay, WSBA MCLE Manager
DATE: September 4, 2018
RE: MCLE Fee Structure - ACTION

ACTION: The MCLE Board requests that the Budget and Audit Committee review and recommend to the Board of Governors the proposed changes to the MCLE Sponsor fee structure and the Limited License Legal Technician (LLLT)/Limited Practice Officer (LPO) certification late fee structure.

BACKGROUND

Pursuant to Washington Supreme Court Admission and Practice Rule 11(d)(2)(v), “[t]he MCLE Board shall determine and adjust fees for the failure to comply with these rules and to defray the reasonably necessary costs of administering these rules. Fees shall be approved by the Board of Governors.” MCLE course application fees for sponsors have not changed since 2003, and the current Accredited Sponsor fees were implemented in 2016. The MCLE Board approved new fees for sponsors on August 18, 2017 and approved new late certification fees for LLLTs and LPOs on January 12, 2018, and now seeks approval of these fees by the WSBA Board of Governors. The proposed fee structure increases rates and provides for an equitable assessment of fees for all license types.

PROPOSED CHANGES TO MCLE FEES – FISCAL YEAR 2019 (SEE CHART BELOW)

In order to help ensure that the MCLE program remains self-sustaining, including technology costs, the MCLE Board recommends increasing certain fees as listed below beginning fiscal year 2019, i.e., effective October 1, 2018. The proposed changes would apply to all MCLE sponsors and would make fees consistent for all WSBA legal license types: lawyers, LPOs, and LLLTs.

One adjustment made by the MCLE Board is to change the fee structure for accredited sponsors. “Accredited sponsors” are sponsors that have a proven track record of offering quality courses and a demonstrated understanding of Washington’s course accreditation rules; they have the same duties as all other sponsors, but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with Admission and Practice Rule 11. Accredited sponsors pay an annual flat fee for all course applications submitted, in lieu of paying an application fee for each individual course. The proposed changes would increase course application and attendance late fees for all sponsors other than accredited sponsors,

and would increase the annual accredited sponsor fees for organizations that provide over fifty MCLE courses a year. However, as an added benefit for all sponsors, and to offset these increases, the proposed changes also would also remove the \$1 per person attendance fee that is currently charged.

In this proposal, WSBA accredited sponsors will continue to receive the benefit of paying a deeply discounted yearly fee in lieu of paying an activity fee for each individual CLE activity, and will continue to accredit their own courses. For all other sponsors, the proposed course application fee for individual courses will increase to \$100 per course. Based on these fees, at the lowest activity fee range accredited sponsors would benefit from an annual discount of up to \$4,500 a year, and at the highest activity range accredited sponsors would receive a minimum annual discount of \$94,000.

Following the MCLE Board's decision, MCLE staff contacted all accredited sponsors for feedback about the proposed increase in accredited sponsor fees. We received one letter in response, from the King County Bar Association, which is in favor of the proposed accredited sponsor fees as long as the current attendance reporting fee is eliminated (which is reflected in the MCLE Board's plan). Please see the attached letter.

Please note that no changes to MCLE fees are proposed for individual lawyers.

LPOs and LLLTs are now required to earn and certify credits on a three-year cycle, which is the same time frame for lawyers, as opposed to the annual cycle that applied to LPOs and LLLTs previously. Changes are proposed regarding LLLT and LPO late certification fees to also bring those into line with the late certification fees that apply to lawyers.

Proposed Fee Changes For CLE Sponsors		
Course Application and Late Fees for CLE Sponsors	Current Fees	Proposed Changes
Course Application	\$ 50 / course	\$ 100 / course
Course Application Late Fee	\$ 35 / course	\$50 / course
Attendance Reporting Fee for Lawyers	\$ 1 / person	\$0 / person
Attendance Reporting Fee for LLLT and LPOs	\$0 / person	\$0 / person
Attendance Late Fee	\$35 / submission	\$50 / submission

Proposed Fee Changes For Accredited Sponsor Annual Fees

Accredited sponsors have the same duties as sponsors but have the additional responsibility of approving their own courses and determining appropriate MCLE credit in accordance with Washington Supreme Court Admission and Practice Rule 11. Accredited sponsors pay an annual flat fee for all course applications submitted in lieu of an application fee for each individual course.

Number of annual courses	Current Fees	Proposed Changes
0-50 courses	\$ 500	\$ 500
51-100 courses	\$ 1,000	\$ 1,500
101-250 courses	\$ 1,500	\$ 2,250
251-500 courses	\$ 2,000	\$ 3,000
501-1000 courses	\$ 2,500	\$ 4,500
1001 + courses	\$ 3,000	\$ 6,000

Proposed Fee Change For Late Certification By Licensed Legal Professionals

Certification Late Fees	Current Fees	Proposed Changes
Lawyer Certification Late Fee	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.	No change
LLLT and LPO Certification Late Fee	\$ 50	Start at \$ 150 and increase by \$ 300 for every consecutive period of late compliance.

WASHINGTON STATE
BAR ASSOCIATION
Office of General Counsel

Practice of Law Board

Established by Washington Supreme Court
Administered by the WSBA
Hon. Paul Bastine, ret, Chair

August 23, 2018

Chief Justice Mary Fairhurst
Washington State Supreme Court
415 12th Street W.
Olympia, WA 98504

Dear Chief Justice Fairhurst,

I have enclosed a Resolution unanimously adopted by the Practice of Law Board at its August 16, 2018 meeting. The Resolution expresses the Board's strong support for the LLLT license adopted by the Court to protect the public and expand access to legal services and the legal system. The Resolution also expresses the Board's strong support for Court action directing the WSBA Board of Governors to expeditiously comply with the Court's January 4, 2018 order adding an LLLT/LPO member and two community representatives to the Board of Governors. Please share this letter and the enclosed Resolution with all of the Supreme Court Justices.

Very Truly Yours,



Hon. Paul Bastine (ret.)
Practice of Law Board Chair

Enclosure

cc: William D. Pickett, President, WSBA
Paula C. Littlewood, Executive Director, WSBA
Steven Crossland, Chair, LLLT Board
Governor Dan Bridges, Co-Chair, Addition of New Governors Work Group
Governor Alec Stephens, Co-Chair, Addition of New Governors Work Group



Julie Shankland, WSBA Staff Liaison
1325 4th Avenue | Suite 600 | Seattle, WA 98101-2539
206-727-8280 | julies@wsba.org | www.wsba.org

RESOLUTION

Adopted unanimously by the Practice of Law Board
August 16, 2018

WHEREAS the Washington Supreme Court has stated that the purposes of the Practice of Law Board include “to promote expanded access to affordable and reliable legal and law-related services, expand public confidence in the administration of justice, and make recommendations regarding the circumstances under which nonlawyers may be involved in the delivery of certain types of legal and law-related services”; and

WHEREAS, in the course of performing its functions, the Practice of Law Board recommended the development of what is now called the Limited License Legal Technician license in order to expand access to legal services and the legal system through the licensing of people other than lawyers to offer some legal services; and

WHEREAS the LLLT license has been developed and is currently being administered by the WSBA and LLLTs currently are providing legal services within the scope of their licenses; and

WHEREAS the Board of Governors in September 2016 amended the WSBA Bylaws to add a seat to the BOG specifically for either an LLLT or an LPO member, as well as to add two seats to the BOG for “public” members; and

WHEREAS the Washington Supreme Court entered an order on January 4, 2018, directing the BOG to add the additional seats to the BOG as described in the WSBA Bylaws; and

WHEREAS the Practice of Law Board believes that adding these seats to the BOG would be beneficial to expanding access to affordable and reliable legal and law-related services and would expand public confidence in the administration of justice;

The Practice of Law Board hereby **RESOLVES**

- 1) That it strongly supports the administration of the LLLT license in a manner that allows for the robust development of this type of legal services provider; and
- 2) That it strongly supports LLLTs in their provision of legal services to the public in order to expand access to legal services and the legal system; and

- 3) That it strongly supports the lifting by the BOG of any BOG “stay” on filling the three new seats; and
- 4) That it strongly supports the Supreme Court taking action to direct the BOG to expeditiously comply with the Court’s January 4, 2018 order as issued.

WASHINGTON STATE
BAR ASSOCIATION
Regulatory Services Department

LLLT Board

Established by Washington Supreme Court APR 28
Administered by the WSBA
Stephen Crossland, Chair

August 28, 2018

Hon. Mary E. Fairhurst
Chief Justice
Washington Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Re: Limited License Legal Technicians

Dear Justices,

I am writing to you in my capacity as Chair of the Limited License Legal Technician (LLLT) Board. I have conferred with the LLLT Board and they are in agreement with the sentiments set forth in this letter.

I have concerns regarding a number of matters that have emerged in the past several months that I think have the potential to seriously undermine the effectiveness of the LLLT license and draw into light actions that may well be anti-competitive and involve anti-trust issues.

First, I am deeply concerned that the Supreme Court issued an Order in January 2018 that ordered that the Board of Governors of the Washington State Bar Association (BOG) would increase in number by adding three more members to the BOG, including at least one LLLT or LPO. These seats have never been filled. During the time since entry of the Order the BOG has not only failed to fill the seats and allow three more members of the BOG to vote, but also during that period of time has sought to change the bylaws to the detriment of LLLTs without any participation and vote of the authorized/ordered new BOG members. My personal view is that all actions taken by the BOG since entry of the Order are void as the BOG has not been properly constituted as required by the Court Order.

In addition during this same period of time the BOG, against the recommendation of the Budget and Audit Committee of the WSBA, has increased license fees of LLLTs from \$175 to \$453. This makes the LLLT license fee equal to that of lawyers. One Governor prior to the vote on the license fee was heard to say "This is for our brother and sister lawyers." Until this year, license fees for LLLTs (5 years) and LPOs (35 years) have been less than that of a lawyer, recognizing the fact that it is a limited license and has a limited market power to earn a living.

Finally, and not least, it is my understanding that a letter was sent to the Justices of the Supreme Court by a number of the licensed LLLTs which has not been responded to. I understand that you as a body can't respond to or react to every communication that you receive from a person to whom you have issued a license. However, given that this is a license that you have approved and that I assume that you want to be successful, it might be helpful if you would give them or the LLLT Board some guidance. We are working very hard to make this the model program in the country and with the adoption of similar rules in other

August 28, 2018

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states it appears that other jurisdictions agree it is a valuable license and a successful way to address the access to justice problem that is growing like wildfire.

Please take into consideration the potential consequence of the actions referred to above. I look forward to working with you in the future to assure the success of the LLLT license and reducing the access to justice problem, thereby better meeting the needs of the growing numbers of people of our state.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen R. Crossland". The signature is fluid and cursive, with the first name "Stephen" and last name "Crossland" clearly distinguishable.

Stephen R. Crossland

cc: Bill Picket, WSBA President
Paula C. Littlewood, WSBA Executive Director
Hon. Paul Bastine (ret.), Practice of Law Board, Chair
Shelley Miner, Limited Practice Board, Chair
Geoffrey Revelle, Access to Justice Board, Chair

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL: MARY.FAIRHURST@COURTS.WA.GOV

September 21, 2018

Washington State Bar Association
1325 Fourth Ave., Ste. 600
Seattle, WA 98101-2539

VIA E-MAIL ONLY

William D. Pickett, President
Rajeev Majumdar, President-Elect
William D. Hyslop, Immediate Past President
Paula Littlewood, Executive Director and Secretary
G. Kim Risenmay, Governor
Carla J. Higginson, Governor
Kyle Sciuchetti, Governor
Daniel D. Clark, Governor
Angela M. Hayes, Governor
Brian Tollefson, Governor
Paul Swegle, Governor
James K. Doane, Governor
Kim Hunter, Governor
Dan W. Bridges, Governor
Christina A. Meserve, Governor
Athan P. Papailiou, Governor, At-Large
Jean Y. Kang, Governor, At-Large
Alec Stephens, Governor, At-Large

Dear President Pickett, President-Elect Majumdar, Past-President Hyslop, Executive Director/Secretary Paula Littlewood, and Governors of the Washington State Bar Board of Governors:

I am writing to advise you that the Court has made several important decisions that affect the Bar. In light of pending lawsuits regarding the legal status of bar associations around the country as well as recent case law, the Court has decided unanimously to undertake a comprehensive review of the structure of the Bar. Because our review will include governance, the Court by a majority vote has decided that all Board action on proposed bylaw amendments should be deferred until further notice from the Court. Thus, the Court is directing that no action be taken on any proposed by-law amendments at this time.

In addition, we have received extensive communications regarding the role of the Executive Director. It is critical that the integrity of all Bar Discipline matters be protected at all times and that the Executive Director be allowed to oversee these functions without interference. In light of these communications and concerns, we felt that it was important to communicate to

you that the Court by a majority vote supports the Executive Director as the principal administrative officer of the Bar.

Finally, and most important, it is imperative that everyone, each Governor, each volunteer, each employee, including the Executive Director, be treated with respect. The ongoing interactions among the Governors and the Governors' interaction with staff are of concern to us. The WSBA must be a safe and healthy environment in which to work and govern. To the extent that there are not policies dealing with harassment and retaliation to cover all possible interactions by persons involved in Bar activities and Bar governance, the Court by a majority vote directs that such policies be adopted as soon as possible.

I plan to attend your September 27-28 Board meeting and, in accordance with prior practice, I will swear in the new officers and governors at the 2018 APEX Awards Dinner.

Very truly yours,

A handwritten signature in black ink that reads "Mary E. Faihurst". The signature is written in a cursive, slightly slanted style.

MARY E. FAIHURST
Chief Justice

cc: Justices

**Summary of WSBA Outreach Visits
July 21, 2018 to September 21, 2018**

1.	7/26/18	Skagit County Bar Mount Vernon, WA	Legal Community Outreach Specialist Sue Strachan met with Heather Webb, President of the Skagit County Bar.
2.	7/27/18	Clark County Bar, and Cowlitz-Wahkiakum County Bar Vancouver, WA	Legal Community Outreach Specialist Sue Strachan met with representatives from the Clark County Bar and the Cowlitz-Wahkiakum County Bar President, Meredith Long, during the Local Hero Luncheon.
3.	8/2/18	Kitsap County Bar Port Orchard, WA	Professionalism in Practice (PiP) Award given to attorney Kelly Montgomery. Communications Strategies Manager Jennifer Olegario, Communications Specialist Colin Rigley, and Legal Community Outreach Specialist Sue Strachan made the presentation.
4.	8/10/18	Whitman County Bar Pullman, WA	Legal Community Outreach Specialist Sue Strachan met with Luke Baumgarten, President of the Whitman County Bar.
5.	8/13/18	Spokane County Bar Spokane, WA	Legal Community Outreach Specialist Sue Strachan met with Bill Symmes, President of the Spokane County Bar.
6.	8/24/18	Clallam County Bar Port Angeles, WA	Legal Community Outreach Specialist Sue Strachan met with Selinda Barkhuis, the President-Elect of the Clallam County Bar.
7.	9/4/18	Whatcom County Superior Court Bellingham, WA	Professional Responsibility Counsel Jeanne Marie Clavere presented "Standards, Ethics and GAL Best Practices" for this 2018 Title 11 refresher Training.
8.	9/5/18	NW Procurement Fraud Working Group Seattle, WA	Disciplinary Counsel II Sachia Stonefeld Powell, Investigative Manager Natasha Averill, and Investigator II Debra Healy gave a presentation on "Working Together".
9.	9/11/18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Senator Jamie Pedersen as part of an ongoing effort to connect with WSBA's member-legislators.
10.	9/12/18	Seattle, WA	Outreach and Legislative Affairs Manager Sanjay Walvekar met with Senator Joe Fain as part of an ongoing effort to connect with WSBA's member-legislators.
11.	9/20/18	Walla Walla County Bar Walla Walla, WA	Legal Community Outreach Specialist Sue Strachan met with representatives from the Walla Walla County Bar.

WASHINGTON STATE BAR ASSOCIATION

MEMO

To: Board of Governors

From: Sara Niegowski, Chief Communications and Outreach Officer
Jennifer Olegario, Communication Strategies Manager

Date: Sept. 10, 2018

Re: Summary of Media Contacts, July 11-Sept. 10, 2018

	Date	Reporter and Media Outlet	Inquiry
1.	7/25	Brooke Williams, The Intercept	As part of nationwide investigation of accountability for federal prosecutors, they contacted all state bars and requested the same information for publication about federal Office of Professional Responsibility referrals and any discipline of federal prosecutors.
2.	7/26	Lewis Kamb, <i>Seattle Times</i>	Sought information about Redwolf Pope.
3.	7/26	Gabrielle Karol, KOIN 6 News (Portland, Ore.)	Sought information about Leslie French.
4.	8/30	Adam Rhodes, Law360	Will be writing a feature about growing trend of LLLTs.
5.	9/10	Curtis Gilbert, American Public Media	Reporter is researching lawyer discipline systems around the country and sent us a survey.

WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, Immediate Past-President, and Board of Governors
 From: Nicole Gustine, Assistant General Counsel
 Date: September 12, 2018
 Re: Court Rules Update

This is the regular report on the status of suggested court rules submitted by the Board of Governors and other entities to the Supreme Court. Any changes from the last report are indicated in **bold**, *shaded*, *italicized text*.

SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
ELC 2.5, ELC 2.7, ELC 3.3, ELC 3.4, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 6.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, ELC 15.1	Proposed amendments to ELC 2.5 – Hearing Officers, ELC 2.7 – Conflicts Review Officer, ELC 3.3 – Application to Stipulations, Disability Proceedings, Custodianships, and Diversion Contracts, ELC 3.4 – Release or Disclosure of Otherwise Confidential Information, ELC 4.2 – Filing; Orders, ELC 5.3 – Investigation of Grievance, ELC 5.5 – Investigatory Subpoenas, ELC 5.6 – Review of Objections to Inquires and Motions to Disclose, ELC 6.6 – Affidavit Supporting Diversion, ELC 9.3 – Resignation in Lieu of Discipline, ELC 10.7 – Amendment of Formal Complaint, ELC	7/22/16: Approved submission to Court.	12/7/16: The Court published for comment. Comment period ends 4/30/17. ¹ 6/1/17: The Court adopted ELC 2.5, ELC 2.7, ELC 4.2, ELC 5.3, ELC 5.5, ELC 5.6, ELC 9.3, ELC 10.7, ELC 10.16, ELC Title 15, and ELC 15.1. 12/6/17: The Court adopted ELC 3.3, ELC 3.4, ELC 6.5, and ELC 6.6.

¹ The Court has requested comment from DART on ELC 3.3, ELC 3.4, and ELC 6.6.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	10.16 – Decision of Hearing Officer, ELC Title 15 – Trust Account Examinations Overdraft Notification, and IOLTA, and ELC 15.1 – Random Examination of Books and Records.		
ELPOC 15.5	Proposed amendments to ELPOC 15-5 – Declaration, Disciplinary Regulations Applicable to ELPOC Title 15.	11/2016: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted the rule.
RPC 1.0A, RPC 1.10, RPC 1.11	Proposed amendments to RPC 1.0A – Terminology, RPC 1.10 – Imputation of Conflicts of Interest: General Rule, and RPC 1.11 – Special Conflicts of Interest for Former and Current Government Officers and Employees.	3/19/15: Approved submission to Court.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 12/6/17: The Court adopted the rules.
RPC 1.6, RPC 7.3, RPC 8.4	Proposed amendments to RPC 1.6 – Confidentiality of Information, RPC 7.3 – Solicitation of Clients, and RPC 8.4 –	3/19/15: Approved submission to Court.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
	Misconduct.		comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rules.
APR 8(f)(1), APR 14(c)(1)	Proposed amendments to APR 8(f)(1) – Nonlawyer License to Practice Law, and APR 14(c)(1) – Limited Practice Rule for Foreign Law Consultants.	N/A ²	11/8/17: The Court adopted the rules.
RPC 1.7, RPC 1.15A, RPC 4.2	Proposed amendments to RPC 1.7 – Conflict of Interest: Current Clients, RPC 1.15A – Safeguarding Property, and RPC 4.2 – Communication with Person Not Represented by a Lawyer.	9/6/17: Approved submission to Court.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted RPC 1.7 and RPC 1.15A.
IRLJ 3.3, RALJ 9.2	Proposed amendments to IRLJ 3.3 – Procedure at Contested Hearing, and RALJ 9.2 – Entry of Decision and Enforcement Judgement.	7/27/17: Approved submission to Court.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April

² Due to an error, the amendments simply correct the name of the oath – not substantive.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT			
RULE	SUBJECT	BOG ACTION	COURT ACTION
			30, 2018. 6/7/18: The Court adopted the rules.
CrR 7.2	Proposed amendment to CrR 7.2 – Sentencing.	N/A ³	2/7/18: The Court adopted the rule.
Standard 14.1 for CrR 3.1, JuCR 9.2, CrRLJ 3.1	Proposed amendments to the Standards for Indigent Defense, Standard 14.1 for CrR 3.1, JuCR 9.2, and CrRLJ 3.1.	11/16/17: Approved submission to Court.	4/5/18: The Court adopted the rule.
GR 25	Proposed amendments to GR 25 – Practice of Law Board, and Rescind Practice of Law Board Regulations.	1/19/18: Submitted to BOG as Information.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.

³ In January 2018, a WSBA Court Rules and Procedures Committee member noticed outdated citations in the comments to the Rule. The Committee Chair referred the matter to the Committee’s AOC liaison. The AOC decided to forward the information regarding the outdated citations directly to the Court. The Court amended the rule to correct the citations at its February 7, 2018 en banc administrative conference.



SUGGESTED RULE AMENDMENTS SUBMITTED BY WSBA TO SUPREME COURT

RULE	SUBJECT	BOG ACTION	COURT ACTION
IN THE MATTER OF SUGGESTED AMENDMENTS TO APR 28—LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS; APR 28 APPENDIX—REGULATION 2 PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE; APR 28 APPENDIX REGULATION 3—EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATION PROGRAMS; OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD; RULES OF PROFESSIONAL CONDUCT (RPC) 1.0B—ADDITIONAL WASHINGTON TERMINOLOGY; RPC 1.17—SALE OF LAW PRACTICE; RPC 4.3—DEALING WITH A PERSON NOT REPRESENTED BY A LAWYER; RPC 5.8—MISCONDUCT INVOLVING LAWYERS AND LLLTs NOT ACTIVELY LICENSED TO PRACTICE LAW; RPC 8.1—BAR ADMISSION AND DISCIPLINARY MATTERS; AND LLLT RULES OF PROFESSIONAL CONDUCT (LLLTPC) LLLT RPC 1.0B—ADDITIONAL TERMINOLOGY; LLLT RPC 1.2—SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT; LLLT RPC 1.5—FEES; LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES; LLLT RPC 1.15A—SAFEGUARDING POLICY; LLLT RPC 1.16—DECLINING OR TERMINATING REPRESENTATION; LLLT RPC 1.7 SALE OF A LAW PRACTICE; LLLT RPC 2.3 [RESERVED]; LLLT RPC 3.1—ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL; LLLT RPC 3.6-3.9 [RESERVED]; LLLT RPC 4.1—TRUTHFULNESS IN STATEMENTS TO OTHERS; LLLT RPC 4.2—COMMUNICATION WITH PERSON REPRESENTED BY LAWYER; LLLT RPC 4.3—DEALING WITH PERSON NOT REPRESENTED BY LAWYER; LLLT RPC 5.4—PROFESSIONAL INDEPENDENCE OF A LLLT; LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; LLLT RPC 8.1—LICENSING, ADMISSION, AND DISCIPLINARY MATTERS; LLLT RPC 8.4—MISCONDUCT	Proposed amendments. See Rule Section.	1/19/18: Submitted to BOG as Information.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 14, 2018.
RPC 1.2 (Comment 18), RPC 8.4 (Comment 8)	Proposed amendments to RPC 1.2 – Scope of Representation and Allocation of Authority Between Lawyer and Client, Comment 18, and RPC 8.4 – Misconduct, Comment 8.	7/27/18: Approved submission to Court.	9/5/18: The Court adopted the rules.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
APR 11	The Superior Court Judges' Association recommended the Proposed Amendments to APR 11 – Continuing Legal Education.	11/4/15: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2016.
New Rule GR 36	The American Civil Liberties Union of WA recommended the proposed new General Rule 36 – Jury Selection.	11/2/16: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2017.
RAP 10.4(a)(1)	The Washington Association of Criminal Defense Lawyers recommended the proposed amendments to RAP 10.4(a)(1) – Preparation and Filing of Brief by Party.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted the rule.
CR 11(b)	Ms. Ruth Laura Edlund recommended the proposed amendments to CR 11(b) – Signing, Drafting of Pleadings, Motions, and Legal Memoranda: Sanctions.	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017.
GR 35(e), RAP 9.2(c), RAP 9.5, RAP 10.2, RAP 11.3, RAP 15.2, RAP 15.4, RAP 17.3, RAP 17.7, RAP 18.13, RAP 18.13A, RAP Form 12, RAP Form 15A.	The Court of Appeals' Committee recommended the proposed amendments to GR 35(e) – Official Certified Superior Court Transcripts, RAP 9.2(c) – Verbatim Report of Proceedings, RAP 9.5 – Filing and Service of Report of Proceedings, RAP 10.2 – Time for Filing Briefs, RAP 11.3 – Date of Argument, RAP 15.2 – Determination of Indigency and Rights of Indigent Party, RAP 15.4 – Claim for Payment of Expense for Indigent Party, RAP 17.3 – Content of Motion, RAP 17.7 – Objection to Ruling – Review of Decision on Motion, RAP 18.13 – Accelerated Review of Dispositions in Juvenile Offense Proceedings, RAP 18.13A – Accelerated Review of Juvenile Dependency Disposition Orders, Orders Terminating Parental Rights, and Dependency Guardianship Orders, RAP Form 12 –	3/29/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than July 28, 2017. 11/8/17: The Court adopted all rules except for RAP 10.2. 12/6/17: The Court adopted RAP 10.2.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	Order of Indigency, and RAP Form 15A – Notice of Filing Verbatim Report of Proceedings (RAP 9.5).	
New Rule ER 413	The Columbia Legal Services, et al., recommended the proposed amendments to new rule ER 413 – Immigration Status.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than September 15, 2017. 11/8/2017: The Court adopted the rule.
RAP 3.4	The Office of Public Defense recommended the proposed amendments to RPA 3.4 – Title of Case and Designation of parties.	6/1/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
JuCR 7.7; CrRLJ 4.2(G); CrRLJ 4.2(G)	The Washington State Pattern Forms Committee recommended the proposed amendments to JuCR 7.7 – Statement on Plea of Guilty; CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty; and CrRLJ 4.2(g) – “DUI” Attachment.	6/28/17: The Court adopted the rules. 9/6/17: The Court adopted the amended rule to CrRLJ 4.2(g). ⁴
RAP 2.4(c)	The Court of Appeals’ Rules Committee recommended the proposed amendments to RAP 2.4(c) – Scope of Review of a Trial Court Decision.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
RALJ 9.3	The Washington Defender Association recommended the proposed amendments to RALJ 9.3 – Costs.	11/8/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018.
RAP 14.2	Mr. Gideon Newmark, Office of Public Defense recommended the proposed	12/6/17: The Court adopted the rule.

⁴ In the June order, the Court adopted the “four” convictions language, and at the September En Banc, the Court adopted the “three” convictions language proposal.



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
	amendments to RAP 14.2 – Who is Entitled to Costs.	
CRLJ 5(e), CrRLJ 5.1(b), IRLJ 4.1(b)	The District and Municipal Court Judges' Association recommended the proposed amendments to CRLJ 5(e) – Service and Filing of Pleadings and Other Papers, CrRLJ 5.1(b) – Commencement of Actions, and IRLJ 4.1(b) – Notification to Department of Licensing of Traffic Infraction.	12/6/17: The Court adopted the rules.
APR 8	Ms. Kristy Healing and the Washington Supreme Court Commission on Children in Foster Care recommended the proposed amendments to APR 8 – Limited Admissions.	12/6/17: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2018. 6/7/18: The Court adopted the rule.
CrRLJ 4.2(g)	The Washington State Pattern Forms Committee recommended the expeditious adoption of the proposed amendments to CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty.	3/7/18: The Court adopted the rule.
CrR 4.2(g); CrR 4.2(g)	The Washington State Pattern Forms Committee recommended the expeditious adoption of the proposed amendments to CrR 4.2(g) – Statement of Defendant on Plea of Guilty to Non Sex Offense; and CrR 4.2(g) – Statement on Plea of Guilty to Sex Offense.	3/7/18: The Court adopted the rules.
New GR 37	The Jury Selection Workgroup convened by the Supreme Court recommended the proposed new General Rule 37 – Jury Selection.	4/5/18: The Court adopted the rule.
GR 14.1	The Office of Reporter of Decisions recommended the expeditious adoption of the proposed amendments to GR 14.1 – Appendix Style Sheet.	6/7/18: The Court adopted the rule. 6/29/18: The Court adopted the amended order.
New GR 38	The Superior Court Judges' Association recommended the suggested new GR 38 – Prohibition of Bias.	6/7/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no



SUGGESTED RULE AMENDMENTS SUBMITTED BY OTHERS		
		later than September 14, 2018.
JuCR 7.7, CrRLJ 4.2(g), CrRLJ 4.2(g)	<i>The Washington State Pattern Forms Committee recommended the expeditious adoption of JuCR 7.2 – Statement on Plea of Guilty, CrRLJ 4.2(g) – Statement of Defendant on Plea of Guilty, and CrRLJ 4.2(g) – “DUI” Attachment.</i>	7/11/18: The Court adopted the rules.
CrR 3.4, CrRLJ 3.4	<i>The Washington Association of Criminal Defense Lawyers recommended the expeditious adoption of CrR 3.2 – Presence of Defendant, and CrRLJ 3.4 – Presence of Defendant.</i>	7/11/18: The Court adopted the rules.
CrR 4.7, CrRLJ 4.7, CrR 3.7, CrR 3.8, CrR 3.9, CrR 4.11, CrRLJ 3.7, CrRLJ 3.8, CrRLJ 3.9, CrRLJ 4.11	<i>The Washington Association of Criminal Defense Lawyers recommended the suggested amendments to CrR 4.7 – Discovery, CrRLJ 4.7 – Discovery, suggested New CrR 3.7 – Recording Interrogations, CrR 3.8 – Recording Eyewitness Identification Procedure, CrR 3.9 – In-Court Eyewitness Identification, CrR 4.11 – Recording Witness Interviews, CrRLJ 3.7 – Recording Interrogations, CrRLJ 3.8 – Recording Eyewitness Identification Procedure, CrRLJ 3.9 – In-Court Eyewitness Identification, and CrRLJ 4.11 – Recording Witness Interviews.</i>	7/11/18: The Court entered an order to publish the proposed amendments for comment, with comments to be submitted no later than April 30, 2019.
RALJ 9.3	<i>The Washington Defender Association recommended the expeditious adoption of the suggested amendment to RALJ 9.3 – Costs.</i>	9/5/18: The Court adopted the rule.



WASHINGTON STATE BAR ASSOCIATION

MEMO

To: President, President-elect, and Governors

From: Don Curran, Chair, Committee on Professional Ethics
Jeanne Marie Clavere, Professional Responsibility Counsel and staff liaison to CPE

Date: September 19, 2018

Re: New Advisory Opinion

INFORMATION ONLY: On August 24, 2018, the Committee on Professional Ethics issued the attached advisory opinion concerning communication with represented government employee following receipt of an ethics inquiry from a bar member. The opinion addresses RPC 4.2 communication with lower level government employee whose entity is represented by counsel and the rule's authorized by law exception. **(NO ACTION REQUIRED)**

Attachment: Advisory Opinion 201803

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 201803

August 24, 2018

Communication with Represented Government Employee

Issue presented: May an attorney communicate directly with low-level government employees if the government entity is represented by counsel?

Discussion:

RPC 4.2 provides:

“In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.”

This inquiry raises two issues under RPC 4.2. First, is a low-level staff employee of a government entity a person represented by a lawyer for the entity? Second, does the First Amendment right to petition the government for redress mean that the contact is “authorized . . . by law”?

A. Contacts with employee of a represented entity

As comment [10] to RPC 4.2 indicates, “[w]hether and how lawyers may communicate with employees of an adverse party is governed by *Wright v. Group Health Hospital*, 103 Wn.2d 192, 691 P.2d 564 (1984).” In *Wright*, our Supreme Court held that Rule 4.2 only applies to communications with what has come to be called the entity “control group,” which *Wright* more specifically defines to consist of “only those employees who have the legal authority to ‘bind’ the corporation in a legal evidentiary sense, i.e., those employees who have ‘speaking authority’ for the corporation.” 103 Wn.2d at 200.

We find no reason to distinguish between employees who in fact witnessed an event and those whose act or omission caused the event leading to the action. It is not the purpose of the rule to protect a corporate party from the revelation of prejudicial facts. Accord, *Coburn v. Seda*, 101 Wash.2d 270, 276–77, 677 P.2d 173 (1984) (discovery immunity statute will be strictly construed; it does not grant an immunity to information available from original sources). Rather, the rule’s function is to preclude the interviewing of those corporate employees who have the authority to bind the corporation. H. Drinker, *Legal Ethics* 201 (1953).

We hold current Group Health employees should be considered “parties” for the purposes of the disciplinary rule if, under applicable Washington law, they have managing authority sufficient to give them the right to speak for, and bind, the corporation. Since former employees cannot possibly speak for the corporation, we hold that [the predecessor to RPC 4.2] CPR DR 7–104(A)(1) does not apply to them.

Id. 103 Wn.2d at 200-01. Thus, under *Wright*, contacts with government employees who are potential witnesses and/or those whose governmental acts or omissions caused an alleged injury are not subject to the rule unless either they (a) have retained their own attorney or are individually represented by counsel or (b) have “managing/speaking” authority for the agency.

Comment 7 to RPC 4.2 attempts to codify *Wright* by stating that the Rule only prohibits contact with an employee who “supervises, directs or regularly consults with the organization’s lawyer concerning the matter or has the authority to obligate the organization with respect to the matter.” Similarly, Comment 10 adds that the matter is governed by the *Wright* case. If an employee is not in that limited class of persons, RPC 4.2 does not apply to the communication.

A government lawyer may not instruct all agency employees not to have ex parte contacts with outside lawyers. The *Wright* case addressed this possibility and concluded it was improper for an entity to advise its employees not to speak with the opposing party’s attorneys but that the employees were not required to meet ex parte with the opposing counsel. *Id.*, 103 Wn.2d at 202-03. See also RPC 3.4, cmt [5] which explains that “Washington did not adopt Model Rule 3.4(f), which delineates circumstances in which a lawyer may request that a person other than a client refrain from voluntarily giving information to another party, because the Model Rule is inconsistent” with *Wright*.

However, an opposing counsel who knows that the government lawyer represents an individual government employee may not contact that employee. This does not mean that the government lawyer may prevent such contacts simply by asserting that the government lawyer represents every employee of the government. Rather, for RPC 4.2’s prohibition on ex parte contacts to apply, the government lawyer has to have an attorney-client relationship with that specific employee.¹ This advisory opinion cannot address whether an attorney-client relationship exists between the government lawyer and low-level agency employees because that determination would need to be made for each individual. “The essence of the attorney/client relationship is whether the attorney’s advice or assistance is sought and received on legal matters. . . . The existence of the relationship ‘turns largely on the client’s subjective belief that it exists.’” *Bohn v. Cody*, 119 Wn.2d 357, 363, (quoting *In re McGlothlen*, 99 Wn.2d 515, 522, 663 P.2d 1330 (1983)).

Thus, if the low-level government employees do not supervise, direct or regularly consult with the government lawyer concerning the matter, do not have the authority to obligate the

¹ RPC 1.13(g) and 1.7 governs whether the government lawyer may represent both the government and a government employee individually. That issue is beyond the scope of this opinion.

government with respect to the matter, and are not individually represented by the government lawyer, the opposing lawyer may contact those employees directly.

B. “Authorized by law” exception

If RPC 4.2 applies to the government employee as discussed above, the opposing counsel may not contact the employee without the government lawyer’s consent unless the contact is authorized by law or court order. Here, a key question is whether the constitutional right to petition for a redress of grievances, U.S. Con., amendment 1 and Washington Con., Art. 1, sec. 4, permits contact with such a government employee under the “authorized by law” exception to RPC 4.2. Like the rights to speech and assembly, the petition right “is subject to reasonable restraints and limitations as are other rights protected by the federal and state constitutions.” *State v. Gossett*, 11 Wn. App. 864, 866, 527 P.2d 91, 93 (1974).

Unfortunately, there is limited legal precedent as to whether and to what extent the right to petition makes direct contact with a government employee “authorized by law” under RPC 4.2.

ABA Opinion 97-408 addresses this question, but its analysis is not entirely consistent with RPC 4.2. That opinion concludes that “Rule 4.2 does not prohibit a lawyer representing a private party in a controversy with the government from communicating directly with governmental officials who have authority to take or recommend action in the matter, provided the communication is solely for the purpose of addressing a policy issue, including settling the controversy.” (Footnote omitted). However, that opinion was based on a comment that was later revised. In addition, the opinion also states that “the lawyer for the private party must always give government counsel advance notice that it intends to communicate with officials of the agency to afford such officials an opportunity to discuss with government counsel the advisability of entertaining the communication.” This requirement has no basis in the text of RPC 4.2 or even its comments. For these reasons, we decline to adopt the reasoning of ABA Opinion 97-408.

There is little other authority and no controlling Washington precedent that addresses whether the constitutional right to petition authorizes direct contact with a government employee. While certain communications with a government employee would fall within the right to petition, RPC 4.2’s requirement that such communications be directed to the government lawyer may be found to be a reasonable restriction.

The Committee therefore is unable to provide an opinion on whether the right to petition would permit opposing counsel to communicate directly with a government employee if that communication is otherwise prohibited by RPC 4.2.

Contacts with government employees may be “authorized by law” in specific kinds of cases, quite apart from any authority contained in the right to petition. For example, serving a summons and complaint directly on a represented opposing party is authorized by law. Advisory Opinion 201502. But identification or cataloguing of such legal authority is beyond the scope of this opinion.

2018 ANNUAL CHIEF HEARING OFFICER REPORT TO THE BOARD OF GOVERNORS

I. INTRODUCTION

The Washington Supreme Court appointed¹ me to serve as chief hearing officer for a two-year term beginning October 1, 2017. WSBA compensates the chief hearing officer \$30,000.00 per year through an independent contractor contract. This report, required by the contract, covers the time period October 1, 2017, through August 31, 2018.

II. DUTIES OF THE CHIEF HEARING OFFICER

Rules for Enforcement of Lawyer Conduct Rule 2.5(e)(2) sets out the chief hearing officer's duties and authority. The chief hearing officer also attends the Discipline Advisory Round Table Meetings and participates as an ex-officio member of the Disciplinary Selection Panel. This report summarizes the chief hearing officer's ELC 2.5 duties.

A. HEAR MATTERS

The chief hearing officer can hear matters. I conducted five hearings during this fiscal year.

B. ASSIGN CASES

The chief hearing officer assigns hearing officers and settlement hearing officers to individual proceedings from those the Washington Supreme Court appoints to the list. I have appointed 53 hearing officers and 18 settlement hearing officers between October 1, 2017, and August 31, 2018. There are no proceedings currently waiting for hearing officer appointments.

I receive a weekly report listing the cases needing hearing officer and settlement hearing officer assignments. The Formal Complaints are placed in a Box folder so I can access them as needed. I review the information and contact hearing officers who do not have current assignments. I have not had any difficulty finding hearing officers willing to accept new assignments. In fact, several consistently volunteer for more work. I have attempted to broaden the experience of all hearing officers by assigning them equally to settlement conferences, as well as to disciplinary and disability proceedings. To this extent I feel I have been successful. Fortunately, most disciplinary hearings only require 2-3 days, which is easier for hearing officers to accommodate. I will be challenged finding and assigning hearing officers to longer proceedings (in excess of one week), and may need to explore bifurcating proceedings, so as to not create an undue hardship on

¹ The Supreme Court, upon recommendation of the Board of Governors in consultation with the Disciplinary Selection Panel, appoints a chief hearing officer to an initial two year term, followed by renewable five year terms. ELC 2.5(e)(1).

the hearing officer. (This is something commonly done in workers' compensation cases at the administrative level with the Board of Industrial Insurance Appeals).

- C. MONITOR AND EVALUATE HEARING OFFICER PERFORMANCE
I monitor and evaluate hearing officer performance through frequent contact with the hearing officers and through review of written orders and decisions. Hearing officers frequently contact me with questions about hearing procedures. This fiscal year, we have had questions about photographing and recording proceedings and controlling participant behavior.
- D. HEAR MOTIONS FOR HEARING OFFICER DISQUALIFICATION
The parties can request hearing officer removal without cause once in each proceeding.² In addition, the parties may move to disqualify a hearing officer for cause.³ I have appointed a new hearing officer at least one time when a party requested removal without cause. I decided one motion requesting for cause removal.
- E. HEAR PRE-HEARING MOTIONS WHEN NO HEARING OFFICER ASSIGNED
I have decided motions for orders of default and approved stipulations. I have entered approximately six of these orders.
- F. HEAR MOTIONS FOR PROTECTIVE ORDERS UNDER RULE 3.2(e)
I have not been presented with any motions for protective order this year.
- G. HEAR MOTIONS PRIOR TO MATTER BEING ORDERED TO HEARING, INCLUDING WHILE A GRIEVANCE IS BEING INVESTIGATED
I did not receive any of these motions this fiscal year.
- H. HEAR REQUESTS FOR AMENDMENT OF FORMAL COMPLAINT UNDER RULE 10.7(b)
I have not decided any motions under this rule.
- I. APPROVE STIPULATIONS TO DISCIPLINE NOT INVOLVING SUSPENSION OR DISBARMENT AS PROVIDED BY RULE 9.1(d)(2)
The chief hearing officer approves stipulations when a hearing officer has not been appointed. I approved approximately three stipulations during this fiscal year.
- J. RESPOND TO HEARING OFFICER REQUESTS FOR INFORMATION OR ADVICE RELATED TO THEIR DUTIES.
I responded to frequent requests for hearing officer information or advice relating to their duties. Many of the questions lead to topics for next year's training.

² ELC 10.2(b)(1).

³ ELC 10.2(b)(2).

K. SUPERVISE HEARING OFFICER TRAINING IN ACCORDANCE WITH ESTABLISHED POLICIES

Hearing officer training is provided annually in the fall and includes CLE credit. We usually provide a five or six hour program on three different dates. We offer the program in Seattle and provide Zoom to facilitate attendance by those outside of Seattle. Topics vary, but include changes to rules or procedures, Supreme Court cases decided over the last year, settlement skills, writing skills, diversity training and accessibility training. The most recent training was in early 2018.

III. HEARING OFFICERS

We have 44 hearing officers. Hearing officers are appointed by the Supreme Court of Washington for initial two year terms, followed by five year terms. There is no limit on the number of 5 year terms. Hearing officer initial and re-appointment applications are reviewed by the Discipline Selection Panel (DSP), including receiving input from the chief hearing officer, Office of Disciplinary Counsel and a representative from the respondent's counsel community. The DSP makes a recommendation to the WSBA Board of Governors. The Board forwards a recommendation to the Court.

IV. STAFF

Allison Sato and Lisa Amatangel assist the chief hearing officer with his duties when needed.

V. CONCLUSION

I thank you all for the support I have received since my appointment as chief hearing officer in October 2017. Please let me know if you have any specific questions.

Respectfully submitted this 12th day of September, 2018.

Randolph O. Petgrave III
Chief Hearing Officer



Cynthia, a mother of two young children, was violently abused by her spouse for years. After he was arrested and charged with assaulting her in front of the children, she sought legal aid to obtain a domestic violence protection order and a protective parenting plan.

The father of her children contested the protection order, attempting to put it on hold while his criminal case was pending.

Cynthia's legal aid attorney argued that the order and family law proceedings should move forward for the safety of the mother and children. Thankfully, the judge granted the long-term protection order.

With the protection order in place, Cynthia's attorney helped her successfully obtain a restrictive parenting plan to protect her children. After receiving legal assistance, Cynthia felt like she and her children were safe for the very first time.



THANK YOU FOR INVESTING IN JUSTICE

2017 LFW GRANTEES

Columbia Legal Services
High impact litigation and systemic change work

Northwest Immigrant Rights Project
Defending and advancing rights of immigrants

Northwest Justice Project
Ensuring access to legal assistance for low-income people across Washington

Seattle Community Law Center
Securing benefits for people with disabilities

Solid Ground, Benefits Legal Assistance Program
Helping vulnerable families

TeamChild
Legal help for youth involved or at risk of being involved in the juvenile justice system

Unemployment Law Project
Helping low-wage workers receive employment security benefits

Benton-Franklin Legal Aid Society

Blue Mountain Action Council

Chelan-Douglas County Volunteer Attorney Services

Clallam-Jefferson County Pro Bono Lawyers

Clark County Volunteer Lawyer Program

Cowlitz-Wahkiakum Legal Aid

Eastside Legal Assistance Program

King County Bar Association Pro Bono Services

Kitsap Legal Services

Lewis County Bar Legal Aid

Skagit Community Action Volunteer Lawyer Program

Snohomish County Legal Services

Spokane County Bar Association Volunteer Lawyer Program

Tacoma Pro Bono

Thurston County Volunteer Legal Services

Whatcom County LAW Advocates

Yakima County Volunteer Attorney Services



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2017 GRATITUDE REPORT TO
OUR DEDICATED SUPPORTERS

YOUR INVESTMENT IN LEGAL AID CREATES JUSTICE AND HOPE IN OUR COMMUNITY

Dear Colleagues, Supporters, and Advocates,

We are honored and humbled to partner with you as we work toward our vision of a Washington where civil legal aid is a basic human right, available and effective for all low-income people.

In 2017, 5,000 lawyers, judges, law firms, corporations, and community supporters donated to our Campaign for Equal Justice and our Endowment. This allowed us to grant more than \$9 million to civil legal aid providers across the state. It means seniors were protected from fraud, families found safety from abusers and stayed housed, veterans accessed benefits, and workers fought back against discrimination.

Your donations helped 31,000 families and individuals secure justice and avoid catastrophe. You also funded large scale policy reforms and impact litigation to create systemic changes that help people escape poverty.

However, our nation's promise of justice for all is not yet fulfilled. Only one of every four low-income households with a civil legal problem is able to access legal aid, but these households average nine civil legal problems per year. Additionally, families of color, survivors of domestic violence, and LGBTQ community members experience civil legal issues at disproportionately high rates compared to the rest of the low-income population.

There is much more work to be done but this report provides us with an opportunity to celebrate what we have accomplished together, and to find energy and inspiration for the road ahead.

With your continued support, we will remain fierce advocates for justice and for the people of our state who are often left behind. Thank you for being a champion of equal access to justice!

With gratitude,

Caitlin Davis

Caitlin Davis
Executive Director

Kara Masters

Kara Masters
President, Board of Trustees

IMPACT



The cost of medical services shouldn't prohibit people from getting the care they need. Yet, for too many low-income families in our state, the cost of healthcare is a barrier when health problems arise.

Our largest grantee, Columbia Legal Services, has been working on this issue



for several years. In early 2018, CLS secured two monumental victories to help low-income families access medical care.

After years of litigation, CLS won a class action lawsuit to enforce hospitals' obligation to provide charity care. And, CLS worked with state legislators to pass a law that changes how hospitals must notify patients of financial assistance. Hospitals must now provide conspicuous notes on the front of hospital billing statements, proper signage in public areas, and training for staff.

The new legislation and class action suit are estimated to impact nearly 900,000 people living in Washington. When families and workers receive the health care services they need, we all benefit from healthier communities.

2017 FINANCIAL STATEMENTS

LFW is a responsible steward of your investment



LEGAL FOUNDATION OF WASHINGTON

REVENUE	
Campaign Donations	\$1,576,166
Endowment Disbursement	\$761,388
Public Funding	\$1,900,000
IOLTA	\$2,354,875
Investment Income	\$1,050,060
Cy Pres	\$321,900
Total Revenue	\$7,964,389

EXPENSES	
Grants & Grantee Support	\$9,154,945
Management and Fundraising	\$850,973
Total Expenses	\$10,005,918

STATEMENT OF FINANCIAL POSITION

Total Assets	\$19,324,412
Total Liabilities	\$12,348,320
Total Net Assets	\$6,976,092

ENDOWMENT FOR EQUAL JUSTICE

REVENUE	
Donations and Pledges	\$490,166
In-Kind Donations	\$43,742
Investment Income	\$1,748,030
Total Revenue	\$2,281,938

EXPENSES	
Grant to LFW	\$761,388
Program	\$122,317
Fundraising	\$134,922
Total Expenses	\$1,018,627

STATEMENT OF FINANCIAL POSITION

Net Assets Beginning of Year	\$16,083,944
Net Assets End of Year	\$17,347,255
Change in Assets	\$1,263,311

YOUR GIFTS HELP VULNERABLE PEOPLE ACROSS WASHINGTON

Legal issues addressed by LFW grantees in 2017

Employment **634**



Juvenile, Education & Health **1,061**



Public Benefits **1,419**



Consumer **2,643**



Other **3,276**



Immigration & Civil Rights **5,748**



Housing **7,083**



Family Safety **9,998**



Thanks to your support, thousands of people secured a brighter future in 2017. Here's how your gifts were put to work last year as our grantees addressed civil legal issues:

2017 LEADERSHIP

LFW

Kara Masters
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Peter "P.J." Jennings Grabicki
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John Goldmark
SECRETARY
Gerald Schley
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Russell Aoki
M. Laurie
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Mark Johnson

Campaign for Equal Justice

Andre Penalver
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Claire Loebs Davis
Dick Manning
Deane Minor
Therese Norton
Patrick Palace
Lisa Saar
Bryan Smith

Gail Smith
Michael Sprangers
John Teutsch
Geanna Van Dessel
Tom Vertelis

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Mark Hutcheson
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Mark Kamitomo
Dick Manning
Michelle Moersfelder
Salvador Mungia
Margaret Niles
James Rogers
Gordon Wilcox



House of Delegates

AMERICAN BAR ASSOCIATION STATE DELEGATE REPORT WASHINGTON

James F. Williams

jwilliams@perkinscoie.com

The American Bar Association convened for its 140th Annual Meeting in Chicago, IL, August 2 ? 7, 2018. Highlights included:

- *The ABA General Assembly:* The processional of ABA State Delegates with state/territorial flag continued to be a great opening for this renowned event, and ABA President Hilarie Bass introduced Bryan Stevenson, acclaimed lawyer, social justice activist, founder and executive director of the Equal Justice Initiative, and ABA Medal Awardee as the keynote speaker. He encouraged lawyers to "create justice by opening doors and getting closer to the poor and neglected".
- *Honors and Awards:* In addition to Bryan Stevenson being awarded the 2018 ABA Medal, throughout the week many of the profession's top lawyers were also honored and awarded at special events including the Annual Dinner which gave honor to the Judiciary, the Thurgood Marshall Award Dinner honored Former Attorney General Eric J. Holder Former Attorney General Eric J. Holder Former Attorney General Eric J. Holder, and many others were honored and awarded at events like the Pro Bono Publico Awards Luncheon, and the Margaret Brent Women Lawyers Achievement Awards Luncheon.
- *Great Programming:* Building on the success of last year's series, round #2 of "CLE in the City" was outstanding. Chicago law firms and top area law schools opened their doors for CLE in the "Second" City! The eight substantive tracks offered included Cybersecurity Law; Ethics; Family Law; Gaming, Sweepstakes & Franchise Law; Legal Writing, Ethics & Persuasion; Litigation; Mergers & Acquisitions; and Privacy & Security.

In addition, new this year were the following two ABA Forums developed with a focus on current news events:

[#MeToo, Times Up - Sexual Harassment in the Workplace](#) (moderated by President Hilarie Bass)

The Deputy Attorney General of the United States, Rod Rosenstein.

- *The New and Never Old*: New was the ABA Sidebar and Bookstore which was a refreshing concept that served as the main meeting place for members to make meaningful connections with select vendors, ABA services, and fellow attendees. There was the wonderful return of Defense Attorney & CNN/HLN Legal Analyst Joey Jackson as Master of Ceremonies for the It's Only Fair 2! - Legal Services Corporation Concert and Rally which featured Chicago stage and cabaret performers. Also, attendees, guests, ABA and hotel staff volunteered their time again to help assemble 500 hygiene kits for the 2018 Community Service Project - The Night Ministry, a Chicago-based organization that works to provide housing, health care and human connection to youth and Young adults experiencing homelessness.
- *The Membership Meeting*: Candidates seeking officer positions answered questions of the membership; and the Nominating Committee voted on a proposal to present to the House to amend the current Principles and Guidelines on the Election of Officers.
- *The House of Delegates*: The House met for 17 days. The [Daily Journal](#) of the actions of the House and the [Select Committee Report](#) Select Committee Report, which is a more comprehensive summary, can be found on the [House of Delegates Webpage](#). The current edition of the [ABA Washington Letter](#) also provides a detailed report. The House gavel was passed to President, Robert M. Carlson of Montana, election results for members of the Board of Governors was announced, and the House welcomed its newly elected officer: President-Elect, Judy Perry Martinez of Louisiana. The House also voted on amendments to the Association's Constitution, Bylaws and House Rules of Procedures, approved amendment of the Association's dues structure, and considered many resolutions on an array of topics and issues including, administrative law judiciary, archiving, business law, civil rights and social justice, courts, criminal justice, disability rights, dispute resolution,

domestic and sexual violence, ethics and professional responsibility, family law, general practice, gun violence, immigration, intellectual property law, international law, law and aging, legal education, legal services, membership dues, paralegals, sexual orientation and gender identity, specialization, taxation, and well-being in the legal profession. Rahm Emmanuel, Mayor of Chicago gave remarks and the House presented the [2018 Resolution and Impact Video ? Ending Indiscriminate Shackling of Juveniles](#), and provided a presentation on [How a Changing Privacy Landscape Affects Your Life Practice](#).

Please visit the [ABA Home page](#) for upcoming registration information for the 2019 Midyear Meeting in Las Vegas, Nevada, January 23-28, and to access the most current news for the legal profession. There are many new and innovative and evolving happenings at the ABA and your commitment to the ABA makes a difference. I ask that you encourage other lawyers, especially those recently admitted to the bar, to join the ABA. The ABA works hard to benefit the legal profession and there are many member benefits. Just check out [ABA Member Advantage](#).

As always, if you have any questions or comments, or if I can be of assistance helping you navigate the many programs and benefits of our Association, please email me.

Best Regards,

James F. Willimas
ABA Washington State Delegate



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WASHINGTON STATE BAR ASSOCIATION

TO: WSBA Board of Governors
FROM: Pam Inglesby, WSBA Bar Services Manager
RE: Report on WSBA Professionalism Activities
DATE: September 17, 2018

The WSBA Board of Governors adopted a Professionalism Plan in 2014 to guide the organization's ongoing efforts to advance and promote professionalism, civility, and related behavior among WSBA members. The plan has three goals:

- Promote and advance professionalism through outreach and recognition activities
- Raise awareness about professionalism among WSBA members
- Integrate professionalism into WSBA's ongoing programs and activities

This report summarizes progress on the plan's three goals since the last report to the Board in 2016.

To promote professionalism, the WSBA recently launched its new Professionalism in Practice (PiP) award program. PiP is a "pop-up" award that recognizes members for notable acts of professionalism. Nominations are made by members, judges, staff and the public, and there is no limit to how many awards WSBA may make in a year. Awards are presented in person, ideally as a surprise, and publicized via WSBA's social media, website, and other communications. As of this date, two awards have been presented, to William White of Tacoma and Kitsap County Senior Deputy Prosecuting Attorney Kelly Montgomery. Other presentations are being planned. For more information, see www.wsba.org/PIP.

WSBA also recognizes professionalism during its annual APEX Awards program which honors legal luminaries across the state, WSBA presents an annual Professionalism Award to a member who exemplifies the spirit of professionalism in the practice of law, as defined in WSBA's Creed of Professionalism. In 2016 the award was given to Anthony R. Hinson of Poulsbo, in 2017 to Don Curran of Spokane, and this year it will be given to Mark Johnson of Seattle. Watch videos honoring each awardee at www.wsba.org/awards.

To raise awareness of professionalism, WSBA joined in May of 2016 with Robert's Fund Civility Center for the Law at Seattle University School of Law to survey WSBA members about civility in the profession. The results were encouraging, as respondents reported that opposing counsel (the focus of the survey) acted civilly more often than not. Preliminary results were published in "The WSBA Civility Survey: Promoting the Civil Practice of Law" by Lisa E. Brodoff and Timothy M. Jaasco-Fisher, *NWLawyer*, December 2016/January 2017.

The law school speaker program, in which WSBA members and staff visit all Professional Responsibility classes once a term to engage students in discussions about professionalism, is continuing at the University of Washington, Seattle University School of Law, and Gonzaga University School of Law with the assistance of volunteers Allen Unzelman, Hunter Abell and David Gardner.

WSBA staff from the Office of Disciplinary Counsel and the Office of General Counsel make presentations at least monthly to current and future attorneys around the state on ethics, professionalism, and civility as they relate to everyday practice as well as to specialized areas such as social media, client communication, and nonprofit board service. These presentations are made in a variety of venues including county and specialized bar events, WSBA section CLEs, law school classes, and legal community networking events.



WSBA also uses its member communication vehicles to address professionalism issues. Articles have appeared in *NWLawyer* magazine since 2016 on work/life balance and well-being, volunteer opportunities, and law office management issues such as leadership and inclusion. Posts on *NW Sidebar*, WSBA's blog, have addressed mentoring, implicit bias, communication, ethics, and other professionalism topics.

Members who attend or purchase WSBA CLEs learn about professionalism through the full-day "Ethics, Professionalism and Civility" program offered every September as well as a large number of ethics CLEs. At least one of WSBA's free Legal Lunchbox CLE webcasts deals with professionalism each year, the most recent being "It's all about the Relationship – Becoming an Effective Counselor at Law."

Those who volunteer with WSBA are asked to think about professionalism as well. The topic is discussed at the annual committee chair and section leader meetings, and both groups are required to report on professionalism activities in their annual reports to the Board. A question about professionalism is also included in the Board of Governors Candidate Forum, raising the awareness of future Board members about the importance of professionalism to the WSBA.

New WSBA members are made aware of professionalism by the inclusion of information on WSBA services including the Ethics Phone Line, Member Wellness Program, WSBA Connects, and Practice Management Assistance in the new member brochure and in materials provided to those preparing to take the bar exam. The Preadmission Education Program also includes significant professionalism content.

Other activities of note include:

- Effective September 1, 2017, the Washington Supreme Court amended its Admission and Practice Rules that relate to LPO and LLLT mandatory continuing legal education (MCLE). As a result LLLTs and LPOs are now able to earn MCLE credit for taking professional development courses, which includes topics like leadership, effective lawyering, and communication skills.
- The Supreme Court adopted in early 2018 Performance Guidelines for Juvenile Offense Representation developed by WSBA's Council on Public Defense. The Guidelines address, among other topics, appropriate attorney-client communication.
- The Practice Management Assistance Program (PMA) promotes better legal service delivery through improved business practices. Through its individual consultations, online resources, and presentations, PMA guides members in all aspects of law-firm business management—including technology adoption, cybersecurity issues, and client communication.

WASHINGTON STATE BAR ASSOCIATION

TO: Board of Governors

FROM: Joy Williams, WSBA Diversity and Public Service Programs Manager
Robin Nussbaum, WSBA Inclusion & Equity Specialist

RE: Diversity and Inclusion Events

DATE: September 17, 2018

WSBA Diversity and Inclusion Events

Education, Collaboration, and Partnership

Working closely with staff, volunteers and community partners throughout the legal community is foundational to the successful implementation of the diversity plan. WSBA participates in and provides a variety of opportunities to increase cross-cultural competency, awareness and engagement. Your participation communicates WSBA's commitment to representation and involvement in advancing inclusion.

Diversity & Inclusion Events for WSBA Staff and Volunteers			
When	What	How You Can Help	Who To Contact for More Info
Monday, September 24	Staff Liaison Diversity & Inclusion Training	FYI only	Robin N.
Tuesday, October 9	Presentation Limited Practice Board	FYI only	Robin N.
Friday, October 12	Presentation Character & Fitness Board	FYI only	Robin N.
Monday, October 15	Presentation LLLT Board	FYI only	Robin N.
Friday, October 20	Presentation Committee on Professional Ethics	FYI only	Robin N.
Wednesday, October 31	Volunteer Diversity & Inclusion Orientation	FYI only	Robin N.
Friday, November 2	Presentation Law Clerk Board	FYI only	Robin N.
Thursday, November 29	Presentation Judicial Recommendation Committee	FYI only	Robin N.



Washington State Minority Bar Association and other Diversity Events			
When	What	How You Can Help	Who To Contact for More Info
September TBD	Understanding, Identifying and Responding to the Impact of Microaggressions – Stoel Rives	FYI Only	Joy Williams
September TBD	Understanding, Identifying and Responding to the Impact of Microaggressions - Van Ness Feldman LLP	FYI Only	Joy Williams
Friday, September 28	South Asian Bar Association of Washington Banquet	Attend	Margaret Shane or Dana Barnett
Tuesday, October 2	Understanding, Identifying and Responding to the Impact of Microaggressions - AGO	FYI Only	Joy Williams
Thurs, October 4	Vietnamese American Bar Association Banquet	Attend	Margaret Shane or Dana Barnett
Friday, October 12	Washington Women Lawyers Banquet	Attend	Margaret Shane or Dana Barnett
Saturday, October 13	Filipino Lawyers of Washington Banquet	Attend	Margaret Shane or Dana Barnett
Wed, October 17	Understanding, Identifying and Responding to the Impact of Microaggressions - AGO	FYI Only	Joy Williams
Wed, October 17	MAMA's Banquet Lunch	Attend	Margaret Shane or Dana Barnett
Thursday, October 18	Understanding, Identifying and Responding to the Impact of Microaggressions - AGO	FYI Only	Joy Williams
Friday, October 19	Asian Bar Association of Washington Banquet	Attend	Margaret Shane or Dana Barnett
Wed, October 24	Understanding, Identifying and Responding to the Impact of Microaggressions - AGO	FYI Only	Joy Williams
Wed, October 24	Panel and Reception with the Washington Attorneys with Disabilities	Attend in person or by webcast	Dana Barnett

Contact Information

Joy: joyw@wsba.org or 206.733.5952

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WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Ann Holmes, Chief Operations Officer
Tiffany Lynch, Associate Director for Finance

Re: Results through June 30, 2018 (75% of fiscal year)

Date: September 11, 2018

Attached are the year-to-date financial statements through June 2018, which show that most revenue and expenses are within acceptable ranges of the budgeted amounts. Below is a summary of revenue and expense highlights through June 30, 2018, 75% of the fiscal year completed.

REVENUE AND EXPENSE ANALYSIS

General Fund Revenues

- *Licensing revenue* is over budget at 76.33%. It reflects Q1 license fees of \$385 and Q2/Q3 license fees of \$449. The majority of fees have been collected and we expect to exceed budget by at least \$250,000.
- *Gain/Loss on Investments and Interest Income* is currently over budget at 193.84%. Interest income is generated from WSBA's cash balances and CDs, which have performed better than expected. The gain/loss on investments is derived from our investment in bonds, which are more prone to market fluctuation and can be difficult to predict.
- *Admission/Bar Exam* revenue is over budget at 86.95%. This revenue is driven mostly by the timing of licensing exams (February and July) but we expect there will be additional collections in Q4 that will bring revenue within budget range at the end of the year.
- *Recovery of Discipline Costs revenue* is currently under budget at 62.70% and will likely remain so at year-end. This revenue depends on the number of attorneys who choose to pay costs in order to resume practicing, as well as the amount owed by those attorneys.
- *Law Clerk revenue* is currently over budget at 110.85%. Although we collect money throughout the year, our highest collection months are between December and February so we do not anticipate much more revenue in Q4.
- *Mandatory CLE revenue* continues to be over budget at 89.48% due to the timing of collection with the licensing cycle. We expect to come in on or slightly over budget at year-end.

- *Pro Hac Vice revenue* continues to be a solid revenue source for WSBA and is over budget at 105.76% of budget.
- *NWLawyer revenue* is under budget at 60.46% due to timing of payments received. Earlier in the year WSBA transitioned to a professional advertising agency (SagaCity) to oversee the advertising component of the cost center. We expect revenue to come within budget range and year-end.
- *Reimbursement from Sections revenue* is currently at 98.18% of budget and the majority of funds have been collected for the year. We expect to come in slightly under budget as membership numbers have declined. The Sections team is currently conducting a survey to identify the reason(s) for the reduction in membership.

Indirect Expenses

Salaries for regular employees are slightly under budget at 74.77%. *Overall salary expense (regular staff and temps)* is slightly over budget at 76.24% due to the timing of temporary staff employment during the licensing season (Q1 & Q2), additional unanticipated temporary staffing for project coordination needs in multiple departments, and lower than anticipated capital labor offset for software development. *Employee benefits* are under budget at 73.95%, due to timing of expenses and lower than anticipated unemployment insurance rates. We anticipate that the combined cost of salaries and benefits will come in on or slightly under budget by the end of the year.

Other Indirect Expenses are below budget at 69.06%. Items such as *rent, insurance, property taxes, bank fees, and human resources direct expenses* are on target; *workplace benefits, meeting support expenses, professional fees-audit, and records storage* are slightly over budget, and remaining expenses are under budget. A few outliers include: *Depreciation (Software, Hardware, and Leasehold Improvements)* at 47.86% of budget reflects fewer capital items being purchased than anticipated and *Professional Fees- Legal* at 204.78% of budget. Legal fees vary from year to year and are difficult to predict. We expect that other indirect costs will come in slightly under budget at the end of the year.

General Fund Direct Expenses

Direct expenses are under budget in a variety of areas. However, it is too soon to predict whether this overall trend will carry through the remainder of the year. Some key areas follow:

- *Admission/Bar Exam* expenses are under budget at 62.13%; however, the largest individual expense for UBE Examinations will be paid in Q4. Additionally, we have higher than anticipated costs for Facility, Parking, and Food for the bar exams because the budget did not include deposits paid in prior years. (Accounting rules require expenses to be booked in the year the event occurs, not when payments are made.) Overall we expect to come in on or slightly over budget at the end of the year.
- *Overall* expenses in the Board of Governors cost center is under budget at 63.83%. Expenses in this cost center are primarily related to BOG meetings with some of the larger expenses to be incurred in Q4 (such as the July BOG retreat and September meeting). As of the date of this memo, BOG meeting expenses are over budget by ~\$14,000 and we expect at least an additional \$15,000 for the September meeting. Expenses for BOG Travel & Outreach is significantly under budget at 36.99% and will likely come in under budget at year-end. There is also a commitment of \$60,000 to the Washington Leadership Institute, which has been paid in August.

- *Discipline* expenses remain under budget at 57.45% and will likely remain so through year-end. Variances from budget are fairly common because the majority of expenses are tied to the number of cases and where they are in the discipline process.
- *Northwest Lawyer* expenses for *Printing, Copying, & Mailing* is under budget at 51.36% and *Outside Sales Expense* is under budget at 34.71%. We still have expenses for four issues that will be paid in Q4 which should bring us in line with budget at year-end.
- *Outside Counsel (OGCDB)* expenses is under budget at 55.91% and is based on the number of contracted outside counsel needed for disciplinary board cases each year. We expect costs to remain under at year-end. (These expenses are different and separate from outside counsel fees budgeted under indirect expenses, which have already exceeded budget this year.)
- *Donations/Sponsorships/Grants* (Public Service Programs) are under budget at 48.60%. These are allocated funds for the Moderate Means Program at the three Washington law schools and will be paid out by the end of the year.

Continuing Legal Education (CLE)

Total CLE revenue of \$1,480,286 is under budget at 72.84%, reflecting the changing CLE market. Seminar revenue was 74.47%; product revenue was 73.39%; and deskbook revenue was 61.12%. Revenues have picked up from earlier in the year and we expect additional income in Q4 from WSBA's summer product sale and remaining CLE seminars that will bring us in line with budget at year-end.

CLE indirect expenses are on budget at 75.27%. CLE direct expenses are below budget at 61.59% due to program and product sales timing and will continue in Q4 consistent with revenue production. Deskbook direct expenses, predominantly tied to deskbook sales, are under budget at 52.20%.

Client Protection Fund (CPF)

Most of the CPF revenue is collected during licensing season. Revenue through June is 104.27% mainly due to higher than expected interest income and restitution collections. Direct expenses are below budget at 26.32%, due to the timing of gifts to injured clients which will occur in Q4 and are expected to trend to budget. Indirect expense are over budget at 79.33% but are expected to even out and come in on budget.



WSBA Financial Reports

(Unaudited)

Year to Date June 30, 2018

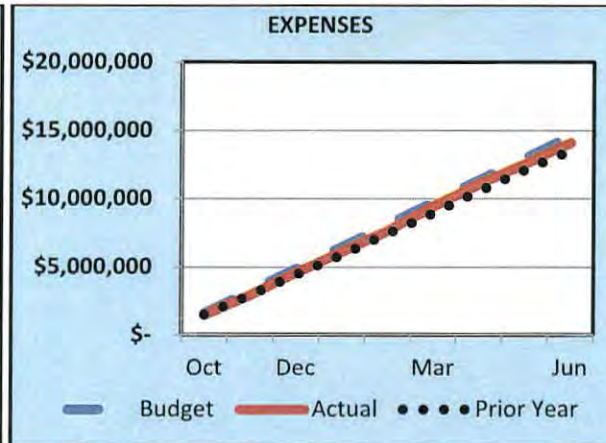
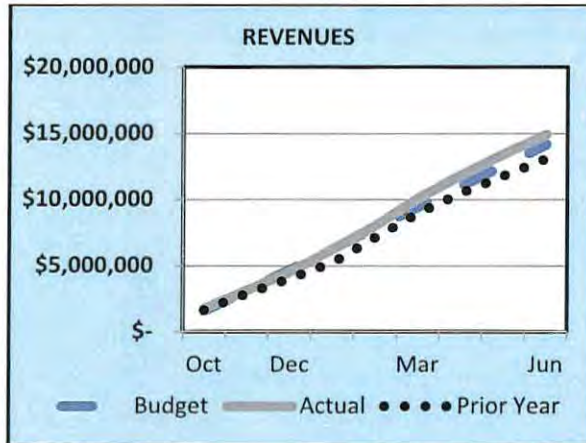
Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

July 24, 2018

GENERAL FUND *(Supports regulatory functions and most services to members and the public)*



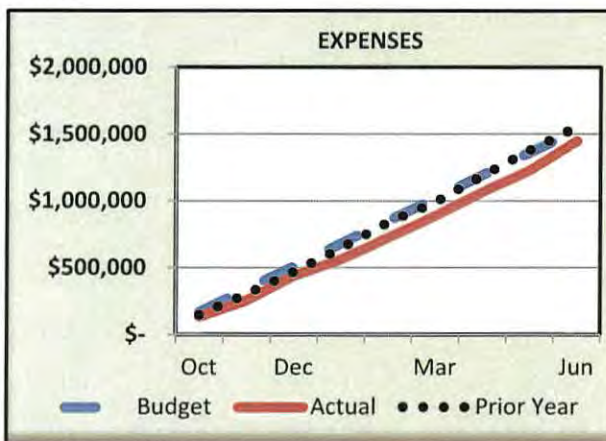
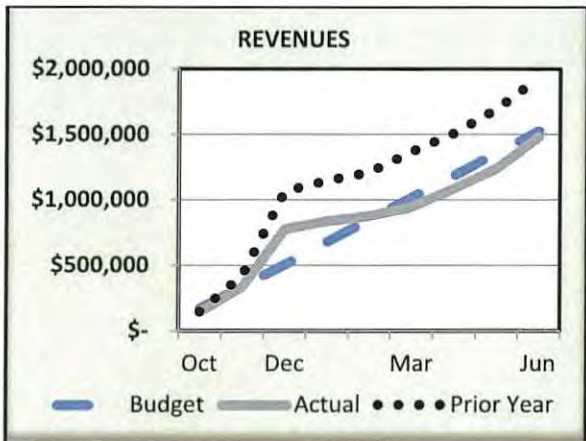
REVENUES: The majority of revenues collected through June are from license fees. Overall revenue is over budget mainly due to higher than expected license fees. Therefore, we expect revenue to remain over budget through the end of the fiscal year.

EXPENSES: Indirect expenses (salaries, benefits, overhead) are slightly under budget at 71.80%. Direct expenses are currently under budget at 54.50% due to timing of activities required for spending. We expect we'll come in slightly under budget for expenses as whole by the end of the fiscal year.

PROJECTED NET RESULT: Based on current figures, we expect to come in under budget at the end of the fiscal year.

75% of the year	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$14,184,899	\$14,939,520	<u>\$754,621</u>
Expenses	<u>\$14,636,168</u>	<u>\$14,106,024</u>	<u>\$530,144</u>
Profit/(Loss)	<u>(\$451,269)</u>	<u>\$833,496</u>	<u>\$1,284,765</u>

CLE FUND



REVENUES: Actual revenue is under budget due to lower sponsorship, coursebook and deskbook revenue. We expect additional revenue in the last quarter from the WSBA CLE Summer Sale but overall we expect to come in slightly under budget.

EXPENSES: Indirect expenses are slightly over budget at 75.27%. Their direct expenses are lower than budget due to timing of summer midyears and remaining CLE programs for the fiscal year.

PROJECTED NET RESULT: Currently, the CLE fund shows a net profit compared to budget. We expect CLE net result to come in close to budget.

75% of the year	<u>FY18 Budget</u>	<u>FY18 Actuals</u>	<u>Variance</u>
Revenues	\$1,524,176	\$1,480,286	<u>(\$43,890)</u>
Expenses	<u>\$1,530,252</u>	<u>\$1,448,619</u>	<u>\$81,633</u>
Profit/(Loss)	<u>(\$6,076)</u>	<u>\$31,667</u>	<u>\$37,734</u>

CLIENT PROTECTION FUND

REVENUES: Actual revenues are higher than budget due to higher than anticipated interest income on CPF account balances and additional CPF restitution revenue which is unpredictable in nature.

EXPENSES: Actual expenses are under budget due to low gifts to injured clients, which we expect to see increase in the last quarter of the year.

PROJECTED NET RESULT: We expect the CPF fund to come in slightly under budget at this time.

SECTIONS OPERATIONS

REVENUES: Section dues revenue is under budget due to fewer membership renewals and will likely remain so through the end of the fiscal year. Seminar profits from CLEs will continue to come in through the last quarter and is expected to be on target.

EXPENSES: Actual direct expenses are lower than budget. Variances depend on timing of Section spending throughout the year. As with Section dues, WSBA Per-Member Charge will continue to be recognized through the year but will likely come in under budget based on current membership count.

PROJECTED NET RESULT: Through June, Sections Operations shows a net loss and we expect this will continue to fall in line with budget as the year progresses.

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through June 30, 2018

Date: July 24, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	75.00%	76.24%	\$138,834 (Over budget)	74.79%	Expected to be on or slightly over budget
Benefits	75.00%	73.95%	\$42,276 (Under budget)	74.79%	Expected to be on or slightly under budget
Other Indirect Expenses	75.00%	69.06%	\$203,444 (Under budget)	67.51%	Expected to be on or slightly under budget
Total Indirect Expenses	75.00%	74.43%	\$106,887 (Under budget)	72.88%	Expected to be on budget

General Fund Revenues	75.00%	78.99%	\$754,621 (Over budget)	80.51%	Expected to be over budget
General Fund Direct Expenses	75.00%	54.50%	\$510,383 (Under budget)	63.32%	Expected to be on or slightly under budget

CLE Revenue	75.00%	72.84%	\$43,890 (Under budget)	58.37%	Expected to be on or slightly under budget
CLE Direct Expenses	75.00%	61.59%	\$90,157 (Under budget)	48.28%	Expected to be on or slightly under budget
CLE Indirect Expenses	75.00%	71.66%	\$45,850 (Under budget)	72.33%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget (amended by the BOG on March 8, 2018) figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of June 30, 2018 (9 months into the fiscal year).

Washington State Bar Association Financial Summary
Year to Date as of June 30, 2018 75.00% of Year
Compared to Fiscal Year 2018 Budget

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	-	-	193,332	259,434	23,703	51,600	217,035	311,034	(217,035)	(311,034)
Administration	108,609	55,000	815,193	1,081,774	1,401	3,045	816,593	1,084,819	(709,984)	(1,029,819)
Admissions/Bar Exam	1,154,140	1,327,400	587,271	788,834	200,287	392,117	787,539	1,180,951	368,601	146,449
Board of Governors	-	-	405,424	522,727	130,966	280,080	536,390	802,807	(536,390)	(802,807)
Communications Strategies	1,210	44,750	383,009	533,961	31,087	103,440	414,075	637,401	(412,865)	(592,651)
Conference & Broadcast Services	-	-	554,991	736,233	3,993	4,700	558,984	740,933	(558,984)	(740,933)
Discipline	88,311	130,300	4,070,049	5,474,703	147,547	256,826	4,217,595	5,731,529	(4,129,285)	(5,601,229)
Diversity	100,817	100,374	307,560	420,525	18,259	25,250	325,819	445,775	(225,001)	(345,401)
Foundation	-	-	112,041	151,053	4,600	17,600	116,642	168,653	(116,642)	(168,653)
Human Resources	-	-	287,108	271,830	-	-	287,108	271,830	(287,108)	(271,830)
Law Clerk Program	124,150	112,000	81,611	111,678	4,444	4,350	86,055	116,028	38,095	(4,028)
Legislative	-	-	64,280	126,743	6,438	24,700	70,718	151,443	(70,718)	(151,443)
Licensing and Membership Records	280,003	284,700	493,547	660,794	40,939	45,995	534,485	706,790	(294,483)	(422,090)
Licensing Fees	11,500,492	15,068,125	-	-	-	-	-	-	11,500,492	15,068,125
Limited License Legal Technician	-	-	171,209	234,401	17,009	25,600	188,219	260,001	(188,219)	(260,001)
Limited Practice Officers	-	-	116,053	159,464	2,084	3,000	118,138	156,182	(118,138)	(162,464)
Mandatory CLE	680,906	761,000	416,288	540,324	180,751	238,444	597,039	778,768	83,867	(17,768)
Member Assistance Program	8,158	10,000	95,017	132,743	1,002	1,500	97,019	134,243	(88,861)	(124,243)
Member Benefits	10,380	-	32,095	42,808	86,107	123,760	118,203	166,568	(107,823)	(166,568)
Mentorship Program	-	-	75,612	106,393	6,420	11,225	82,033	117,618	(82,033)	(117,618)
New Member Program	122,836	53,200	188,994	262,549	14,509	35,780	203,503	298,329	(80,668)	(245,129)
NW Lawyer	325,461	538,350	152,088	225,207	215,171	434,500	367,259	659,707	(41,798)	(121,357)
Office of General Counsel	514	-	564,620	811,295	5,532	13,296	570,152	824,591	(569,638)	(824,591)
QGC-Disciplinary Board	-	-	149,526	203,346	66,424	103,500	215,950	306,846	(215,950)	(306,846)
Outreach and Engagement	-	-	263,731	364,777	12,863	22,750	276,595	387,527	(276,595)	(387,527)
Practice Management Assistance	27,355	15,000.00	152,604	208,292	932	5,850	153,536	214,142	(126,181)	(199,142)
Practice of Law Board	-	-	77,202	103,433	11,716	15,200	88,918	118,633	(88,918)	(118,633)
Professional Responsibility Program	-	-	196,181	278,623	6,872	6,300	203,053	284,923	(203,053)	(284,923)
Public Service Programs	105,797	105,000	151,224	227,477	103,937	224,615	255,160	452,092	(149,363)	(347,092)
Publication and Design Services	-	-	116,860	158,281	4,100	4,100	120,960	162,381	(120,960)	(162,381)
Sections Administration	302,381	308,000	328,383	464,958	7,481	10,100	335,864	475,058	(33,483)	(167,058)
Technology	-	-	1,145,384	1,491,590	-	-	1,145,384	1,491,590	(1,145,384)	(1,491,590)
Subtotal General Fund	14,939,520	18,913,199	12,749,488	17,156,250	1,356,535	2,489,224	14,106,024	19,645,474	833,496	(732,275)
Expenses using reserve funds	-	-	-	-	-	-	-	-	-	-
Total General Fund - Net Result from Operations									833,496	(732,275)
Percentage of Budget	78.99%		74.31%		54.50%		71.80%			
CLE-Seminars and Products	1,376,379	1,862,235	850,278	1,128,154	364,618	577,582	1,214,896	1,705,736	161,483	156,499
CLE - Deskbooks	103,907	170,000	184,290	246,313	49,433	94,695	233,723	341,008	(129,815)	(171,008)
Total CLE	1,480,286	2,032,235	1,034,568	1,374,467	414,051	672,277	1,448,619	2,046,744	31,667	(14,509)
Percentage of Budget	72.84%		75.27%		61.69%		70.78%			
Total All Sections	532,539	613,210	-	-	560,984	903,363	560,984	903,363	(28,446)	(290,152)
Client Protection Fund-Restricted	1,034,885	992,500	129,955	163,813	106,062	403,000	236,017	566,813	798,868	425,687
Management of Western States Bar Conference	43,050	49,900	-	-	53,598	46,860	53,598	46,860	(10,548)	3,040
Totals	18,030,279	22,601,044	13,914,010.77	18,694,530	2,491,230	4,514,723.50	16,405,241	23,209,254	1,625,039	(608,209)
Percentage of Budget	79.78%		74.43%		55.18%		70.68%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,242,299	3,667,986	4,041,167
Western States Bar Conference	19,632	22,672	9,084.22
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	517,249
Section Funds	1,197,727	907,575	1,169,281
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,663,751	931,476	2,497,247
Total General Fund Balance	3,363,751	2,631,476	4,197,247
Net Change in general Fund Balance		(732,275)	833,496
Total Fund Balance			
Total Fund Balance	8,308,990	7,700,781	9,934,028
Net Change In Fund Balance		(608,209)	1,625,039

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	14,953,000.00	1,297,940.90	11,414,045.81	3,538,954.19	76.33%
LLLT LICENSE FEES	6,125.00	393.66	3,610.00	2,515.00	58.94%
LPO LICENSE FEES	109,000.00	8,913.14	82,836.12	26,163.88	76.00%
TOTAL REVENUE:	<u>15,068,125.00</u>	<u>1,307,247.70</u>	<u>11,500,491.93</u>	<u>3,567,633.07</u>	<u>76.32%</u>

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	2,229.35	2,229.35	(229.35)	111.47%
LEADERSHIP TRAINING	2,000.00	-	802.00	1,198.00	40.10%
ATJ BOARD EXPENSE	24,000.00	313.49	11,794.24	12,205.76	49.14%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	279.47	2,265.79	734.21	75.53%
STAFF TRAVEL/PARKING	2,700.00	31.00	321.85	2,378.15	11.92%
PUBLIC DEFENSE	8,400.00	386.97	3,157.76	5,242.24	37.59%
RECEPTION/FORUM EXPENSE	9,500.00	-	3,132.31	6,367.69	32.97%
TOTAL DIRECT EXPENSES:	51,600.00	3,240.28	23,703.30	27,896.70	45.94%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	12,862.39	116,155.57	36,657.43	76.01%
BENEFITS EXPENSE	55,627.00	4,845.79	41,911.22	13,715.78	75.34%
OTHER INDIRECT EXPENSE	50,994.00	4,015.86	35,265.08	15,728.92	69.16%
TOTAL INDIRECT EXPENSES:	259,434.00	21,724.04	193,331.87	66,102.13	74.52%
TOTAL ALL EXPENSES:	311,034.00	24,964.32	217,035.17	93,998.83	69.78%
NET INCOME (LOSS):	(311,034.00)	(24,964.32)	(217,035.17)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	16,074.67	100,270.09	(75,270.09)	401.08%
GAIN/LOSS ON INVESTMENTS	30,000.00	(3,039.55)	6,339.28	23,660.72	21.13%
TOTAL REVENUE:	55,000.00	13,035.12	106,609.37	(51,609.37)	193.84%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	485.74	(2,061.42)	2,061.42	
STAFF TRAVEL/PARKING	2,500.00	350.00	3,196.00	(696.00)	127.84%
STAFF MEMBERSHIP DUES	545.00	266.00	266.00	279.00	48.81%
MISCELLANEOUS	-	(9,567.11)	-	-	
TOTAL DIRECT EXPENSES:	3,045.00	(8,465.37)	1,400.58	1,644.42	46.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	54,175.24	515,629.83	148,196.17	77.68%
BENEFITS EXPENSE	226,598.00	19,391.90	167,496.34	59,101.66	73.92%
OTHER INDIRECT EXPENSE	191,350.00	15,039.34	132,066.73	59,283.27	69.02%
TOTAL INDIRECT EXPENSES:	1,081,774.00	88,606.48	815,192.90	266,581.10	75.36%
TOTAL ALL EXPENSES:	1,084,819.00	80,141.11	816,593.48	268,225.52	75.27%
NET INCOME (LOSS):	(1,029,819.00)	(67,105.99)	(709,984.11)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	10,920.00	24,080.00	31.20%
BAR EXAM FEES	1,200,000.00	43,703.60	1,073,283.60	126,716.40	89.44%
RPC BOOKLETS	-	-	866.22	(866.22)	
SPECIAL ADMISSIONS	60,000.00	1,240.00	38,120.00	21,880.00	63.53%
LLLT EXAM FEES	7,500.00	-	4,300.00	3,200.00	57.33%
LLLT WAIVER FEES	900.00	-	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	(100.00)	26,500.00	(2,500.00)	110.42%
TOTAL REVENUE:	1,327,400.00	44,843.60	1,154,139.82	173,260.18	86.95%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	582.88	2,546.64	1,453.36	63.67%
STAFF TRAVEL/PARKING	10,240.00	350.00	5,856.98	4,383.02	57.20%
STAFF MEMBERSHIP DUES	400.00	416.00	416.00	(16.00)	104.00%
SUPPLIES	1,000.00	623.17	3,462.41	(2,462.41)	346.24%
FACILITY, PARKING, FOOD	66,000.00	24,294.58	67,580.57	(1,580.57)	102.39%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	750.00	36,819.00	93,181.00	28.32%
BOARD OF BAR EXAMINERS	25,000.00	(500.00)	20,360.22	4,639.78	81.44%
BAR EXAM PROCTORS	30,000.00	-	11,074.00	18,926.00	36.91%
CHARACTER & FITNESS BOARD	20,000.00	-	11,103.76	8,896.24	55.52%
DISABILITY ACCOMMODATIONS	20,000.00	-	675.00	19,325.00	3.38%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	3,197.17	(2,297.17)	355.24%
LAW SCHOOL VISITS	1,000.00	-	423.75	576.25	42.38%
EXAM WRITING	28,355.00	14,175.00	21,000.00	7,355.00	74.06%
COURT REPORTERS	18,000.00	-	5,516.93	12,483.07	30.65%
PRINTING & COPYING	-	-	234.83	(234.83)	
TOTAL DIRECT EXPENSES:	392,117.00	40,691.63	200,267.26	191,849.74	51.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	39,217.33	357,006.23	106,683.77	76.99%
BENEFITS EXPENSE	174,590.00	14,589.44	126,363.14	48,226.86	72.38%
OTHER INDIRECT EXPENSE	150,554.00	11,832.02	103,902.00	46,652.00	69.01%
TOTAL INDIRECT EXPENSES:	788,834.00	65,638.79	587,271.37	201,562.63	74.45%
TOTAL ALL EXPENSES:	1,180,951.00	106,330.42	787,538.63	393,412.37	66.69%
NET INCOME (LOSS):	146,449.00	(61,486.82)	366,601.19		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	450.00	3,684.00	1,016.00	78.38%
STAFF MEMBERSHIP DUES	1,880.00	1,106.00	1,981.00	(101.00)	105.37%
TELEPHONE	1,000.00	69.35	668.10	331.90	66.81%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	1,958.84	78,056.55	36,943.45	67.88%
BOG COMMITTEES' EXPENSES	30,000.00	1,946.15	19,421.03	10,578.97	64.74%
BOG CONFERENCE ATTENDANCE	17,500.00	1,250.40	7,746.61	9,753.39	44.27%
BOG TRAVEL & OUTREACH	45,000.00	892.82	16,644.43	28,355.57	36.99%
ED TRAVEL & OUTREACH	5,000.00	552.64	2,764.36	2,235.64	55.29%
TOTAL DIRECT EXPENSES:	280,080.00	8,226.20	130,966.08	149,113.92	46.76%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	26,199.87	285,037.84	72,716.16	79.67%
BENEFITS EXPENSE	105,480.00	8,965.13	79,204.29	26,275.71	75.09%
OTHER INDIRECT EXPENSE	59,493.00	4,689.66	41,182.17	18,310.83	69.22%
TOTAL INDIRECT EXPENSES:	522,727.00	39,854.66	405,424.30	117,302.70	77.56%
TOTAL ALL EXPENSES:	802,807.00	48,080.86	536,390.38	266,416.62	66.81%
NET INCOME (LOSS):	(802,807.00)	(48,080.86)	(536,390.38)		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	-	100.00	43,900.00	0.23%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	550.00	200.00	73.33%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
TOTAL REVENUE:	44,750.00	-	1,210.00	43,540.00	2.70%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,640.00	350.00	3,208.75	(568.75)	121.54%
STAFF MEMBERSHIP DUES	1,700.00	30.00	897.50	802.50	52.79%
SUBSCRIPTIONS	10,050.00	31.92	6,642.01	3,407.99	66.09%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	16.60	808.40	641.60	55.75%
AWARDS DINNER	63,000.00	-	6,917.09	56,082.91	10.98%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,904.98	(904.98)	111.31%
COMMUNICATIONS OUTREACH	15,000.00	223.96	3,687.82	11,312.18	24.59%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TOTAL DIRECT EXPENSES:	103,440.00	652.48	31,066.55	72,373.45	30.03%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	24,350.81	227,674.75	77,579.25	74.59%
BENEFITS EXPENSE	115,063.00	10,295.49	76,756.80	38,306.20	66.71%
OTHER INDIRECT EXPENSE	113,644.00	8,948.16	78,577.39	35,066.61	69.14%
TOTAL INDIRECT EXPENSES:	533,961.00	43,594.46	383,008.94	150,952.06	71.73%
TOTAL ALL EXPENSES:	637,401.00	44,246.94	414,075.49	223,325.51	64.96%
NET INCOME (LOSS):	(592,651.00)	(44,246.94)	(412,865.49)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	75.00	300.00	900.00	25.00%
TRANSLATION SERVICES	3,500.00	600.40	3,693.25	(193.25)	105.52%
TOTAL DIRECT EXPENSES:	4,700.00	675.40	3,993.25	706.75	84.96%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	32,742.41	309,931.74	90,406.26	77.42%
BENEFITS EXPENSE	162,272.00	14,576.67	124,849.40	37,422.60	76.94%
OTHER INDIRECT EXPENSE	173,623.00	15,062.46	120,209.68	53,413.32	69.24%
TOTAL INDIRECT EXPENSES:	736,233.00	62,381.54	554,990.82	181,242.18	75.38%
TOTAL ALL EXPENSES:	740,933.00	63,056.94	558,984.07	181,948.93	75.44%
NET INCOME (LOSS):	(740,933.00)	(63,056.94)	(558,984.07)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	106.25	4,083.75	(1,783.75)	177.55%
RECOVERY OF DISCIPLINE COSTS	115,000.00	6,472.93	72,108.11	42,891.89	62.70%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,195.44	12,119.47	880.53	93.23%
TOTAL REVENUE:	130,300.00	7,774.62	88,311.33	41,988.67	67.78%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	1,717.00	7,725.00	9,303.00	45.37%
PUBLICATIONS PRODUCTION	330.00	-	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	2,240.70	25,988.88	13,471.12	65.86%
STAFF MEMBERSHIP DUES	3,308.00	732.00	3,101.00	207.00	93.74%
TELEPHONE	2,800.00	186.48	1,653.12	1,146.88	59.04%
COURT REPORTERS	65,000.00	2,212.00	29,012.35	35,987.65	44.63%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	1,218.57	13,595.48	16,404.52	45.32%
DISABILITY EXPENSES	15,000.00	-	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	5,514.45	50,114.07	16,785.93	74.91%
LAW LIBRARY	12,000.00	884.49	12,202.46	(202.46)	101.69%
TRANSLATION SERVICES	3,000.00	-	2,507.88	492.12	83.60%
MISCELLANEOUS	-	217.50	217.50	(217.50)	
TOTAL DIRECT EXPENSES:	256,826.00	14,923.19	147,547.32	109,278.68	57.45%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	281,597.17	2,586,866.72	849,882.28	75.27%
BENEFITS EXPENSE	1,142,156.00	99,072.93	864,503.79	277,652.21	75.69%
OTHER INDIRECT EXPENSE	895,798.00	70,453.05	618,678.33	277,119.67	69.06%
TOTAL INDIRECT EXPENSES:	5,474,703.00	451,123.15	4,070,048.84	1,404,654.16	74.34%
TOTAL ALL EXPENSES:	5,731,529.00	466,046.34	4,217,596.16	1,513,932.84	73.59%
NET INCOME (LOSS):	(5,601,229.00)	(458,271.72)	(4,129,284.83)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	90,000.00	-	97,500.00	(7,500.00)	108.33%
SEMINAR REGISTRATIONS	-	-	275.00	(275.00)	
WORK STUDY GRANTS	10,374.00	-	3,042.38	7,331.62	29.33%
TOTAL REVENUE:	100,374.00	-	100,817.38	(443.38)	100.44%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	502.53	3,477.61	4,522.39	43.47%
STAFF MEMBERSHIP DUES	350.00	316.00	316.00	34.00	90.29%
COMMITTEE FOR DIVERSITY	6,200.00	880.33	2,770.25	3,429.75	44.68%
DIVERSITY EVENTS & PROJECTS	10,000.00	5,402.59	11,529.47	(1,529.47)	115.29%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
PRINTING & COPYING	-	165.35	165.35	(165.35)	
TOTAL DIRECT EXPENSE:	25,250.00	7,266.80	18,258.68	6,991.32	72.31%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	20,851.69	187,908.84	67,912.16	73.45%
BENEFITS EXPENSE	86,756.00	7,613.96	65,925.05	20,830.95	75.99%
OTHER INDIRECT EXPENSE	77,948.00	6,118.14	53,726.03	24,221.97	68.93%
TOTAL INDIRECT EXPENSES:	420,525.00	34,583.79	307,559.92	112,965.08	73.14%
TOTAL ALL EXPENSES:	445,775.00	41,850.59	325,818.60	119,956.40	73.09%
NET INCOME (LOSS):	(345,401.00)	(41,850.59)	(225,001.22)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,906.40	93.60	96.88%
PRINTING & COPYING	1,500.00	-	908.25	591.75	60.55%
STAFF TRAVEL/PARKING	1,500.00	-	353.26	1,146.74	23.55%
STAFF MEMBERSHIP DUES	600.00	-	-	600.00	0.00%
SUPPLIES	500.00	-	15.95	484.05	3.19%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	5,000.00	-	416.43	4,583.57	8.33%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
TOTAL DIRECT EXPENSES:	17,600.00	-	4,600.29	12,999.71	26.14%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	7,216.06	67,770.11	21,429.89	75.98%
BENEFITS EXPENSE	32,713.00	2,790.37	24,153.52	8,559.48	73.83%
OTHER INDIRECT EXPENSE	29,140.00	2,290.94	20,117.70	9,022.30	69.04%
TOTAL INDIRECT EXPENSES:	151,053.00	12,297.37	112,041.33	39,011.67	74.17%
TOTAL ALL EXPENSES:	168,653.00	12,297.37	116,641.62	52,011.38	69.16%
NET INCOME (LOSS):	(168,653.00)	(12,297.37)	(116,641.62)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	-	28.00	122.00	18.67%
STAFF MEMBERSHIP DUES	1,188.00	-	952.00	236.00	80.13%
SUBSCRIPTIONS	1,938.00	-	1,752.92	185.08	90.45%
STAFF TRAINING- GENERAL	29,400.00	9,751.10	25,370.11	4,029.89	86.29%
RECRUITING AND ADVERTISING	7,000.00	165.05	3,215.93	3,784.07	45.94%
PAYROLL PROCESSING	55,000.00	3,265.48	33,966.71	21,033.29	61.76%
SALARY SURVEYS	2,900.00	-	949.60	1,950.40	32.74%
THIRD PARTY SERVICES	22,500.00	-	20,462.25	2,037.75	90.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(13,181.63)	(86,697.52)	(33,378.48)	72.20%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	19,201.03	184,502.24	66,576.76	73.48%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,971.21	60,950.43	19,578.57	75.69%
OTHER INDIRECT EXPENSE	60,222.00	4,743.58	41,655.52	18,566.48	69.17%
TOTAL INDIRECT EXPENSES:	271,830.00	30,915.82	287,108.19	(15,278.19)	105.62%
TOTAL ALL EXPENSES:	271,830.00	30,915.82	287,108.19	(15,278.19)	105.62%
NET INCOME (LOSS):	(271,830.00)	(30,915.82)	(287,108.19)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	3,875.00	121,950.00	(11,950.00)	110.86%
LAW CLERK APPLICATION FEES	2,000.00	100.00	2,200.00	(200.00)	110.00%
TOTAL REVENUE:	112,000.00	3,975.00	124,150.00	(12,150.00)	110.85%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	250.00	-	100.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	4,000.00	47.94	4,194.12	(194.12)	104.85%
TOTAL DIRECT EXPENSES:	4,350.00	47.94	4,444.12	(94.12)	102.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	5,573.82	49,914.05	17,377.95	74.18%
BENEFITS EXPENSE	23,746.00	1,984.94	17,496.51	6,249.49	73.68%
OTHER INDIRECT EXPENSE	20,640.00	1,617.16	14,200.74	6,439.26	68.80%
TOTAL INDIRECT EXPENSES:	111,678.00	9,175.92	81,611.30	30,066.70	73.08%
TOTAL ALL EXPENSES:	116,028.00	9,223.86	86,055.42	29,972.58	74.17%
NET INCOME (LOSS):	(4,028.00)	(5,248.86)	38,094.58		

Washington State Bar Association

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75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	572.10	1,497.67	6,502.33	18.72%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	26.67	240.11	2,759.89	8.00%
OLYMPIA RENT	2,500.00	-	1,918.33	581.67	76.73%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	291.81	708.19	29.18%
LEGISLATIVE COMMITTEE	2,500.00	-	267.75	2,232.25	10.71%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	598.77	6,438.26	18,261.74	26.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	2,429.00	31,726.57	43,653.43	42.09%
BENEFITS EXPENSE	27,080.00	1,883.07	15,749.43	11,330.57	58.16%
OTHER INDIRECT EXPENSE	24,283.00	1,913.60	16,804.18	7,478.82	69.20%
TOTAL INDIRECT EXPENSES:	126,743.00	6,225.67	64,280.18	62,462.82	50.72%
TOTAL ALL EXPENSES:	151,443.00	6,824.44	70,718.44	80,724.56	46.70%
NET INCOME (LOSS):	(151,443.00)	(6,824.44)	(70,718.44)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,740.34	14,676.28	7,323.72	66.71%
RULE 9/LEGAL INTERN FEES	11,000.00	1,550.00	10,400.00	600.00	94.55%
INVESTIGATION FEES	20,000.00	1,900.00	17,300.00	2,700.00	86.50%
PRO HAC VICE	210,000.00	25,593.00	222,089.00	(12,089.00)	105.76%
MEMBER CONTACT INFORMATION	21,000.00	1,128.84	15,201.31	5,798.69	72.39%
PHOTO BAR CARD SALES	700.00	12.00	336.00	364.00	48.00%
TOTAL REVENUE:	284,700.00	31,924.18	280,002.59	4,697.41	98.35%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	2,301.00	9,206.00	2,290.00	80.08%
POSTAGE	31,500.00	1,467.61	29,684.62	1,815.38	94.24%
LICENSING FORMS	3,000.00	-	2,048.00	952.00	68.27%
TOTAL DIRECT EXPENSES:	45,996.00	3,768.61	40,938.62	5,057.38	89.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	32,638.09	312,617.84	98,268.16	76.08%
BENEFITS EXPENSE	136,992.00	11,845.73	103,061.82	33,930.18	75.23%
OTHER INDIRECT EXPENSE	112,916.00	8,867.24	77,867.17	35,048.83	68.96%
TOTAL INDIRECT EXPENSES:	660,794.00	53,351.06	493,546.83	167,247.17	74.69%
TOTAL ALL EXPENSES:	706,790.00	57,119.67	534,485.45	172,304.55	75.62%
NET INCOME (LOSS):	(422,090.00)	(25,195.49)	(254,482.86)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	740.52	790.52	(190.52)	131.75%
LLLT BOARD	17,000.00	4,399.05	14,157.22	2,842.78	83.28%
LLLT OUTREACH	8,000.00	(1,000.00)	2,061.64	5,938.36	25.77%
TOTAL DIRECT EXPENSES:	25,600.00	4,139.57	17,009.38	8,590.62	66.44%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	142,602.00	13,283.93	108,355.65	34,246.35	75.98%
BENEFITS EXPENSE	49,304.00	3,312.35	33,505.51	15,798.49	67.96%
OTHER INDIRECT EXPENSE	42,495.00	3,342.11	29,348.24	13,146.76	69.06%
TOTAL INDIRECT EXPENSES:	234,401.00	19,938.39	171,209.40	63,191.60	73.04%
TOTAL ALL EXPENSES:	260,001.00	24,077.96	188,218.78	71,782.22	72.39%
NET INCOME (LOSS):	(260,001.00)	(24,077.96)	(188,218.78)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	264.04	2,084.42	915.58	69.48%
TOTAL DIRECT EXPENSES:	3,000.00	264.04	2,084.42	915.58	69.48%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	7,947.78	71,569.39	26,019.61	73.34%
BENEFITS EXPENSE	33,707.00	2,856.35	25,076.41	8,630.59	74.40%
OTHER INDIRECT EXPENSE	28,168.00	2,210.08	19,407.65	8,760.35	68.90%
TOTAL INDIRECT EXPENSES:	159,464.00	13,014.21	116,053.45	43,410.55	72.78%
TOTAL ALL EXPENSES:	162,464.00	13,278.25	118,137.87	44,326.13	72.72%
NET INCOME (LOSS):	(162,464.00)	(13,278.25)	(118,137.87)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	18,500.00	218,150.00	63,850.00	77.36%
FORM 1 LATE FEES	100,000.00	9,660.00	106,505.00	(6,505.00)	106.51%
MEMBER LATE FEES	203,000.00	1,075.00	208,410.00	(5,410.00)	102.67%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	4,734.00	41,540.00	18,460.00	69.23%
ATTENDANCE LATE FEES	60,000.00	3,430.00	49,175.00	10,825.00	81.96%
COMITY CERTIFICATES	29,000.00	250.00	27,625.67	1,374.33	95.26%
TOTAL REVENUE:	761,000.00	37,649.00	680,905.67	80,094.33	89.48%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	40,160.00	179,633.00	56,311.00	76.13%
STAFF MEMBERSHIP DUES	500.00	500.00	500.00	-	100.00%
MCLE BOARD	2,000.00	31.50	617.85	1,382.15	30.89%
TOTAL DIRECT EXPENSES:	238,444.00	40,691.50	180,750.85	57,693.15	75.80%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	25,769.58	251,376.72	60,438.28	80.62%
BENEFITS EXPENSE	113,165.00	10,099.60	85,150.61	28,014.39	75.24%
OTHER INDIRECT EXPENSE	115,344.00	9,082.90	79,760.75	35,583.25	69.15%
TOTAL INDIRECT EXPENSES:	540,324.00	44,952.08	416,288.08	124,035.92	77.04%
TOTAL ALL EXPENSES:	778,768.00	85,643.58	597,038.93	181,729.07	76.66%
NET INCOME (LOSS):	(17,768.00)	(47,994.58)	83,866.74		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	187.50	7,642.50	2,357.50	76.43%
LAP GROUPS REVENUE	-	-	515.00	(515.00)	
TOTAL REVENUE:	10,000.00	187.50	8,157.50	1,842.50	81.58%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	226.00	124.00	64.57%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,500.00	-	1,001.50	498.50	66.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	6,503.28	61,022.71	18,798.29	76.45%
BENEFITS EXPENSE	31,796.00	2,333.90	20,320.46	11,475.54	63.91%
OTHER INDIRECT EXPENSE	21,126.00	1,671.03	14,674.03	6,451.97	69.46%
TOTAL INDIRECT EXPENSES:	132,743.00	10,508.21	96,017.20	36,725.80	72.33%
TOTAL ALL EXPENSES:	134,243.00	10,508.21	97,018.70	37,224.30	72.27%
NET INCOME (LOSS):	(124,243.00)	(10,320.71)	(88,861.20)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	245.00	1,323.00	(1,323.00)	
DIGITAL VIDEO SALES	-	196.00	4,557.00	(4,557.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	441.00	10,380.00	(10,380.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	1,300.42	399.58	76.50%
WSBA CONNECTS	46,560.00	11,640.00	34,920.00	11,640.00	75.00%
CASEMAKER	75,000.00	-	49,886.90	25,113.10	66.52%
TOTAL DIRECT EXPENSES:	123,760.00	11,640.00	86,107.32	37,652.68	69.58%
INDIRECT EXPENSES:					
INDIRECT EXPENSES:	23,718.00	1,989.62	18,216.44	5,501.56	76.80%
SALARY EXPENSE (0.40 FTE)	9,377.00	860.17	7,251.81	2,125.19	77.34%
BENEFITS EXPENSE	9,713.00	754.64	6,626.97	3,086.03	68.23%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,808.00	3,604.43	32,095.22	10,712.78	74.97%
TOTAL ALL EXPENSES:	166,568.00	15,244.43	118,202.54	48,365.46	70.96%
NET INCOME (LOSS):	(166,568.00)	(14,803.43)	(107,822.54)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	813.45	1,186.55	40.67%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	6.73	10.34	89.66	10.34%
MENTORSHIP PROGRAM EXPENSES	2,500.00	509.50	526.72	1,973.28	21.07%
RECEPTION/FORUM EXPENSE	6,500.00	-	5,069.89	1,430.11	78.00%
TOTAL DIRECT EXPENSES:	11,225.00	516.23	6,420.40	4,804.60	57.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	5,119.50	43,093.53	18,652.47	69.79%
BENEFITS EXPENSE	22,792.00	2,014.57	17,371.26	5,420.74	76.22%
OTHER INDIRECT EXPENSE	21,855.00	1,724.94	15,147.47	6,707.53	69.31%
TOTAL INDIRECT EXPENSES:	106,393.00	8,859.01	75,612.26	30,780.74	71.07%
TOTAL ALL EXPENSES:	117,618.00	9,375.24	82,032.66	35,585.34	69.74%
NET INCOME (LOSS):	(117,618.00)	(9,375.24)	(82,032.66)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	2,213.00	76,403.05	(61,403.05)	509.35%
SPONSORSHIPS	1,200.00	-	1,095.00	105.00	91.25%
SEMINAR REGISTRATIONS	20,000.00	4,941.00	33,005.21	(13,005.21)	165.03%
TRIAL ADVOCACY PROGRAM	17,000.00	-	12,332.25	4,667.75	72.54%
TOTAL REVENUE:	53,200.00	7,154.00	122,835.51	(69,635.51)	230.89%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	-	793.17	706.83	52.88%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	794.45	1,205.55	39.72%
STAFF MEMBERSHIP DUES	30.00	-	70.00	(40.00)	233.33%
ONLINE EXPENSES	2,250.00	-	-	2,250.00	0.00%
SEMINAR BROCHURES	1,500.00	-	-	1,500.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	183.33	876.92	623.08	58.46%
NEW LAWYER OUTREACH EVENTS	3,000.00	-	55.00	2,945.00	1.83%
NEW LAWYERS COMMITTEE	15,000.00	146.58	3,600.26	11,399.74	24.00%
OPEN SECTIONS NIGHT	3,000.00	-	5,176.87	(2,176.87)	172.56%
TRIAL ADVOCACY PROGRAM	2,500.00	-	2,747.17	(247.17)	109.89%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	394.93	394.93	1,605.07	19.75%
TOTAL DIRECT EXPENSES:	35,780.00	724.84	14,508.77	21,271.23	40.55%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	12,678.27	108,797.49	43,921.51	71.24%
BENEFITS EXPENSE	56,408.00	5,004.46	43,274.91	13,133.09	76.72%
OTHER INDIRECT EXPENSE	53,422.00	4,204.54	36,921.94	16,500.06	69.11%
TOTAL INDIRECT EXPENSES:	262,549.00	21,887.27	188,994.34	73,554.66	71.98%
TOTAL ALL EXPENSES:	298,329.00	22,612.11	203,503.11	94,825.89	68.21%
NET INCOME (LOSS):	(245,129.00)	(15,458.11)	(80,667.60)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	-	3,591.46	(3,591.46)	
DISPLAY ADVERTISING	400,000.00	1,250.00	191,579.25	208,420.75	47.89%
SUBSCRIPT/SINGLE ISSUES	350.00	-	180.00	170.00	51.43%
CLASSIFIED ADVERTISING	100,000.00	20,117.98	112,704.99	(12,704.99)	112.70%
GEN ANNOUNCEMENTS	15,000.00	-	7,310.00	7,690.00	48.73%
PROF ANNOUNCEMENTS	23,000.00	-	10,095.50	12,904.50	43.89%
TOTAL REVENUE:	538,350.00	21,367.98	325,461.20	212,888.80	60.46%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	875.00	(1,932.00)	7,932.00	-32.20%
POSTAGE	89,000.00	-	57,821.28	31,178.72	64.97%
PRINTING, COPYING & MAILING	250,000.00	-	128,406.34	121,593.66	51.36%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	3,500.00	6,700.00	34.31%
GRAPHICS/ARTWORK	3,500.00	-	882.80	2,617.20	25.22%
OUTSIDE SALES EXPENSE	75,000.00	-	26,031.30	48,968.70	34.71%
EDITORIAL ADVISORY COMMITTEE	800.00	30.76	461.42	338.58	57.68%
TOTAL DIRECT EXPENSES:	434,500.00	905.76	215,171.14	219,328.86	49.52%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	10,444.39	88,296.48	40,906.52	68.34%
BENEFITS EXPENSE	52,295.00	4,157.28	33,496.43	18,798.57	64.05%
OTHER INDIRECT EXPENSE	43,709.00	3,449.89	30,294.95	13,414.05	69.31%
TOTAL INDIRECT EXPENSES:	225,207.00	18,051.56	152,087.86	73,119.14	67.53%
TOTAL ALL EXPENSES:	659,707.00	18,957.32	367,259.00	292,448.00	55.67%
NET INCOME (LOSS):	(121,357.00)	2,410.66	(41,797.80)		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	75.00	514.40	(514.40)	
TOTAL REVENUE:	-	75.00	514.40	(514.40)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	350.00	2,873.72	366.28	88.70%
STAFF MEMBERSHIP DUES	1,500.00	412.00	412.00	1,088.00	27.47%
COURT RULES COMMITTEE	4,000.00	443.55	1,103.07	2,896.93	27.58%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	1,142.89	1,357.11	45.72%
TOTAL DIRECT EXPENSES:	13,296.00	1,205.55	5,531.68	7,764.32	41.60%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	39,291.35	354,412.06	153,439.94	69.79%
BENEFITS EXPENSE	172,072.00	12,867.24	119,560.39	52,511.61	69.48%
OTHER INDIRECT EXPENSE	131,371.00	10,322.67	90,647.87	40,723.13	69.00%
TOTAL INDIRECT EXPENSES:	811,295.00	62,481.26	564,620.32	246,674.68	69.59%
TOTAL ALL EXPENSES:	824,591.00	63,686.81	570,152.00	254,439.00	69.14%
NET INCOME (LOSS):	(824,591.00)	(63,611.81)	(569,637.60)		

Washington State Bar Association
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75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	694.00	8,179.80	1,820.20	81.80%
CHIEF HEARING OFFICER	33,000.00	2,500.00	22,833.60	10,166.40	69.19%
HEARING OFFICER EXPENSES	3,000.00	589.09	2,995.90	4.10	99.86%
HEARING OFFICER TRAINING	2,000.00	-	1,014.95	985.05	50.75%
OUTSIDE COUNSEL	55,000.00	3,000.00	30,750.00	24,250.00	55.91%
DISCIPLINARY SELECTION PANEL	-	-	321.66	(321.66)	
TOTAL DIRECT EXPENSES:	103,500.00	6,783.09	66,424.11	37,075.89	64.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	15,651.18	92,269.24	27,156.76	77.26%
BENEFITS EXPENSE	45,067.00	3,188.69	30,511.90	14,555.10	67.70%
OTHER INDIRECT EXPENSE	38,853.00	3,045.61	26,744.77	12,108.23	68.84%
TOTAL INDIRECT EXPENSES:	203,346.00	21,885.48	149,525.91	53,820.09	73.53%
TOTAL ALL EXPENSES:	306,846.00	28,668.57	215,950.02	90,895.98	70.38%
NET INCOME (LOSS):	(306,846.00)	(28,668.57)	(215,950.02)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	400.00	-	-	400.00	0.00%
STAFF MEMBERSHIP DUES	300.00	-	219.00	81.00	73.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	440.00	4,060.00	9.78%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	1,361.97	3,601.19	898.81	80.03%
BOG ELECTIONS	6,500.00	-	6,688.29	(188.29)	102.90%
BAR OUTREACH	5,000.00	280.52	1,290.84	3,709.16	25.82%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	1,642.49	12,863.41	9,886.59	56.54%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	21,728.03	159,223.12	59,073.88	72.94%
BENEFITS EXPENSE	77,759.00	7,337.24	57,172.37	20,586.63	73.53%
OTHER INDIRECT EXPENSE	68,721.00	5,390.41	47,335.69	21,385.31	68.88%
TOTAL INDIRECT EXPENSES:	364,777.00	34,455.68	263,731.18	101,045.82	72.30%
TOTAL ALL EXPENSES:	387,527.00	36,098.17	276,594.59	110,932.41	71.37%
NET INCOME (LOSS):	(387,527.00)	(36,098.17)	(276,594.59)		

Washington State Bar Association
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75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	146.40	27,309.93	(12,309.93)	182.07%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	146.40	27,354.93	(12,354.93)	182.37%
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	2,000.00	-	198.65	1,801.35	9.93%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	100.00	-	41.27	58.73	41.27%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	77.83	922.17	7.78%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	-	613.89	1,636.11	27.28%
TOTAL DIRECT EXPENSES:	5,850.00	-	931.64	4,918.36	15.93%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	8,861.37	94,347.89	33,712.11	73.67%
BENEFITS EXPENSE	43,808.00	3,811.22	33,168.01	10,639.99	75.71%
OTHER INDIRECT EXPENSE	36,424.00	2,856.92	25,087.98	11,336.02	68.88%
TOTAL INDIRECT EXPENSES:	208,292.00	15,529.51	152,603.88	55,688.12	73.26%
TOTAL ALL EXPENSES:	214,142.00	15,529.51	153,535.52	60,606.48	71.70%
NET INCOME (LOSS):	(199,142.00)	(15,383.11)	(126,180.59)		

Washington State Bar Association

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75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	200.00	-	-	200.00	0.00%
PRACTICE OF LAW BOARD	15,000.00	782.55	11,716.41	3,283.59	78.11%
TOTAL DIRECT EXPENSES:	15,200.00	782.55	11,716.41	3,483.59	77.08%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	5,422.70	51,012.08	15,152.92	77.10%
BENEFITS EXPENSE	21,484.00	1,764.13	15,302.30	6,181.70	71.23%
OTHER INDIRECT EXPENSE	15,784.00	1,239.80	10,887.20	4,896.80	68.98%
TOTAL INDIRECT EXPENSES:	103,433.00	8,426.63	77,201.58	26,231.42	74.64%
TOTAL ALL EXPENSES:	118,633.00	9,209.18	88,917.99	29,715.01	74.95%
NET INCOME (LOSS):	(118,633.00)	(9,209.18)	(88,917.99)		

Washington State Bar Association
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For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,800.00	872.80	2,436.17	(636.17)	135.34%
STAFF MEMBERSHIP DUES	500.00	366.00	366.00	134.00	73.20%
CPE COMMITTEE	4,000.00	338.39	4,070.18	(70.18)	101.75%
TOTAL DIRECT EXPENSES:	6,300.00	1,577.19	6,872.35	(572.35)	109.08%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	13,212.11	122,510.50	47,247.50	72.17%
BENEFITS EXPENSE	62,970.00	4,795.97	41,955.25	21,014.75	66.63%
OTHER INDIRECT EXPENSE	45,895.00	3,611.59	31,714.98	14,180.02	69.10%
TOTAL INDIRECT EXPENSES:	278,623.00	21,619.67	196,180.73	82,442.27	70.41%
TOTAL ALL EXPENSES:	284,923.00	23,196.86	203,053.08	81,869.92	71.27%
NET INCOME (LOSS):	(284,923.00)	(23,196.86)	(203,053.08)		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	95,000.00	-	102,500.00	(7,500.00)	107.89%
PSP PRODUCT SALES	10,000.00	-	3,297.00	6,703.00	32.97%
TOTAL REVENUE:	105,000.00	-	105,797.00	(797.00)	100.76%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	-	101,039.33	106,875.67	48.60%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	567.59	1,432.41	28.38%
CONFERENCE CALLS	200.00	-	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	70.55	747.75	1,252.25	37.39%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	490.81	1,575.19	9,924.81	13.70%
TOTAL DIRECT EXPENSES:	224,615.00	561.36	103,936.52	120,678.48	46.27%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	5,388.03	87,585.62	48,850.38	64.20%
BENEFITS EXPENSE	48,060.00	3,223.24	34,053.54	14,006.46	70.86%
OTHER INDIRECT EXPENSE	42,981.00	3,369.04	29,584.80	13,396.20	68.83%
TOTAL INDIRECT EXPENSES:	227,477.00	11,980.31	151,223.96	76,253.04	66.48%
TOTAL ALL EXPENSES:	452,092.00	12,541.67	255,160.48	196,931.52	56.44%
NET INCOME (LOSS):	(347,092.00)	(12,541.67)	(149,363.48)		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	4,100.00	-	100.00%
TOTAL DIRECT EXPENSES:	4,100.00	-	4,100.00	-	100.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	90,187.00	7,381.19	68,132.48	22,054.52	75.55%
BENEFITS EXPENSE	34,341.00	2,964.76	25,296.09	9,044.91	73.66%
OTHER INDIRECT EXPENSE	33,753.00	2,668.29	23,431.33	10,321.67	69.42%
TOTAL INDIRECT EXPENSES:	158,281.00	13,014.24	116,859.90	41,421.10	73.83%
TOTAL ALL EXPENSES:	162,381.00	13,014.24	120,959.90	41,421.10	74.49%
NET INCOME (LOSS):	(162,381.00)	(13,014.24)	(120,959.90)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	1,275.00	302,381.25	5,618.75	98.18%
TOTAL REVENUE:	308,000.00	1,275.00	302,381.25	5,618.75	98.18%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	138.38	565.38	634.62	47.12%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	-	231.84	68.16	77.28%
MISCELLANEOUS	300.00	225.71	225.71	74.29	75.24%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	-	828.73	1,171.27	41.44%
DUES STATEMENTS	6,000.00	-	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	364.09	7,481.20	2,618.80	74.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	21,465.58	188,096.03	78,750.97	70.49%
BENEFITS EXPENSE	100,979.00	8,911.08	73,306.43	27,672.57	72.60%
OTHER INDIRECT EXPENSE	97,132.00	7,627.47	66,980.18	30,151.82	68.96%
TOTAL INDIRECT EXPENSES:	464,958.00	38,004.13	328,382.64	136,575.36	70.63%
TOTAL ALL EXPENSES:	475,058.00	38,368.22	335,863.84	139,194.16	70.70%
NET INCOME (LOSS):	(167,058.00)	(37,093.22)	(33,482.59)		

Washington State Bar Association
Statement of Activities
For the Period from June 1, 2018 to June 30, 2018
75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	3,250.00	36,012.59	73,987.41	32.74%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	45.00	65.00	40.91%
TELEPHONE	24,000.00	2,064.42	13,863.61	10,136.39	57.77%
COMPUTER HARDWARE	29,000.00	-	11,632.65	17,367.35	40.11%
COMPUTER SOFTWARE	29,000.00	1,999.00	11,734.02	17,265.98	40.46%
HARDWARE SERVICE & WARRANTIES	47,000.00	-	20,690.98	26,309.02	44.02%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	25,231.97	170,771.18	99,228.82	63.25%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	6.37	19,086.43	6,913.57	73.41%
COMPUTER SUPPLIES	34,000.00	380.25	8,007.78	25,992.22	23.55%
THIRD PARTY SERVICES	74,050.00	1,392.25	36,616.25	37,433.75	49.45%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(34,324.26)	(328,460.49)	(317,199.51)	50.87%
TOTAL DIRECT EXPENSES:	-	(0.00)	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	79,449.84	768,322.70	267,750.30	74.16%
BENEFITS EXPENSE	355,694.00	29,783.17	264,256.24	91,437.76	74.29%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(6,321.92)	(90,557.24)	(103,442.76)	46.68%
OTHER INDIRECT EXPENSE	293,823.00	23,098.04	203,361.82	90,461.18	69.21%
TOTAL INDIRECT EXPENSES:	1,491,590.00	126,009.13	1,145,383.52	346,206.48	76.79%
TOTAL ALL EXPENSES:	1,491,590.00	126,009.13	1,145,383.52	346,206.48	76.79%
NET INCOME (LOSS):	(1,491,590.00)	(126,009.13)	(1,145,383.52)		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	179,499.50	646,948.73	217,786.27	74.81%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	14,000.00	19,000.00	10,500.00	64.41%
SHIPPING & HANDLING	1,000.00	(967.41)	669.47	330.53	66.95%
COURSEBOOK SALES	17,000.00	-	7,259.24	9,740.76	42.70%
MP3 AND VIDEO SALES	950,000.00	26,740.09	702,501.15	247,498.85	73.95%
TOTAL REVENUE:	1,862,235.00	219,272.18	1,376,378.59	485,856.41	73.91%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	257.15	1,383.78	2,616.22	34.59%
POSTAGE - FLIERS/CATALOGS	30,000.00	3,127.66	9,341.90	20,658.10	31.14%
POSTAGE - MISC./DELIVERY	2,500.00	-	325.00	2,175.00	13.00%
DEPRECIATION	10,615.00	1,265.00	3,809.00	6,806.00	35.88%
ONLINE EXPENSES	82,000.00	3,485.54	70,954.27	11,045.73	86.53%
ACCREDITATION FEES	3,550.00	649.00	4,943.00	(1,393.00)	139.24%
SEMINAR BROCHURES	55,000.00	3,238.45	17,461.02	37,538.98	31.75%
FACILITIES	250,000.00	58,839.61	193,319.36	56,680.64	77.33%
SPEAKERS & PROGRAM DEVELOP	58,000.00	14,227.15	35,831.61	22,168.39	61.78%
SPLITS TO SECTIONS	51,777.00	3,042.21	19,064.52	32,712.48	36.82%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	43.48	137.33	362.67	27.47%
BAD DEBT EXPENSE	600.00	399.00	399.00	201.00	66.50%
STAFF TRAVEL/PARKING	3,000.00	2,587.61	4,001.55	(1,001.55)	133.39%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	24.64	1,259.44	740.56	62.97%
COST OF SALES - COURSEBOOKS	1,190.00	-	687.42	502.58	57.77%
A/V DEVELOP COSTS (RECORDING)	1,500.00	671.46	671.46	828.54	44.76%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	-	241.74	1,758.26	12.09%
STAFF TRAVEL/PARKING	-	286.22	286.22	(286.22)	
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	92,144.18	364,617.62	212,964.38	63.13%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.94 FTE)	641,812.00	53,231.04	496,396.89	145,415.11	77.34%
BENEFITS EXPENSE	244,970.00	21,738.86	187,259.70	57,710.30	76.44%
OTHER INDIRECT EXPENSE	241,372.00	18,974.32	166,621.79	74,750.21	69.03%
TOTAL INDIRECT EXPENSES:	1,128,154.00	93,944.22	850,278.38	277,875.62	75.37%
TOTAL ALL EXPENSES:	1,705,736.00	186,088.40	1,214,896.00	490,840.00	71.22%
NET INCOME (LOSS):	156,499.00	33,183.78	161,482.59		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	4,000.00	1,552.41	1,773.41	2,226.59	44.34%
DESKBOOK SALES	100,000.00	16,527.50	50,150.53	49,849.47	50.15%
SECTION PUBLICATION SALES	6,000.00	427.50	3,792.50	2,207.50	63.21%
CASEMAKER ROYALTIES	60,000.00	3,298.18	48,190.84	11,809.16	80.32%
TOTAL REVENUE:	170,000.00	21,805.59	103,907.28	66,092.72	61.12%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	13,442.17	39,575.97	30,424.03	56.54%
COST OF SALES - SECTION PUBLICATION	1,000.00	78.04	661.22	338.78	66.12%
SPLITS TO SECTIONS	2,000.00	-	2,143.70	(143.70)	107.19%
DESKBOOK ROYALTIES	1,000.00	-	414.87	585.13	41.49%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	773.41	140.54	2,859.46	4.68%
FLIERS/CATALOGS	5,000.00	50.00	50.00	4,950.00	1.00%
POSTAGE - FLIERS/CATALOGS	2,500.00	-	-	2,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
OBSOLETE INVENTORY	-	-	842.50	(842.50)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	620.00	5,580.00	1,860.00	75.00%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	24.26	175.74	12.13%
TOTAL DIRECT EXPENSES:	94,695.00	14,963.62	49,433.06	45,261.94	52.20%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	11,488.64	107,285.69	33,427.31	76.24%
BENEFITS EXPENSE	53,392.00	4,758.50	41,028.70	12,363.30	76.84%
OTHER INDIRECT EXPENSE	52,208.00	4,096.75	35,975.22	16,232.78	68.91%
TOTAL INDIRECT EXPENSES:	246,313.00	20,343.89	184,289.61	62,023.39	74.82%
TOTAL ALL EXPENSES:	341,008.00	35,307.51	233,722.67	107,285.33	68.54%
NET INCOME (LOSS):	(171,008.00)	(13,501.92)	(129,815.39)		

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75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	140.99	27,111.40	(24,111.40)	903.71%
CPF MEMBER ASSESSMENTS	982,000.00	4,635.00	979,722.80	2,277.20	99.77%
INTEREST INCOME	7,500.00	5,070.87	28,050.99	(20,550.99)	374.01%
TOTAL REVENUE:	992,500.00	9,846.86	1,034,885.19	(42,385.19)	104.27%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(6.63)	(723.14)	1,723.14	-72.31%
GIFTS TO INJURED CLIENTS	400,000.00	25,300.00	105,493.50	294,506.50	26.37%
CPF BOARD EXPENSES	2,000.00	54.61	1,291.81	708.19	64.59%
TOTAL DIRECT EXPENSES:	403,000.00	25,347.98	106,062.17	296,937.83	26.32%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	14,471.48	80,880.04	14,937.96	84.41%
BENEFITS EXPENSE	35,213.00	2,745.03	26,566.81	8,646.19	75.45%
OTHER INDIRECT EXPENSE	32,782.00	1,189.75	22,507.71	10,274.29	68.66%
TOTAL INDIRECT EXPENSES:	163,813.00	18,406.26	129,954.56	33,858.44	79.33%
TOTAL ALL EXPENSES:	566,813.00	43,754.24	236,016.73	330,796.27	41.64%
NET INCOME (LOSS):	425,687.00	(33,907.38)	798,868.46		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	25,500.00	-	22,950.00	2,550.00	90.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	-	10,150.00	2,850.00	78.08%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	-	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	-	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	-	43,050.00	6,850.00	86.27%
DIRECT EXPENSES:					
FACILITIES	40,000.00	-	48,916.53	(8,916.53)	122.29%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	500.94	899.06	35.78%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	457.40	42.60	91.48%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,719.91	(219.91)	114.66%
MARKETING EXPENSE	600.00	-	764.29	(164.29)	127.38%
STAFF TRAVEL/PARKING	2,300.00	-	1,068.51	1,231.49	46.46%
TOTAL DIRECT EXPENSES:	46,860.00	-	53,597.65	(6,737.65)	114.38%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	46,860.00	-	53,597.65	(6,737.65)	114.38%
NET INCOME (LOSS):	3,040.00	-	(10,547.65)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	2,090.00	459,208.75	25,171.25	94.80%
SEMINAR PROFIT SHARE	78,934.45	3,042.21	28,366.97	50,567.48	35.94%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	4,027.14	(27.14)	100.68%
OTHER	44,525.00	9,415.67	40,935.67	3,589.33	91.94%
TOTAL REVENUE:	613,210.45	14,547.88	532,538.53	80,671.92	86.84%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	78,577.15	258,603.04	326,376.96	44.21%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	1,275.00	302,381.25	16,001.25	94.97%
TOTAL DIRECT EXPENSES:	903,362.50	79,852.15	560,984.29	342,378.21	62.10%
NET INCOME (LOSS):	(290,152.05)	(65,304.27)	(28,445.76)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	929,304.42	8,562,421.62	2,888,507.38	74.77%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	10,529.38	91,523.46	4,286.54	95.53%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(6,321.92)	(90,557.24)	(103,442.76)	46.68%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	3,600.00	1,200.00	75.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	1,205.39	804.61	59.97%
FICA (EMPLOYER PORTION)	862,300.00	72,387.25	629,024.50	233,275.50	72.95%
L&I INSURANCE	47,000.00	9,905.33	28,579.21	18,420.79	60.81%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	139,138.90	1,110,694.07	334,305.93	76.86%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	115,671.60	1,043,765.32	395,969.68	72.50%
TRANSPORTATION ALLOWANCE	118,500.00	280.00	109,905.40	8,594.60	92.75%
UNEMPLOYMENT INSURANCE	108,000.00	5,971.36	56,532.98	51,467.02	52.35%
STAFF DEVELOPMENT-GENERAL	6,910.00	107.95	107.95	6,802.05	1.56%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,276,974.27	11,546,802.66	3,720,191.34	75.63%
WORKPLACE BENEFITS	39,000.00	5,890.64	33,634.87	5,365.13	86.24%
HUMAN RESOURCES POOLED EXP	120,076.00	13,181.63	86,697.52	33,378.48	72.20%
MEETING SUPPORT EXPENSES	10,000.00	695.46	8,447.49	1,552.51	84.47%
RENT	1,750,000.00	140,471.62	1,322,218.14	427,781.86	75.56%
PERSONAL PROP TAXES-WSBA	11,000.00	1,075.95	8,558.95	2,441.05	77.81%
FURNITURE, MAINT, LH IMP	35,200.00	3,572.58	13,129.75	22,070.25	37.30%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	1,664.65	37,550.69	8,449.31	81.63%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	7,404.00	31,652.00	19,348.00	62.06%
COMPUTER HARDWARE DEPRECIATION	57,000.00	8,493.33	36,154.07	20,845.93	63.43%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	15,476.13	57,579.13	96,420.87	37.39%
INSURANCE	140,000.00	11,514.77	103,632.93	36,367.07	74.02%
PROFESSIONAL FEES-AUDIT	35,000.00	-	30,929.80	4,070.20	88.37%
PROFESSIONAL FEES-LEGAL	50,000.00	3,570.00	102,391.27	(52,391.27)	204.78%
TELEPHONE & INTERNET	49,000.00	3,494.80	31,483.15	17,516.85	64.25%
POSTAGE - GENERAL	42,000.00	1,856.19	22,439.11	19,560.89	53.43%
RECORDS STORAGE	40,000.00	4,789.02	34,447.90	5,552.10	86.12%
STAFF TRAINING	92,200.00	6,561.49	42,533.53	49,666.47	46.13%
BANK FEES	35,400.00	2,003.05	26,734.10	8,665.90	75.52%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	3,374.48	8,533.22	16,466.78	34.13%
COMPUTER POOLED EXPENSES	645,660.00	34,324.26	328,460.49	317,199.51	50.87%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	269,414.05	2,367,208.11	1,060,327.89	69.06%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,546,388.32	13,914,010.77		

Washington State Bar Association

Statement of Activities

For the Period from June 1, 2018 to June 30, 2018

75.00% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,307,247.70	11,500,491.93	3,567,633.07
ACCESS TO JUSTICE	(311,034.00)	(24,964.32)	(217,035.17)	(93,998.83)
ADMINISTRATION	(1,029,819.00)	(67,105.99)	(709,984.11)	(319,834.89)
ADMISSIONS/BAR EXAM	146,449.00	(61,486.82)	366,601.19	(220,152.19)
BOARD OF GOVERNORS	(802,807.00)	(48,080.86)	(536,390.38)	(266,416.62)
COMMUNICATIONS	(592,651.00)	(44,246.94)	(412,865.49)	(179,785.51)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(63,056.94)	(558,984.07)	(181,948.93)
DISCIPLINE	(5,601,229.00)	(458,271.72)	(4,129,284.83)	(1,471,944.17)
DIVERSITY	(345,401.00)	(41,850.59)	(225,001.22)	(120,399.78)
FOUNDATION	(168,653.00)	(12,297.37)	(116,641.62)	(52,011.38)
HUMAN RESOURCES	(271,830.00)	(30,915.82)	(287,108.19)	15,278.19
LAP	(124,243.00)	(10,320.71)	(88,861.20)	(35,381.80)
LEGISLATIVE	(151,443.00)	(6,824.44)	(70,718.44)	(80,724.56)
LICENSING AND MEMBERSHIP	(422,090.00)	(25,195.49)	(254,482.86)	(167,607.14)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(24,077.96)	(188,218.78)	(71,782.22)
LIMITED PRACTICE OFFICERS	(162,464.00)	(13,278.25)	(118,137.87)	(44,326.13)
MANDATORY CLE ADMINISTRATION	(17,768.00)	(47,994.58)	83,866.74	(101,634.74)
MEMBER BENEFITS	(166,568.00)	(14,803.43)	(107,822.54)	(58,745.46)
MENTORSHIP PROGRAM	(117,618.00)	(9,375.24)	(82,032.66)	(35,585.34)
NEW MEMBER PROGRAM	(245,129.00)	(15,458.11)	(80,667.60)	(164,461.40)
NW LAWYER	(121,357.00)	2,410.66	(41,797.80)	(79,559.20)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(63,611.81)	(569,637.60)	(254,953.40)
OGC-DISCIPLINARY BOARD	(306,846.00)	(28,668.57)	(215,950.02)	(90,895.98)
OUTREACH & ENGAGEMENT	(387,527.00)	(36,098.17)	(276,594.59)	(110,932.41)
PRACTICE OF LAW BOARD	(118,633.00)	(9,209.18)	(88,917.99)	(29,715.01)
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(15,383.11)	(126,180.59)	(72,961.41)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(23,196.86)	(203,053.08)	(81,869.92)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(13,014.24)	(120,959.90)	(41,421.10)
PUBLIC SERVICE PROGRAMS	(347,092.00)	(12,541.67)	(149,363.48)	(197,728.52)
LAW CLERK PROGRAM	(4,028.00)	(5,248.86)	38,094.58	(42,122.58)
SECTIONS ADMINISTRATION	(167,058.00)	(37,093.22)	(33,482.59)	(133,575.41)
TECHNOLOGY	(1,491,590.00)	(126,009.13)	(1,145,383.52)	(346,206.48)
CLE - PRODUCTS	736,738.00	4,565.64	536,279.22	200,458.78
CLE - SEMINARS	(580,239.00)	28,618.14	(374,796.63)	(205,442.37)
SECTIONS OPERATIONS	(290,152.05)	(65,304.27)	(28,445.76)	(261,706.29)
DESKBOOKS	(171,008.00)	(13,501.92)	(129,815.39)	(41,192.61)
CLIENT PROTECTION FUND	425,687.00	(33,907.38)	798,868.46	(373,181.46)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	-	(10,547.65)	13,587.65
INDIRECT EXPENSES	(18,694,530.00)	(1,546,388.32)	(13,914,010.77)	(4,780,519.23)
TOTAL OF ALL	19,302,739.05	1,705,940.15	12,288,972.27	7,013,766.78
NET INCOME (LOSS)	(608,209.05)	(159,551.83)	1,625,038.50	

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 214,137

Total

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.96%	\$ 4,572,899
UBS Financial Money Market	1.96%	\$ 1,050,426
Morgan Stanley Money Market	1.77%	\$ 26,018
Merrill Lynch Money Market	1.89%	\$ 1,903,419
Long Term Investments	Varies	\$ 3,258,356
Short Term Investments	Varies	\$ 1,999,000

General Fund Total \$ 13,024,255

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 805,809

Investments

	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.96%	\$ 3,269,783
Morgan Stanley Money Market	1.61%	\$ 103,663
Wells Fargo Investments	Varies	\$ -

Lawyers' Fund for Client Protection Total \$ 4,179,255

Grand Total Cash & Investments \$ 17,203,509

Long Term Investments- General Fund**UBS Financial Long Term Investments**

Nuveen 3-7 year Municipal Bond Portfolio

Value as of 6/30/2018

\$ 308,018.46

Morgan Stanley Long Term Investments

Lord Abbett Short Term Duration Income Fund

\$ 783,994.01

Guggenheim Total Return Bond Fund

\$ 1,097,401.13

Virtus Multi-Sector Short Term Bond Fund

\$ 1,068,942.11

\$ 2,950,337.25

Total Long Term Investments- General Fund 3,258,355.71**Short Term Investments- General Fund****Bank**

Bank of Baroda

State Bank of India NY

Bank of India NY

Live Oak Banking Company

Pacific Western Bank

Fortis Private Bank

Washington Federal Interest

BNY Mellon

Interest**Rate****Yield****Term****Maturity****Date****Amount**

1.60%

1.60%

180 Days

7/31/2018

250,000.00

1.60%

1.60%

180 Days

8/7/2018

250,000.00

1.60%

1.60%

180 Days

8/8/2018

250,000.00

1.65%

1.65%

180 Days

8/9/2018

250,000.00

1.65%

1.65%

180 Days

8/20/2018

249,000.00

1.65%

1.65%

180 Days

8/21/2018

250,000.00

1.65%

1.65%

240 days

10/12/2018

250,000.00

1.65%

1.65%

270 Days

10/30/2018

250,000.00

Total Short Term Investments- General Fund 1,999,000.00**Client Protection Fund****Bank****Interest****Rate****Yield****Term****Mths****Maturity****Date****Amount****Total CPF** -



WSBA Financial Reports

(Unaudited)

Year to Date July 31, 2018

Prepared by Tiffany Lynch, Associate Director for Finance

Submitted by

Ann Holmes, Chief Operations Officer

August 24, 2018

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associate Director for Finance

Re: Key Financial Benchmarks for the Fiscal Year to Date (YTD) through July 31, 2018

Date: August 24, 2018

	% of Year	Current Year % YTD	Current Year \$ Difference ¹	Prior Year YTD	Comments
Salaries	83.33%	84.50% ²	\$130,760 (Over budget)	82.90%	Expected to be on or slightly over budget
Benefits	83.33%	81.58%	\$70,838 (Under budget)	80.04%	Expected to be slightly under budget
Other Indirect Expenses	83.33%	77.25%	\$208,557 (Under budget)	75.28%	Expected to be slightly under budget
Total Indirect Expenses	83.33%	82.54%	\$148,635 (Under budget)	80.87%	Expected to be on budget

General Fund Revenues	83.33%	86.80%	\$656,256 (Over budget)	88.22%	Expected to be over budget
General Fund Direct Expenses	83.33%	64.24%	\$475,326 (Under budget)	67.53%	Expected to be slightly under budget

CLE Revenue	83.33%	83.73%	\$8,155 (Over budget)	67.59%	Expected to be on slightly under budget
CLE Direct Expenses	83.33%	65.02%	\$123,105 (Under budget)	54.97%	Expected to be on or slightly under budget
CLE Indirect Expenses	83.33%	83.66%	\$4,549 (Over budget)	80.00%	Expected to be on budget

¹ Dollar difference is calculated based on pro-rated budget (amended by the BOG on March 8, 2018) figures (total annual budget figures divided by 12 months) minus actual revenue and expense amounts as of July 31, 2018 (10 months into the fiscal year).

² Includes expenses for regular and temporary salaries with offsets from allowance for open positions and capital labor & overhead.

Washington State Bar Association Financial Summary
Year to Date as of July 31, 2018 83.33% of Year
Compared to Fiscal Year 2018 Budget

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	-	-	214,793	259,434	26,549	51,600	241,342	311,034	(241,342)	(311,034)
Administration	126,921	55,000	903,393	1,081,774	2,184	3,045	905,577	1,084,819	(778,856)	(1,029,819)
Admissions/Bar Exam	1,193,330	1,327,400	653,025	788,834	230,616	392,117	883,641	1,180,951	309,689	146,449
Board of Governors	-	-	445,240	522,727	178,872	280,080	624,113	802,807	(624,113)	(802,807)
Communications Strategies	1,210	44,750	427,184	533,961	42,136	103,440	469,320	637,401	(468,110)	(592,651)
Conference & Broadcast Services	-	-	616,817	736,233	4,538	4,700	621,355	740,933	(621,355)	(740,933)
Discipline	97,962	130,300	4,522,927	5,474,703	154,581	256,826	4,677,508	5,731,529	(4,579,546)	(5,601,229)
Diversity	101,636	100,374	342,496	420,525	19,517	25,250	362,013	445,775	(260,377)	(345,401)
Foundation	-	-	124,251	151,053	4,746	17,600	128,997	168,653	(128,997)	(168,653)
Human Resources	-	-	317,918	271,830	-	-	317,918	271,830	(317,918)	(271,830)
Law Clerk Program	125,850	112,000	90,750	111,678	4,444	4,350	95,194	116,028	30,656	(4,028)
Legislative	-	-	69,962	126,743	6,438	24,700	76,400	151,443	(76,400)	(151,443)
Licensing and Membership Records	302,886	284,700	546,606	660,794	42,090	45,996	588,695	706,790	(285,809)	(422,090)
Licensing Fees	12,794,737	15,068,125	-	-	-	-	-	-	12,794,737	15,068,125
Limited License Legal Technician	-	-	190,298	234,401	20,299	25,600	210,598	260,001	(210,598)	(260,001)
Limited Practice Officers	-	-	129,007	159,464	2,117	3,000	131,124	156,182	(131,124)	(162,464)
Mandatory CLE	734,559	761,000	455,024	540,324	201,842	238,444	656,866	778,768	77,693	(17,768)
Member Assistance Program	8,908	10,000	106,477	132,743	1,002	1,500	107,479	134,243	(98,571)	(124,243)
Member Benefits	10,576	-	35,597	42,808	98,630	123,760	134,227	166,568	(123,651)	(166,568)
Mentorship Program	-	-	84,413	106,393	7,450	11,225	91,862	117,618	(91,862)	(117,618)
New Member Program	131,521	53,200	210,409	262,549	16,220	35,780	226,629	298,329	(95,108)	(245,129)
NW Lawyer	344,582	538,350	170,095	225,207	225,514	434,500	395,009	659,707	(51,027)	(121,357)
Office of General Counsel	514	-	611,510	811,295	5,680	13,296	617,190	824,591	(616,675)	(824,591)
OGC-Disciplinary Board	-	-	163,533	203,346	72,050	103,500	235,582	306,846	(235,582)	(306,846)
Outreach and Engagement	-	-	297,946	364,777	13,383	22,750	311,329	387,527	(311,329)	(387,527)
Practice Management Assistance	32,541	15,000,000	168,251	208,292	1,095	5,850	169,346	214,142	(136,805)	(199,142)
Practice of Law Board	-	-	85,462	103,433	13,621	15,200	99,083	118,633	(99,083)	(118,633)
Professional Responsibility Program	-	-	217,549	278,623	7,232	6,300	224,780	284,923	(224,780)	(284,923)
Public Service Programs	106,004	105,000	165,767	227,477	184,441	224,615	350,208	452,092	(244,204)	(347,092)
Publication and Design Services	-	-	129,788	158,281	4,100	4,100	133,888	162,381	(133,888)	(162,381)
Sections Administration	303,581	308,000	366,155	464,958	7,841	10,100	373,795	475,058	(70,214)	(167,058)
Technology	-	-	1,275,712	1,491,590	-	-	1,275,712	1,491,590	(1,275,712)	(1,491,590)
Subtotal General Fund	16,417,318	18,913,199	14,138,353	17,156,250	1,599,027	2,489,224	15,737,380	19,645,474	679,937	(732,275)
Expenses using reserve funds	-	-	-	-	-	-	15,737,380	-	-	-
Total General Fund - Net Result from Operations	86.80%		82.41%		64.24%		80.11%		679,937	(732,275)
Percentage of Budget										
CLE-Seminars and Products	1,586,617	1,862,235	945,441	1,128,154	380,138	577,582	1,325,579	1,705,736	261,038	156,499
CLE - Deskbooks	115,067	170,000	204,496	246,313	56,988	94,695	261,485	341,008	(146,418)	(171,008)
Total CLE	1,701,684	2,032,235	1,149,938	1,374,467	437,126	672,277	1,587,064	2,046,744	114,620	(14,509)
Percentage of Budget	83.73%		83.66%		65.02%		77.54%			
Total All Sections	533,821	613,210	-	-	587,466	903,363	587,466	903,363	(53,644)	(290,152)
Client Protection Fund-Restricted	1,044,371	992,500	141,849	163,813	100,983	403,000	242,832	566,813	801,539	425,687
Management of Western States Bar Conference (M)	43,050	49,900	-	-	53,598	46,860	53,598	46,860	(10,548)	3,040
Totals	19,740,243	22,601,044	15,430,140.05	18,694,530	2,778,199	4,514,723.50	18,208,339	23,209,254	1,531,904	(608,209)
Percentage of Budget	87.34%		82.54%		61.54%		78.45%			

Summary of Fund Balances:	Fund Balances Sept. 30, 2017	2018 Budgeted Fund Balances	Fund Balances Year to date
Restricted Funds:			
Client Protection Fund	3,242,299	3,667,986	4,043,838
Western States Bar Conference	19,632	22,672	9,084.22
Board-Designated Funds (Non-General Fund):			
CLE Fund Balance	485,582	471,073	600,202
Section Funds	1,197,727	907,575	1,144,082
Board-Designated Funds (General Fund):			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	200,000	200,000	200,000
Unrestricted Funds (General Fund):			
Unrestricted General Fund	1,663,751	931,476	2,343,688
Total General Fund Balance	3,363,751	2,631,476	4,043,688
Net Change in general Fund Balance		(732,275)	679,937
Total Fund Balance	8,308,990	7,700,781	9,840,894
Net Change In Fund Balance		(608,209)	1,531,904

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSE FEES					
REVENUE:					
LICENSE FEES	14,953,000.00	1,284,901.67	12,698,947.48	2,254,052.52	84.93%
LLLT LICENSE FEES	6,125.00	668.71	4,278.71	1,846.29	69.86%
LPO LICENSE FEES	109,000.00	8,674.81	91,510.93	17,489.07	83.95%
TOTAL REVENUE:	15,068,125.00	1,294,245.19	12,794,737.12	2,273,387.88	84.91%

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ACCESS TO JUSTICE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
ATJ BOARD RETREAT	2,000.00	60.85	2,290.20	(290.20)	114.51%
LEADERSHIP TRAINING	2,000.00	-	802.00	1,198.00	40.10%
ATJ BOARD EXPENSE	24,000.00	1,490.83	13,285.07	10,714.93	55.35%
ATJ BOARD COMMITTEES EXPENSE	3,000.00	394.73	2,660.52	339.48	88.68%
STAFF TRAVEL/PARKING	2,700.00	74.00	395.85	2,304.15	14.66%
PUBLIC DEFENSE	8,400.00	325.04	3,482.80	4,917.20	41.46%
RECEPTION/FORUM EXPENSE	9,500.00	500.00	3,632.31	5,867.69	38.23%
TOTAL DIRECT EXPENSES:	51,600.00	2,845.45	26,548.75	25,051.25	51.45%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.10 FTE)	152,813.00	12,969.44	129,125.01	23,687.99	84.50%
BENEFITS EXPENSE	55,627.00	4,297.85	46,209.07	9,417.93	83.07%
OTHER INDIRECT EXPENSE	50,994.00	4,193.99	39,459.07	11,534.93	77.38%
TOTAL INDIRECT EXPENSES:	259,434.00	21,461.28	214,793.15	44,640.85	82.79%
TOTAL ALL EXPENSES:	311,034.00	24,306.73	241,341.90	69,692.10	77.59%
NET INCOME (LOSS):	(311,034.00)	(24,306.73)	(241,341.90)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMINISTRATION					
REVENUE:					
INTEREST INCOME	25,000.00	15,413.85	115,683.94	(90,683.94)	462.74%
GAIN/LOSS ON INVESTMENTS	30,000.00	4,897.50	11,236.78	18,763.22	37.46%
TOTAL REVENUE:	55,000.00	20,311.35	126,920.72	(71,920.72)	230.76%
DIRECT EXPENSES:					
CREDIT CARD MERCHANT FEES	-	134.02	(1,927.40)	1,927.40	
STAFF TRAVEL/PARKING	2,500.00	350.00	3,546.00	(1,046.00)	141.84%
STAFF MEMBERSHIP DUES	545.00	299.00	565.00	(20.00)	103.67%
TOTAL DIRECT EXPENSES:	3,045.00	783.02	2,183.60	861.40	71.71%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.88 FTE)	663,826.00	55,246.20	570,876.03	92,949.97	86.00%
BENEFITS EXPENSE	226,598.00	17,247.95	184,744.29	41,853.71	81.53%
OTHER INDIRECT EXPENSE	191,350.00	15,706.30	147,773.03	43,576.97	77.23%
TOTAL INDIRECT EXPENSES:	1,081,774.00	88,200.45	903,393.35	178,380.65	83.51%
TOTAL ALL EXPENSES:	1,084,819.00	88,983.47	905,576.95	179,242.05	83.48%
NET INCOME (LOSS):	(1,029,819.00)	(68,672.12)	(778,656.23)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
ADMISSIONS					
REVENUE:					
EXAM SOFT REVENUE	35,000.00	-	10,920.00	24,080.00	31.20%
BAR EXAM FEES	1,200,000.00	36,845.00	1,110,128.60	89,871.40	92.51%
RPC BOOKLETS	-	-	866.22	(866.22)	
SPECIAL ADMISSIONS	60,000.00	2,445.00	40,565.00	19,435.00	67.61%
LLLT EXAM FEES	7,500.00	-	4,300.00	3,200.00	57.33%
LLLT WAIVER FEES	900.00	-	150.00	750.00	16.67%
LPO EXAMINATION FEES	24,000.00	(100.00)	26,400.00	(2,400.00)	110.00%
TOTAL REVENUE:	1,327,400.00	39,190.00	1,193,329.82	134,070.18	89.90%
DIRECT EXPENSES:					
DEPRECIATION	2,222.00	-	-	2,222.00	0.00%
POSTAGE	4,000.00	41.10	2,587.74	1,412.26	64.69%
STAFF TRAVEL/PARKING	10,240.00	4,634.55	10,491.53	(251.53)	102.46%
STAFF MEMBERSHIP DUES	400.00	(16.00)	400.00	-	100.00%
SUPPLIES	1,000.00	184.78	3,647.19	(2,647.19)	364.72%
FACILITY, PARKING, FOOD	66,000.00	13,280.54	80,861.11	(14,861.11)	122.52%
EXAMINER FEES	35,000.00	-	10,000.00	25,000.00	28.57%
UBE EXMINATIONS	130,000.00	-	36,819.00	93,181.00	28.32%
BOARD OF BAR EXAMINERS	25,000.00	3,049.92	23,410.14	1,589.86	93.64%
BAR EXAM PROCTORS	30,000.00	-	11,074.00	18,926.00	36.91%
CHARACTER & FITNESS BOARD	20,000.00	1,196.45	12,300.21	7,699.79	61.50%
DISABILITY ACCOMMODATIONS	20,000.00	6,579.37	7,254.37	12,745.63	36.27%
CHARACTER & FITNESS INVESTIGATIONS	900.00	1.74	3,198.91	(2,298.91)	355.43%
LAW SCHOOL VISITS	1,000.00	-	423.75	576.25	42.38%
EXAM WRITING	28,355.00	-	21,000.00	7,355.00	74.06%
COURT REPORTERS	18,000.00	1,218.56	6,735.49	11,264.51	37.42%
PRINTING & COPYING	-	178.11	412.94	(412.94)	
TOTAL DIRECT EXPENSES:	392,117.00	30,349.12	230,616.38	161,500.62	58.81%
INDIRECT EXPENSES:					
SALARY EXPENSE (6.20 FTE)	463,690.00	40,444.83	397,451.06	66,238.94	85.71%
BENEFITS EXPENSE	174,590.00	12,951.83	139,314.97	35,275.03	79.80%
OTHER INDIRECT EXPENSE	150,554.00	12,356.74	116,258.74	34,295.26	77.22%
TOTAL INDIRECT EXPENSES:	788,834.00	65,753.40	653,024.77	135,809.23	82.78%
TOTAL ALL EXPENSES:	1,180,951.00	96,102.52	883,641.15	297,309.85	74.82%
NET INCOME (LOSS):	146,449.00	(56,912.52)	309,688.67		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
BOG/OED					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	4,700.00	480.00	4,164.00	536.00	88.60%
STAFF MEMBERSHIP DUES	1,880.00	-	1,981.00	(101.00)	105.37%
TELEPHONE	1,000.00	-	668.10	331.90	66.81%
WASHINGTON LEADERSHIP INSTITUTE	60,000.00	-	-	60,000.00	0.00%
BOG MEETINGS	115,000.00	42,675.67	120,732.22	(5,732.22)	104.98%
BOG COMMITTEES' EXPENSES	30,000.00	2,843.93	22,264.96	7,735.04	74.22%
BOG CONFERENCE ATTENDANCE	17,500.00	-	7,746.61	9,753.39	44.27%
BOG TRAVEL & OUTREACH	45,000.00	1,499.58	18,144.01	26,855.99	40.32%
ED TRAVEL & OUTREACH	5,000.00	407.16	3,171.52	1,828.48	63.43%
TOTAL DIRECT EXPENSES:	280,080.00	47,906.34	178,872.42	101,207.58	63.86%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.45 FTE)	357,754.00	26,824.60	311,862.44	45,891.56	87.17%
BENEFITS EXPENSE	105,480.00	8,093.77	87,298.06	18,181.94	82.76%
OTHER INDIRECT EXPENSE	59,493.00	4,897.66	46,079.83	13,413.17	77.45%
TOTAL INDIRECT EXPENSES:	522,727.00	39,816.03	445,240.33	77,486.67	85.18%
TOTAL ALL EXPENSES:	802,807.00	87,722.37	624,112.75	178,694.25	77.74%
NET INCOME (LOSS):	(802,807.00)	(87,722.37)	(624,112.75)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
COMMUNICATION STRATEGIES					
REVENUE:					
AWARDS LUNCH/DINNER	44,000.00	-	100.00	43,900.00	0.23%
50 YEAR MEMBER TRIBUTE LUNCH	750.00	-	550.00	200.00	73.33%
WSBA LOGO MERCHANDISE SALES	-	-	560.00	(560.00)	
TOTAL REVENUE:	44,750.00	-	1,210.00	43,540.00	2.70%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,640.00	350.00	3,558.75	(918.75)	134.80%
STAFF MEMBERSHIP DUES	1,700.00	135.00	1,032.50	667.50	60.74%
SUBSCRIPTIONS	10,050.00	47.88	6,689.89	3,360.11	66.57%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	16.60	825.00	625.00	56.90%
AWARDS DINNER	63,000.00	9,756.32	16,673.41	46,326.59	26.47%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	8,904.98	(904.98)	111.31%
COMMUNICATIONS OUTREACH	15,000.00	737.39	4,425.21	10,574.79	29.50%
SPEAKERS & PROGRAM DEVELOP	1,600.00	-	-	1,600.00	0.00%
TELEPHONE	-	26.67	26.67	(26.67)	
TOTAL DIRECT EXPENSES:	103,440.00	11,069.86	42,136.41	61,303.59	40.74%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.68 FTE)	305,254.00	25,721.62	253,396.37	51,857.63	83.01%
BENEFITS EXPENSE	115,063.00	9,108.43	85,865.23	29,197.77	74.62%
OTHER INDIRECT EXPENSE	113,644.00	9,344.96	87,922.35	25,721.65	77.37%
TOTAL INDIRECT EXPENSES:	533,961.00	44,175.01	427,183.95	106,777.05	80.00%
TOTAL ALL EXPENSES:	637,401.00	55,244.87	469,320.36	168,080.64	73.63%
NET INCOME (LOSS):	(592,651.00)	(55,244.87)	(468,110.36)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONFERENCE & BROADCAST SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	75.00	375.00	825.00	31.25%
TRANSLATION SERVICES	3,500.00	470.05	4,163.30	(663.30)	118.95%
TOTAL DIRECT EXPENSES:	4,700.00	545.05	4,538.30	161.70	96.56%
INDIRECT EXPENSES:					
SALARY EXPENSE (7.15 FTE)	400,338.00	34,715.44	344,647.18	55,690.82	86.09%
BENEFITS EXPENSE	162,272.00	12,840.05	137,689.45	24,582.55	84.85%
OTHER INDIRECT EXPENSE	173,623.00	14,270.79	134,480.47	39,142.53	77.46%
TOTAL INDIRECT EXPENSES:	736,233.00	61,826.28	616,817.10	119,415.90	83.78%
TOTAL ALL EXPENSES:	740,933.00	62,371.33	621,355.40	119,577.60	83.86%
NET INCOME (LOSS):	(740,933.00)	(62,371.33)	(621,355.40)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DISCIPLINE					
REVENUE:					
AUDIT REVENUE	2,300.00	42.50	4,126.25	(1,826.25)	179.40%
RECOVERY OF DISCIPLINE COSTS	115,000.00	8,539.77	80,647.88	34,352.12	70.13%
DISCIPLINE HISTORY SUMMARY	13,000.00	1,068.72	13,188.19	(188.19)	101.45%
TOTAL REVENUE:	130,300.00	9,650.99	97,962.32	32,337.68	75.18%
DIRECT EXPENSES:					
DEPRECIATION-SOFTWARE	17,028.00	858.00	8,583.00	8,445.00	50.41%
PUBLICATIONS PRODUCTION	330.00	-	221.98	108.02	67.27%
STAFF TRAVEL/PARKING	39,460.00	2,589.02	28,577.90	10,882.10	72.42%
STAFF MEMBERSHIP DUES	3,308.00	-	3,101.00	207.00	93.74%
TELEPHONE	2,800.00	186.48	1,839.60	960.40	65.70%
COURT REPORTERS	65,000.00	685.33	29,697.68	35,302.32	45.69%
OUTSIDE COUNSEL/AIC	2,000.00	-	-	2,000.00	0.00%
LITIGATION EXPENSES	30,000.00	2,456.55	16,052.03	13,947.97	53.51%
DISABILITY EXPENSES	15,000.00	-	1,207.60	13,792.40	8.05%
ONLINE LEGAL RESEARCH	66,900.00	138.70	50,252.77	16,647.23	75.12%
LAW LIBRARY	12,000.00	96.34	12,298.80	(298.80)	102.49%
TRANSLATION SERVICES	3,000.00	241.00	2,748.88	251.12	91.63%
MISCELLANEOUS	-	(217.50)	-	-	
TOTAL DIRECT EXPENSES:	256,826.00	7,033.92	154,581.24	102,244.76	60.19%
INDIRECT EXPENSES:					
SALARY EXPENSE (36.89 FTE)	3,436,749.00	289,894.56	2,876,761.28	559,987.72	83.71%
BENEFITS EXPENSE	1,142,156.00	89,406.06	953,909.85	188,246.15	83.52%
OTHER INDIRECT EXPENSE	895,798.00	73,577.54	692,253.87	203,542.13	77.28%
TOTAL INDIRECT EXPENSES:	5,474,703.00	452,878.16	4,522,927.00	951,776.00	82.62%
TOTAL ALL EXPENSES:	5,731,529.00	459,912.08	4,677,508.24	1,054,020.76	81.61%
NET INCOME (LOSS):	(5,601,229.00)	(450,261.09)	(4,579,545.92)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DIVERSITY					
REVENUE:					
DONATIONS	90,000.00	-	97,500.00	(7,500.00)	108.33%
SEMINAR REGISTRATIONS	-	-	275.00	(275.00)	
WORK STUDY GRANTS	10,374.00	819.00	3,861.38	6,512.62	37.22%
TOTAL REVENUE:	100,374.00	819.00	101,636.38	(1,262.38)	101.26%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	349.24	3,826.85	4,173.15	47.84%
STAFF MEMBERSHIP DUES	350.00	-	316.00	34.00	90.29%
COMMITTEE FOR DIVERSITY	6,200.00	408.60	3,178.85	3,021.15	51.27%
DIVERSITY EVENTS & PROJECTS	10,000.00	500.08	12,029.55	(2,029.55)	120.30%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	500.00	-	-	500.00	0.00%
PRINTING & COPYING	-	-	165.35	(165.35)	
TOTAL DIRECT EXPENSE:	25,250.00	1,257.92	19,516.60	5,733.40	77.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (3.21 FTE)	255,821.00	21,791.43	209,700.27	46,120.73	81.97%
BENEFITS EXPENSE	86,756.00	6,755.56	72,680.61	14,075.39	83.78%
OTHER INDIRECT EXPENSE	77,948.00	6,389.48	60,115.51	17,832.49	77.12%
TOTAL INDIRECT EXPENSES:	420,525.00	34,936.47	342,496.39	78,028.61	81.44%
TOTAL ALL EXPENSES:	445,775.00	36,194.39	362,012.99	83,762.01	81.21%
NET INCOME (LOSS):	(345,401.00)	(35,375.39)	(260,376.61)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
FOUNDATION					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	3,000.00	-	2,906.40	93.60	96.88%
PRINTING & COPYING	1,500.00	-	908.25	591.75	60.55%
STAFF TRAVEL/PARKING	1,500.00	-	353.26	1,146.74	23.55%
STAFF MEMBERSHIP DUES	600.00	-	-	600.00	0.00%
SUPPLIES	500.00	22.87	38.82	461.18	7.76%
SPECIAL EVENTS	5,000.00	11.91	11.91	4,988.09	0.24%
BOARD OF TRUSTEES	5,000.00	51.29	467.72	4,532.28	9.35%
GRAPHIC DESIGN	500.00	-	-	500.00	0.00%
MISCELLANEOUS	-	60.00	60.00	(60.00)	
TOTAL DIRECT EXPENSES:	17,600.00	146.07	4,746.36	12,853.64	26.97%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.20 FTE)	89,200.00	7,346.16	75,116.27	14,083.73	84.21%
BENEFITS EXPENSE	32,713.00	2,470.92	26,624.44	6,088.56	81.39%
OTHER INDIRECT EXPENSE	29,140.00	2,392.53	22,510.23	6,629.77	77.25%
TOTAL INDIRECT EXPENSES:	151,053.00	12,209.61	124,250.94	26,802.06	82.26%
TOTAL ALL EXPENSES:	168,653.00	12,355.68	128,997.30	39,655.70	76.49%
NET INCOME (LOSS):	(168,653.00)	(12,355.68)	(128,997.30)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
HUMAN RESOURCES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	150.00	41.50	69.50	80.50	46.33%
STAFF MEMBERSHIP DUES	1,188.00	-	952.00	236.00	80.13%
SUBSCRIPTIONS	1,938.00	360.00	2,112.92	(174.92)	109.03%
STAFF TRAINING- GENERAL	29,400.00	1,148.23	26,518.34	2,881.66	90.20%
RECRUITING AND ADVERTISING	7,000.00	645.14	3,861.07	3,138.93	55.16%
PAYROLL PROCESSING	55,000.00	3,994.97	37,961.68	17,038.32	69.02%
SALARY SURVEYS	2,900.00	-	949.60	1,950.40	32.74%
THIRD PARTY SERVICES	22,500.00	1,350.00	21,812.25	687.75	96.94%
TRANSFER TO INDIRECT EXPENSE	(120,076.00)	(7,539.84)	(94,237.36)	(25,838.64)	78.48%
TOTAL DIRECT EXPENSES:	-	-	-	-	
INDIRECT EXPENSES:					
SALARY EXPENSE (2.48 FTE)	251,079.00	19,618.02	204,120.26	46,958.74	81.30%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
BENEFITS EXPENSE	80,529.00	6,238.29	67,188.72	13,340.28	83.43%
OTHER INDIRECT EXPENSE	60,222.00	4,953.98	46,609.50	13,612.50	77.40%
TOTAL INDIRECT EXPENSES:	271,830.00	30,810.29	317,918.48	(46,088.48)	116.95%
TOTAL ALL EXPENSES:	271,830.00	30,810.29	317,918.48	(46,088.48)	116.95%
NET INCOME (LOSS):	(271,830.00)	(30,810.29)	(317,918.48)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LAW CLERK PROGRAM					
REVENUE:					
LAW CLERK FEES	110,000.00	1,500.00	123,450.00	(13,450.00)	112.23%
LAW CLERK APPLICATION FEES	2,000.00	200.00	2,400.00	(400.00)	120.00%
TOTAL REVENUE:	112,000.00	1,700.00	125,850.00	(13,850.00)	112.37%
DIRECT EXPENSES:					
SUBSCRIPTIONS	250.00	-	250.00	-	100.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	4,000.00	-	4,194.12	(194.12)	104.85%
TOTAL DIRECT EXPENSES:	4,350.00	-	4,444.12	(94.12)	102.16%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.85 FTE)	67,292.00	5,631.72	55,545.77	11,746.23	82.54%
BENEFITS EXPENSE	23,746.00	1,818.11	19,314.62	4,431.38	81.34%
OTHER INDIRECT EXPENSE	20,640.00	1,688.84	15,889.58	4,750.42	76.98%
TOTAL INDIRECT EXPENSES:	111,678.00	9,138.67	90,749.97	20,928.03	81.26%
TOTAL ALL EXPENSES:	116,028.00	9,138.67	95,194.09	20,833.91	82.04%
NET INCOME (LOSS):	(4,028.00)	(7,438.67)	30,655.91		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LEGISLATIVE					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	8,000.00	-	1,497.67	6,502.33	18.72%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
TELEPHONE	3,000.00	-	240.11	2,759.89	8.00%
OLYMPIA RENT	2,500.00	-	1,918.33	581.67	76.73%
CONTRACT LOBBYIST	5,000.00	-	-	5,000.00	0.00%
LOBBYIST CONTACT COSTS	1,000.00	-	291.81	708.19	29.18%
LEGISLATIVE COMMITTEE	2,500.00	-	267.75	2,232.25	10.71%
BOG LEGISLATIVE COMMITTEE	250.00	-	240.79	9.21	96.32%
TOTAL DIRECT EXPENSES:	24,700.00	-	6,438.26	18,261.74	26.07%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.00 FTE)	75,380.00	1,979.52	33,706.09	41,673.91	44.71%
BENEFITS EXPENSE	27,080.00	1,704.02	17,453.45	9,626.55	64.45%
OTHER INDIRECT EXPENSE	24,283.00	1,998.45	18,802.63	5,480.37	77.43%
TOTAL INDIRECT EXPENSES:	126,743.00	5,681.99	69,962.17	56,780.83	55.20%
TOTAL ALL EXPENSES:	151,443.00	5,681.99	76,400.43	75,042.57	50.45%
NET INCOME (LOSS):	(151,443.00)	(5,681.99)	(76,400.43)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LICENSING & MEMBERSHIP RECORDS					
REVENUE:					
STATUS CERTIFICATE FEES	22,000.00	1,362.92	16,039.20	5,960.80	72.91%
RULE 9/LEGAL INTERN FEES	11,000.00	700.00	11,100.00	(100.00)	100.91%
INVESTIGATION FEES	20,000.00	2,100.00	19,400.00	600.00	97.00%
PRO HAC VICE	210,000.00	17,960.00	240,049.00	(30,049.00)	114.31%
MEMBER CONTACT INFORMATION	21,000.00	724.44	15,925.75	5,074.25	75.84%
PHOTO BAR CARD SALES	700.00	36.00	372.00	328.00	53.14%
TOTAL REVENUE:	284,700.00	22,883.36	302,885.95	(18,185.95)	106.39%
DIRECT EXPENSES:					
DEPRECIATION	11,496.00	1,151.00	10,357.00	1,139.00	90.09%
POSTAGE	31,500.00	-	29,684.62	1,815.38	94.24%
LICENSING FORMS	3,000.00	-	2,048.00	952.00	68.27%
TOTAL DIRECT EXPENSES:	45,996.00	1,151.00	42,089.62	3,906.38	91.51%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.65 FTE)	410,886.00	33,241.58	345,859.42	65,026.58	84.17%
BENEFITS EXPENSE	136,992.00	10,556.60	113,618.42	23,373.58	82.94%
OTHER INDIRECT EXPENSE	112,916.00	9,260.51	87,127.68	25,788.32	77.16%
TOTAL INDIRECT EXPENSES:	660,794.00	53,058.69	546,605.52	114,188.48	82.72%
TOTAL ALL EXPENSES:	706,790.00	54,209.69	588,695.14	118,094.86	83.29%
NET INCOME (LOSS):	(422,090.00)	(31,326.33)	(285,809.19)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED LICENSE LEGAL TECHNICIAN PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	600.00	991.80	1,782.32	(1,182.32)	297.05%
LLLT BOARD	17,000.00	1,751.43	15,908.65	1,091.35	93.58%
LLLT OUTREACH	8,000.00	546.88	2,608.52	5,391.48	32.61%
TOTAL DIRECT EXPENSES:	25,600.00	3,290.11	20,299.49	5,300.51	79.29%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.75 FTE)	142,602.00	11,822.40	120,178.05	22,423.95	84.28%
BENEFITS EXPENSE	49,304.00	3,776.39	37,281.90	12,022.10	75.62%
OTHER INDIRECT EXPENSE	42,495.00	3,490.30	32,838.54	9,656.46	77.28%
TOTAL INDIRECT EXPENSES:	234,401.00	19,089.09	190,298.49	44,102.51	81.19%
TOTAL ALL EXPENSES:	260,001.00	22,379.20	210,597.98	49,403.02	81.00%
NET INCOME (LOSS):	(260,001.00)	(22,379.20)	(210,597.98)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
LIMITED PRACTICE OFFICERS					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
LPO BOARD	3,000.00	32.29	2,116.71	883.29	70.56%
TOTAL DIRECT EXPENSES:	3,000.00	32.29	2,116.71	883.29	70.56%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.16 FTE)	97,589.00	8,057.80	79,627.19	17,961.81	81.59%
BENEFITS EXPENSE	33,707.00	2,587.68	27,664.09	6,042.91	82.07%
OTHER INDIRECT EXPENSE	28,168.00	2,308.14	21,715.79	6,452.21	77.09%
TOTAL INDIRECT EXPENSES:	159,464.00	12,953.62	129,007.07	30,456.93	80.90%
TOTAL ALL EXPENSES:	162,464.00	12,985.91	131,123.78	31,340.22	80.71%
NET INCOME (LOSS):	(162,464.00)	(12,985.91)	(131,123.78)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANDATORY CONTINUING LEGAL EDUCATION					
REVENUE:					
ACCREDITED PROGRAM FEES	282,000.00	25,050.00	243,200.00	38,800.00	86.24%
FORM 1 LATE FEES	100,000.00	12,635.00	119,140.00	(19,140.00)	119.14%
MEMBER LATE FEES	203,000.00	975.00	209,385.00	(6,385.00)	103.15%
ANNUAL ACCREDITED SPONSOR FEES	27,000.00	-	29,500.00	(2,500.00)	109.26%
ATTENDANCE FEES	60,000.00	4,963.00	46,503.00	13,497.00	77.51%
ATTENDANCE LATE FEES	60,000.00	9,905.00	59,080.00	920.00	98.47%
COMITY CERTIFICATES	29,000.00	125.00	27,750.67	1,249.33	95.69%
TOTAL REVENUE:	761,000.00	53,653.00	734,558.67	26,441.33	96.53%
DIRECT EXPENSES:					
DEPRECIATION	235,944.00	20,675.00	200,308.00	35,636.00	84.90%
STAFF MEMBERSHIP DUES	500.00	416.00	916.00	(416.00)	183.20%
MCLE BOARD	2,000.00	-	617.85	1,382.15	30.89%
TOTAL DIRECT EXPENSES:	238,444.00	21,091.00	201,841.85	36,602.15	84.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.80 FTE)	311,815.00	21,194.66	272,571.38	39,243.62	87.41%
BENEFITS EXPENSE	113,165.00	8,055.25	93,205.86	19,959.14	82.36%
OTHER INDIRECT EXPENSE	115,344.00	9,485.69	89,246.44	26,097.56	77.37%
TOTAL INDIRECT EXPENSES:	540,324.00	38,735.60	455,023.68	85,300.32	84.21%
TOTAL ALL EXPENSES:	778,768.00	59,826.60	656,865.53	121,902.47	84.35%
NET INCOME (LOSS):	(17,768.00)	(6,173.60)	77,693.14		

Washington State Bar Association
Statement of Activities
For the Period from July 1, 2018 to July 31, 2018
83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBER ASSISTANCE PROGRAM					
REVENUE:					
DIVERSIONS	10,000.00	750.00	8,392.50	1,607.50	83.93%
LAP GROUPS REVENUE	-	-	515.00	(515.00)	
TOTAL REVENUE:	10,000.00	750.00	8,907.50	1,092.50	89.08%
DIRECT EXPENSES:					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	350.00	-	226.00	124.00	64.57%
CONFERENCE CALLS	100.00	-	-	100.00	0.00%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
TOTAL DIRECT EXPENSES:	1,500.00	-	1,001.50	498.50	66.77%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.87 FTE)	79,821.00	6,638.42	67,661.13	12,159.87	84.77%
BENEFITS EXPENSE	31,796.00	2,076.54	22,397.00	9,399.00	70.44%
OTHER INDIRECT EXPENSE	21,126.00	1,745.14	16,419.17	4,706.83	77.72%
TOTAL INDIRECT EXPENSES:	132,743.00	10,460.10	106,477.30	26,265.70	80.21%
TOTAL ALL EXPENSES:	134,243.00	10,460.10	107,478.80	26,764.20	80.06%
NET INCOME (LOSS):	(124,243.00)	(9,710.10)	(98,571.30)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MEMBERSHIP BENEFITS					
REVENUE:					
MP3 SALES	-	-	1,323.00	(1,323.00)	
DIGITAL VIDEO SALES	-	196.00	4,753.00	(4,753.00)	
SEMINAR REVENUE-OTHER	-	-	4,500.00	(4,500.00)	
TOTAL REVENUE:	-	196.00	10,576.00	(10,576.00)	
DIRECT EXPENSES:					
LEGAL LUNCHBOX COURSEBOOK PRODUCTION	500.00	-	-	500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	1,700.00	-	1,300.42	399.58	76.50%
WSBA CONNECTS	46,560.00	-	34,920.00	11,640.00	75.00%
CASEMAKER	75,000.00	12,522.42	62,409.32	12,590.68	83.21%
TOTAL DIRECT EXPENSES:	123,760.00	12,522.42	98,629.74	25,130.26	79.69%
INDIRECT EXPENSES:					
INDIRECT EXPENSES:	23,718.00	1,976.16	20,192.60	3,525.40	85.14%
SALARY EXPENSE (0.40 FTE)	9,377.00	737.50	7,989.31	1,387.69	85.20%
BENEFITS EXPENSE	9,713.00	788.11	7,415.08	2,297.92	76.34%
OTHER INDIRECT EXPENSE					
TOTAL INDIRECT EXPENSES:	42,808.00	3,501.77	35,596.99	7,211.01	83.15%
TOTAL ALL EXPENSES:	166,568.00	16,024.19	134,226.73	32,341.27	80.58%
NET INCOME (LOSS):	(166,568.00)	(15,828.19)	(123,650.73)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MENTORSHIP PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	2,000.00	-	813.45	1,186.55	40.67%
SUBSCRIPTIONS	125.00	-	-	125.00	0.00%
CONFERENCE CALLS	100.00	-	10.34	89.66	10.34%
MENTORSHIP PROGRAM EXPENSES	2,500.00	-	526.72	1,973.28	21.07%
RECEPTION/FORUM EXPENSE	6,500.00	1,029.30	6,099.19	400.81	93.83%
TOTAL DIRECT EXPENSES:	11,225.00	1,029.30	7,449.70	3,775.30	66.37%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.90 FTE)	61,746.00	5,221.82	48,315.35	13,430.65	78.25%
BENEFITS EXPENSE	22,792.00	1,777.27	19,148.53	3,643.47	84.01%
OTHER INDIRECT EXPENSE	21,855.00	1,801.43	16,948.90	4,906.10	77.55%
TOTAL INDIRECT EXPENSES:	106,393.00	8,800.52	84,412.78	21,980.22	79.34%
TOTAL ALL EXPENSES:	117,618.00	9,829.82	91,862.48	25,755.52	78.10%
NET INCOME (LOSS):	(117,618.00)	(9,829.82)	(91,862.48)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NEW MEMBER PROGRAM					
REVENUE:					
NMP PRODUCT SALES	15,000.00	3,656.00	80,059.05	(65,059.05)	533.73%
SPONSORSHIPS	1,200.00	-	1,095.00	105.00	91.25%
SEMINAR REGISTRATIONS	20,000.00	5,029.00	38,034.21	(18,034.21)	190.17%
TRIAL ADVOCACY PROGRAM	17,000.00	-	12,332.25	4,667.75	72.54%
TOTAL REVENUE:	53,200.00	8,685.00	131,520.51	(78,320.51)	247.22%
DIRECT EXPENSES:					
YLL SECTION PROGRAM	1,500.00	-	793.17	706.83	52.88%
CLE COMPS	1,500.00	-	-	1,500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	233.25	1,027.70	972.30	51.39%
STAFF MEMBERSHIP DUES	30.00	-	70.00	(40.00)	233.33%
ONLINE EXPENSES	2,250.00	-	-	2,250.00	0.00%
SEMINAR BROCHURES	1,500.00	-	-	1,500.00	0.00%
SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	43.08	920.00	580.00	61.33%
NEW LAWYER OUTREACH EVENTS	3,000.00	28.05	83.05	2,916.95	2.77%
NEW LAWYERS COMMITTEE	15,000.00	1,397.13	4,997.39	10,002.61	33.32%
OPEN SECTIONS NIGHT	3,000.00	-	5,176.87	(2,176.87)	172.56%
TRIAL ADVOCACY PROGRAM	2,500.00	10.00	2,757.17	(257.17)	110.29%
SCHOLARSHIPS/DONATIONS/GRANT	2,000.00	-	394.93	1,605.07	19.75%
TOTAL DIRECT EXPENSES:	35,780.00	1,711.51	16,220.28	19,559.72	45.33%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.20 FTE)	152,719.00	12,586.62	121,384.11	31,334.89	79.48%
BENEFITS EXPENSE	56,408.00	4,436.59	47,711.50	8,696.50	84.58%
OTHER INDIRECT EXPENSE	53,422.00	4,391.02	41,312.96	12,109.04	77.33%
TOTAL INDIRECT EXPENSES:	262,549.00	21,414.23	210,408.57	52,140.43	80.14%
TOTAL ALL EXPENSES:	298,329.00	23,125.74	226,628.85	71,700.15	75.97%
NET INCOME (LOSS):	(245,129.00)	(14,440.74)	(95,108.34)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
NORTHWEST LAWYER					
REVENUE:					
ROYALTIES	-	(2,442.66)	1,148.80	(1,148.80)	
DISPLAY ADVERTISING	400,000.00	750.00	192,329.25	207,670.75	48.08%
SUBSCRIPT/SINGLE ISSUES	350.00	36.00	216.00	134.00	61.71%
CLASSIFIED ADVERTISING	100,000.00	20,777.80	133,482.79	(33,482.79)	133.48%
GEN ANNOUNCEMENTS	15,000.00	-	7,310.00	7,690.00	48.73%
PROF ANNOUNCEMENTS	23,000.00	-	10,095.50	12,904.50	43.89%
TOTAL REVENUE:	538,350.00	19,121.14	344,582.34	193,767.66	64.01%
DIRECT EXPENSES:					
BAD DEBT EXPENSE	6,000.00	-	(1,932.00)	7,932.00	-32.20%
POSTAGE	89,000.00	10,318.03	68,139.31	20,860.69	76.56%
PRINTING, COPYING & MAILING	250,000.00	-	128,406.34	121,593.66	51.36%
DIGITAL/ONLINE DEVELOPMENT	10,200.00	-	3,500.00	6,700.00	34.31%
GRAPHICS/ARTWORK	3,500.00	-	882.80	2,617.20	25.22%
OUTSIDE SALES EXPENSE	75,000.00	-	26,031.30	48,968.70	34.71%
EDITORIAL ADVISORY COMMITTEE	800.00	25.26	486.68	313.32	60.84%
TOTAL DIRECT EXPENSES:	434,500.00	10,343.29	225,514.43	208,985.57	51.90%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.80 FTE)	129,203.00	10,713.52	99,010.00	30,193.00	76.63%
BENEFITS EXPENSE	52,295.00	3,690.30	37,186.73	15,108.27	71.11%
OTHER INDIRECT EXPENSE	43,709.00	3,602.87	33,897.82	9,811.18	77.55%
TOTAL INDIRECT EXPENSES:	225,207.00	18,006.69	170,094.55	55,112.45	75.53%
TOTAL ALL EXPENSES:	659,707.00	28,349.98	395,608.98	264,098.02	59.97%
NET INCOME (LOSS):	(121,357.00)	(9,228.84)	(51,026.64)		

Washington State Bar Association

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL					
REVENUE:					
COPY FEES	-	-	514.40	(514.40)	
TOTAL REVENUE:	-	-	514.40	(514.40)	
DIRECT EXPENSES:					
DEPRECIATION	556.00	-	-	556.00	0.00%
STAFF TRAVEL/PARKING	3,240.00	30.00	2,903.72	336.28	89.62%
STAFF MEMBERSHIP DUES	1,500.00	-	412.00	1,088.00	27.47%
COURT RULES COMMITTEE	4,000.00	116.25	1,219.32	2,780.68	30.48%
DISCIPLINE ADVISORY ROUNDTABLE	1,500.00	-	-	1,500.00	0.00%
CUSTODIANSHIPS	2,500.00	-	1,142.89	1,357.11	45.72%
LITIGATION EXPENSES	-	1.75	1.75	(1.75)	
TOTAL DIRECT EXPENSES:	13,296.00	148.00	5,679.68	7,616.32	42.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (5.41 FTE)	507,852.00	24,548.64	378,960.70	128,891.30	74.62%
BENEFITS EXPENSE	172,072.00	11,560.63	131,121.02	40,950.98	76.20%
OTHER INDIRECT EXPENSE	131,371.00	10,780.49	101,428.36	29,942.64	77.21%
TOTAL INDIRECT EXPENSES:	811,295.00	46,889.76	611,510.08	199,784.92	75.37%
TOTAL ALL EXPENSES:	824,591.00	47,037.76	617,189.76	207,401.24	74.85%
NET INCOME (LOSS):	(824,591.00)	(47,037.76)	(616,675.36)		

Washington State Bar Association

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF MEMBERSHIP DUES	500.00	-	328.20	171.80	65.64%
DISCIPLINARY BOARD EXPENSES	10,000.00	125.39	8,305.19	1,694.81	83.05%
CHIEF HEARING OFFICER	33,000.00	2,500.00	25,333.60	7,666.40	76.77%
HEARING OFFICER EXPENSES	3,000.00	-	2,995.90	4.10	99.86%
HEARING OFFICER TRAINING	2,000.00	-	1,014.95	985.05	50.75%
OUTSIDE COUNSEL	55,000.00	3,000.00	33,750.00	21,250.00	61.36%
DISCIPLINARY SELECTION PANEL	-	-	321.66	(321.66)	
TOTAL DIRECT EXPENSES:	103,500.00	5,625.39	72,049.50	31,450.50	69.61%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.60 FTE)	119,426.00	7,971.36	100,240.60	19,185.40	83.94%
BENEFITS EXPENSE	45,067.00	2,854.76	33,366.66	11,700.34	74.04%
OTHER INDIRECT EXPENSE	38,853.00	3,180.64	29,925.41	8,927.59	77.02%
TOTAL INDIRECT EXPENSES:	203,346.00	14,006.76	163,532.67	39,813.33	80.42%
TOTAL ALL EXPENSES:	306,846.00	19,632.15	235,582.17	71,263.83	76.78%
NET INCOME (LOSS):	(306,846.00)	(19,632.15)	(235,582.17)		

Washington State Bar Association
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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
OUTREACH & ENGAGEMENT					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	400.00	-	-	400.00	0.00%
STAFF MEMBERSHIP DUES	300.00	-	219.00	81.00	73.00%
CONFERENCE CALLS	200.00	-	-	200.00	0.00%
ABA DELEGATES	4,500.00	-	440.00	4,060.00	9.78%
ANNUAL CHAIR MEETINGS	600.00	-	624.09	(24.09)	104.02%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	519.42	4,120.61	379.39	91.57%
BOG ELECTIONS	6,500.00	-	6,688.29	(188.29)	102.90%
BAR OUTREACH	5,000.00	-	1,290.84	3,709.16	25.82%
PROFESSIONALISM	750.00	-	-	750.00	0.00%
TOTAL DIRECT EXPENSES:	22,750.00	519.42	13,382.83	9,367.17	58.83%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.83 FTE)	218,297.00	22,096.76	181,319.88	36,977.12	83.06%
BENEFITS EXPENSE	77,759.00	6,488.48	63,660.85	14,098.15	81.87%
OTHER INDIRECT EXPENSE	68,721.00	5,629.48	52,965.17	15,755.83	77.07%
TOTAL INDIRECT EXPENSES:	364,777.00	34,214.72	297,945.90	66,831.10	81.68%
TOTAL ALL EXPENSES:	387,527.00	34,734.14	311,328.73	76,198.27	80.34%
NET INCOME (LOSS):	(387,527.00)	(34,734.14)	(311,328.73)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE MANAGEMENT ASSISTANCE					
REVENUE:					
ROYALTIES	15,000.00	5,185.83	32,495.76	(17,495.76)	216.64%
LAW OFFICE IN A BOX SALES	-	-	45.00	(45.00)	
TOTAL REVENUE:	15,000.00	5,185.83	32,540.76	(17,540.76)	216.94%
DIRECT EXPENSE:					
STAFF TRAVEL/PARKING	2,000.00	57.50	256.15	1,743.85	12.81%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
CONFERENCE CALLS	100.00	79.25	120.52	(20.52)	120.52%
LIBRARY MATERIALS/RESOURCES	1,000.00	-	77.83	922.17	7.78%
WSBA MEMBER BENEFITS OPEN HOUSE	2,250.00	26.80	640.69	1,609.31	28.48%
TOTAL DIRECT EXPENSES:	5,850.00	163.55	1,095.19	4,754.81	18.72%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.50 FTE)	128,060.00	9,259.12	103,607.01	24,452.99	80.91%
BENEFITS EXPENSE	43,808.00	3,404.01	36,572.02	7,235.98	83.48%
OTHER INDIRECT EXPENSE	36,424.00	2,983.59	28,071.57	8,352.43	77.07%
TOTAL INDIRECT EXPENSES:	208,292.00	15,646.72	168,250.60	40,041.40	80.78%
TOTAL ALL EXPENSES:	214,142.00	15,810.27	169,345.79	44,796.21	79.08%
NET INCOME (LOSS):	(199,142.00)	(10,624.44)	(136,805.03)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PRACTICE OF LAW BOARD					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
TRANSLATION SERVICES	200.00	-	-	200.00	0.00%
PRACTICE OF LAW BOARD	15,000.00	1,904.80	13,621.21	1,378.79	90.81%
TOTAL DIRECT EXPENSES:	15,200.00	1,904.80	13,621.21	1,578.79	89.61%
INDIRECT EXPENSES:					
SALARY EXPENSE (0.65 FTE)	66,165.00	5,398.20	56,410.28	9,754.72	85.26%
BENEFITS EXPENSE	21,484.00	1,566.90	16,869.20	4,614.80	78.52%
OTHER INDIRECT EXPENSE	15,784.00	1,294.83	12,182.03	3,601.97	77.18%
TOTAL INDIRECT EXPENSES:	103,433.00	8,259.93	85,461.51	17,971.49	82.62%
TOTAL ALL EXPENSES:	118,633.00	10,164.73	99,082.72	19,550.28	83.52%
NET INCOME (LOSS):	(118,633.00)	(10,164.73)	(99,082.72)		

Washington State Bar Association
Statement of Activities
For the Period from July 1, 2018 to July 31, 2018
83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PROFESSIONAL RESPONSIBILITY PROGRAM					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,800.00	-	2,436.17	(636.17)	135.34%
STAFF MEMBERSHIP DUES	500.00	-	366.00	134.00	73.20%
CPE COMMITTEE	4,000.00	359.25	4,429.43	(429.43)	110.74%
TOTAL DIRECT EXPENSES:	6,300.00	359.25	7,231.60	(931.60)	114.79%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.89 FTE)	169,758.00	13,307.42	135,817.92	33,940.08	80.01%
BENEFITS EXPENSE	62,970.00	4,288.80	46,244.05	16,725.95	73.44%
OTHER INDIRECT EXPENSE	45,895.00	3,771.74	35,486.72	10,408.28	77.32%
TOTAL INDIRECT EXPENSES:	278,623.00	21,367.96	217,548.69	61,074.31	78.08%
TOTAL ALL EXPENSES:	284,923.00	21,727.21	224,780.29	60,142.71	78.89%
NET INCOME (LOSS):	(284,923.00)	(21,727.21)	(224,780.29)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLIC SERVICE PROGRAMS					
REVENUE:					
DONATIONS & GRANTS	95,000.00	-	102,500.00	(7,500.00)	107.89%
PSP PRODUCT SALES	10,000.00	207.00	3,504.00	6,496.00	35.04%
TOTAL REVENUE:	105,000.00	207.00	106,004.00	(1,004.00)	100.96%
DIRECT EXPENSES:					
DONATIONS/SPONSORSHIPS/GRANTS	207,915.00	77,409.16	178,448.49	29,466.51	85.83%
POSTAGE	500.00	-	-	500.00	0.00%
PRINTING & COPYING	500.00	-	-	500.00	0.00%
STAFF TRAVEL/PARKING	2,000.00	-	567.59	1,432.41	28.38%
CONFERENCE CALLS	200.00	-	6.66	193.34	3.33%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	94.84	842.59	1,157.41	42.13%
PUBLIC SERVICE EVENTS AND PROJECTS	11,500.00	3,000.00	4,575.19	6,924.81	39.78%
TOTAL DIRECT EXPENSES:	224,615.00	80,504.00	184,440.52	40,174.48	82.11%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.77 FTE)	136,436.00	8,111.75	95,697.37	40,738.63	70.14%
BENEFITS EXPENSE	48,060.00	2,913.00	36,966.54	11,093.46	76.92%
OTHER INDIRECT EXPENSE	42,981.00	3,518.43	33,103.23	9,877.77	77.02%
TOTAL INDIRECT EXPENSES:	227,477.00	14,543.18	165,767.14	61,709.86	72.87%
TOTAL ALL EXPENSES:	452,092.00	95,047.18	350,207.66	101,884.34	77.46%
NET INCOME (LOSS):	(347,092.00)	(94,840.18)	(244,203.66)		

Washington State Bar Association
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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
PUBLICATION & DESIGN SERVICES					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
IMAGE LIBRARY	4,100.00	-	4,100.00	-	100.00%
TOTAL DIRECT EXPENSES:	4,100.00	-	4,100.00	-	100.00%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.39 FTE)	90,187.00	7,525.98	75,658.46	14,528.54	83.89%
BENEFITS EXPENSE	34,341.00	2,615.58	27,911.67	6,429.33	81.28%
OTHER INDIRECT EXPENSE	33,753.00	2,786.61	26,217.94	7,535.06	77.68%
TOTAL INDIRECT EXPENSES:	158,281.00	12,928.17	129,788.07	28,492.93	82.00%
TOTAL ALL EXPENSES:	162,381.00	12,928.17	133,888.07	28,492.93	82.45%
NET INCOME (LOSS):	(162,381.00)	(12,928.17)	(133,888.07)		

Washington State Bar Association

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS ADMINISTRATION					
REVENUE:					
REIMBURSEMENTS FROM SECTIONS	308,000.00	1,200.00	303,581.25	4,418.75	98.57%
TOTAL REVENUE:	308,000.00	1,200.00	303,581.25	4,418.75	98.57%
DIRECT EXPENSES:					
STAFF TRAVEL/PARKING	1,200.00	150.31	715.69	484.31	59.64%
SUBSCRIPTIONS	300.00	-	372.00	(72.00)	124.00%
CONFERENCE CALLS	300.00	9.17	241.01	58.99	80.34%
MISCELLANEOUS	300.00	-	225.71	74.29	75.24%
SECTION/COMMITTEE CHAIR MTGS	2,000.00	-	828.73	1,171.27	41.44%
DUES STATEMENTS	6,000.00	-	5,257.54	742.46	87.63%
TOTAL DIRECT EXPENSES:	10,100.00	159.48	7,640.68	2,459.32	75.65%
INDIRECT EXPENSES:					
SALARY EXPENSE (4.00 FTE)	266,847.00	21,917.32	210,013.35	56,833.65	78.70%
BENEFITS EXPENSE	100,979.00	7,888.95	81,195.38	19,783.62	80.41%
OTHER INDIRECT EXPENSE	97,132.00	7,965.72	74,945.90	22,186.10	77.16%
TOTAL INDIRECT EXPENSES:	464,958.00	37,771.99	366,154.63	98,803.37	78.75%
TOTAL ALL EXPENSES:	475,058.00	37,931.47	373,795.31	101,262.69	78.68%
NET INCOME (LOSS):	(167,058.00)	(36,731.47)	(70,214.06)		

Washington State Bar Association

Statement of Activities

For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
TECHNOLOGY					
REVENUE:					
TOTAL REVENUE:	-	-	-	-	
DIRECT EXPENSES:					
CONSULTING SERVICES	110,000.00	24,513.17	60,525.76	49,474.24	55.02%
STAFF TRAVEL/PARKING	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	110.00	-	45.00	65.00	40.91%
TELEPHONE	24,000.00	1,634.80	15,498.41	8,501.59	64.58%
COMPUTER HARDWARE	29,000.00	19,524.96	31,157.61	(2,157.61)	107.44%
COMPUTER SOFTWARE	29,000.00	59.98	11,794.00	17,206.00	40.67%
HARDWARE SERVICE & WARRANTIES	47,000.00	2,098.51	22,789.49	24,210.51	48.49%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	2,530.00	173,301.18	96,698.82	64.19%
TELEPHONE HARDWARE & MAINTENANCE	26,000.00	-	19,086.43	6,913.57	73.41%
COMPUTER SUPPLIES	34,000.00	459.63	8,467.41	25,532.59	24.90%
THIRD PARTY SERVICES	74,050.00	5,905.30	42,521.55	31,528.45	57.42%
TRANSFER TO INDIRECT EXPENSES	(645,660.00)	(56,726.35)	(385,186.84)	(260,473.16)	59.66%
TOTAL DIRECT EXPENSES:	-	-	(0.00)	0.00	
INDIRECT EXPENSES:					
SALARY EXPENSE (12.10 FTE)	1,036,073.00	81,622.97	849,945.67	186,127.33	82.04%
BENEFITS EXPENSE	355,694.00	26,584.60	290,840.84	64,853.16	81.77%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(2,001.84)	(92,559.08)	(101,440.92)	47.71%
OTHER INDIRECT EXPENSE	293,823.00	24,122.40	227,484.22	66,338.78	77.42%
TOTAL INDIRECT EXPENSES:	1,491,590.00	130,328.13	1,275,711.65	215,878.35	85.53%
TOTAL ALL EXPENSES:	1,491,590.00	130,328.13	1,275,711.65	215,878.35	85.53%
NET INCOME (LOSS):	(1,491,590.00)	(130,328.13)	(1,275,711.65)		

Washington State Bar Association

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For the Period from July 1, 2018 to July 31, 2018

83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CONTINUING LEGAL EDUCATION (CLE)					
REVENUE:					
SEMINAR REGISTRATIONS	864,735.00	28,660.00	675,608.73	189,126.27	78.13%
SEMINAR-EXHIB/SPNSR/ETC	29,500.00	-	19,000.00	10,500.00	64.41%
SHIPPING & HANDLING	1,000.00	72.00	741.47	258.53	74.15%
COURSEBOOK SALES	17,000.00	1,113.00	8,372.24	8,627.76	49.25%
MP3 AND VIDEO SALES	950,000.00	180,393.32	882,894.47	67,105.53	92.94%
TOTAL REVENUE:	1,862,235.00	210,238.32	1,586,616.91	275,618.09	85.20%
DIRECT EXPENSES:					
COURSEBOOK PRODUCTION	4,000.00	31.52	1,415.30	2,584.70	35.38%
POSTAGE - FLIERS/CATALOGS	30,000.00	1,090.48	10,432.38	19,567.62	34.77%
POSTAGE - MISC./DELIVERY	2,500.00	-	325.00	2,175.00	13.00%
DEPRECIATION	10,615.00	632.00	4,441.00	6,174.00	41.84%
ONLINE EXPENSES	82,000.00	3,378.55	74,332.82	7,667.18	90.65%
ACCREDITATION FEES	3,550.00	240.00	5,183.00	(1,633.00)	146.00%
SEMINAR BROCHURES	55,000.00	1,420.50	18,881.52	36,118.48	34.33%
FACILITIES	250,000.00	2,110.64	195,430.00	54,570.00	78.17%
SPEAKERS & PROGRAM DEVELOP	58,000.00	3,576.27	39,407.88	18,592.12	67.94%
SPLITS TO SECTIONS	51,777.00	(1,152.33)	17,912.19	33,864.81	34.59%
SPLITS TO CO-SPONSORS	7,500.00	-	-	7,500.00	0.00%
HONORARIA	10,000.00	-	500.00	9,500.00	5.00%
CLE SEMINAR COMMITTEE	500.00	12.17	149.50	350.50	29.90%
BAD DEBT EXPENSE	600.00	117.50	516.50	83.50	86.08%
STAFF TRAVEL/PARKING	3,000.00	2,362.56	6,364.11	(3,364.11)	212.14%
STAFF MEMBERSHIP DUES	1,550.00	-	-	1,550.00	0.00%
SUPPLIES	2,000.00	289.79	1,549.23	450.77	77.46%
COST OF SALES - COURSEBOOKS	1,190.00	86.57	773.99	416.01	65.04%
A/V DEVELOP COSTS (RECORDING)	1,500.00	840.12	1,511.58	(11.58)	100.77%
SHIPPING SUPPLIES	100.00	-	-	100.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	2,000.00	45.24	286.98	1,713.02	14.35%
STAFF TRAVEL/PARKING	-	438.36	724.58	(724.58)	
MISCELLANEOUS	200.00	-	-	200.00	0.00%
TOTAL DIRECT EXPENSES:	577,582.00	15,519.94	380,137.56	197,444.44	65.82%
INDIRECT EXPENSES:					
SALARY EXPENSE (9.94 FTE)	641,812.00	56,132.92	552,529.81	89,282.19	86.09%
BENEFITS EXPENSE	244,970.00	19,214.34	206,474.04	38,495.96	84.29%
OTHER INDIRECT EXPENSE	241,372.00	19,815.83	186,437.62	54,934.38	77.24%
TOTAL INDIRECT EXPENSES:	1,128,154.00	95,163.09	945,441.47	182,712.53	83.80%
TOTAL ALL EXPENSES:	1,705,736.00	110,683.03	1,325,579.03	380,156.97	77.71%
NET INCOME (LOSS):	156,499.00	99,555.29	261,037.88		

Washington State Bar Association

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
DESKBOOKS					
REVENUE:					
SHIPPING & HANDLING	4,000.00	252.00	2,025.41	1,974.59	50.64%
DESKBOOK SALES	100,000.00	7,890.50	58,041.03	41,958.97	58.04%
SECTION PUBLICATION SALES	6,000.00	225.00	4,017.50	1,982.50	66.96%
CASEMAKER ROYALTIES	60,000.00	2,792.15	50,982.99	9,017.01	84.97%
TOTAL REVENUE:	170,000.00	11,159.65	115,066.93	54,933.07	67.69%
DIRECT EXPENSES:					
COST OF SALES - DESKBOOKS	70,000.00	6,071.34	45,647.31	24,352.69	65.21%
COST OF SALES - SECTION PUBLICATION	1,000.00	39.02	700.24	299.76	70.02%
SPLITS TO SECTIONS	2,000.00	-	2,143.70	(143.70)	107.19%
DESKBOOK ROYALTIES	1,000.00	-	414.87	585.13	41.49%
SHIPPING SUPPLIES	250.00	-	-	250.00	0.00%
POSTAGE & DELIVER-DESKBOOKS	3,000.00	205.00	345.54	2,654.46	11.52%
FLIERS/CATALOGS	5,000.00	-	50.00	4,950.00	1.00%
POSTAGE - FLIERS/CATALOGS	2,500.00	-	-	2,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,000.00	-	-	2,000.00	0.00%
OBSOLETE INVENTORY	-	-	842.50	(842.50)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	7,440.00	1,240.00	6,820.00	620.00	91.67%
STAFF MEMBERSHIP DUES	205.00	-	-	205.00	0.00%
MISCELLANEOUS	200.00	-	24.26	175.74	12.13%
TOTAL DIRECT EXPENSES:	94,695.00	7,555.36	56,988.42	37,706.58	60.18%
INDIRECT EXPENSES:					
SALARY EXPENSE (2.15 FTE)	140,713.00	11,728.02	119,013.71	21,699.29	84.58%
BENEFITS EXPENSE	53,392.00	4,200.05	45,228.75	8,163.25	84.71%
OTHER INDIRECT EXPENSE	52,208.00	4,278.44	40,253.66	11,954.34	77.10%
TOTAL INDIRECT EXPENSES:	246,313.00	20,206.51	204,496.12	41,816.88	83.02%
TOTAL ALL EXPENSES:	341,008.00	27,761.87	261,484.54	79,523.46	76.68%
NET INCOME (LOSS):	(171,008.00)	(16,602.22)	(146,417.61)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
CLIENT PROTECTION FUND					
REVENUE:					
CPF RESTITUTION	3,000.00	497.94	27,609.34	(24,609.34)	920.31%
CPF MEMBER ASSESSMENTS	982,000.00	3,240.00	982,962.80	(962.80)	100.10%
INTEREST INCOME	7,500.00	5,747.52	33,798.51	(26,298.51)	450.65%
TOTAL REVENUE:	992,500.00	9,485.46	1,044,370.65	(51,870.65)	105.23%
DIRECT EXPENSES:					
BANK FEES - WELLS FARGO	1,000.00	(99.47)	(822.61)	1,822.61	-82.26%
GIFTS TO INJURED CLIENTS	400,000.00	(5,000.00)	100,493.50	299,506.50	25.12%
CPF BOARD EXPENSES	2,000.00	20.13	1,311.94	688.06	65.60%
TOTAL DIRECT EXPENSES:	403,000.00	(5,079.34)	100,982.83	302,017.17	25.06%
INDIRECT EXPENSES:					
SALARY EXPENSE (1.35 FTE)	95,818.00	6,733.12	87,613.16	8,204.84	91.44%
BENEFITS EXPENSE	35,213.00	2,459.11	29,025.92	6,187.08	82.43%
OTHER INDIRECT EXPENSE	32,782.00	2,702.18	25,209.89	7,572.11	76.90%
TOTAL INDIRECT EXPENSES:	163,813.00	11,894.41	141,848.97	21,964.03	86.59%
TOTAL ALL EXPENSES:	566,813.00	6,815.07	242,831.80	323,981.20	42.84%
NET INCOME (LOSS):	425,687.00	2,670.39	801,538.85		

Washington State Bar Association

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
MANAGEMENT OF WESTERN STATES BAR CONFERENCE (NO WSBA FUNDS)					
REVENUE:					
REGISTRATION REVENUE	25,500.00	-	22,950.00	2,550.00	90.00%
OTHER ACTIVITIES REGISTRATION REVENUE	13,000.00	-	10,150.00	2,850.00	78.08%
WESTERN STATES BAR MEMBERSHIP DUES	2,400.00	-	2,250.00	150.00	93.75%
SPONSORSHIPS	9,000.00	-	7,700.00	1,300.00	85.56%
TOTAL REVENUE:	49,900.00	-	43,050.00	6,850.00	86.27%
DIRECT EXPENSES:					
FACILITIES	40,000.00	-	48,916.53	(8,916.53)	122.29%
SPEAKERS & PROGRAM DEVELOPMENT	1,400.00	-	500.94	899.06	35.78%
BANK FEES	560.00	-	170.07	389.93	30.37%
WSBC PRESIDENT TRAVEL	500.00	-	457.40	42.60	91.48%
OPTIONAL ACTIVITIES EXPENSE	1,500.00	-	1,719.91	(219.91)	114.66%
MARKETING EXPENSE	600.00	-	764.29	(164.29)	127.38%
STAFF TRAVEL/PARKING	2,300.00	-	1,068.51	1,231.49	46.46%
TOTAL DIRECT EXPENSES:	46,860.00	-	53,597.65	(6,737.65)	114.38%
INDIRECT EXPENSES:					
TOTAL INDIRECT EXPENSES:	-	-	-	-	
TOTAL ALL EXPENSES:	46,860.00	-	53,597.65	(6,737.65)	114.38%
NET INCOME (LOSS):	3,040.00	-	(10,547.65)		

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	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
SECTIONS OPERATIONS					
REVENUE:					
SECTION DUES	484,380.00	1,850.00	461,058.75	23,321.25	95.19%
SEMINAR PROFIT SHARE	78,934.45	(1,152.33)	27,214.64	51,719.81	34.48%
INTEREST INCOME	1,371.00	-	-	1,371.00	0.00%
PUBLICATIONS REVENUE	4,000.00	-	4,027.14	(27.14)	100.68%
OTHER	44,525.00	585.00	41,520.67	3,004.33	93.25%
TOTAL REVENUE:	613,210.45	1,282.67	533,821.20	79,389.25	87.05%
DIRECT EXPENSES:					
DIRECT EXPENSES OF SECTION ACTIVITIES	584,980.00	25,281.39	283,884.43	301,095.57	48.53%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	318,382.50	1,200.00	303,581.25	14,801.25	95.35%
TOTAL DIRECT EXPENSES:	903,362.50	26,481.39	587,465.68	315,896.82	65.03%
NET INCOME (LOSS):	(290,152.05)	(25,198.72)	(53,644.48)		

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83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
INDIRECT EXPENSES:					
SALARIES	11,450,929.00	923,892.60	9,486,314.22	1,964,614.78	82.84%
ALLOWANCE FOR OPEN POSITIONS	(120,000.00)	-	-	(120,000.00)	0.00%
TEMPORARY SALARIES	95,810.00	6,097.50	97,620.96	(1,810.96)	101.89%
CAPITAL LABOR & OVERHEAD	(194,000.00)	(2,001.84)	(92,559.08)	(101,440.92)	47.71%
EMPLOYEE ASSISTANCE PLAN	4,800.00	-	3,600.00	1,200.00	75.00%
EMPLOYEE SERVICE AWARDS	2,010.00	-	1,205.39	804.61	59.97%
FICA (EMPLOYER PORTION)	862,300.00	68,735.65	697,760.15	164,539.85	80.92%
L&I INSURANCE	47,000.00	-	28,579.21	18,420.79	60.81%
MEDICAL (EMPLOYER PORTION)	1,445,000.00	116,880.07	1,227,574.14	217,425.86	84.95%
RETIREMENT (EMPLOYER PORTION)	1,439,735.00	115,886.87	1,159,652.19	280,082.81	80.55%
TRANSPORTATION ALLOWANCE	118,500.00	325.00	110,230.40	8,269.60	93.02%
UNEMPLOYMENT INSURANCE	108,000.00	4,838.58	61,371.56	46,628.44	56.83%
STAFF DEVELOPMENT-GENERAL	6,910.00	960.00	1,067.95	5,842.05	15.46%
TOTAL SALARY & BENEFITS EXPENSE:	15,266,994.00	1,235,614.43	12,782,417.09	2,484,576.91	83.73%
WORKPLACE BENEFITS	39,000.00	3,679.22	37,314.09	1,685.91	95.68%
HUMAN RESOURCES POOLED EXP	120,076.00	7,539.84	94,237.36	25,838.64	78.48%
MEETING SUPPORT EXPENSES	10,000.00	1,308.21	9,755.70	244.30	97.56%
RENT	1,750,000.00	145,281.11	1,467,499.25	282,500.75	83.86%
PERSONAL PROP TAXES-WSBA	11,000.00	1,075.95	9,634.90	1,365.10	87.59%
FURNITURE, MAINT, LH IMP	35,200.00	7,721.19	20,850.94	14,349.06	59.24%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	2,417.60	39,968.29	6,031.71	86.89%
FURN & OFFICE EQUIP DEPRECIATION	51,000.00	3,700.00	35,352.00	15,648.00	69.32%
COMPUTER HARDWARE DEPRECIATION	57,000.00	3,454.00	39,608.07	17,391.93	69.49%
COMPUTER SOFTWARE DEPRECIATION	154,000.00	17,512.00	75,091.13	78,908.87	48.76%
INSURANCE	140,000.00	11,514.77	115,147.70	24,852.30	82.25%
PROFESSIONAL FEES-AUDIT	35,000.00	-	30,929.80	4,070.20	88.37%
PROFESSIONAL FEES-LEGAL	50,000.00	7,171.50	109,562.77	(59,562.77)	219.13%
TELEPHONE & INTERNET	49,000.00	3,496.19	34,979.34	14,020.66	71.39%
POSTAGE - GENERAL	42,000.00	2,261.14	24,700.25	17,299.75	58.81%
RECORDS STORAGE	40,000.00	3,585.44	38,033.34	1,966.66	95.08%
STAFF TRAINING	92,200.00	330.00	42,863.53	49,336.47	46.49%
BANK FEES	35,400.00	2,140.96	28,875.06	6,524.94	81.57%
PRODUCTION MAINTENANCE & SUPPLIES	25,000.00	(400.62)	8,132.60	16,867.40	32.53%
COMPUTER POOLED EXPENSES	645,660.00	56,726.35	385,186.84	260,473.16	59.66%
TOTAL OTHER INDIRECT EXPENSES:	3,427,536.00	280,514.85	2,647,722.96	779,813.04	77.25%
TOTAL INDIRECT EXPENSES:	18,694,530.00	1,516,129.28	15,430,140.05		

Washington State Bar Association
Statement of Activities
For the Period from July 1, 2018 to July 31, 2018
83.33% OF YEAR COMPLETE

	FISCAL 2018 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
SUMMARY PAGE				
LICENSE FEES	15,068,125.00	1,294,245.19	12,794,737.12	2,273,387.88
ACCESS TO JUSTICE	(311,034.00)	(24,306.73)	(241,341.90)	(69,692.10)
ADMINISTRATION	(1,029,819.00)	(68,672.12)	(778,656.23)	(251,162.77)
ADMISSIONS/BAR EXAM	146,449.00	(56,912.52)	309,688.67	(163,239.67)
BOARD OF GOVERNORS	(802,807.00)	(87,722.37)	(624,112.75)	(178,694.25)
COMMUNICATIONS	(592,651.00)	(55,244.87)	(468,110.36)	(124,540.64)
CONFERENCE & BROADCAST SERVICES	(740,933.00)	(62,371.33)	(621,355.40)	(119,577.60)
DISCIPLINE	(5,601,229.00)	(450,261.09)	(4,579,545.92)	(1,021,683.08)
DIVERSITY	(345,401.00)	(35,375.39)	(260,376.61)	(85,024.39)
FOUNDATION	(168,653.00)	(12,355.68)	(128,997.30)	(39,655.70)
HUMAN RESOURCES	(271,830.00)	(30,810.29)	(317,918.48)	46,088.48
LAP	(124,243.00)	(9,710.10)	(98,571.30)	(25,671.70)
LEGISLATIVE	(151,443.00)	(5,681.99)	(76,400.43)	(75,042.57)
LICENSING AND MEMBERSHIP	(422,090.00)	(31,326.33)	(285,809.19)	(136,280.81)
LIMITED LICENSE LEGAL TECHNICIAN	(260,001.00)	(22,379.20)	(210,597.98)	(49,403.02)
LIMITED PRACTICE OFFICERS	(162,464.00)	(12,985.91)	(131,123.78)	(31,340.22)
MANDATORY CLE ADMINISTRATION	(17,768.00)	(6,173.60)	77,693.14	(95,461.14)
MEMBER BENEFITS	(166,568.00)	(15,828.19)	(123,650.73)	(42,917.27)
MENTORSHIP PROGRAM	(117,618.00)	(9,829.82)	(91,862.48)	(25,755.52)
NEW MEMBER PROGRAM	(245,129.00)	(14,440.74)	(95,108.34)	(150,020.66)
NW LAWYER	(121,357.00)	(9,228.84)	(51,026.64)	(70,330.36)
OFFICE OF GENERAL COUNSEL	(824,591.00)	(47,037.76)	(616,675.36)	(207,915.64)
OGC-DISCIPLINARY BOARD	(306,846.00)	(19,632.15)	(235,582.17)	(71,263.83)
OUTREACH & ENGAGEMENT	(387,527.00)	(34,734.14)	(311,328.73)	(76,198.27)
PRACTICE OF LAW BOARD	(118,633.00)	(10,164.73)	(99,082.72)	(19,550.28)
PRACTICE MANAGEMENT ASSISTANCE	(199,142.00)	(10,624.44)	(136,805.03)	(62,336.97)
PROFESSIONAL RESPONSIBILITY PROGRAM	(284,923.00)	(21,727.21)	(224,780.29)	(60,142.71)
PUBLICATION & DESIGN SERVICES	(162,381.00)	(12,928.17)	(133,888.07)	(28,492.93)
PUBLIC SERVICE PROGRAMS	(347,092.00)	(94,840.18)	(244,203.66)	(102,888.34)
LAW CLERK PROGRAM	(4,028.00)	(7,438.67)	30,655.91	(34,683.91)
SECTIONS ADMINISTRATION	(167,058.00)	(36,731.47)	(70,214.06)	(96,843.94)
TECHNOLOGY	(1,491,590.00)	(130,328.13)	(1,275,711.65)	(215,878.35)
CLE - PRODUCTS	736,738.00	161,458.06	697,737.28	39,000.72
CLE - SEMINARS	(580,239.00)	(61,902.77)	(436,699.40)	(143,539.60)
SECTIONS OPERATIONS	(290,152.05)	(25,198.72)	(53,644.48)	(236,507.57)
DESKBOOKS	(171,008.00)	(16,602.22)	(146,417.61)	(24,590.39)
CLIENT PROTECTION FUND	425,687.00	2,670.39	801,538.85	(375,851.85)
WESTERN STATES BAR CONFERENCE (No WSBA Funds)	3,040.00	-	(10,547.65)	13,587.65
INDIRECT EXPENSES	(18,694,530.00)	(1,516,129.28)	(15,430,140.05)	(3,264,389.95)
TOTAL OF ALL	19,302,739.05	1,609,263.51	13,898,235.78	5,404,503.27
NET INCOME (LOSS)	(608,209.05)	(93,134.23)	1,531,904.27	

**Washington State Bar Association
Analysis of Cash Investments
As of July 31, 2018**

Checking & Savings Accounts

General Fund

Checking

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 532,649

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.02%	\$ 3,275,384
UBS Financial Money Market	2.03%	\$ 1,051,593
Morgan Stanley Money Market	1.76%	\$ 26,058
Merrill Lynch Money Market	1.90%	\$ 1,906,520
Long Term Investments	Varies	\$ 3,264,797
Short Term Investments	Varies	\$ 1,749,000

General Fund Total **\$ 11,806,001**

Client Protection Fund

Checking

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 816,077

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	2.02%	\$ 3,275,384
Morgan Stanley Money Market	1.59%	\$ 103,809
Wells Fargo Investments	Varies	\$ -

Lawyers' Fund for Client Protection Total **\$ 4,195,270**

Grand Total Cash & Investments **\$ 16,001,271**

Long Term Investments- General Fund**UBS Financial Long Term Investments**

Nuveen 3-7 year Municipal Bond Portfolio

Value as of 7/31/2018

\$ 308,189.76

Morgan Stanley Long Term Investments

Lord Abbett Short Term Duration Income Fund

\$ 786,605.36

Guggenheim Total Return Bond Fund

\$ 1,096,322.64

Virtus Multi-Sector Short Term Bond Fund

\$ 1,073,679.41

\$ 2,956,607.41

Total Long Term Investments- General Fund 3,264,797.17**Short Term Investments- General Fund****Bank**

State Bank of India NY

Bank of India NY

Live Oak Banking Company

Pacific Western Bank

Fortis Private Bank

Wahington Federal Interest

BNY Mellon

Interest**Rate****Yield****Term****Maturity****Date****Amount**

1.60%

1.60%

180 Days

8/7/2018

250,000.00

1.60%

1.60%

180 Days

8/8/2018

250,000.00

1.65%

1.65%

180 Days

8/9/2018

250,000.00

1.65%

1.65%

180 Days

8/20/2018

249,000.00

1.65%

1.65%

180 Days

8/21/2018

250,000.00

1.65%

1.65%

240 days

10/12/2018

250,000.00

1.65%

1.65%

270 Days

10/30/2018

250,000.00

Total Short Term Investments- General Fund 1,749,000.00**Client Protection Fund****Bank****Interest****Rate****Yield****Term****Mths****Maturity****Date****Amount**Total CPF -

WASHINGTON STATE BAR ASSOCIATION

To: Board of Governors
Budget and Audit Committee

From: Tiffany Lynch, Associated Director for Finance

Re: Investment Update as of June 30, 2018 and July 31, 2018

Date: August 21, 2018

The last update on the investment portfolio showed a total value of \$3,258,197 as of May 31st. The portfolio value of \$3,258,355 as of June 30th represents a \$158 increase from the prior month.

The portfolio balance of \$3,264,797 as of July 31st represents a \$6,442 increase from June.

The WSBA's investments are managed by our advisors at Morgan Stanley and UBS Financial. There has been no change in the make-up of the portfolio since the last report. As of July 31st we have an aggregate gain across all funds of \$236,782 since first creating an investment portfolio with an actual percentage gain of 7.82%. The breakdown by fund is as follows:

INVESTMENT FUND	5/31/18 Value	6/30/18 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$308,169	\$308,018	\$2,012	N/A	\$8,018 ¹	1.60% ¹
Lord Abbett & Company Short Term Duration Income Fund	\$783,386	\$783,994	\$17,238	\$191,352 ²	\$155,979 ³	24.84% ³
Guggenheim Total Return Bond Fund	\$1,095,497	\$1,097,401	\$12,070	N/A	\$47,401 ⁴	4.51%
Virtus Multi-Sector Short Term Bond Fund	\$1,071,145	\$1,068,942	(\$1,278)	N/A	\$18,945 ^{Error!} Bookmark not defined.	1.80%
Total	\$3,258,197	\$3,258,355	\$30,042	\$191,352	\$230,343⁵	7.61%

INVESTMENT FUND	6/30/18 Value	7/31/18 Value	\$ Gain/(Loss) Over 1 Year	\$ Gain/(Loss) Over 5 Years	\$ Gain/(Loss) Since Inception	% Gain/(Loss) Since Inception
Nuveen 3-7 year Municipal Bond Portfolio	\$308,018	\$308,190	(\$298)	N/A	\$8,190 ¹	1.64% ¹
Lord Abbett & Company Short Term Duration Income Fund	\$783,994	\$786,605	\$14,985	\$179,623 ²	\$158,590 ³	25.25% ³
Guggenheim Total Return Bond Fund	\$1,097,401	\$1,096,323	\$17,970	N/A	\$46,323 ⁴	4.41%
Virtus Multi-Sector Short Term Bond Fund	\$1,068,942	\$1,073,679	(\$957)	N/A	\$23,679 ⁴	2.26%
Total	\$3,258,355	\$3,264,797	\$31,700	\$179,623	\$236,782⁵	7.82%

¹ Inception value is \$300,000 based on original purchase price of \$500,000 minus \$200,000 moved to general fund operating account on November 22, 2017.

² Comparison value over 5 years is based on the combination of the original investment of \$281,680 (in June 2013), Tradewinds NWQ Fund value of \$218,340 (liquidated and transferred to Lord Abbett in July 2013), the Legg Mason fund (transferred to Lord Abbett in May 2014), and Hays Advisory Fund (liquidated and transferred to Lord Abbett in March 2015), minus \$800,000 that was re-distributed on 9/19/17 from Lord Abbett to Guggenheim and Virtus (\$400,000 each).

³ Inception value is \$628,015 based on original purchase price is \$1,428,015 (\$500,020 original purchase, plus \$599,995 purchase of Legg Mason transferred over to Lord Abbett as of May 9, 2014, plus \$328,000 from liquidation of Hays Advisory Fund on March 3, 2015), minus \$800,000 that was re-distributed on September 19, 2017 from Lord Abbett to Guggenheim and Virtus (\$400,000 each).

⁴ Inception value is \$1,050,000 based on original purchase price is \$650,000 plus \$400,000 re-distributed from Lord Abbett on Sept 19, 2017.

⁵ Per policy, when since inception gain exceeds \$100,000, monies are to be moved to WSBA operating account(s). \$200,000 was moved on November 22, 2017.



Board of Governors Meeting
WSBA Conference Center
Seattle, WA
November 16, 2018

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

FRIDAY, NOVEMBER 16, 2018

GENERAL INFORMATION XX

1. AGENDA XX

8:00 A.M.

2. EXECUTIVE SESSION

- a. Approval of September 27-28, 2018, Executive Session Minutes **(action)** E-xx
- b. President's and Executive Director's Reports
- c. Litigation Report – Julie Shankland E-xx

12:00 P.M. – LUNCH WITH LIAISONS AND WASHINGTON LEADERSHIP INSTITUTE

1:00 P.M. – PUBLIC SESSION

- Welcome
- Report on Executive Session
- President's Report and Executive Director's Report
- Consideration of Consent Calendar*

MEMBER AND PUBLIC COMMENTS

This time period is for guests to raise issues of interest.

OPERATIONAL

3. FIRST READING/ACTION CALENDAR

- a. Legislative Matters
 - 1. 2018-2019 WSBA Legislative Committee Priorities **(action)** xx
 - 2. 2018-2019 WSBA Legislative Committee Recommendations **(action)**
- b. Washington State Bar Foundation Annual Report – Ken Masters, President, and

* See Consent Calendar. Any items pulled from the Consent Calendar will be scheduled at the President's discretion.

- Terra Nevitt, Director of Advancement/Chief Development Officer XX
- c. Approve Amendments to Council on Public Defense Charter **(action)**..... XX
- d. Approve Proposed Bylaw Amendments re Governance **(action)** XX

4:30 P.M.

4. ACCESS TO JUSTICE BOARD (ATJ) ORIENTATION FOR BOARD OF GOVERNORS

GOVERNOR ROUNDTABLE

This time period is for Board members to raise new business and issues of interest.

OPERATIONAL (continued)

- 5. **CONSENT CALENDAR**..... XX
 - a. September 27-28, 2018, Public Session Minutes XX
- 6. **INFORMATION**
 - a. Executive Director's Report XX
 - c. FY2017 Fourth Quarter Management Report XX
 - d. Access to Justice Board Report XX
 - e. Washington Leadership Institute (WLI) Fellows Report XX
 - f. WSBA Practice Sections Annual Reports XX
 - g. Diversity and Inclusion Events XX
 - h. Financials
- 7. **PREVIEW OF JANUARY 17-18, 2019, MEETING** XX

2018-2019 Board of Governors Meeting Issues

NOVEMBER (Seattle)

Standing Agenda Items:

- Financials
- FY2018 Fourth Quarter Management Report
- BOG 2018-2019 Legislative Committee Priorities
- WSBA Legislative Committee Recommendations
- Outside Appointments (if any)
- Washington Leadership Institute (WLI) Fellows Report
- WSBA Practice Sections Annual Reports (information)
- WSBF Annual Report

JANUARY (Seattle)

Standing Agenda Items:

- ABA Midyear Meeting Sneak Preview
- Client Protection Fund (CFP) Board Annual Report
- Financials
- FY2018 Audited Financial Statements
- FY2019 First Quarter Management Report
- Legislative Report
- Outside Appointments (if any)
- Third-Year Governors Candidate Recruitment Report

MARCH (Olympia)

Standing Agenda Items:

- ABA Mid-Year Meeting Report
- Financials
- Legislative Report
- Outside Appointments (if any)
- Supreme Court Meeting

May (Yakima)

Standing Agenda Items:

- BOG Election Interview Time Limits (Executive Session)
- Financials
- FY2019 Second Quarter Management Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- Legislative Report/Wrap-up
- Outside Appointments (if any)
- WSBA Awards Committee Recommendations (Executive Session)

JULY (Richland)

Standing Agenda Items:

- ATJ Board Report
- BOG Retreat
- Court Rules and Procedures Committee Report and Recommendations
- Financials
- Draft WSBA FY2020 Budget
- FY2018 Third Quarter Management Report
- WSBA Committee and Board Chair Appointments
- WSBA Mission Performance and Review (MPR) Committee Update
- WSBA Treasurer Election

SEPTEMBER (Seattle)

Standing Agenda Items:

- 2020 Keller Deduction Schedule
- ABA Annual Meeting Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation (Executive Session)
- Financials
- Final FY2020 Budget
- Legal Foundation of Washington and LAW Fund Report
- Washington Law School Deans
- WSBA Annual Awards Dinner
- WSBF Annual Meeting and Trustee Election

Board of Governors – Action Timeline

Description of Matter/Issue	First Reading	Scheduled for Board Action
Proposed Bylaw Amendments re Governance	Sept 27-28, 2018	Nov 16, 2018
Proposed Policy Statement and Resolution re Fiscal Transparency	Sept 27-28, 2018	Nov 16, 2018
Amendments to Council on Public Defense Charter	Sept 27-28, 2018	Nov 16, 2018
Referendum Process Review Work Group Recommendations	Sept 27-28, 2018	Nov 16, 2018
Proposed Bylaw Amendment re Voting on Bylaw Amendments	Sept 27-28, 2018	Nov 16, 2018