

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

**Board of Governors Meeting**  
**Meeting Materials**

**April 17, 2020**  
**Webcast & Teleconference**



**Board of Governors Meeting  
TELEPHONIC & WEBCAST ONLY DUE TO PUBLIC HEALTH  
EMERGENCY  
April 17, 2020**

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

**PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

**ALL ITEMS ON THIS AGENDA ARE POTENTIAL ACTION ITEMS**

**To participate remotely: dial 1.866.577.9294, access code 528100#**

**9:00 AM – CALL TO ORDER**

**CONSENT CALENDAR & STANDING REPORTS**

**WELCOME**

**CONSENT CALENDAR**

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

- Review & Approval of March 19, 2020 BOG Meeting Minutes..... 6
- Review & Approval of March 30, 2020 BOG Special Meeting Minutes..... 12

**PRESIDENT’S REPORT ON NECESSARY & ROUTINE MATTERS AND WSBA’S RESPONSE TO COVID-19**

**INTERIM EXECUTIVE DIRECTOR’S REPORT ON NECESSARY & ROUTINE MATTERS AND WSBA’S RESPONSE TO COVID-19..... 14**

**MEMBER AND PUBLIC COMMENTS (30 minutes reserved)**

Overall public comment is limited to 30 minutes and each speaker is limited to 3 minutes. Due to the Governor’s [Proclamation 20-28](#), comments should be limited to agenda items, which have been determined to be either “necessary and routine” or “necessary to respond to the COVID-19 outbreak and the current public health emergency” or otherwise falling within these two categories. Public comment will also be permitted at the beginning of each agenda item at the President’s discretion.

**REPORTS OF STANDING OR ONGOING BOG COMMITTEES**

Due to the Governor’s [Proclamation 20-28](#), reports should be limited to “necessary and routine” matters or matters “necessary to respond to the COVID-19 outbreak and the current public health emergency”. Committees may “pass” if they have nothing to report. Related agenda items will be taken up later on the agenda. Each committee is allocated, on average, 3-4 minutes.

- Executive Committee, Pres. Rajeev Majumdar, Chair
- APEX Awards Committee, Gov. Russell Knight, Chair
- Personnel Committee, Gov. Alec Stephens, Chair
- Legislative Committee, Gov. Kyle Sciuchetti, Chair
- Nominations Review Committee, Gov. Jean Kang & Pres-elect Kyle Sciuchetti, Co-Chairs
- Diversity Committee, Gov. Jean Kang, Co-Chair

- Long-Range Planning Committee, Gov. Paul Swegle, Chair
- Member Engagement Workgroup, Govs. Kim Hunter and Dan Clark, Co-Chairs..... 24
- Budget & Audit Committee, Treas. Dan Clark, Chair ..... 25

**SPECIAL REPORTS**

- CORONA TASKFORCE REPORT**, Chair Kevin Plachy and Deputy Chair Michael Cherry, Chief Communications Officer Sara Niegowski
  - Report on Feedback Received from Sections, Gov. Kim Hunter ..... 29
- GOVERNOR LIAISON REPORTS**  
 This is an opportunity for Governors to make reports related to their liaison assignments. Due to the Governor’s [Proclamation 20-28](#), reports should be limited to “necessary and routine” matters or matters “necessary to respond to the COVID-19 outbreak and the current public health emergency”.

**AGENDA ITEMS & UNFINISHED BUSINESS**

- FIRST READ: RATIFICATION OF EMERGENCY AMENDMENT TO WSBA BYLAWS ARTICLE XVII RE: PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY** ..... 43
- LEGISLATIVE COMMITTEE MATTERS**, Gov. Kyle Sciuchetti and Outreach and Legislative Affairs Manager Sanjay Walvekar
  - Update on Action Re: ABA Policy and Shark Fins
  - Update on Recommendation Re: Proposed Policy Re: Legislative Activity of Sections, Gov. Carla Higginson
- LAW STUDENT PETITION RE: JULY BAR EXAM AND IMPACT OF COVID-19**..... 49
- ESTABLISH TASK FORCE TO INVESTIGATE COURTS SYSTEMS’ ABILITY TO RESPOND TO COVID-19**, Gov. P.J. Grabicki..... 161
- FY20 BUDGET REFORECAST**, Treas. Dan Clark, Chair and Chief Financial Officer Jorge Perez ..... 163
- WASHINGTON STATE BAR FOUNDATION TRUSTEE APPOINTMENT**, Pres. Kristina Larry ..... 177
- COMMITTEE ON PROFESSIONAL ETHICS MATTERS**
  - Update on Proposed Comment 8 to RPC 6.5 Re: Nonprofit and Court-Annexed Limited Legal Service Programs ..... 182
  - Recommendation on Revised Proposed Amendment to RPC 7.3 Re: Solicitation of Clients..... 183
- COUNCIL ON PUBLIC DEFENSE MATTERS**
  - Comment on Amending CrR 3.1(f), CrRLJ 3.1(f) and JuCrR 9.3(a) to Require That Judges Consider Defense Requests for Expert Funds *Ex Parte*, Chair Daryl Rodrigues..... 188
- ESTABLISH AND EMPOWER GOVERNOR-LED NEGOTIATING TEAM TO BEGIN COLLABORATIVE DISCUSSION WITH COURT REGARDING DELEGATED ADMINISTRATED ENTITIES ON ISSUES BOTH SUBSTANTIVE, FISCAL, AND ADMINISTRATIVE DUE TO THE CONTINUAL CONFLICTS RESULTING**

**NEW BUSINESS**

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

Due to the Governor’s [Proclamation 20-28](#), discussion should be limited to “necessary and routine” matters or matters “necessary to respond to the COVID-19 outbreak and the current public health emergency”.

**6:00 PM – ADJOURN**

**INFORMATION**

- General Information ..... 195
- Monthly Financial Statements ..... 210

## **2019-2020 Board of Governors Meeting Issues**

### **MAY (Bellingham)**

#### Standing Agenda Items:

- Legislative Report/Wrap-up
- Council on Public Defense Report
- Interview/Selection of WSBA At-Large Governor
- Interview/Selection of the WSBA President-elect
- WSBA APEX Awards Committee Recommendations
- Financials (Information)
- FY2020 Third Quarter Outreach & Perception Survey Update (ED Report)
- Office of Disciplinary Counsel Report (ED Report)

### **JULY (Stevenson)**

#### Standing Agenda Items:

- Draft WSBA FY2021 Budget
- WSBA Treasurer Election
- Court Rules and Procedures Committee Report and Recommendations
- WSBA Committee and Board Chair Appointments
- BOG Retreat
- Financials (Information)
- Office of Disciplinary Counsel Report (ED Report)

### **AUGUST (Spokane)**

#### Standing Agenda Items:

- Financials (Information)
- Diversity Committee Report
- Office of Disciplinary Counsel Report (ED Report)
- FY2020 Third Quarter Outreach & Perception Survey Update (ED Report)

### **SEPTEMBER (Seattle)**

#### Standing Agenda Items:

- Final FY2021 Budget
- 2021 Keller Deduction Schedule
- WSBF Annual Meeting and Trustee Election
- ABA Annual Meeting Report
- Legal Foundation of Washington Annual Report
- Washington Law School Deans
- Editorial Advisory Committee Report
- Chief Hearing Officer Annual Report
- Professionalism Annual Report
- Report on Executive Director Evaluation
- Financials (Information)
- WSBA Annual Awards Dinner

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING

### Minutes

Seattle, WA

March 19 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Thursday, March 19, at 9:00 AM at the offices of the Washington State Bar Association, Seattle, Washington. Governors in attendance were:

Hunter M. Abell  
Sunitha Anjilvel  
Daniel D. Clark  
Peter J. Grabicki  
Carla Higginson  
Russell Knight  
Tom McBride  
Bryn Peterson  
Kyle D. Sciuchetti  
Alec Stephens  
Paul Swegle  
Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Communications Officer Sara Niegowski, Interim Director Advancement Kevin Plachy, Human Resources Director Felix Neals, Executive Administrator Shelly Bynum, and Laura Bradley, Nancy Hawkins, Jean Cotton, and James E. Macpherson.

### Consent Calendar

Gov. Tollefson moved for approval of the consent calendar with the correction of adding Jean Cotton as present at the January 16 meeting. Motion passed unanimously. Govs. Alec Stephens, Bryn Peterson, Paul Swegle, and Russell Knight were not present for the vote.

### President's Report

President Majumdar provided an updated on the events of the past two weeks regarding the WSBA's response to COVID-19.

#### Interim Executive Director's Report

Interim Executive Director Nevitt referred to her written report and expressed appreciation to the staff of the WSBA in responding to recent events. Chief Disciplinary Counsel Doug Ende updated the Board on the Draft Rules for Discipline and Incapacity that are currently under review. Discussion followed.

#### Public Comment

Interim Executive Director read a public comment provided electronically. The Board heard public comment from Jean Cotton and Jim Macpherson. Discussion followed.

#### Reports of Standing or Ongoing BOG Committees

*Executive Committee.* Pres. Majumdar reported on the activities of the Executive Committee.

*APEX Awards Committee.* Gov. Knight reported that nominations are due on Monday. He also reported that the Committee is not opposed to sunsetting the annual Awards Dinner, provided there is a meaningful alternative to present the awards that doesn't diminish their importance.

*Legislative Committee.* Gov. Sciuchetti reported and encouraged applicants for open committee positions, noting the deadline is March 27.

*Nominations Review Committee.* Gov. Sciuchetti reported on actions taken this morning by the Committee.

*Diversity Committee.* Pres. Majumdar presented a brief update as Govs. Stephens and Kang were not present.

*Long Range Planning Committee.* Gov. Swegle reported.

*Member Engagement Committee.* Treas. Clark referred to his written report.

*Budget & Audit Committee.* Pres. Majumdar read an update from Treas. Clark.

#### Reports of Task Forces, Work Groups, Liaison Reports

*ABA Mid-Year Meeting Report.* WSBA's ABA Delegate Kaustuv M. Das presented on the ABA Mid-Year Meeting which was held on Feb. 17 in Austin, TX. Delegate Das referred to the list of resolutions provided in the materials.

#### Governor Liaison Reports

Gov. Stephens reported on his work with the Civil Rights Section and with minority bar associations. Gov. Tollefson reported on his work with the Kitsap, Mason, and Tacoma-Pierce County Bar Associations and the Superior Court Judges Association. Gov. Peterson reported on his work with the Low Bono and Administrative Law Sections. Gov. Higginson reported on her work with the San Juan County Bar Association. Gov. Clark reported on his work with the Yakima

and Benton-Franklin County Bar Associations and the Superior Court Judges Association. Pres-elect Sciuchetti reported on his work with the Board of Judicial Administration, the Clark County Bar Association, the Legislative Review Committee, and the Oregon State Bar. Gov. Swegle reported on his work with the Corporate Counsel Section, the Snohomish County Bar Association, and the Member Engagement Committee. Gov. Swegle noted a suggestion that the Bar consider providing weekly case summaries to the members. Gov. Grabicki reported on his work with the Limited License Legal Technician Board, an ad hoc committee of family law practitioners in the Spokane County Bar Association, on the issue of promoting rural practice, and the RPPT Section. Gov. Anjilvel reported on her work with the International Law Practice Section and the Editorial Advisory Committee. Gov. McBride reported on his work with state agency attorneys, noting appreciation for our free legal research tool, the Elder Law Section, and the Washington Association of Prosecuting Attorneys. Gov. Abell reported on his work with Korean American Bar Association, Indian Law Section, and on the issue of promoting rural practice.

#### Report of Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance

Pres-elect Sciuchetti reported on the work of the Ad Hoc Committee and on the subject of proactive management-based regulation. The Committee has met once and will continue meeting into the summer. They anticipate having a recommendation by mid to late summer.

#### Budget & Audit Committee Matters

*FIRST READ: Proposed Amendment to WSBA Bylaws Article III.1.5 Re: License Fee Exemptions Due to Hardship.* Chief Regulatory Counsel McElroy presented the proposal to increase the number of lifetime hardship exemptions to the license fee to two. Discussion followed.

*Proposal to Sunset the APEX Awards Dinner.* Director Niegowski reported on the recommendation that WSBA sunset the awards dinner. In response to a question about cost savings, Director Niegowski confirmed that a position has been eliminated in the Communications Department that will remain unfilled. Discussion followed. Gov. Grabicki moved to terminate the dinner and propose an outreach program similar to what was discussed at the Budget & Audit Committee. Motion passed unanimously. Gov. Knight was not present.

*Recommendation to Maintain Two Legal Research Tools as Member Benefits.* Interim Director Plachy presented the recommendation that we renew contracts with both vendors for three years. Practice Management Advisor Destinee Evers reported that both platforms have now fully implemented their new platforms. Discussion followed. Gov. Stephens to approve option three for a three-year period beginning with the FY21 budget. Motion passed unanimously. Govs. Grabicki and Knight were not present for the vote.

### Personnel Committee Matters

*Proposed Process for Evaluation of Interim Executive Director.* Gov. Stephens presented on the proposed process as provided in the materials. He noted that the Committee is seeking action today so that they may begin the evaluation immediately for the term April 2019 to February 2020. Gov. Tollefson moved for approval of the process as outlined by Gov. Stephens. Gov. Tollefson clarified that his motion was to approve the process, not the assessment itself. Motion passed unanimously. Govs. Sweagle and Knight were not present for the vote.

Gov. Stephens referred to the assessment questionnaires in the materials and moved approve both tools. Discussion followed. Motion failed 5-7. Gov. Higginson moved to approve the questionnaire less questions 1, 2, 6, and 8. Motion passed 9-3.

### Legislative Committee Matters

*Legislative Session Report.* Gov. Sciuchetti and Legislative Affairs and Outreach Manager Sanjay Walvekar provided a report on the Washington State legislative session. Discussion followed.

*Recommendation Re: Proposed Policy Re: Proposed Policy Re: Legislative Activity of Sections.* Gov. Higginson reported on the proposed policy and walked through changes in the policy since last reviewed by the Board in January. Gov. Higginson moved to adopt the policy as provided in the materials. Motion failed 7-6.

### Proposed Amendments to WSBA Bylaws

*SECOND READ: Article III Re: Judicial Status.* Pres. Majumdar referred to the materials and noted that this item was on for second read. Chief Regulatory Counsel McElroy provided a brief overview of the proposal. Treas. Clark moved for approval. Motion passed unanimously.

Proposed Comment to Suggested Changes to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 Re: Death Penalty Vice-Chair Travis Stearns presented the proposed comment regarding removal of standards relating to the death penalty from the court rules. Gov. Stephens moved for approval of the proposal. Motion passed 10-1. Gov. Knight was not present for the vote.

### Report from Court Rules & Procedures Committee Re: Potential Emergency Rules for Washington Courts

Gov. Tollefson, liaison to the Committee reported on the topic.

### Washington State Bar Foundation Trustee Appointments

Pres. Kristina Larry presented the trustee appointments as provided in the materials for approval. Gov. Clark moved for approval. Motion passed unanimously. Gov. Knight was not present for the vote.

### Proposed Revisions to the Member Engagement Workgroup Charter

Interim Director of Advancement Director Plachy presented to proposed changes to the charter. Gov. Stephens moved for approval of the charter revisions as set forth. Motion passed unanimously.

### Temporary Authorization for Response to COVID-19

Interim Executive Director Nevitt and Human Resources Director Neals presented the request as provided in the materials. Discussion followed. Gov. Abell moved to approve without the addition of the additional paid time off. Gov. Abell clarified that the motion would allow for the accrual of negative sick leave. Motion passed unanimously.

### Proposal to Extend Licensing and MCLE Suspension Date to June 30 in Order to Accommodate Delays Due to COVID-19

Chief Regulatory Counsel McElroy presented the proposal. Discussion followed. Gov. Grabicki moved to adopt the proposal. Motion passed unanimously. Gov. Knight was not present for the vote.

### Governor Roundtable

Pres. Majumdar announced local hero awards to Mary Barret and Megan Winder, which will be presented to them at a later date.

Gov. Higginson talked about communications to local bar associations and requested that governors receive advance notice and an opportunity to be involved in communications to their districts. Gov. Higginson clarified that she's largely referring to governance type communications.

Gov. Higginson talked about her view that all activities should be authorized by an existing policy. Discussion followed.

Gov. Sciuchetti and Chief Disciplinary Counsel Ende presented on proactive management-based regulation.

Gov. Higginson proposed that we post employee salaries on the website by job title. Discussion followed.

### Presidential Recognition of Improbable Feat of Service

Pres. Majumdar acknowledge Pres-Elect Sciuchetti for his work traveling to California on short notice to participate in a discussion about Washington's Limited License Legal Technician program.

**ADJOURNMENT**

There being no further business and no need for an executive session, the meeting was adjourned at 3:58 PM on Thursday, March 19, 2020.

Respectfully submitted,

Terra Nevitt  
WSBA Interim Executive Director & Secretary

DRAFT

# WASHINGTON STATE BAR ASSOCIATION

## BOARD OF GOVERNORS MEETING

### Minutes

Held Virtually

March 30 2020

The meeting of the Board of Governors of the Washington State Bar Association (WSBA) was called to order by President Rajeev D. Majumdar on Monday, March 30, at 1:04 PM. Governors in attendance were:

Hunter M. Abell

Sunitha Anjilvel

Daniel D. Clark

Peter J. Grabicki

Carla Higginson

Russell Knight

Tom McBride

Bryn Peterson

Kyle D. Sciuchetti

Alec Stephens

Paul Swegle

Judge Brian Tollefson (ret.)

Also in attendance were Immediate Past President William D. Pickett, Interim Executive Director Terra Nevitt, General Counsel Julie Shankland, Chief Financial Officer Jorge Perez, Chief Disciplinary Counsel Doug Ende, Chief Regulatory Counsel Jean McElroy, Chief Communications Officer Sara Niegowski, Interim Director Advancement Kevin Plachy, Human Resources Director Felix Neals, Executive Administrator Shelly Bynum, and Jean Cotton.

### Emergency Temporary Bylaws Amendment

Pres. Majumdar introduced the proposal as presented in the materials. Discussion followed. Gov. Stephens moved for adoption of the proposed amendments. Gov. Grabicki offered and Gov. Stephens accepted as a friendly amendment to include the language as paragraph D, "this amendment shall be rescinded upon the date that Gov. Inslee rescinds the Stay Home, Stay Safe proclamation." Discussion followed. Gov. Stephens modified his amended motion to reflect an April 24 end date. Amended motion passed 11-2.

Pres. Majumdar noted that this must be included on the agenda in April and May for first and second reading.

Proposed Guidance to Members on Performing Essential Services

General Counsel Shankland presented her memo as provided in the materials. Discussion followed. Gov. Grabicki moved to amend approve language that, "Legal services are essential services when necessary to assist in compliance with legally mandated activities and critical sector services. Legal service providers should not compromise the health of their employees, the health and integrity of the profession or the health of society by facilitating the transmission of the disease, and except when necessary to do your essential work, should remain at home." Gov. Grabicki accepted an amendment to add language that the guidance is not provided as legal advice. Gov. Grabicki clarified that part of his motion was that it should be sent to the Governor for review. Discussion followed. Gov. Higginson moved to call the question. Motion passed 9-7. Underlying motion failed 7-5. Gov. Tollefson was not present for either vote.

Pres. Majumdar noted that he would respond to the members that the Board took up the question and debated it, but did not feel confident in providing clear direction and refer them to the Governor's order and website where they may apply for clarification with regard to their particular practice. Discussion followed. Gov. Higginson moved that neither the President nor anyone on behalf of the WSBA seek clarification of essential services from the Governor or the Court at this time. The motion failed 8-2. Gov. Swegle was not present for the vote.

Motion to adjourn passed unanimously.

ADJOURNMENT

Gov. Peterson moved for adjournment. Motion passed unanimously. Gov. Swegle was not present for the vote. The meeting was adjourned at 3:44PM on Monday, March 30, 2020.

Respectfully submitted,

Terra Nevitt  
WSBA Interim Executive Director & Secretary

**TO:** WSBA Board of Governors  
**FROM:** Interim Executive Director Terra Nevitt  
**DATE:** April 9, 2020  
**RE:** Executive Director's Report – COVID-19 Response & Impact

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My report this month is focused on WSBA's response to the COVID-19 emergency and outlines the impacts on WSBA operations. Overall WSBA has been resilient; quickly adapting nearly all of our in-person and paper based processes to electronic. As a result, we have been able to maintain all of our critical functions and ramp up our support for WSBA members and the public as they respond to this public health emergency. This is entirely a credit to the planning, creativity, and flexibility of our employees and volunteers as well as the leadership of President Majumdar and the Board of Governors.

#### Response Timeline

On March 3, 2020 I first reached out to staff to urge individuals with symptoms of acute respiratory illness to stay home for at least 24 hours after those symptoms had subsided and encouraged those that may have been exposed to COVID-19 or those at higher risk for serious illness to work from home if possible. We also urged teams to begin meeting and planning for further disruption to our work with an emphasis on prioritizing the most critical work and increasing the availability of remote participation. At that time, King County had 10 confirmed cases of COVID-19.

On March 5, 2020, following the guidance issued by King County Executive Dow Constantine and the King County Department of Health I urged all WSBA employees to work from home to the extent they could through the end of March. Teams and Departments quickly began working to ensure that our critical functions could be done remotely with small numbers of employees coming into the office to carry out critical tasks that must be done on site. We also began examining all non-essential meetings or events involving 10 or more people through the end of March and transitioning them to entirely or largely virtual events. For events that could not be made virtual we determined what could be postponed or cancelled.

On March 12, 2020, I notified the staff that we would be following the guidance issued by Gov. Inslee and Seattle and King County Public Health to cancel any events involving more than 250 people and taking steps to minimize the risk of transmission for smaller events. Employees have been worked collaboratively with volunteers to make nearly every meeting and event virtual and/or postponing.

On March 16, 2020 I notified staff that effective March 17 we will be limiting walk-in access to the WSBA office to ensure appropriate social distancing for those that must be on site to maintain services to our members and the public.

On March 25, 2020 following issuance of the Governor's Stay Home, Stay Healthy order, I notified staff that for the duration of the Governor's order, employees may not travel to the office or any other location for WSBA business without explicit permission. Because we determined that many of our functions are essential, we have since authorized a small number of employees to travel to the office, only as needed, to among other things, maintain our IT infrastructure and process incoming mail.

## Function Specific Responses & Impacts

*Office of General Counsel.* All of the work in this area is being handled remotely. The Office of General Counsel has been taking the lead in monitoring and interpreting COVID-19 orders and monitoring the responses of other entities to the crisis. Responsible for administering the adjudicative portion of the discipline system, the Office General Counsel has also worked with the Chief Hearing Officer and Disciplinary Board Chair to enter an administrative order related to disciplinary matters in response to the COVID-19 health emergency in Washington. The order continues discipline and disability hearings set on or before April 24, 2020; limits default hearings, motions, disciplinary board hearings, settlement conferences, and deposition to telephone or videoconference only; and allows electronic filing and service of orders, documents and papers, unless personal service is required.

*Human Resources.* This Department has focused on maintaining uninterrupted high touch and high quality services to the employees of the WSBA, its members and the public. The team moved quickly to virtualize its services to address the heightened need for continued access to information related to all aspects of employee well-being, addressing everything from conducting interviews, benefits administration (leave inquiries and requests), creating extensibility in remote work policies, rethinking business continuity and beyond. This team has also taken the lead on monitoring and interpreting changes in the benefits landscape such as administration of sick leave under the newly enacted H.R. 6201, The Families First Coronavirus Response Act and the Emergency Family and Medical Leave Expansion Act.

This team is also responsible for the Member Wellness Program, which has made free telehealth counseling available to all members through WSBA Connects and has also provided access to a free Wellness CLE for the month of April.

*Regulatory Services.* Nearly all of work in this area is being handled remotely, including hearings, however a few employees are travelling to the WSBA office occasionally to assist with required onsite processes. Some forms, documents, and other items (such as Bar Cards) that are usually prepared onsite in a hard copy format are being converted into electronic formats and delivered electronically. We are currently in the pre-suspension period for licensing and MCLE reporting, as is customary, employees are making individualized telephone and email contact with affected members in order to help them achieve compliance. Members affected by the coronavirus situation are expressing profound appreciation for the extension of the suspension recommendation deadline that the Board recommended and the Court approved. In terms of the Bar Exam, our admissions team is working with the National Conference of Bar Examiners to finalize February exam results to be released timely on April 10. The Board will discuss the July exam at the April meeting. Our goal is to keep working towards conducting the July exam as planned, unless and until it becomes clear that we cannot move forward due to social distancing limitations.

*Office of Disciplinary Counsel.* The COVID-19 crisis has affected operations of the Office of Disciplinary Counsel (ODC) in three significant ways: (1) transition of nearly all ODC-staff functions to telework-enabled processes; (2) continuance of disciplinary-adjudicative deadlines for proceedings that cannot be conducted remotely; and (3) temporary suspension of the Random Trust Account Examination Program.

(1) Remote Work. The substantial majority of ODC operations is being performed remotely, and participants in the discipline system have been notified about the shift in communication channels from paper and in-person processes to electronic communications. The latter initiative was facilitated on March 24 by entry of emergency administrative orders that temporarily authorized documents, papers, and communications authorized or required under the Rules for Enforcement of Lawyer to be transmitted by electronic means. This will enable much of ODC's intake and investigative work to continue without severe disruption. To accommodate the partial

loss in processing efficiency during the crisis – in part the result of a temporary policy of generously granting requested deadline extensions – ODC’s internal intake-processing expectations have been extended for the duration. In addition, issuance of member-requested Disciplinary History Certificates has been shifted to a presumptively electronic delivery process.

(2) Adjudicative Continuances. The March 24 emergency administrative orders issued by the Supreme Court, and the Disciplinary Board and the Chief Hearing Officer jointly, altered workflow plans in disciplinary proceedings in a number of material ways. All in-person hearings in discipline and disability matters with hearing dates set on or before April 24, 2020, were continued (with a concomitant continuance of all unexpired deadlines in existing scheduling orders). New or amended scheduling orders are to be entered by April 20, 2020, and for any matters where a hearing date had not been set as of March 24, the order directs that the hearing should not be set before July 1, 2020. A number of proceedings that may be performed by telephone or videoconference are authorized to proceed in that fashion, including depositions, default hearings, and in-person appearances before the Disciplinary Board. ODC is adjusting schedules and procedures to enable such activities to occur using remote-access technology. One wholly remote settlement conference has been conducted during this period.

(3) Random Examinations. Authorized in Title 15 of the Rules for Enforcement of Lawyer Conduct, the random trust account examination program is designed to accomplish a number of goals: education of examinees in best trust-accounting practices; deterring inadequate or unethical trust accounting behavior; and enforcement (where severe violations are detected). To allow WSBA members and ODC staff to focus on addressing the challenges presented by the COVID-19 pandemic, effective March 31, ODC temporarily suspended all pending, in-progress random examinations, relieving those members from the obligation to respond to any outstanding records or take other responsive action. In the wake of this decision, ODC auditors have received a number of communications from grateful lawyers. No new random examinations will be initiated until standard operating procedures in ODC have begun to resume.

*Advancement Department.* This department encompasses many member-facing activities such as continuing legal education, new member programs, mentorship, and sections, as well as our access to justice, public service, and equity activities. This team is conducting all of its work remotely, with the exception of the lending library, which has been placed on hold. We have waived all late fee associated with late book returns during this time and have placed a message on our webpage that we will resume services once the stay home orders are lifted and employees can return to the office. The Practice Management Program is very busy assisting members adjust to working remotely and navigating their legal practices during these uncertain times.

The CLE team has moved all webcast and in-person educational programs delivering in March, April and May to a webinar format. As a webinar, all of the CLE accredited programs can still be delivered through a completely remote format. The volunteers and staff can deliver these programs without coming to the WSBA offices. The team is planning to deliver between eight to ten full-day, half-day and shorter webinar programs in April. Unfortunately, three section midyears had to be cancelled. RPPT, Family Law and ELUL midyears were scheduled to take place in May and June of this year. We were able to cancel all three venue contracts as an impossibility (with potential penalties from \$30k to \$40k each) without penalty. We are rebooking with each of the venues for midyears in FY22. The deposits that have already been made on the contracts are being moved to the contracts for FY22. The CLE team is working with the sections to deliver the midyear educational content for this year over webinar format. This will allow us to still deliver the important educational programming to our members in live webinar and on-demand format.

The Advancement Department is leading WSBA's Internal Coronavirus Task Force that is working concurrently and collaboratively with the WSBA Coronavirus Response Task Force (external task force) established by President Majumdar and Chaired by Kevin Plachy, Interim Director of Advancement and Michael Cherry, a former Governor. The internal task force was provided a list of topics impacting members from the external task force and has been working diligently to deliver the following resources and programs:

1. Six on-demand CLE-accredited seminars on topics relevant to the COVID19 pandemic which have been made available to all members through May 2020.
2. Several CLE-accredited live webinars focused on best practices in running a legal practice during the Coronavirus pandemic. These are scheduled to deliver over the next several weeks and will also be made available as an on-demand CLE through May 2020.
3. Several BLOG posts on challenges members are facing during the Coronavirus pandemic including working remotely and self-care during a time of crisis.
4. Participated in creating a resource on our website for small firms around the CARE Act and how to apply for SBA Paycheck Protection Program grants and loans.
5. Collected resources and information about public service programs aimed at helping the public during the Coronavirus pandemic. Resources are located on our COVID-19 Resource Webpage
6. Working with Elder Law, RPPT and SSP Sections to convene a workgroup to discuss witnessing of wills and ways in which WSBA can help legal professionals deal with the challenges imposed because will witnessing cannot be done remotely. The first meeting of the workgroup is taking place April 10.

The WSBA Coronavirus Response Task Force (external task force) has met three times and has issued advice to the WSBA Office of the President on the matter of whether WSBA should offer official guidance to the members about essential legal services in Governor Inslee's Stay Home, Stay Healthy Order. The task force recommended that WSBA not provide official guidance. The task force also identified a list of many topics impacting the membership and public and transmitted them to the internal task force to implement programs and provide resources to assist WSBA members and the public. The external and internal task force continue to work collaboratively to provide timely and relevant support to our members and the public during the Coronavirus pandemic.

*Communications and Outreach.* This department has focused on (1) keeping core organizational functions operating, (2) facilitating and supporting COVID-19 lobbying and outreach efforts, and (3) getting good, useful information to and from members and the public.

(1) Service Center. This team is responsible for mail service, meeting/conference logistics, and handling phone and email inquiries. While all other functions are being handled remotely, a small crew is on-site periodically to handle physical mail on a rotation. The Service Center has also assisted staff as they transition from in-person to remote meetings.

(2) Outreach and Legislative Affairs. This team has been facilitating and coordinating efforts via the Board Legislative Committee to work with public officials to implement emergency protocols to support legal services (this includes the successful effort to get Gov. Inslee to provide for virtual notarial acts by moving up the implementation date for SB 5641). The team has also been a two-way conduit with local bar leaders to connect WSBA and geographically diverse members with COVID-19 resources and information about how WSBA can support members.

(3) Communication Strategy and Publications. In addition to carrying out its normal work remotely, this team has been responding to rapidly changing information needs, including adding COVID-19 messaging and resources to the April/May Washington State Bar News issue; creating and updating a COVID-19 information and resource webpage; supporting Pres. Majumdar and the Board with member-wide messages from leaders; coordinating with members and practice-management experts to create content to advise and inform members; connecting with other organizations' public information officers and other states' bar communications staff to coordinate efforts; sharing resources via social media; supporting member-wellness initiatives and messaging; and collecting and publishing inspirational stories of members' extraordinary responses to the crisis.

*Accounting & Finance.* Nearly all of these functions are being performed remotely with few exceptions including check printing and deposits of checks received. We are currently establishing ACH payments in order to minimize the production of checks. Although some of our processes were paper-intensive, as we have been forced to adapt we have found our new processes to be even more efficient and will keep them in place. This team is also undergoing a review of potential revenue impacts to the 2020 Reforecast and 2021 Budget. While most of our fee revenue is complete for the year, we anticipate there may be some impact to revenue this year coming from CLE products and seminars and perhaps more broadly as we move into the next licensing season. We haven't yet closed expenses for the month of March and so cannot provide an update on total spend related to the special \$25K approved for COVID19.

*Information Technology & Operations.* None of this work would have been possible without the hard work and expertise of WSBA's IT team who over the course of a few weeks transitioned all of our 137 staff members to remote work. This includes assessing and addressing significant equipment needs, reviewing our firewall/network configuration, addressing bandwidth and individual connection issues, developing robust training and security measures to go along with the increased use of Zoom, monitoring and evaluating new security measures and protocols, and exploring new technology solutions such as Microsoft Teams, an electronic signature platform, and telephony solutions as a possible replacement for our aging phone system.

Additionally, an interdepartmental team will continue to work on identifying organization needs, identify and integrate new technologies or processes, identify best practices and tips to conducting successful online meetings and collaborations, and identify trainings for staff.

[Litigation Update \(attached\)](#)

[WSBA Demographics Report \(attached\)](#)

# WASHINGTON STATE BAR ASSOCIATION

Office of General Counsel

To: The President, President-elect, Immediate Past-President, and Board of Governors  
 From: Julie Shankland, General Counsel  
 Lisa Amatangel, Associate Director, OGC  
 Date: April 1, 2020  
 Re: Litigation Update

## PENDING LITIGATION:

No.	Name	Brief Description	Status
1.	<i>Small v. WSBA</i> , No. 19-2-15762-3 (King Sup. Ct.)	Former employee alleges discrimination and failure to accommodate disability.	On 07/17/19, WSBA filed an answer. Discovery ongoing.
2.	<i>Beauregard v. WSBA</i> , No. 19-2-08028-1 (King Sup. Ct.)	Alleges violations of WSBA Bylaws (Section VII, B “Open Meetings Policy”) and Open Public Meetings Act; challenges termination of former ED.	On 08/27/19, the Washington Supreme Court granted direct discretionary review. On 09/26/19, WSBA filed a Designation of Clerk’s Papers with the Superior Court, and a Statement of Arrangements with the Supreme Court. On 11/21/19, Justice Yu recused herself from the case. WSBA filed a report of proceedings with the Supreme Court on 11/25/19. WSBA filed its opening brief on 02/10/20. Respondent filed his response on 02/28/20; WSBA filed its reply brief on 04/01/20. The Supreme Court set oral argument for the appeal for 06/23/20 at 9:00 a.m.
3.	<i>O’Hagan v. Johnson et al.</i> , No. 18-2-00314-25 (Pacific Sup. Ct.)	Allegations regarding plaintiff’s experiences with legal system.	Motion to Dismiss granted on 08/05/19; on 08/28/19 plaintiff circulated a Notice of Intent to Appeal.
4.	<i>Scannell v. WSBA et al.</i> , No. 18-cv-05654-BHS (W.D. Wash.)	Challenges bar membership, fees, and discipline system in the context of plaintiff’s run for the Washington Supreme Court.	On 01/18/19, the court granted WSBA and state defendants’ motions to dismiss; plaintiff appealed. WSBA responded to plaintiff’s opening brief on 09/30/19.
5.	<i>Block v. WSBA et al.</i> , No. 18-cv-00907 (W.D. Wash.) (“ <i>Block II</i> ”)	See <i>Block I</i> (below).	On 03/21/19, 9th Cir. stayed <i>Block II</i> pending further action by the district court in <i>Block I</i> . On 12/17/19, Block filed a status report with the Ninth Circuit informing the Court of the <i>Block I</i>



			Court's reimposition of the vexatious litigant pre-filing order against Block.
6.	<i>Eugster v. WSBA, et al.</i> , No 18201561-2, (Spokane Sup. Ct.)	Challenges dismissal of <i>Spokane County 1</i> (case no. 15-2-04614-9).	Dismissal order signed 01/06/20. On 01/16/20, WSBA filed a supplemental brief on fees under CR 11 and RCW 4.84.185. Fee award of \$28,586 granted on 02/14/20; Eugster filed a notice of appeal on 03/02/20. Awaiting the Court of Appeals to issue a schedule.
7.	<i>Block v. WSBA, et al.</i> , No. 15-cv-02018-RSM (W.D. Wash.) (" <i>Block I</i> ")	Alleges conspiracy among WSBA and others to deprive plaintiff of law license and retaliate for exercising 1st Amendment rights.	<p>On 02/11/19, 9th Cir. affirmed dismissal of claims against WSBA and individual WSBA defendants; the Court also vacated the pre-filing order and remanded this issue to the District Court.</p> <p>On 12/09/19, the United States Supreme Court denied plaintiff's Petition of Writ of Certiorari.</p> <p>On 12/13/19, the District Court reimposed the vexatious litigant pre-filing order against Block; Block filed a notice of appeal regarding this order on 01/14/20. Block's opening brief is due 05/15/20.</p>
8.	<i>Eugster v. Littlewood, et al.</i> , No. 17204631-5 (Spokane Sup. Ct.)	Demand for member information in customized format.	Dismissed (GR 12.4 is exclusive remedy) and fees awarded; Eugster appealed. Merits and fee appeal briefing completed; awaiting disposition.
9.	<i>Eugster v. WSBA, et al.</i> , No. 18200542-1 (Spokane Sup. Ct.)	Alleges defamation and related claims based on briefing in <i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.)	Dismissed based on absolute immunity, collateral estoppel, failure to state a claim. Briefing complete on appeal and cross-appeal on fees. Case transferred to Division II. Oral argument heard on 10/22/19. On 01/07/20, the Court affirmed dismissal and reversed fee denial. Eugster filed a petition for review with the Washington Supreme Court; deadline for (optional) response is 04/08/20.

10.	<i>Caruso v. Washington State Bar Association, et al.</i> , No. 2:17-cv-00003-RSM (W.D. Wash.) (“ <i>Caruso</i> ”).	Challenges bar membership, fees, and discipline (on behalf of other lawyers).	Dismissed for failure to state a claim; fee award and pre-filing order granted. 9th Circuit affirmed dismissal and fee award, vacated pre-filing order and remanded for entry of narrower order. Revised order entered on 04/29/19.  On 10/28/19, Eugster filed a Rule 60 motion for relief from judgment, which was rejected the same day. Eugster appealed the denial, filing an opening brief on 02/12/20. Appeal summarily denied on 03/27/20.
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## WSBA Member\* Licensing Counts 4/1/20 8:08:10 AM GMT-07:00

Member Type	In WA State	All
Attorney - Active	26,073	32,666
Attorney - Emeritus	108	114
Attorney - Honorary	313	360
Attorney - Inactive	2,568	5,758
Judicial	615	647
LLLT - Active	37	37
LLLT - Inactive	4	4
LPO - Active	814	827
LPO - Inactive	143	161
	30,675	40,574

Misc Counts	
All License Types **	40,901
All WSBA Members	40,574
Members in Washington	30,675
Members in western Washington	25,670
Members in King County	16,628
Members in eastern Washington	3,785
Active Attorneys in western Washington	21,805
Active Attorneys in King County	14,536
Active Attorneys in eastern Washington	3,162
New/Young Lawyers	6,298
MCLE Reporting Group 1	11,211
MCLE Reporting Group 2	10,747
MCLE Reporting Group 3	11,139
Foreign Law Consultant	19
House Counsel	298
Indigent Representative	10

By District		
	All	Active
0	4,135	3,196
1	2,870	2,365
2	2,089	1,679
3	2,078	1,744
4	1,366	1,156
5	3,158	2,553
6	3,320	2,766
7N	5,046	4,293
7S	6,542	5,399
8	2,224	1,872
9	4,836	4,079
10	2,910	2,428
	40,574	33,530

By State and Province	
Alabama	29
Alaska	201
Alberta	9
Arizona	352
Arkansas	18
Armed Forces Americas	4
Armed Forces Europe, Middle East	30
Armed Forces Pacific	15
British Columbia	98
California	1,825
Colorado	245
Connecticut	50
Delaware	6
District of Columbia	336
Florida	254
Georgia	87
Guam	14
Hawaii	136
Idaho	447
Illinois	158
Indiana	34
Iowa	27
Kansas	30
Kentucky	25
Louisiana	51
Maine	18
Maryland	115
Massachusetts	87
Michigan	73
Minnesota	98
Mississippi	6
Missouri	65
Montana	163
Nebraska	17
Nevada	149
New Hampshire	12
New Jersey	65
New Mexico	70
New York	255
North Carolina	77
North Dakota	10
Northern Mariana Islands	5
Nova Scotia	1
Ohio	75
Oklahoma	26
Ontario	15
Oregon	2,687
Pennsylvania	81
Puerto Rico	5
Quebec	1
Rhode Island	11
South Carolina	25
South Dakota	8
Tennessee	57
Texas	368
Utah	175
Vermont	17
Virginia	264
Virgin Islands	1
Washington	30,675
Washington Limited License	1
West Virginia	6
Wisconsin	45
Wyoming	23

By WA County		By Admit Yr	
Adams	14	1946	1
Asotin	24	1947	2
Benton	398	1948	2
Chelan	245	1949	2
Cllallam	158	1950	7
Clark	885	1951	15
		1952	19
Columbia	6	1953	17
Cowlitz	143	1954	22
Douglas	38	1955	12
Ferry	11	1956	34
Franklin	55	1957	24
Garfield	3	1958	30
Grant	120	1959	29
Grays Harbor	108	1960	28
Island	152	1961	26
Jefferson	114	1962	32
King	16,628	1963	31
Kitsap	802	1964	36
Kittitas	87	1965	53
Klickitat	23	1966	60
Lewis	112	1967	59
Lincoln	13	1968	86
Mason	101	1969	94
Okanogan	88	1970	101
Pacific	28	1971	103
Pend Oreille	15	1972	165
Pierce	2,303	1973	252
San Juan	80	1974	241
Skagit	285	1975	306
Skamania	19	1976	372
Snohomish	1,588	1977	374
Spokane	1,942	1978	415
Stevens	55	1979	448
Thurston	1,571	1980	468
Wahkiakum	11	1981	496
Walla Walla	112	1982	486
Whatcom	582	1983	519
Whitman	76	1984	1,120
Yakima	460	1985	575
		1986	785
		1987	750
		1988	652
		1989	705
		1990	888
		1991	857
		1992	832
		1993	933
		1994	885
		1995	840
		1996	817
		1997	926
		1998	903
		1999	912
		2000	916
		2001	922
		2002	1,021
		2003	1,075
		2004	1,101
		2005	1,125
		2006	1,201
		2007	1,279
		2008	1,110
		2009	986
		2010	1,088
		2011	1,071
		2012	1,098
		2013	1,246
		2014	1,372
		2015	1,621
		2016	1,337
		2017	1,416
		2018	1,335
		2019	1,393
		2020	315

By Section ***		
	All	Previous Year
Administrative Law Section	217	236
Alternative Dispute Resolution Section	307	314
Animal Law Section	81	94
Antitrust, Consumer Protection and Unfair Business Practice	193	208
Business Law Section	1,209	1,258
Cannabis Law Section	91	103
Civil Rights Law Section	141	175
Construction Law Section	500	499
Corporate Counsel Section	1,064	1,116
Creditor Debtor Rights Section	438	466
Criminal Law Section	355	407
Elder Law Section	613	623
Environmental and Land Use Law Section	749	793
Family Law Section	932	1,033
Health Law Section	380	382
Indian Law Section	309	326
Intellectual Property Section	861	875
International Practice Section	230	225
Juvenile Law Section	131	165
Labor and Employment Law Section	968	996
Legal Assistance to Military Personnel Section	63	75
Lesbian, Gay, Bisexual, Transgender (LGBT) Law Section	110	102
Litigation Section	991	1,018
Low Bono Section	49	70
Real Property Probate and Trust Section	2,213	2,291
Senior Lawyers Section	223	239
Solo and Small Practice Section	843	907
Taxation Section	593	625
World Peace Through Law Section	124	108

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

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

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

By Years Licensed	
Under 6	8,533
6 to 10	5,594
11 to 15	5,627
16 to 20	4,669
21 to 25	4,101
26 to 30	3,632
31 to 35	2,934
36 to 40	2,415
41 and Over	3,069
<b>Total:</b>	<b>40,574</b>

By Age	All	Active
21 to 30	1,800	1,721
31 to 40	9,267	8,263
41 to 50	9,857	8,153
51 to 60	8,779	6,911
61 to 70	7,610	5,702
71 to 80	2,750	1,783
Over 80	511	133
<b>Total:</b>	<b>40,574</b>	<b>32,666</b>

By Gender	
Female	12,335
Male	16,779
Non-Binary	14
Not Listed	20
Selected Mult Gender	17
Transgender	1
Two-spirit	3
<b>Respondents</b>	<b>29,169</b>
<b>No Response</b>	<b>11,405</b>
<b>All Member Types</b>	<b>40,574</b>

By Disability	
Yes	1,157
No	20,007
<b>Respondents</b>	<b>21,164</b>
<b>No Response</b>	<b>19,410</b>
<b>All Member Types</b>	<b>40,574</b>

By Sexual Orientation	
Asexual	20
Gay, Lesbian, Bisexual, Pansexual, or Queer	410
Heterosexual	4,022
Not Listed	79
Selected multiple orientations	16
Two-spirit	3
<b>Respondents</b>	<b>4,550</b>
<b>No Response</b>	<b>36,024</b>
<b>All Member Types</b>	<b>40,574</b>

By Ethnicity	
American Indian / Native American / Alaskan Native	241
Asian-Central Asian	23
Asian-East Asian	198
Asian-South Asian	48
Asian-Southeast Asian	58
Asian—unspecified	1,146
Black / African American / African Descent	642
Hispanic / Latinx	695
Middle Eastern Descent	14
Multi Racial / Bi Racial	972
Not Listed	203
Pacific Islander / Native Hawaiian	63
White / European Descent	23,583
<b>Respondents</b>	<b>27,886</b>
<b>No Response</b>	<b>12,688</b>
<b>All Member Types</b>	<b>40,574</b>

Members in Firm Type	
Bank	25
Escrow Company	57
Government/ Public Sector	5,044
House Counsel	3,009
Non-profit	313
Title Company	116
Solo	5,030
Solo In Shared Office Or	1,344
2-5 Members in Firm	4,175
6-10 Members in Firm	1,648
11-20 Members in Firm	1,260
21-35 Members in Firm	770
36-50 Members In Firm	543
51-100 Members in Firm	599
100+ Members in Firm	1,851
Not Actively Practicing	1,425
<b>Respondents</b>	<b>27,209</b>
<b>No Response</b>	<b>13,365</b>
<b>All Member Types</b>	<b>40,574</b>

By Practice Area	
Administrative-regulator	2,188
Agricultural	223
Animal Law	105
Antitrust	304
Appellate	1,612
Aviation	181
Banking	420
Bankruptcy	870
Business-commercial	5,138
Cannabis	93
Civil Litigation	714
Civil Rights	1,033
Collections	512
Communications	208
Constitutional	632
Construction	1,313
Consumer	743
Contracts	4,189
Corporate	3,516
Criminal	3,687
Debtor-creditor	908
Disability	600
Dispute Resolution	1,229
Education	475
Elder	849
Employment	2,775
Entertainment	302
Environmental	1,243
Estate Planning-probate	3,321
Family	2,607
Foreclosure	463
Forfeiture	98
General	2,586
Government	2,778
Guardianships	803
Health	921
Housing	296
Human Rights	295
Immigration-naturaliza	994
Indian	564
Insurance	1,637
Intellectual Property	2,252
International	891
Judicial Officer	407
Juvenile	788
Labor	1,110
Landlord-tenant	1,235
Land Use	838
Legal Ethics	273
Legal Research-writing	771
Legislation	424
Lgbtq	63
Litigation	4,566
Lobbying	165
Malpractice	719
Maritime	314
Military	380
Municipal	895
Non-profit-tax Exempt	611
Not Actively Practicing	2,022
Oil-gas-energy	225
Patent-trademark-copyr	1,285
Personal Injury	3,182
Privacy And Data Securit	244
Real Property	2,590
Real Property-land Use	2,103
Securities	762
Sports	165
Subrogation	115
Tax	1,281
Torts	2,013
Traffic Offenses	597
Workers Compensation	701

By Languages Spoken	
Afrikaans	5
Akan /twi	5
Albanian	2
American Sign Language	17
Amharic	20
Arabic	48
Armenian	7
Bengali	10
Bosnian	13
Bulgarian	12
Burmese	2
Cambodian	6
Cantonese	101
Cebuano	6
Chamorro	5
Chaozhou/chiu Chow	1
Chin	1
Croatian	21
Czech	6
Danish	18
Dari	3
Dutch	23
Egyptian	2
Farsi/persian	62
Fijian	1
Finnish	7
French	690
French Creole	1
Fukienese	3
Ga/kwa	2
German	413
Greek	31
Gujarati	14
Haitian Creole	3
Hebrew	37
Hindi	96
Hmong	1
Hungarian	16
Ibo	4
Icelandic	2
Ilocano	8
Indonesian	12
Italian	160
Japanese	210
Javanese	1
Kannada/canares	4
Kapampangan	1
Khmer	2
Korean	233
Lao	5
Latvian	6
Lithuanian	3
Malay	4
Malayalam	8
Mandarin	371
Marathi	6
Mien	1
Mongolian	2
Navajo	1
Nepali	4
Norwegian	36
Not_listed	41
Oromo	4
Persian	19
Polish	32
Portuguese	118
Portuguese Creole	1
Punjabi	60
Romanian	21
Russian	226
Samoan	7
Serbian	19
Serbo-croatian	13
Sign Language	20
Singhalese	2
Slovak	2
Spanish	1,809
Spanish Creole	3
Swahili	5
Swedish	52
Tagalog	68
Taishanese	4
Taiwanese	20
Tamil	11
Telugu	3
Thai	10
Tigrinya	4
Tongan	1
Turkish	14
Ukrainian	42
Urdu	40
Vietnamese	88
Yoruba	10
Yugoslavian	4

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

**TO:** WSBA Board of Governors  
**FROM:** Kim Hunter, District 8 Governor & Daniel D. Clark, WSBA Treasurer & District 4 Governor  
**DATE:** April 2, 2020  
**RE:** April BOG meeting Co-Chair Update on Member Engagement Committee

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**ACTION/DISCUSSION :** The following is meant to provide an update on the work of the WSBA Member Engagement Committee

The following is an update on various pertinent actions of the Member Engagement Committee:

Because of the Coronavirus pandemic, the March meeting of the Member Engagement Workgroup was cancelled.

Since the Governor has imposed relaxed rules for OPMA requirements the Member Engagement Workgroup plans to hold our meeting scheduled for April 20<sup>th</sup> remotely.

The Coronavirus pandemic has had significant impact on our planned activities. The section midyears that our workgroup members were planning to attend have been cancelled and will likely be delivered via remote technologies.

The Member Engagement Workgroup will be brainstorming ways in which to engage with our members in this time of remote communication and social distancing. We send wishes of health and safety all of our members.

Respectfully,

Kim Hunter  
8<sup>th</sup> District Governor

**TO:** WSBA Board of Governors  
**FROM:** Daniel D. Clark, WSBA Treasurer & 4<sup>th</sup> District Governor  
**DATE:** April 10, 2020  
**RE:** April 2020 BOG meeting Treasurer Update

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**ACTION/DISCUSSION :** The following is meant to provide an update on the activity of the WSBA Treasurer, Budget and Audit Committee and WSBA's Financial Statements through February 2020.

The following is an update on various pertinent financial matters of the WSBA.

**Over Half Way Through FY 2020!**

April 1 marked our journey into the second half of Fiscal Year 2020. As you know, WSBA's Fiscal Year (FY), runs October 1, through September 30<sup>th</sup>. We have accomplished many great things so far this year, and are actually ahead of schedule in completion of a lot of goals and financial projects. The following will be a truncated Treasurer report detailing financial performance of the WSBA 5/12 of the Fiscal Year complete (Through February 2020).

**FY 2020 Key Financial Benchmarks October 1 through February 29, 2020 (5/12 of Fiscal Year Complete).**

When reviewing the latest available WSBA Financial completed reports which are through February 29, 2020, the WSBA is in very healthy financial shape. Overall through February 29, 2020, the WSBA has actual net income of **\$745,345** for the year 5/12 of the Fiscal Year completed. This is outstanding news by way of comparison for the FY 2020 Budget that was adopted by the WSBA which would have called for a net loss of **(\$591,915)**. Overall, our income is much higher than anticipated and our expenses both in direct and indirect costs are much lower than Budgeted. Overall, 1/3 through the year and we are **\$1,337,268** positive financial position v. FY 2020 budgeted numbers! So instead of losing close to \$600k in operations for the year, to date, we've generated over 1.3 million in revenue for our organization. This is because of prudent financial management, and WSBA's historical conservative budgeting practices which tend to prudently under-estimate revenue and over-estimate expenses when building WSBA operating budgets.

It is important to note that with the devastating impact of the Pandemic caused by COVID-19, these numbers very well may be subject to significant change moving forward in the year. While the WSBA will likely see cost savings on volunteer travel, meals, and lodging with more and more meals being held

through Zoom and telephonic meetings, there will also likely be at least temporary declines in physical CLE attendance, and other additional costs that result from operations of the WSBA during this pandemic. I will continue to monitor this closely with Jorge and his team.

The following are Key Financial Benchmark information that I have requested that WSBA Controller Maggie Yu, prepare for the Board of Governors for WSBA financial performance information through February 2020 or 5/12 of our Fiscal Year:

Description	% of Year	Current Year % YTD	Current Year \$ Difference	Prior Year YTD	Comments
Salaries	41.67%	41.45%	\$ 25,381 under budget	43.02%	Salaries are slightly under due to eliminated positions.
Benefits	41.67%	39.60%	\$ 88,255 under budget	40.42%	Benefit Expenditures under Budget due to eliminated positions.
Other Indirect Expenses	41.67%	43.34%	\$(67,589) Over Budget	46.13%	Over budget due to timing of annual payments aren't prorated.
Total Indirect Expenses	41.67%	41.44%	\$46,047 under budget	43.01%	Under budget due to eliminated positions

General Fund Revenues	41.67%	45.23%	\$742,574 Over Budget	45.16%	Over Budget due to timing of license late fees and bar exam fee payments
General Fund Direct Expenses	41.67%	33.29%	\$226,322 Under Budget	30.29%	Under budget due to timing of payments

<b>CLE Revenue</b>	<b>41.67%</b>	<b>40.72%</b>	<b>\$(18,859) Under budget</b>	<b>43.24%</b>	<b>Under budget due to low attendances</b>
<b>CLE Direct Expenses</b>	<b>41.67%</b>	<b>17.33%</b>	<b>\$142,351 Under Budget</b>	<b>23.36%</b>	<b>Under the budget due to timing of the payments.</b>
<b>CLE Indirect Expenses</b>	<b>41.67%</b>	<b>40.02%</b>	<b>\$23,487 Under Budget</b>	<b>43.27%</b>	<b>Under Budget due to open positions.</b>

These results are very encouraging 5/12 of the Fiscal Year. As WSBA Treasurer, I will continue to work collaboratively and closely with Jorge Perez, his very talented financial team, and the rest of the talented WSBA staff to monitor closely WSBA financials for the Board of Governors.

**Continued WSBA Financial Communication and Transparency:**

As previously stated in various communications from me, one of my individual goals as Treasurer is to improve communications and transparency of WSBA financial matters. As such, I have started Washington Bar News articles attempting to provide membership increased communication and transparency of WSBA’s financials and budgeting results. I have also attempted to increase transparency and communication with BOG Book written material updates.

I look forward to continue to bring forward new ways to improve transparency and increase WSBA financial information to the membership and the public in the future.

**FY 2020 Budget Reforecast Process:**

The FY 2020 Budget Reforecast is completed and is set for a presentation at the April 2020 BOG meeting. It’s been a significant amount of work, but the results are something I’m really proud of and I hope that all of you will be as well. A further discussion is contained in the agenda item in the BOG book.

**2020 Deep Dive Audit:**

We are completed with the Deep Dive Audit. I am very anxious and excited to be able to have Clark Nuber present the findings of the comprehensive audit to the Board of Governors. We hope to be able to do so at the May 2020 meeting. The Completed Audit will be available first in BOX for Governors to review, and then after it is on the Board of Governor’s agenda, it will be available from WSBA’s website.

**FY 2021 Budget Process:**

The Budget and Audit Committee will start the FY 2021 Budget Process in May 2020 and that will continue through 2020 with an anticipated first Read of the WSBA Budget set for the July 2020 BOG meeting, and final adoption of the FY 2021 Budget at the September 2020 BOG Meeting. During this process, the Budget and Audit committee members and I will continue to explore various ways to potentially improve efficiencies and expand services of the WSBA on behalf of membership and the public.

If you have any questions regarding this update, and/or anything related to WSBA finances, please let me know and I will do my best to get you a prompt answer to your question(s) and/or concerns.

Respectfully,

Dan Clark

WSBA Treasurer/4<sup>th</sup> District Governor

[DanClarkBoG@yahoo.com](mailto:DanClarkBoG@yahoo.com)

(509) 574-1207 (office)

(509) 969-4731 (cell)

**TO:** WSBA Board of Governors

**FROM:** WSBA Coronavirus Response Task Force  
Kevin Plachy, Chair  
Michael Cherry, Deputy Chair

**DATE:** April 10, 2020

**RE:** Update on Work of External and Internal WSBA Coronavirus Response Task Forces

---

On March 25, 2020, Washington State Bar Association (WSBA) President Majumdar issued an order creating The WSBA Coronavirus Response Task Force (External Task Force). The objective of the External Task Force is to advise to the WSBA Office of the President on matters affecting WSBA members and the public because of the Covid-19 pandemic. Additionally the External Task Force will work collaboratively with a WSBA Internal Task Force composed of WSBA staff to identify WSBA member and public needs so that the Internal Task Force can develop programs and provide resources to address the issues. The External Task Force members include: Kevin Plachy, Chair; Michael Cherry, Deputy Chair; Emily Albrecht, Jeanne Marie Clavere, Jordan Couch, Destinee Evers, Carla Higginson, Devorah Signer Hill, Debi Perluss, Kari Petrasek, Jennifer Slattery, Mir Tariq, and Brian Tollefson. Staff Liaisons to the External Task Force include Janey McCaulley and Sara Niegowski, and the WSBA Board of Governors liaison is Governor Hunter Abell.

The Internal Task Force is being led by Shanthi Raghu, Education Programs Manager, Paris Eriksen, Member Services and Engagement Manager, and Diana Singleton, Equity and Justice Manager. The other members of the internal task force include: Paige Hardy, Destinee Evers, Jeanne Marie Clavere, Devorah Signer-Hill, Julianne Unite, Rex Nolte, Colin Rigley, Noel Brady, Thea Jennings, Bobby Henry, Dan Crystal, and Sue Strachan.

The External Task Force has met three times. The External Task Force has issued advice to the WSBA Office of the President about whether WSBA should offer official guidance to the members about essential legal services in Governor Inslee's Stay Home, Stay Healthy Order. The External Task Force recommended that WSBA not provide official guidance (see attached memo to the office of the President).

The External Task Force also identified a list of many topics affecting the membership and public and transmitted them to the Internal Task Force to implement programs and provide resources to assist WSBA members and the public (see attached list of topics developed identified by the External Task Force).

The External Task Force also asked the Internal Task Force to convene a workgroup of practicing trust, estate, and probate attorneys to advise and provide guidance on the witnessing of wills, which under the current Revised Code of Washington (RCW) must be done in person. This is an issue of broad concern to the membership. The workgroup will meet April 10, 2020 to discuss the issue and will report to the External Task Force with their advice at a meeting on April 16, 2020.

The External Task Force also decided to provide advice to President Majumdar about member concerns around inconsistency of application of the WA Supreme Court order to suspend and continue civil and criminal matters. In our discussion we talked about the fact that different courts in the various counties are doing things differently and even from judge to judge this is occurring.

Jeanne Marie, Brian, Jordan and Kari agreed to work together to type up a draft of the advice to be circulated around to the full task force for review and comment before we send it to President Majumdar.

The External Task Force provided a list of topics affecting WSBA members and the public to the Internal Task Force who has been working diligently to deliver these resources and programs:

1. Six on-demand CLE-accredited seminars on topics relevant to the COVID19 pandemic have been made available to all members through May, 2020. An email promoting the free seminars went out to all members on April 9, 2020.
2. Several CLE-accredited live webinars focused on best practices in running a legal practice during the Coronavirus pandemic are being prepared and will be scheduled for delivery over the next several weeks and will also be provided as an on-demand CLE through May, 2020.
3. Several BLOG posts on challenges members are facing during the Coronavirus pandemic including challenges with working remotely and self-care during a time of crisis have been posted to the WSBA website.
4. Participated in creating a resource on the WSBA website for small firms around the CARE Act and how to apply for SBA Paycheck Protection Program grants and loans.
5. Collected resources and information about public service programs aimed at helping the public during the Coronavirus pandemic. Resources are on our COVID-19 Resource page of the WSBA website.

A report on the work of the Internal Task Force is attached. The External and Internal task force continue to work collaboratively to provide timely and relevant support to WSBA members and the public during the COVID-19 pandemic crisis.

Respectfully Submitted,

WSBA Coronavirus Response Task Force

Kevin Plachy, Chair

Michael Cherry, Deputy Chair

Attachments:

1. Memo to Office of the President on Essential Legal Services
2. List of Topics Provided to the Internal Task Force
3. Report on the Work of the Internal Task Force

**WASHINGTON STATE**  
**BAR ASSOCIATION**

**TO:** WSBA Office of the President

**FROM:** WSBA Coronavirus Response Task Force  
Kevin Plachy, Chair  
Michael Cherry, Deputy Chair

**DATE:** April 7, 2020

**RE:** Advice on “Essential Legal Services” in Governor Inslee’s Stay Home, Stay Healthy Order

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The WSBA Coronavirus Response Task Force held our second meeting on April 3, 2020. Task Force members present for the discussion included: Kevin Plachy, Chair; Michael Cherry, Deputy Chair; Emily Albrecht, Jeanne Marie Clavere, Jordan Couch, Destinee Evers, , Carla Higginson, , Devorah Signer Hill, Debi Perluss, Kari Petrasek, Jennifer Slattery, Mir Tariq, , and Brian Tollefson. Staff Liaisons Janey McCaulley and Sara Niegowski were also present as was WSBA Governor Hunter Abell, WSBA Board of Governors liaison to the task force

The purpose of our meeting was to determine how the task force should advise the WSBA Office of the President on the following matter:

1. Should WSBA members be provided official guidance from WSBA on the matter of essential legal services under Governor Inslee’s Stay Home, Stay Healthy order?

After 50 minutes of discussion, the ten members voting on the matter unanimously decided that the task force should advise the WSBA Office of the President that WSBA should not provide official guidance to the membership on the matter of essential legal services in Governor Inslee’s Stay Home, Stay Healthy order.

The task force then discussed other options that WSBA could consider in lieu of offering official guidance. To be clear, none of these options came to an official vote, but were only discussed as possible alternatives to consider. Those options include:

- 1) WSBA could provide resources and education on best practices for working during the pandemic epidemic and the bar could provide links to Governor Inslee’s Office and other Washington State Agencies and to any official system created by the Executive Branch which will provide clarification of Governor Inslee’s Orders for members of the bar.

- 2) WSBA could reach out to Governor Inslee’s Office and the Supreme Court to ask for guidance regarding Proclamation 20-25. There was a suggestion made in the discussion that if such action was taken it would be best for WSBA to provide Governor Inslee’s office or Supreme Court with WSBA’s interpretation of the matter and ask for “confirmation” rather than asking for open-ended advice.
- 3) WSBA could explore the possibility of providing a message to the members saying WSBA would not pursue WSBA sanctioned disciplinary action against them if any member of the public, another attorney, or a government actor with police power while Governor Inslee’s order is in effect, for violating the social distancing orders because they made a good faith determination that their practice or the legal matter they were asked to address was essential.

The task force also took up the issue of witnessing of wills. There have been multiple requests coming in from the membership to address the fact that under the Revised Code of Washington wills must still be witnessed by two people in person in order to be considered by a court to be valid and enforceable.

The task force reached consensus that the WSBA internal task force should convene leaders from the RPPT, Elder Law, and Solo Small Practice sections, along with the WSBA Legislative Affairs Manager, to determine the best way to approach the legislature and executive branch to request the most speedy provision to allow such witnessing of wills to be done remotely.

The task force appreciates the opportunity to provide this guidance and would be happy to answer any questions concerning it.

Respectfully Submitted

WSBA Coronavirus Response Task Force

Kevin Plachy, Chair

Michael Cherry, Deputy Chair

**Outline of topics for consideration by the Ad Hoc WSBA COVID-19 Response Task Force**

- I. Members
  - a. Common Matters and Practice Management
    - i. Meeting with clients in a world of social distancing
    - ii. Working remotely
      1. Best practices (productivity)
      2. Best practices (security and privacy)
      3. Insurance Issues SSP Round Table
      - 4.
    - iii. Keeping your business afloat
      1. Small business loans
      2. Ethical staff reductions
        - a. Cutting pay versus layoffs
        - b. Deferring pay
      3. Family Medical Leave Act and other regulations
        - a. Exemptions for small law firms? (exemption changes from “more than 50” to “fewer than 500” – exceptions can be granted by US Sec of Labor)
        - b. Federal Stimulus Package – CARE Act/SBA loans and grants
    - iv. Licensing
      1. Should inactive/retired members be allowed to practice (pro-bono or otherwise) to assist during crisis?
  - b. Criminal Law Matters
    - i. Interfacing with opposing counsel (prosecutors and defense counsel)
    - ii. Filing documents and motions with the court
    - iii. Schedules and deadlines
  - c. Civil Matters
    - i. Interfacing with opposing counsel (other attorneys and pro se)
    - ii. Filing documents and motions with the court
    - iii. Schedules and deadlines
      1. Missed deadlines
    - iv. Electronic signatures and notarization/Remote witnessing of wills (AL Governor issued proclamation allowing for remote notaries and witnessing)
    - v. Insurance Issues associated with remote notary/Work through ALPS
    - vi. Somewhat obscure legal matters of new import
      1. Force Majeure - CLE Topic
      2. Insurance denials (business interruption insurance policy under a government forced shutdown) - excludes bacteria and viruses - can insurance companies deny the claim? Provide help with this. CLE Topic
      3. Employment matters - CLE Topics
      4. Family Law issues – parenting plan orders requiring visits w/out consideration of social distancing/considered essential under Governor’s order? No electronic filing in Whatcom County. Clarity on emergency motions. Counties without electronic filing procedures.
      5. Perhaps WSBA could work with WA Supreme Court to coordinate local courts - **Bar could be a clearinghouse for information.** Logistics for putting forward a motion. Communicate it on the website.



6. NW Justice Project is following local courts and monitoring compliance with orders - Could the Bar circulate areas that need clarification to Supreme Court?

d. General Court Matters

- i. Should WSBA be a clearinghouse for government orders and edicts?
  1. Who is essential?
  2. Proving you are essential (Governor has issued order stating real estate transactions are essential).
  3. Process servers essential?
- ii. Should WSBA be a clearinghouse for court closures, amended rules?
- iii. Should WSBA be a clearinghouse for other notices?
  1. Unavailability of UWMed doctors for court hearings, etc.
- iv. Hierarchy of orders in pandemic (Are their contradictions in the orders)
  1. Governor
  2. Supreme Court
  3. Superior Courts
  4. Municipal Courts
  5. Federal Courts (In WA)
  6. Federal Courts (other Jurisdictions) Idaho courts banned King County lawyers appearing in person
- v. How do we orderly restart the court system again?
  1. Admittedly, the shutdown or hold was unplanned, so how do we plan for an eventual restart

II. Public

- a. What information can the bar be supplying to the public about legal services under Covid-19 scenarios.
  - i. How to manage visitation of children in divorce cases?
  - ii. How do I get an emergency will or medical directives in place?
  - iii. How do I get rights to visit family member being treated?/End of life visitations?
  - iv. Family law evictions pursuant to restraining orders (suggestion to suspend them except for cases of DV)
- b. What do we do about students and members of the public who have applied to write the summer bar exam?

**Summary**

Firstly, the Work Group met on March 30, April 3 & April 7. In addition to the status report below, the Work Group recommends a general WSBA inbox for COVID-19/External Task Force inquiries. We suggest setting up the inbox to include an auto reply explaining that a reply is forthcoming but in the meantime, visit the WSBA COVID-19 resource page and the Task Force webpage

**Highlights**

- The **WSBA Store** will showcase a series of free (previously recorded) on-demand seminars curated by WSBA CLE to support members during this pandemic. The list of free (through May 31) seminars is as follows:
  - *Communicating with Your Audience: Better Presentations and Better Online Marketing* (3.00 credits)
  - *Communication Breakdown – It’s Always the Same (But It’s Avoidable)* (1.50 credits)
  - *Ethical Issues Attendant to a Virtual Law Office* (1.00 Credit)
  - *Master Your Stress – Practical Tips to Reduce Stress in Business and Life* (Legal Lunchbox – 1.50 Credits)
  - *Practice Tips for Stress Management* (1.00 Credit)
  - *Using Technology to Nurture Client Relationships* (1.00 Credit)
  
- We plan to **promote** the work being done by the Communities Rise Organization in partnership with Orrick Law Firm as they prepare to host a remote legal clinic on advising small businesses and nonprofits
  
- The Work Group will robustly leverage **existing communication channels** in an orchestrated manner to organize, disseminate and promote information & resources to members and the public. These channels include, but are not limited to: list serves\*, WSBA CLE eblasts, blog posts, social media, staff email signatures, and reorganizing the webpages to improve navigation.

**Items for the Task Force to Consider:**

The below report will contain items identified as ‘Considerations,’ especially the possibility of requesting the Court consider Orders to address the demand for legal services (temporary change to Active status) and/or allowing for pro bono work to be done outside of a QLSP. Questions around whether the July Bar Exam will occur are also concerns.

**Meetings:**

The Work Group plans to meet 1-2 times per week on an ongoing basis.  
 Next Meeting: Friday, April 10

<b>Status Report dated April 8, 2020</b>			
<i>(in alignment with outlined recommendations from external Task Force)</i>			
<b>MEMBERS</b>			
<b>Common Matters and Practice Management</b>			
<b>Meeting with clients in a world of social distancing</b>			
Working Remotely Best Practices, Productivity	In the Works:	Blog Article: Ethics & Professional Responsibility.	Jeanne Marie Clavere (OGC) Colin Rigley (COMM)

COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

	In the Works:	Blog Article: tech aspects for remote working tools.	Destinee Evers (ADV) Colin Rigley (COMM)
	Published:	How is Working From Home Working for You.	Dan Crystal (HR) Colin Rigley (COMM)
	Ideation:	CLE/Non-CLE: Productivity while working from home, expert advice	Colin Rigley (COMM)
	Done/ Promote:	WSBA CLE – Free on-demand sessions- <i>(existing content on wellness, stress management, managing a remote and virtual practice, ethics, general practice management and professional development topics )</i>	Shanthi Raghu (ADV) Devorah Signer-Hill (ADV)
	In the Works:	WSBA CLE Webinar Series: legal practice during COVID-19	Shanthi Raghu (ADV) Devorah Signer-Hill (ADV)
	In the Works:	Blog Article: Dispute Resolution while working remotely	Colin Rigley (COMM)
	Promote:	Webinar from Legal Foundation of Washington: Remote Legal Services in Washington (geared for legal aid attorneys)	Diana Singleton (ADV) Noel Brady (COMM)
Best Practices, Security & Privacy	In the Works: <i>high priority</i>	Blog Article: Security Considerations while Video Conferencing. <i>Drafting complete. Review process underway.</i>	Destinee Evers (ADV) Colin Rigley (COMM)
Insurance Issues: SSP Roundtable. Need Clarity	In the Works:	Blog Article – economic impact.	Colin Rigley (COMM) Ann Guinn (SSP)
	In the Works:	Reach out to Solo & Small Practice.	Paris Eriksen (ADV)
<b>Keeping Your Business Afloat (for members and for the public)</b>			
	Consideration:	Address Business Concerns of Various Sized Firms & Non Profits	
Small Business Loans	Promoted:	Payment Protection Program web, leaders list serve	Noel Brady (COMM) Paris Eriksen (ADV)
	In the Works:	Auditors FAQ about trust accounts	Thea Jennings (ODC)
	In the Works:	Working with Communities Rise to create short videos about federal benefits (CARE and Payment Protection) geared for the public.	Diana Singleton (ADV)
	Promote:	Federal and State funding opportunities on website. Need to re-organize.	Diana Singleton (ADV) COMM
	Promote:	Pro Bono pipeline for business lawyers giving legal advice for small business owners and nonprofits on federal benefits. Coordinated by Communities Rise in partnership with private law firm and Lawyers for GoodGovernment.org	Diana Singleton (ADV)
	Ideation:	Resources for members who are also small business owners	Diana Singleton (ADV) Destinee Evers (ADV)

COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

	Ideation:	WSBA CLE on small business loans opportunities	Shanthi Raghu (ADV) Devorah Signer-Hill (ADV)
<b>Ethical Staff Reductions</b>			
	In the Works:	Links on web	Jeanne Marie Clavere (OGC)
Cutting Pay vs. layoffs			
Employee Deferring Pay	Promoted:	Student loan deferment. Link on web & in New Member News e-newsletter.	Noel Brady (COMM) Julianne Unite (ADV)
<b>Family Medical Leave Act and Other Regulations</b>			
Exemptions for Small Law Firms			
Federal Stimulus Package	Promoted:	CARE Act	Noel Brady (COMM)
<b>Licensing</b>			
	Promoted:	Pre-Suspension License Fee Deadline extended to June 30 per Court Order. On web and eblast.	Bobby Henry (RSD) Amy Christensen (RSD)
	Consideration:	MCLE deadline extension. Need Court Order.	Bobby Henry (RSD)
	Consideration:	MCLE credit forgiveness. Need Court Order.	Bobby Henry (RSD)
	Consideration:	Broadening requirements to allow for pro bono work outside of a QLSP. Need Court Order. Rule 9 interns?	Potential Partner(s): Access to Justice Board Bobby Henry (RSD) Diana Singleton (ADV) Paige Hardy (ADV)
Should Inactive/Emeritus members be allowed to practice doing pro bono?	Ideation:	Could allow Emeritus/Inactive members back on temporary Active status to do pro bono work. Need Court Order.	Bobby Henry (RSD)
<b>Criminal Law Matters</b>			
	Consideration:	Main concern of public defenders is confidential access to clients, especially those incarcerated and those who don't speak English.	Potential Partner(s): Council on Public Defense
Interfacing with opposing counsel (prosecutors and defense counsel)	Ideation/ Need More Clarity:	Information Clearinghouse on Web	
Filing documents and motions with the court		Information Clearinghouse on Web	Noel Brady (COMM) Sue Strachan (COMM)

COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

Schedules and deadlines		County by county information differs. Perhaps again best role for WSBA would be to be an information clearinghouse?	
<b>Civil Matters</b>			
Interfacing with opposing counsel (other attorneys and pro se)	Ideation	See Criminal Law matters – maybe role for WSBA to be a clearinghouse of information?	
Filing documents and motions with the court		See above.	
Schedules and deadlines/missed deadlines		See above.	
Electronic signatures and notarization/Remote witnessing of wills	In the Works:	Engage reps from Elder Law, RPPT and Solo & Small Practice Section to discuss approach WSBA could take to engage with the executive branch or legislature to possibly (temporarily?) lift the requirement that in order to have a legally valid will there must be two witnesses signing in the presence of the testator.	Sanjay Walvekar (COMM) Jeanne Marie Clavere (OGC)
Force Majeure - CLE Topic	Ideation:	For WSBA CLE COVID 19 Free Webinar Series	Devorah Signer Hill (ADV) Shanthi Raghu (ADV)
Insurance denials (business interruption insurance policy under a government forced shutdown) - excludes bacteria and viruses - can insurance companies deny the claim?	Need More Clarity:	How can the WSBA/members help? Priority?	Possible Partner(s): Dept. of Commerce
CLE Topic Employment matters	In the works:	In collaboration with the Unemployment Law Project as part of the WSBA CLE Webinar Series	Devorah Signer Hill (ADV) Shanthi Raghu (ADV)
Family Law issues – parenting plan orders requiring visits w/out consideration of social distancing/considered essential under Governor’s order?			
WSBA could work with WA Supreme			

COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

Court to coordinate local courts			
NW Justice Project is following local courts and monitoring compliance with orders - Could the Bar circulate areas that need clarification to Supreme Court?			

Outline of topics for consideration by the Ad Hoc WSBA COVID-19 Response Task Force

- I. Members
  - a. Common Matters and Practice Management
    - i. Meeting with clients in a world of social distancing
    - ii. Working remotely
      - 1. Best practices (productivity)

## COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

2. Best practices (security and privacy)
3. Insurance Issues SSP Round Table
- iii. Keeping your business afloat
  1. Small business loans
  2. Ethical staff reductions
    - a. Cutting pay versus layoffs
    - b. Employee Deferring pay
  3. Family Medical Leave Act and other regulations
    - a. Exemptions for small law firms? (exemption changes from "more than 50" to "fewer than 500" – exceptions can be granted by US Sec of Labor)
    - b. Federal Stimulus Package – CARE Act/SBA loans and grants
- iv. Licensing
  1. Should inactive/retired members be allowed to practice (pro-bono or otherwise) to assist during crisis?
- b. Criminal Law Matters
  - i. Interfacing with opposing counsel (prosecutors and defense counsel)
  - ii. Filing documents and motions with the court
  - iii. Schedules and deadlines
- c. Civil Matters
  - i. Interfacing with opposing counsel (other attorneys and pro se)
  - ii. Filing documents and motions with the court
  - iii. Schedules and deadlines
    1. Missed deadlines
- iv. Electronic signatures and notarization/Remote witnessing of wills (AL Governor issued proclamation allowing for remote notaries and witnessing)
- v. Insurance Issues associated with remote notary/Work through ALPS
- vi. Somewhat obscure legal matters of new import
  1. Force Majeure - CLE Topic
  2. Insurance denials (business interruption insurance policy under a government forced shutdown) - excludes bacteria and viruses - can insurance companies deny the claim? Provide help with this. CLE Topic
  3. Employment matters - CLE Topics
  4. Family Law issues – parenting plan orders requiring visits w/out consideration of social distancing/considered essential under Governor's order? No electronic filing in Whatcom County. Clarity on emergency motions. Counties without electronic filing procedures.
  5. Perhaps WSBA could work with WA Supreme Court to coordinate local courts - **Bar could be a clearinghouse for information.** Logistics for putting forward a motion. Communicate it on the website.
  6. NW Justice Project is following local courts and monitoring compliance with orders - Could the Bar circulate areas that need clarification to Supreme Court?
- d. General Court Matters
  - i. Should WSBA be a clearinghouse for government orders and edicts?
    1. Who is essential?

## COVID-19 Internal Work Group - Status Report

Dated: April 8, 2020

2. Proving you are essential (Governor has issued order stating real estate transactions are essential).
  3. Process servers essential?
  - ii. Should WSBA be a clearinghouse for court closures, amended rules?
  - iii. Should WSBA be a clearinghouse for other notices?
    1. Unavailability of UWMed doctors for court hearings, etc.
  - iv. Hierarchy of orders in pandemic (Are their contradictions in the orders)
    1. Governor
    2. Supreme Court
    3. Superior Courts
    4. Municipal Courts
    5. Federal Courts (In WA)
    6. Federal Courts (other Jurisdictions) Idaho courts banned King County lawyers appearing in person
  - v. How do we orderly restart the court system again?
    1. Admittedly, the shutdown or hold was unplanned, so how do we plan for an eventual restart
- II. Public
- a. What information can the bar be supplying to the public about legal services under Covid-19 scenarios.
    - i. How to manage visitation of children in divorce cases?
    - ii. How do I get an emergency will or medical directives in place?
    - iii. How do I get rights to visit family member being treated?/End of life visitations?
    - iv. Family law evictions pursuant to restraining orders (suggestion to suspend them except for cases of DV)
  - b. What do we do about students and members of the public who have applied to write the summer bar exam?

**TO:** WSBA Board of Governors  
**FROM:** Rajeev Majumdar, President  
**DATE:** April 10, 2020  
**RE:** Required Process to Ratify Emergency Bylaw Amendment Authorizing President to Temporarily Take Actions Necessary To Allow WSBA To Respond To The COVID-19 Emergency

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**ACTION:** First Read-Emergency Bylaw Article XVII Approved March 30, 2020 (no vote will be taken on this item)

WSBA Bylaw Article XVI.C allows the Board, by a two-thirds vote, to amend the bylaws on an emergency basis. Following this procedure, the Board adopted Article XVII on March 30, 2020. Emergency bylaw amendments are only effective until notice is given and the Board follows the normal bylaw amendment process. This is the required “first reading” for Bylaw Article XVII

#### **Emergency Bylaw Amendment Procedure**

On March 30, 2020, the Board approved, by a two-thirds vote, the attached Bylaw Article XVII. This amendment is now presented for first reading as required by Bylaw Articles XVI.B and C. The Board will not vote on this amendment during this meeting. The Emergency Bylaw is only effective through April 24, 2020. Even with this time limitation, this emergency bylaw is only effective “until notice is given and a vote taken pursuant to the procedures set forth above.” (Article XVI.C) The procedures set forth above, refer to the normal bylaw amendment process: notice to members on the WSBA website, a first read, followed by a vote during a second Board meeting. (Article XVI.B)

#### **Emergency Bylaw Article XVII**

The emergency amendment provides the President with discretion to temporarily modify dates, communication procedures and other requirements in the bylaws and Board approved policies, to allow WSBA to continue to provide essential services during the COVID-19 emergency.

Paragraph A provides the President with discretion to adjust dates, deadlines, or communication procedures in the current Board approved Admissions Policy. This is necessary, for example, to allow applicants to communicate with WSBA electronically instead of by mail. This is also necessary to allow WSBA to adjust the bar exam application dates, if the date of the bar exam changes.

Paragraph B provides the President authority to temporarily substitute electronic processes and documents for in-person or paper documents and processes when currently required by the bylaws. This is necessary, for example to permit the Election Board to be present electronically during counting of governor election ballots.

Paragraph C authorizes the President to substitute remote attendance when in person attendance is required in the bylaws. This is necessary, for example, to make certain that Governors and Officers' remote attendance at Board meetings satisfies the bylaw requirements.

Paragraph D states that the provisions of the amendment are rescinded on April 24, 2020.

Attachments:

1. Emergency Bylaw Amendment Approved March 30, 2020
2. Memo Re: Proposed Emergency Bylaw Amendment Authorizing President to Temporarily Take Actions Necessary to Allow WSBA to Respond to the COVID-19 Emergency (March 27, 2020)
3. Emergency Bylaw Amendment Proposed March 30, 2020

**XVII. EMERGENCY BYLAW AMENDMENT  
PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY**

- A. During the COVID-19 emergency, the WSBA President is granted discretion to reasonably modify, extend, or make exceptions to the dates, deadlines, or communication procedures in the current Admissions Policies, and exam administration guidelines and policies, when necessary to comply with court, state, health department, or other authorized Coronavirus responses, on the condition that all actions must comply with court rules, court orders, and with the NCBE's requirements for secure administration of the bar exam.
  
- B. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute electronic documents and processes for in-person or paper documents and processes outlined in the WSBA Bylaws. This specifically includes the authority to conduct elections electronically and permit the Election Board to be present electronically during the counting of any paper ballots received.
  
- C. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute remote attendance at meetings when in person attendance is outlined in the WSBA Bylaws. This specifically include the authority to authorized Governors and Officers to attend Board meetings remotely.
  
- D. Provisions of this amendment shall be rescinded on April 24, 2020.

# WASHINGTON STATE BAR ASSOCIATION

**TO:** WSBA Board of Governors  
**FROM:** Rajeev Majumdar, President  
**DATE:** March 27, 2020  
**RE:** Proposed Emergency Bylaw Amendment Authorizing President to temporarily take actions necessary to allow WSBA to respond to the COVID-19 emergency

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**ACTION:** Approve Emergency Bylaw Amendment. This action requires a 2/3 vote.

I ask that the Board consider approving the attached emergency Bylaw amendment providing the President with discretion to make certain exceptions to current Bylaws and Board Policies allowing WSBA to respond appropriately to the COVID-19 health emergency.

## Emergency Bylaw Amendment Procedure

For good cause shown and in exceptional circumstances, the Board may amend the bylaws on an emergency basis, without the prior notice required in normal circumstances. Approval of an emergency amendment requires a two-thirds affirmative vote of the Board. Emergency amendments are effective only until the Board follows the normal amendment process.

On February 29, 2020, Governor Inslee proclaimed a state of emergency in Washington due to the novel coronavirus disease (COVID-19). On March 13, 2020, President Trump declared a national emergency due to COVID-19. On March 19, 2020, The Supreme Court of Washington issued an order providing a statewide response by Washington State courts to the COVID-19 emergency. On March 23, 2020, Governor Inslee issue a Stay Home-Stay Safe Proclamation imposing strict social distancing requirements and closing non-essential businesses. These orders establish the good cause and exceptional circumstances necessary to authorize the Board to amend the bylaws on an emergency basis.

## Proposed Bylaw Amendments

The proposed amendment provides the President with discretion to temporarily modify dates, communication procedures and other requirements in the bylaws and Board approved policies. These modifications are intended to be effective only during the COVID-19 emergency, and to allow the WSBA to carry out its normal work with reasonable deviations to accommodate the members and the public's restrictions.

- A. Paragraph A provides the President with discretion to adjust dates, deadlines, or communication procedures in our current Admissions Policy, which was approved by the Board. This is necessary, for example, to allow applicants to communicate with WSBA electronically instead of by mail. This is also necessary to allow WSBA to adjust the bar exam application dates if the date of the bar exam changes.
  
- B. Paragraph B provides the President authority to temporarily substitute electronic processes and documents for in-person or paper documents and processes when currently required by the bylaws. This is necessary, for example to permit the Election Board to be present electronically during counting of governor election ballots.
  
- C. Paragraph C authorizes the President to substitute remote attendance when in person attendance is required in the bylaws. This is necessary, for example, to make certain that Governors and Officers' remote attendance at Board meetings satisfies the bylaw requirements.

In Service,



Rajeev D. Majumdar,  
WSBA President  
(206) 214-5177

**XVII. EMERGENCY BYLAW AMENDMENT  
PRESIDENTIAL AUTHORITY DURING COVID-19 EMERGENCY**

- A. During the COVID-19 emergency, the WSBA President is granted discretion to reasonably modify, extend, or make exceptions to the dates, deadlines, or communication procedures in the current Admissions Policies, and exam administration guidelines and policies, when necessary to comply with court, state, health department, or other authorized Coronavirus responses, on the condition that all actions must comply with court rules, court orders, and with the NCBE's requirements for secure administration of the bar exam.
  
- B. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute electronic documents and processes for in-person or paper documents and processes outlined in the WSBA Bylaws. This specifically includes the authority to conduct elections electronically and permit the Election Board to be present electronically during the counting of any paper ballots received.
  
- C. During the COVID-19 emergency, the WSBA President is granted limited authority to temporarily substitute remote attendance at meetings when in person attendance is outlined in the WSBA Bylaws. This specifically include the authority to authorized Governors and Officers to attend Board meetings remotely.

**TO:** WSBA Board of Governors  
**FROM:** Jean McElroy, Chief Regulatory Counsel  
**DATE:** April 8, 2020  
**RE:** July 2020 Bar and Licensing Exams Administration – Information and Discussion

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**Information and Discussion:** Information about plans and options for the July 2020 Bar exam and relevant admissions and licensing rules is presented for the Board’s review and discussion.

## **BACKGROUND**

Washington administers the Uniform Bar Exam (UBE) as its licensing examination for admission into the practice of law as a lawyer. Due to the security and administration requirements for using parts of the UBE (specifically the multiple choice Multistate Bar Exam (MBE)), the UBE must be administered on dates set by the National Conference of Bar Examiners (NCBE), as close to simultaneously as possible at all Bar exam sites. Normally, the UBE is administered at the same times every year – with the MBE held on the last Wednesday of February and the last Wednesday of July, and the essay and performance portions of the exam generally administered the Tuesdays before.

As is abundantly obvious, the novel coronavirus pandemic has disrupted “business (or school, or testing) as usual”. Strict social distancing requirements and “stay at home” orders currently are in place in many states, including Washington. The novel coronavirus, and the restrictions and requirements in place in order to flatten the curve of the spread of infection, are taking a toll on most people in the United States today. People are experiencing difficulties in completing the activities of their day-to-day lives, and experiencing significant stress and anxiety from the situation that compounds their usual stresses and anxieties. There is no question that this is true for law school students and potential Bar exam applicants in Washington, as well.

For most people, many day-to-day activities have moved online and are continuing: businesses are conducting their work using remote working technology, schools are continuing instruction remotely, etc. During this time, the WSBA has moved almost all of its processes online and its employees are working almost exclusively remotely. WSBA admissions staff has continued to review and process results from previous exams, and applications for upcoming exams and licensing, and applicants are getting admitted and licensed to practice law. In addition, colleges and graduate schools, including Washington’s three law schools, have moved to online instruction, and classes are continuing. Law clerks are continuing their instruction with their tutors. Bar prep courses continue to be offered online.

Law students who are planning to take the bar exam in Washington this coming July and Washington legal community members are circulating a petition containing suggestions for alternatives that could be adopted if the July Bar exam cannot proceed as scheduled. We have invited members of a collective from this group to present to the Board of Governors at its April meeting.

## REVIEW OF RELEVANT RULES

### ***Bar Examination Requirement:***

The Washington Admission and Practice Rules (APR) address, among other things, the requirements for getting admitted and licensed to practice law in Washington. APR 3, 4, and 5 all contain provisions either specifically identifying the need for applicants to take a Bar examinations and achieve a specific Uniform Bar Exam score, or otherwise implying that need. The rules, however, do not address when the WSBA needs to administer the exams.

The rules also provide that graduates may transfer qualifying scores from another jurisdiction's administration of the UBE, for use in obtaining licensing in Washington; similarly, graduates may use their qualifying Washington UBE score to seek admission in another UBE jurisdiction.

### ***Limited Licensing After Completion of Law School and Before Passage of Bar Exam:***

APR 9 Licensed Legal Intern license: APR 9 currently provides for the limited practice of law under the supervision of an Active lawyer, and can be issued to students at law schools and in the APR 6 Law Clerk program, but in addition (and most relevant here) it can be issued to **“graduates of approved law schools who have not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.”** APR 9(b)(3), emphasis added; approved schools are ABA accredited law schools only. APR 9 identifies the qualifications to be a supervising attorney (APR 9(c)) and the obligations of the supervising attorney (APR 9(f)), and identifies the scope of practice permitted to Rule 9 interns (APR 9(e)). A Rule 9 Licensed Legal Intern may have up to two supervising attorneys at any given time (in recognition of the fact that some of the work may be part-time). APR 9(d)(9). Supervising attorneys may supervise up to one, four, or ten Rule 9 Licensed Legal Interns at a time, depending on the situation in which the attorney is working. APR 9(f)(6). The term of the Rule 9 license is identified in APR 9(h), which provides that such a license **“shall be valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 program.”** (APR 9(h)).

In response to the impact of coronavirus, the Board of Governors could propose that the Court make temporary changes to this license type, for example:

- Clarify that law clerks who have completed the APR 6 Law Clerk program continue to be qualified for a Rule 9 license
- Increase the number of Rule 9 Licensed Legal Interns that can be supervised by a lawyer
- Permit extensions of the overall 30 month limitation, or the 18 months after graduation limitation

### ***Limited Licensing for Lawyers Providing Services to People Identified As Indigent:***

APR 8(c) provides eligibility for a license to practice in Washington of a “member in good standing of the bar of another state or territory of the United States or of the District of Columbia, who is eligible to apply for admission as a lawyer under APR 3 in this state, while rendering service in either a bar association or governmentally sponsored legal services organization or in a public defender’s office or similar program providing legal services to

indigents and only in that capacity”. While this license does require the holder to be licensed in another state, and so would not apply to recent graduates not licensed in another state, this rule is often used by recent graduates who are licensed in another state, and who have been offered qualifying positions in Washington. It requires that they seek admission and licensing while practicing under this license, and this license does not permit practice for more than one year under this license.

## **JULY 2020 EXAM ADMINISTRATION**

The July Bar examination is the larger of the two bar examinations administered in Washington; currently the usual number of applicants actually sitting for a July bar exam is around 600. Washington’s July 2020 exam is currently scheduled to be administered in the Greater Tacoma Convention Center (GTCC) on July 28 and 29, 2020 (additional dates immediately after July 29 may be applicable for those applicants requiring a special accommodation of extended time).

The WSBA has reserved the GTCC spaces required for the July 2020 exam dates. We are in communication with GTCC staff about planning for the possibility of needing additional spacing between seated applicants during the exam, and also about ideas for distributing applicant flow between areas, in order to maintain social distancing if necessary. As the situation stands now, GTCC is prepared to go forward with the July administration of the exam if it is possible.

At this time, it is not possible to know whether there will be any “social distancing” or “stay at home” orders in effect at the end of July.

If additional spacing between applicants is required by the time of the exam in July, it appears to be available in the GTCC. For a prior exam, we were able to seat 800 applicants in the main exam room, with a maximum of two applicants per eight foot table; we have confirmed that the maximum seating capacity in that standard exam arrangement is 1008 people. Therefore, it appears that there is sufficient space available in the main room to meet almost any requirements that might be in place in July to allow for required social distancing among the expected 600 applicants; this main room also can be divided into two smaller rooms, so not all examinees would be in the same room. In addition, the GTCC has confirmed that they might have additional spaces available for our use, if necessary, and WSBA staff is also discussing with GTCC staff other methods that could be used to maintain any required social distancing standards. Further, we provide smaller testing rooms at the Convention Center site (and individual rooms at a nearby hotel) for some applicants requiring special accommodations or are members of vulnerable populations; we would not expect these to be affected by any social distancing requirements, but if they are, we should be able to add additional nearby small rooms relatively easily. Finally, we are consulting with other venues located in the immediate vicinity to determine whether there might be other options available for seating overflow applicants, if necessary because of distancing requirements.

At this point, it appears that two types of state-wide orders, and one other type of occurrence, could completely derail the July exam. The two types of orders would be: 1) an order maintaining or imposing new limitations on the number of people who can be in one place at a given time, and 2) a continued or new “stay at home” order. There currently is no way to know whether such orders will be in place by the end of July, but as described above, it appears that the end of July might be about the best time to avoid such orders.

The other type of occurrence would not be limited to Washington, but would cover all jurisdictions that use the UBE or (separately) the MBE: if the NCBE completely cancels the July exam. We can’t control this event either. As of the date of writing this memorandum, five states have publicly stated that they are rescheduling the July Bar exam to be administered on a date in the fall (one on September 9-10, one on September 30-October 1, and the others have not yet specified which of those two dates they will use for administration), and other states are still intending to administer an exam in July, but continuing to monitor the situation. The NCBE is supporting all of these approaches, and will make an exam available on all of those identified dates. As of the date of this memo, states would be required to choose one of the three sets of dates for exam administration, but this is still under review.

#### **OPTIONS TO BE CONSIDERED:**

##### ***Administer Exam in July:***

This option would:

- be consistent with existing exam timing and practices;
- be consistent with what it appears our neighboring states of Oregon and Idaho are currently planning;
- be available, because the NCBE currently is supporting offering an exam in July;
- permit administration to occur during a predicted “better” period for the novel coronavirus infection progress;
- not necessarily require any contracting changes (with the possible exception of adding more space); and
- not require any rule or policy changes or Administrative orders.

For matriculating law school students, people who are completing or previously have completed the APR 6 Law Clerk program, as well as for recent graduates who either didn’t graduate this year, or who graduated previously and did not pass a previous exam, and for qualifying LL.M. students, this option would:

- provide some degree of certainty, with dates they have been planning on for some time;
- be consistent with current application timing and procedures;
- be consistent with previous years’ administrations, thus providing some of the “usual” certainty for potential employers; and,
- allow applicants to seek regular employment as a fully licensed lawyer sooner than if the exam is required and delayed.

In addition, this option is consistent with requests contained in petitions currently being circulated by law students, which speak in terms of “if the July exam is not available”. See letter and petition, attached.

On the other hand, it is possible that a July administration will be rendered impossible, due to coronavirus restrictions and/or other issues.

***Administer Exam on One of the September Dates:***

- If administered on September 30-October 1, we have a hold on an exam facility, the same site as for the July exam (GTCC), which would not incur any cancellation or re-contracting costs.
- We are working with various venues regarding the September 9-10 dates, and believe we could make sufficient arrangements to administer the exam on those dates as well. This could involve at least some cancellation costs at the GTCC, plus re-contracting costs for other or additional sites.
- Provides some certainty to students, but there is still the possibility that the exam would not be administered at this time due to coronavirus restrictions.
- Delays completion of examination (and therefore potential licensing) for six to nine weeks.
- Delays could cause some employment issues for some applicants, but these issues most likely can be addressed by the APR 9 licensing described above.
- Delay could be problematic for students who are in the U.S. on student visas (some of the LL.M students who normally take the exam in Washington).

***Administer Exam in July and September:***

- This option may not be available, because of National Conference of Bar Examiners restriction on administration of the UBE.
- If it is available, it would allow applicants to choose between two administrations so they can benefit from the option that suits their needs the best.
- This is the most costly option for WSBA. We would need to maintain our current site contract, plus enter into a new site contract and arrange for additional proctors for the September dates, but WSBA will make this occur if it is available and is chosen as the best option.

***Cancel July Exam and Grant Diploma Privilege for This Year’s Law School Graduates Who Have Not Yet Failed a Bar Exam:***

- This option provides certainty to current JD students, allows them prompt licensing, and alleviates some of the stress arising from the coronavirus pandemic.
- It could help with in-state employment opportunities, but these might also be available through Rule 9 licensing.
- It would make more fully licensed lawyers available in this state on a more expedited basis.
- It raises the question as to whether applicants who have completed the APR 6 Law Clerk program should be eligible for this.
- This option presumably would not apply to LL.M applicants (foreign license + LL.M degree, or non-ABA JD + LL.M degree) and does not address their concerns. (These applicants usually fail the Bar exam at higher rates than ABA-Accredited Law School JD applicants.)

- Not currently permitted by the APR; would need a Court rule amendment or specific Court order permitting it.
- Only about one-third to one-half of Washington Bar exam applicants are graduates of a Washington law school; would this privilege apply to recent JD graduates from out of state schools also?
- This option omits recent graduates who have failed a previous exam, including those who took and didn't pass Washington's February 2020 exam. Is that equitable? Probably somewhere between 10-30% of the current students would not pass the Bar exam on their first try. Also, what would applicants who have failed a previous exam and want to take the July exam do to continue to try to be licensed in Washington?
- This option eliminates the UBE score transfer option for all, when this option might be extremely valuable to those graduates seeking employment out of state.
- Many states *require* passing a Bar exam for admission by motion/reciprocity, and these licensees likely would be omitted from eligibility for admission by motion in another state in the future, when they might need it for job opportunities.
- WSBA would incur expense of cancelling the July exam.

***Applicants Take the Bar Exam in July or September in Another Jurisdiction and Apply in Washington by UBE Score Transfer:***

- Washington permits applicants to apply for admission in Washington by UBE score transfer, either before or after they achieve a qualifying score from another jurisdiction's administration of the examination.
- Requires applicants to pay two application fees, but this requirement could be waived on a temporary basis.
- Other states are likely facing the same uncertainty and limitations as Washington.

***Hold a Regional Bar Exam in July or September with the Oregon State Bar, to be Administered in Portland, Either as the Sole Option for Washington Applicants, or in Conjunction with Holding an Exam in Washington on One of Those Dates:***

- The admissions staff in the Oregon State Bar have offered the possibility of holding a regional exam, and permitting applicants from Washington to take the exam there. Oregon has indicated that they have facilities available that could handle a larger group and/or more spacing between applicants than the facilities we have available in Washington.
- Applicants have to pay two application fees, unless Washington waives fee for UBE score transfer on a temporary basis to cover this administration only.
- Applicants have to travel to Portland to take the exam.
- Uncertainty in the event that the Oregon State Bar may also be forced to cancel their exam.

**PATH FORWARD**

At this time, unless we receive direction otherwise from the Washington Supreme Court, WSBA Admissions staff will be proceeding with the expectation that the Bar exam will be administered as usual in July, but will continue to monitor developments as they unfold. WSBA Admissions staff stands ready to achieve any required outcome.

**ATTACHMENTS:**

1. Letter regarding circulation of a petition.
2. Copy of petition being circulated.
3. Admission and Practice Rules 3-5, 9.
4. *The Bar Exam and the Covid-19 Pandemic: The Need for Immediate Action*; Claudia Angelos, Sara J. Berman, Mary Lu Bilek, Carol L. Chomsky, Andrea A. Curcio, Marsha Griggs, Joan W. Howarth, Eileen Kaufman, Deborah Jones Merritt, Patricia E. Salkin, Judith Welch Wegne; Ohio State College, Moritz School of Law, March 22, 2020 Legal Studies Working Paper.
5. *Bar Admissions During the COVID-19 Pandemic: Evaluating Options for the Class of 2020*; National Conference of Bar Examiners, April 9, 2020.
6. Resolution of the ABA Standing Committee on Bar Activities and Services Law Student Division

March 31st, 2020

Chief Justice Debra L. Stephens  
415 12<sup>th</sup> Ave. SW  
Olympia, WA 98501

CC:

Rajeev Majumdar  
Washington State Bar Association  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539

Dear Chief Justice Stephens,

This letter is a joint notice of intent to distribute a petition from April 1<sup>st</sup>, 2020, until April 8<sup>th</sup>, 2020, amongst:

- (1) the 2020 graduating class of Gonzaga University School of law;
- (2) the 2020 graduating class of the University of Washington School of Law;
- (3) the 2020 graduating class of Seattle University School; and
- (4) the larger legal community in Washington State.

This letter of intent is accompanied by a copy of the petition to be circulated. A printed copy of both this letter of intent, as well as the petition, will also be sent via the United States Postal service to the addressees above. After completion, the petition and its signatures will again be transmitted to the addressees above, and a printed copy will be sent via United States Postal Service to the same, no later than Friday, April 10<sup>th</sup>, 2020.

This letter of intent is not meant as an endorsement of the petition itself neither by the student governments who will circulate it, nor the administrations of the individual schools of law.

Respectfully,

Grace Maldonado '20  
Gonzaga University School of Law  
President, Student Bar Association

Emina Dacic '21  
University of Washington School of Law  
President, Student Bar Association

Efrain J. Hudnell '20  
Seattle University School of Law  
President, Student Bar Association

March 31st, 2020

Chief Justice Debra L. Stephens  
415 12<sup>th</sup> Ave. SW  
Olympia, WA 98501

CC:

Rajeev Majumdar  
Washington State Bar Association  
1325 Fourth Ave., Suite 600  
Seattle, WA 98101-2539

Dear Chief Justice Stephens:

We are a collective of law students who have recently graduated law school or will graduate in Spring 2020, as well as concerned members of the Washington legal community. In the event the July 2020 Bar Examination cannot be conducted as originally planned, we are urging the Supreme Court of Washington State to adapt to the current crisis by revising the state licensing system in Washington to ensure that the legal needs of our communities are met. Respectfully, we request the Court enact a diploma privilege scheme for all recent graduates registered to take the July 2020 Bar Exam who plan on practicing law in Washington.<sup>1</sup>

COVID-19 has changed the way we all navigate the world and will affect our lives for an indeterminable amount of time. Washington was the first state to have a confirmed outbreak and death in the United States,<sup>2</sup> and as such, our communities have been on the front lines of the evolving pandemic. Since late February 2020,<sup>3</sup> Governor Inslee has issued emergency proclamations closing school districts, restaurants, and bars across the state;<sup>4</sup> limited gatherings of

<sup>1</sup> This letter was modeled after the letter and petition submitted to the State Bar of California, *available at* <https://bit.ly/3boKAP0>. The California letter was authored by members of the Class of 2020. It should be noted that this call to action includes allowing admission for those individuals who have participated in the APR 6 Law Clerk program and would also be sitting for the July 2020 bar.

<sup>2</sup> Sydney Brownstone, Paige Cornwell, Mike Lindblom, & Elise Takahama, *King County patient is first in U.S. to die of COVID-19 as officials scramble to stem spread of novel coronavirus*, Seattle Times (Feb. 29, 2020), <https://www.seattletimes.com/seattle-news/health/one-king-county-patient-has-died-due-to-covid-19-infection/>; *see also Coronavirus daily news updates, March 30: What to know today about COVID-19 in the Seattle area, Washington state and the nation*, Seattle Times (Mar. 30, 2020), <https://www.seattletimes.com/seattle-news/health/coronavirus-daily-news-updates-march-30-what-to-know-today-about-covid-19-in-the-seattle-area-washington-state-and-the-nation/>.

<sup>3</sup> Wash. Proclamation No. 20-05 (Feb. 29, 2020), [https://www.governor.wa.gov/sites/default/files/20-05%20Coronavirus%20%28final%29.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.governor.wa.gov/sites/default/files/20-05%20Coronavirus%20%28final%29.pdf?utm_medium=email&utm_source=govdelivery).

<sup>4</sup> *Inslee issues emergency proclamation that limits large events to minimize public health risk during COVID-19*, Washington Governor Jay Inslee (Mar. 11, 2020), <https://www.governor.wa.gov/news-media/inslee-issues-emergency-proclamation-limits-large-events-minimize-public-health-risk/>; *Inslee announces statewide shutdown of restaurants, bars and expanded social gathering limits*, Washington Governor Jay Inslee (Mar. 16, 2020), <https://www.governor.wa.gov/news-media/inslee-announces-statewide-shutdown-restaurants-bars-and-expanded-social-gathering-limits>.

people;<sup>5</sup> and most recently, ordered all Washingtonians to remain at their place of residence.<sup>6</sup> As the State adapts to a new normal, so must law students. On March 6, Seattle University School of Law and University of Washington School of Law moved to online instruction, which was extended through the semester for Seattle University on March 13th and through the entire spring quarter for the University of Washington on March 18. Additionally, Gonzaga University School of Law was forced to take an extended spring break starting March 9th through the 20th, eventually transferring to online classes on March 23rd. We must acknowledge the disproportionate impact COVID-19 has had and will continue to have on certain populations of law students, including immunocompromised students, low-income students, students who have contracted the virus, and students with significant family obligations. Enactment of diploma privilege, or the automatic admission to the Bar, for recent graduates and the class of 2020 would ensure fairness and equity to all law students. The diploma privilege should include a mechanism that allows L.L.M. students and members of the APR 6 Law Clerk program to have similar access to diploma privilege. Upon successful completion of the L.L.M. degree or APR 6 Law Clerk program, these students are eligible to take the State Bar exam like J.D. students. More importantly, it will allow all of us—J.D. and L.L.M. graduates and APR 6 Law Clerks—to meet the needs of the clients we purport to serve.

Given the uncertainty and precariousness of the COVID-19 pandemic, state bar associations have realized the necessity of adapting the July 2020 bar examination. On March 27, 2020, the New York Court of Appeals announced that the state's July 2020 bar exam would be postponed to an undetermined date in Fall 2020.<sup>7</sup> The Connecticut Bar Examining Committee has also announced that its state's July 2020 bar exam would be postponed, but again with dates to be determined.<sup>8</sup> This unprecedented delay will harm clients, law school graduates, employers, and the state budget. It will reduce the availability of counsel, thereby harming those clients most in need of legal services, and the uncertainty of the examination date will complicate employers' hiring and employment decisions, leading to hiring freezes or rescinded offers. Law school graduates' careers will be halted, resulting in greater financial insecurity, increased unemployment, and reliance on state aid such as unemployment benefits if they qualify. Moreover, the delay will complicate logistics for the state bar due to the difficulty of choosing a “safe” date and the potential to reschedule multiple times. **Washington should not opt for this messy alternative.** Diploma privilege is feasible. Washington was one of seventeen states that allowed diploma privilege up

<sup>5</sup> *Inslee issues emergency proclamation that limits large events to minimize public health risk during COVID-19*, Washington Governor Jay Inslee (Mar. 11, 2020), <https://www.governor.wa.gov/news-media/inslee-issues-emergency-proclamation-limits-large-events-minimize-public-health-risk>; *see also Inslee announces statewide shutdown of restaurants, bars and expanded social gathering limits*, Washington Governor Jay Inslee (Mar. 16, 2020), <https://www.governor.wa.gov/news-media/inslee-announces-statewide-shutdown-restaurants-bars-and-expanded-social-gathering-limits>.

<sup>6</sup> *“Stay Home, Stay Healthy” address transcript*, Washington Governor Jay Inslee (Mar. 24, 2020), <https://www.governor.wa.gov/news-media/stay-home-stay-healthy-address-transcript>.

<sup>7</sup> News Advisory from Hon. Janet DiFiore, Chief Judge, New York State Bar Exam Rescheduled for Fall 2020 (Mar. 27, 2020) ([https://www.nycourts.gov/ctapps/news/AV20\\_05.pdf](https://www.nycourts.gov/ctapps/news/AV20_05.pdf)).

<sup>8</sup> Press Release, Connecticut Bar Examining Committee, Connecticut Bar Exam Postponed (Mar. 30, 2020) (available at [https://www.jud.ct.gov/CBEC/Press\\_Release\\_033020.pdf](https://www.jud.ct.gov/CBEC/Press_Release_033020.pdf)).

until the Integrated Bar Act in 1933,<sup>9</sup> and following World War II, Washington granted admittance to practice to returning veterans following graduation—without examination.<sup>10</sup> Emergency diploma privilege is a superior alternative to postponement because it provides greater certainty and job security for law school graduates and employers and greater choice for clients. In support of our request, we set forth the reasons below:

### **1. Washington communities need us now more than ever.**

On March 22, 2020, several scholars whose research focuses on licensing for legal practice circulated a white paper with numerous alternatives to the traditional bar exam.<sup>11</sup> These scholars urged the state bars to forgo traditional methods in favor of a more open licensing system that allows for the continuing flow of trained advocates into the legal system. A shortage of lawyers in the midst of this crisis would be devastating. In 2018, the National Association for Law Placement reported that 24,398 graduates of ABA-accredited law schools entered jobs that required admission to the Bar. Of those jobs, 18.5% were in the public sector (government or public interest organizations), serving the needs of those most vulnerable.<sup>12</sup> Almost half (48.6%) were either in the public sector or with firms under 25 lawyers.<sup>13</sup> As scholars have noted, “we cannot afford to close the doors to the profession in these precarious times.”<sup>14</sup>

The times are precarious indeed, requiring more and not fewer legal advocates. Residents across the state have already begun to experience the toll of COVID-19 in numerous ways. On January 20, 2020, a man in Snohomish County became the first person in the country to test positive for COVID-19.<sup>15</sup> On March 11, 2020, Seattle Public Schools closed its doors to 52,000 students for two weeks,<sup>16</sup> followed quickly by Governor Inslee ordering all schools across the state closed until at least April 24.<sup>17</sup> According to The Brookings Institution, small businesses are experiencing the brunt of COVID-19.<sup>18</sup> Individuals are losing their jobs and associated benefits at a rapid rate. Lost

9 W. Clinton Sterling, *Washington’s Diploma Privilege 1–4* (Nov. 19, 2009) (unpublished manuscript) (available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1837685](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1837685)).

10 *Id.* at 4.

11 *See generally*, Claudio Angelos et al., *The Bar Exam and the COVID-19 Pandemic: The Need for Immediate Action* (Ohio State Univ., Moritz Coll. of Law, Ctr. for Interdisciplinary Law & Policy Studies, Legal Studies Working Paper Series No. 537, Mar. 22, 2020), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3559060](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3559060).

12 NALP, *Class of 2018 National Summary Report*, [https://www.nalp.org/uploads/NationalSummaryReport\\_Classof2018\\_FINAL.pdf](https://www.nalp.org/uploads/NationalSummaryReport_Classof2018_FINAL.pdf).

13 *Id.*

14 Claudio Angelos et al., *supra* note 11, at 2.

15 Michelle L. Holshue, et al., *First Case of 2019 Novel Coronavirus in United States*, *The New England Journal of Medicine* (Mar. 5, 2020) <https://www.nejm.org/doi/full/10.1056/NEJMoa2001191>.

16 Dahlia Bazzaz, *Seattle Public Schools to close for two weeks in light of coronavirus concerns*, *Seattle Times* (Mar. 11, 2020) <https://www.seattletimes.com/seattle-news/education/seattle-public-schools-to-close-for-two-weeks-in-light-of-coronavirus-concerns/>.

17 Hannah, Furfaro, Joseph O’Sullivan, Neal Morton, & Dahlia Bazzaz, *Inslee expands coronavirus K-12 school closure, 250-person gathering ban, across Washington*, *Seattle Times* (Mar. 13, 2020) <https://www.seattletimes.com/education-lab/inslee-announces-all-washington-k-12-schools-to-close-in-an-effort-to-slow-the-spread-of-coronavirus/>.

18 Sifan Lu & Joseph Parilla, *What the Great Recession can tell us about the COVID-19 small business crisis*, *Brookings* (Mar. 25, 2020), <https://www.brookings.edu/blog/the-avenue/2020/03/25/what-the-great-recession-can->

income and savings coupled with new expenses for child and elder care will especially hit the working-class. Last week 3.3 million Americans applied for unemployment benefits.<sup>19</sup> With a grave economic recession on the horizon,<sup>20</sup> families will require the assistance of sensitive legal advocates to navigate this difficult time. Further, Washington will need attorneys to ensure that our state’s most essential workforce is not exploited. Farmworkers, medical personnel, and construction workers, among others, need Washington attorneys to safeguard fundamental labor rights and advocate for appropriate remedies should our workforce experience wage theft, discrimination, and unsafe work conditions.

Individuals and families across Washington will likewise require housing advocates. In Washington, Governor Inslee has enacted a statewide moratorium on evictions of residential tenants for thirty days.<sup>21</sup> However, the reality is that once the moratorium is lifted, thousands (if not hundreds of thousands) of families will be promptly evicted from their housing if they are unable to provide an upfront payment of past due rent.<sup>22</sup> Landlords have been adjusting to this crisis and moratorium on an ad hoc basis, with no consistency across the state.<sup>23</sup> This will disproportionately affect working-class persons with little to no disposable income or savings, communities of color, and other vulnerable groups.

It is estimated that Washington is home to approximately 1,575 immigrants in detention,<sup>24</sup> as well as one of the nation’s largest immigration detention centers—the Northwest Detention Center. As COVID-19 spreads even more into private detention centers,<sup>25</sup> the need for attorneys to litigate

tell-us-about-the-covid-19-small-business-crisis/ (stating “[b]ecause small businesses have greater credit constraints and are more sensitive to weak consumer demand, they are often hit the hardest in economic downturns. The COVID-19 recession is uniquely damaging to them...”).

<sup>19</sup> Heather Long and Alyssa Fowers, *A record 3.3 million Americans filed for unemployment benefits as the coronavirus slams economy*, The Washington Post, Mar. 26, 2020, <https://www.washingtonpost.com/business/2020/03/26/unemployment-claims-coronavirus-3-million/>.

<sup>20</sup> Ezra Klein, *How the COVID-19 recession could become a depression*, Vox, Mar. 23, 2020, <https://www.vox.com/2020/3/23/21188900/coronavirus-stock-market-recession-depression-trump-jobs-unemployment> (wherein Mark Zandi, chief economist at Moody’s Analytics, calls the economic landscape an “economic tsunami”).

<sup>21</sup> Wash. Proclamation No. 20-18 (Mar. 18, 2020), <https://www.governor.wa.gov/sites/default/files/proclamations/20-18%20-%20COVID-19%20-%20DSHS%20Waivers%20%28tmp%29.pdf>; see also Washington Governor’s Office, *Inslee announces relief for businesses, workers, renters and more in response to COVID-19 outbreak* (Mar. 18, 2020) <https://medium.com/wagovernor/inslee-announces-relief-for-businesses-workers-renters-and-more-in-response-to-covid-19-outbreak-c09c13a02690>.

<sup>22</sup> See Joseph O’Sullivan, Daniel Beekman, & Sydney Brownstone, *Inslee orders temporary stop to evictions, other help for workers and businesses in response to coronavirus*, Seattle Times (Mar. 18, 2020) <https://www.seattletimes.com/seattle-news/politics/inslee-orders-temporary-stop-to-evictions-other-help-for-workers-and-businesses-in-response-to-coronavirus/>.

<sup>23</sup> Katherine Khashimova Long, *Some landlord offer rent relief during coronavirus shutdown. Others – not so much*, Seattle Times (Mar. 27, 2020) <https://www.seattletimes.com/business/real-estate/some-landlords-offer-rent-relief-during-coronavirus-shutdown-others-not-so-much/>.

<sup>24</sup> Freedom for Immigrants, *Detention by the Numbers*, <https://www.freedomforimmigrants.org/detention-statistics>.

<sup>25</sup> As of March 30, 2020, there are two confirmed cases of COVID-19 among those in ICE custody; five confirmed cases among ICE employees and personnel working in ICE detention facilities; and nineteen confirmed cases among ICE employees not assigned to detention facilities. U.S. Immigration and Customs Enforcement, *ICE Guidance on COVID-19*, <https://www.ice.gov/coronavirus>.

immigration cases promptly will become even more crucial. Legal advocates and scholars have long-recognized the backlog in immigration court,<sup>26</sup> and this backlog will be even more burdensome on families and adjudicators alike as COVID-19 spreads. Immigration judges recently noted that COVID-19 is heavily impacting their caseload, pleading for guidance on how to act in the face of an unprecedented challenge.<sup>27</sup> In fact, Judge Brett M. Parchert, an immigration judge speaking as the local union representative for the National Association of Immigration Judges, recently stated “We would like for the agency [the Department of Justice] to be more proactive in shutting down the court system to protect everyone’s health involved[.]”<sup>28</sup> And despite the calls to action and statewide shelter in place order, the Executive Office for Immigration Review (EOIR) announced—via Twitter—that it would re-open the Seattle Immigration Courts.<sup>29</sup> Senators Patty Murray and Maria Cantwell and Representatives Pramila Jayapal, Suzan Delbene, Denny Heck, Adam Smith, Rick Larsen, Derek Kilmer, and Kim Schrier called for the EOIR to immediately close immigration courts across the country following the Twitter announcement.<sup>30</sup> The ACLU, the ACLU of Washington, and the Northwest Immigrants Right Project have also sued Immigration and Customs Enforcement on behalf of immigrants at the Northwest Detention Center, seeking the release of immigrants at high risk for serious illness or death in the event of a COVID-19 infection.<sup>31</sup> Additionally, twenty-two Senators, deeply concerned about the potential effects of COVID-19 on immigrants in detention, recently demanded to know what DHS procedures are in place to prevent the spread of COVID-19 in detention centers,<sup>32</sup> given the agency’s troubling history of providing adequate healthcare for immigrant detainees.<sup>33</sup> We will need practitioners to efficiently secure the release of detained immigrants and ensure that the backlog in cases does not result in violations under immigration laws. We will also need attorneys to continue to advocate for structural changes to the immigration detention system. We must

26 Immigration Court’s Active Backlog Surpasses One Million, <https://trac.syr.edu/immigration/reports/574/>. Washington alone has over 15,000 cases pending in immigration court.

27 Cindy Carcamo et al., *Coronavirus is turning is turning an overloaded immigration system into a ‘tinderbox’*, The Los Angeles Times (Mar. 18, 2020), <https://www.latimes.com/california/story/2020-03-18/coronavirus-strains-immigration-system>; Ali Gostanian & Caitlin Fichtel, *‘Like sitting ducks’: Amid coronavirus, families, attorneys sound alarm over ICE detainees*, NBC News (Mar. 29, 2020) <https://www.nbcnews.com/news/latino/sitting-ducks-amid-coronavirus-families-attorneys-sound-alarm-over-ice-n1169656>.

28 Lilly Fowler, *After brief coronavirus closure, Seattle immigration court reopens to backlash*, Crosscut (Mar. 30, 2020), <https://crosscut.com/2020/03/after-brief-coronavirus-closure-seattle-immigration-court-reopens-backlash>.

29 Executive Office of Immigration Review (@DOJ\_EOIR). “The Newark and Seattle immigration courts reopen tomorrow. Filings due during the closure are due March 30, 2020.” Mar. 26, 2020, 9:23 PM, [https://twitter.com/DOJ\\_EOIR/status/1242985558038716423?s=20](https://twitter.com/DOJ_EOIR/status/1242985558038716423?s=20).

30 Letter from Pramila Jayapal, et al., to James McHenry, Director of Executive Office for Immigration Review (Mar. 26, 2020) (available at [http://jayapal.house.gov/wp-content/uploads/2020/03/EOIR\\_SeattleImmigrationCourt\\_03262020-1.pdf](http://jayapal.house.gov/wp-content/uploads/2020/03/EOIR_SeattleImmigrationCourt_03262020-1.pdf)).

31 Complaint, Dawson v. Asher (No. 2:20-cv-409); see also News Release, ACLU of Washington, ACLU and NWIRP Sue ICE For Release Of Immigrants Especially Vulnerable To COVID-19 (Mar. 16, 2020) (available at <https://www.aclu-wa.org/news/aclu-and-nwirp-sue-ice-release-immigrants-especially-vulnerable-covid-19#overlay-context=>).

32 Letter from Kamala Harris, et al., to Acting DHS Secretary Wolf, Acting ICE Director Albence, and Acting CBP Commissioner Morgan (Mar. 18, 2020) (available at <https://www.harris.senate.gov/imo/media/doc/Harris%20Letter%20re%20Preparedness%20in%20DHS%20Facilities.pdf>).

33 Blake Ellis and Melanie Hicken, *Medical care in immigrant detention centers under fire*, CNN, Oct. 14, 2019, <https://www.cnn.com/2019/10/04/us/immigrant-medical-care-wellpath-invs/index.html>

continue to challenge the procedural and substantive actions of the heavy-handed executive agencies in charge of the safekeeping of immigrant detainees. We cannot ignore matters of due process and deprivations of individual liberty, even in times of novel national crises.

Washington will also need public defenders and district attorneys to work together in facilitating the continued adjudication of criminal cases. We need attorneys present at arraignments, advocating on behalf of their clients at preliminary hearings, delivering pre-trial motions, negotiating plea deals, and preparing for trials. Lawyers will be needed at the appellate level too, to vindicate the rights of clients should any constitutional violations emerge. The Sixth Amendment mandate is clear: every criminal defendant has the right to the assistance of counsel free of charge. This mandate must be upheld, especially during these uncertain times, when our most vulnerable populations are particularly defenseless.

## **2. The alternatives to the diploma privilege licensing scheme are detrimental to public health at worst and inefficient at best.**

The scholars who authored the white paper referenced above noted that there are six potential alternative licensing schemes for states to consider: 1) postponement; 2) online exams; 3) exams administered to small groups; 4) emergency diploma privilege; 5) emergency-diploma privilege-plus; and 6) supervised practice.<sup>34</sup> The authors of the white paper clearly stated that the first three options were likely to fail. Despite these recommendations, New York decided on March 27, 2020, to postpone the July 2020 Bar Exam.<sup>35</sup>

We understand that Washington may want to follow in the footsteps of New York in choosing to postpone the exam. However, this would be a grave public health mistake. As epidemiologists, virologists, and public health officials have noted, COVID-19 infections (like other outbreaks) will have a progression that consists of second and potentially third waves.<sup>36</sup> Given that vaccinations and preventative medical therapies will not open to the market for at least a year, the potential for another outbreak is simply a matter of time. Indeed, Wuhan is bracing itself for a second outbreak, as reports emerge of patients who had recovered from COVID-19 now testing positive once again.<sup>37</sup> A shortsighted decision to merely postpone the July exam, if met with the high probability of subsequent outbreak and a resulting further postponement, will deprive Washingtonians of crucial legal assistance in the months ahead.

Washington holds the Bar Exam in a singular, massive venue—the Tacoma Convention Center. Last year, this venue accommodated 628 test-takers alone.<sup>38</sup> Yet, on March 16, 2020, President

<sup>34</sup> Claudio Angelos et al., *supra* note 11 at 3–6.

<sup>35</sup> *Supra* note 7.

<sup>36</sup> The effect of control strategies to reduce social mixing on outcomes of the COVID-19 epidemic in Wuhan, China: a modeling study, <https://www.thelancet.com/action/showPdf?pii=S2468-2667%2820%2930073-6>.

<sup>37</sup> Emily Feng & Amy Chen, *Mystery In Wuhan: Recovered Coronavirus Patients Test Negative ... Then Positive*, NPR (Mar. 27, 2020) <https://www.npr.org/sections/goatsandsoda/2020/03/27/822407626/mystery-in-wuhan-recovered-coronavirus-patients-test-negative-then-positive>.

<sup>38</sup> Washington State Bar Association, Regulatory Services Department, 430 Candidates Pass Summer 2019 Washington State Bar Exam (Sept. 14, 2019) [https://www.wsba.org/docs/default-source/licensing/admissions/scoring-and-nap/summer-2019-bar-exam-stats.pdf?sfvrsn=a630df1\\_8](https://www.wsba.org/docs/default-source/licensing/admissions/scoring-and-nap/summer-2019-bar-exam-stats.pdf?sfvrsn=a630df1_8).

Donald Trump issued guidance discouraging gatherings of 10 or more people.<sup>39</sup> President Trump has now extended the social distancing guidance until April 30, 2020, but with no confirmed end-date in sight.<sup>40</sup> Insisting that students sit for a bar exam before vaccination is developed places the public in significant danger and is contrary to all public health recommendations and many governmental mandates. Indeed, this approach, while offering “some initial appeal . . . is very likely to fail”<sup>41</sup> because of the nature of outbreak resurgences.

**The only reasonable solution is diploma privilege.** Diploma privilege, while unique, is not unheard of: Wisconsin, for example, has a long history of diploma privilege.<sup>42</sup> Given the cyclical nature of COVID-19 and the likely resurgence in the fall,<sup>43</sup> any postponement of the Bar Exam will likely result in a subsequent postponement, making diploma privilege the most efficient means of admittance.

### **3. Law students will be adversely impacted by a failure to adopt diploma privilege.**

First and foremost, diploma privilege will allow the legal community to meet the needs of clients and the legal system. Postponement cannot and will not meet these needs. However, diploma privilege will also address the valid concerns and worries of law students throughout the nation who seek to practice in Washington.

Put simply, postponement risks the physical health of law students and test administrators. It is unclear when COVID-19 will subside, and as mentioned above, there is research to suggest COVID-19 will come in waves. Currently, models are showing a range of upwards of 240,000 deaths in the United States by August, even with strict social distancing measures.<sup>44</sup> If this is the case, it is unlikely that even a September test would be tenable; instead it is likely that tests could be postponed for up to 18th months—positioning the class of 2020 and 2021 in competition with each other as they both will flood the market at the same time. Postponement still calls for students to sit in large groups for two days, placing them at completely undue risk for COVID-19. Further, those students who are immunocompromised, or live with friends and family members at an increased risk, will be at a disproportionate risk of infection. Many students will feel uncomfortable exposing themselves to potential illness, and some may choose to forego the exam

<sup>39</sup> Knavel Sheikh, *No More than 10 People in One Place, Trump Said. But Why?* N.Y. Times (Mar. 16, 2020) <https://www.nytimes.com/2020/03/16/health/coronavirus-social-distancing-crowd-size.html>.

<sup>40</sup> Michael D. Shear, *Trump Extends Social Distancing Guidelines Through End of April*, N.Y. Times (Mar. 29, 2020), <https://www.nytimes.com/2020/03/29/us/politics/trump-coronavirus-guidelines.html>.

<sup>41</sup> Claudio Angelos et al., *supra* note 11, at 3.

<sup>42</sup> WIS. SUP. CT. R. 40.03.

<sup>43</sup> Alexi Cohan, *Coronavirus in U.S. likely to resurge in the fall, virologist predicts*, Boston Herald (Mar. 25, 2020), <https://www.bostonherald.com/2020/03/25/coronavirus-in-u-s-likely-to-resurge-in-the-fall-virologist-predicts/>.

<sup>44</sup> Berkeley Lovelace Jr. & Dan Mangan, *White House Predicts 100,000 to 240,000 Will Die in US From Coronavirus*, CNBC (Mar. 31, 2020, 5:49 PM) <https://www.cnbc.com/2020/03/31/trump-says-the-coronavirus-surge-is-coming-its-going-to-be-a-very-very-painful-two-weeks.html> [<https://perma.cc/NN5N-R5J4>] (“White House officials are projecting between 100,000 and 240,000 deaths in the U.S. with coronavirus fatalities peaking over the next two weeks.”).

completely out of a precaution for themselves and their loved ones. The question is not whether a postponed exam will lead to further infections but rather how many.

Postponement also opens the door for an incredible number of questions for law students and employers. Many law students planned to begin working with employers starting late Summer or Fall 2020. If the Washington Bar Exam were to be postponed, it is unclear if students could begin working as planned. Will employers force students to defer the start of their employment to a later date? Deferment would additionally have a devastating impact on L.L.M students, whose immigration status may be affected as many jobs are contingent on Bar passage. Public Defenders and District Attorneys, for example, are largely litigators, representing clients daily in court. Postponement means they simply cannot start work, altogether, until they pass the Bar. For many international L.L.M students returning to their home countries, employers require Bar admission to provide cross-jurisdictional legal services and it is unlikely they will wait for L.L.M students to study and complete the Bar exam at a later date.

For those students who are permitted to engage in the limited practice of law, an extension of such a license will not remedy any injustice resulting from a postponement of the July Bar Exam. Those whom have accepted employment with law firms will eventually require a full license to practice in Superior Courts, Court of Appeals, and/or the Supreme Courts. Consequently, those still seeking employment will be seen as less valuable to employers since Rule-9 licenses do not permit a student to sign any legal documents or file with the courts. The reality is that some law students will not be able to apply for healthcare coverage from their employer if they are classified as a temporary employee. Anything less than diploma licensure will further strain our public health system—putting more students, their families, and the public at greater risk. Extension of Rule-9 licenses would also be burdensome to employers, who hire law graduates under the belief that they will be able to practice law without supervision. Instead, the graduate will be forced to work under supervision and then temporarily discontinue their employment in order to eventually engage in rigorous bar exam preparation. Further, for those students who seek to become solo practitioners, postponement of the Bar Exam and extension of limited licenses will make it impossible to practice law, as they will require a qualified supervisor.

For those students with limited means, it is untenable and unjust to force them to find other ways to financially support themselves, and their families, if their employment starts at a later date. Likewise, it will be incredibly difficult to find other means of work at a time when our economic crisis is vastly approaching an anticipated 32% national unemployment rate.<sup>45</sup> This is our reality even before we have neared the apex of this pandemic. For all, it is unclear if students will be expected to begin making payments on their student loans this year. For those employers who have the resources to still hire students on-schedule, many job start dates begin as early as August 2020. Will students be expected to work full-time while also studying for the Washington Bar Exam? Especially among those working in sectors with high caseloads and long hours, studying for the Exam while working full-time may be unrealistic. Worse, many students who are the first in their

<sup>45</sup> Jeff Cox, *Coronavirus Job Losses Could Total 47 million, Unemployment Rate May Hit 32%, Fed Estimates*, CNBC (Mar. 30, 2020, 8:16 PM), <https://www.cnbc.com/2020/03/30/coronavirus-job-losses-could-total-47-million-unemployment-rate-of-32percent-fed-says.html> [<https://perma.cc/74XF-7BNK>] (“The coronavirus economic freeze could cost 47 million jobs and send the unemployment rate past 32%, according to St. Louis Fed projections.”).

families to attend college and now law school may feel the weight of such a new and unexpected hurdle and forego the exam.

Lastly, we cannot discount the toll COVID-19 has had on the physical and mental health of law students across the country. Students are suffering educational, familial, and financial disruptions. Students have been suddenly banned from law school campuses, forcing students to scramble for housing.<sup>46</sup> Many have lost full- or part-time jobs to support themselves and their families. Still others have been directly infected with COVID-19 or are caring for those infected or at-risk. Now, law students must grapple with the reality that they may become lawyers much later than anticipated, impacting life and employment plans. Many L.L.M. students are foreign-trained but live locally with their families, and need to be able to take part in the legal market. Those L.L.M. students intending to practice internationally will be required to support local small businesses that depend on international trade to support them with their cross-jurisdictional capabilities.

In the midst of sudden chaos, law students are still expected to complete their graduation requirements, including attending virtual class. It is no secret that the legal profession has a mental health crisis, with close to a third of lawyers reporting depression and two-thirds reporting anxiety.<sup>47</sup> This data will only look increasingly grim post-pandemic. Diploma privilege is the only humane alternative to postponement and, in light of current circumstances that evolve daily and are impossible to predict, is the only route that can offer clarity and certainty to the Bar.

For the aforementioned reasons, we the undersigned, request that the Washington Supreme Court recognizes the imminent need for legal advocates and take the most humane, public-health conscious, and ethical approach by enacting a diploma privilege licensing scheme should the July Bar Exam not be conducted as planned.

Just as our colleagues in medical schools have been called upon to join the front lines fighting COVID-19,<sup>48</sup> so too are attorneys needed to fight for the rights of individuals most affected by this pandemic. We implore Washington to display leadership during these trying times and pave the way for the timely delivery of legal services.

Respectfully, and in solidarity with the communities we serve,

Signatories Incorporated by Reference.

[Signatories will be compiled here: <https://forms.gle/HCD2s1Ln7eD8SAsb7>].

<sup>46</sup> Abigail Hess, *Harvard gives students 5 days to evacuate dorms over coronavirus fears--here's what students have to say*, CNBC (Mar. 10, 2020), <https://www.cnbc.com/2020/03/10/harvard-gives-students-5-days-to-evacuate-dorms-over-coronavirus-fears.html>.

<sup>47</sup> Lizzy McLellan, *Lawyers Reveal True Depth of Mental Health Struggles*, Law.com (Feb. 19, 2020), <https://www.law.com/2020/02/19/lawyers-reveal-true-depth-of-the-mental-health-struggles/>.

<sup>48</sup> Emma Goldberg, *Early Graduation Could Send Medical Students to Virus Front Lines*, N.Y. Times (Mar. 26, 2020), <https://www.nytimes.com/2020/03/26/health/coronavirus-medical-students-graduation.html>.

**APPLICANTS FOR ADMISSION TO PRACTICE LAW**

**(a) Prerequisite for Admission.** Every person desiring to be admitted to the Bar and the practice of law in Washington must be of good moral character and possess the requisite fitness to practice law, and must qualify for and pass an examination except as provided for in these rules.

**(b) Qualification for Lawyer Bar Examination.** To qualify to sit for the lawyer bar examination, a person must not be eligible for admission by motion or Uniform Bar Examination (UBE) score transfer and must present satisfactory proof of:

(1) graduation with a Juris Doctor (JD) degree from a law school approved by the Board of Governors; or

(2) completion of the law clerk program prescribed by these rules; or

(3) admission to the practice of law, together with current good standing, in any jurisdiction where the common law of England is the basis of its jurisprudence, and active legal experience for at least three of the five years immediately preceding the filing of the application; or

(4) graduation with a Master of Laws (LL.M.) degree for the practice of law as defined below and either:

(A) graduation with a JD degree from a United States law school not approved by the Board of Governors, or

(B) graduation from a university or law school in a jurisdiction outside the United States, with a degree in law that would qualify the applicant to practice law in that jurisdiction.

(5) "LL.M. degree for the practice of law" means an LL.M. program at a law school approved by the Board of Governors that consists of a minimum of 18,200 minutes of total instruction to include at least 12,000 minutes of instruction on principles of domestic United States law, which must include:

(A) a minimum of 2,080 minutes in United States Constitutional Law, including principles of separation of powers and federalism;

(B) a minimum of 2,080 minutes in the civil procedure of state and federal courts in the United States;

(C) a minimum of 1,400 minutes in the history, goals, structure, values, rules, and responsibilities of the United States legal profession and its members; and

(D) a minimum of 1,400 minutes in legal analysis and reasoning, legal research, problem solving, and oral and written communication.

**(c) Lawyer Admission by Motion.** Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:

(1) Lawyers admitted to practice law in other states or territories of the United States or the District of Columbia are not required to sit for the lawyer bar examination if they:

(A) file a certificate from that jurisdiction certifying the lawyer's admission to practice, and the date thereof, and current good standing or the equivalent; and

(B) present satisfactory proof of active legal experience for at last three of the five years immediately preceding the filing of the application.

(2) *Military Spouse Admission by Motion.* A lawyer admitted to practice law in another state or territory of the United States or the District of Columbia who is the spouse of an active duty service member of the United States Uniformed Services, as defined by the United States Department of Defense, is not required to sit for the lawyer bar examination if the applicant meets the following requirements:

(A) the applicant's spouse is stationed in Washington or will be stationed in Washington within six months of filing the application, and the applicant resides or will reside in Washington as the spouse of that member of the United States Uniformed Services within six months of filing the application;

(B) the applicant does not qualify for admission by motion under APR 3(c)(1);

(C) the applicant does not qualify for admission by UBE score transfer under APR 3(d);

(D) the applicant files a certificate from each jurisdiction in which the applicant is admitted certifying the applicant's admission to practice and the date thereof, and current good standing or the equivalent; and

(E) the applicant has no lawyer disciplinary sanctions or pending lawyer disciplinary or incapacity matters in any jurisdiction in which the applicant has been admitted.

**(d) Lawyer Admission by UBE Score Transfer.** Persons with a UBE score earned in another state or territory of the United States or the District of Columbia are not required to sit for the lawyer bar examination in Washington if they:

(1) file a transcript demonstrating that the applicant received a UBE score that is equal to or higher than the score required to pass the UBE in Washington, and it has been not more than 40 months since the date of the administration of the UBE in which the score was earned; and

(2) file a transcript demonstrating that the applicant received a Multistate Professional Responsibility Examination (MPRE) score equal to or higher than the score required to pass the MPRE in Washington, and the score was received no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the UBE score.

**(e) Qualification for Limited License Legal Technician (LLLT) examination.** To qualify to sit for the LLLT examination, a person must;

(1) be at least 18 years of age and

(2) have the following education, unless waived through regulation:

(A) an associate level degree or higher;

(B) 45 credit hours of core curriculum instruction in paralegal studies pursuant to APR 28 Regulation 3 with instruction to occur at an American Bar Association (ABA) approved law school, an educational institution with an ABA approved paralegal education program, or an educational institution with an LLLT core curriculum program approved by the LLLT Board; and

(C) in each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law

school, covering the key concepts or topics and the number of credit hours of instruction required for licensure in that practice area, as determined by the LLLT Board.

(3) present original proof of passing the Paralegal Core Competency Exam administered by the National Federation of Paralegal Associations.

**(f) Qualification for Limited Practice Officer (LPO) Examination.** To qualify to sit for the LPO examination, a person must be at least 18 years of age.

**(g) Emeritus Pro Bono Admission.** A lawyer, LLLT, or LPO admitted to practice law in Washington State may apply for emeritus pro bono status when the lawyer, LLLT, or LPO is otherwise fully retired from the practice of law. An emeritus pro bono lawyer, LLLT, or LPO shall provide legal services in Washington State only for a qualified legal service provider as defined in these rules.

(1) To apply, the lawyer, LLLT, or LPO shall:

(A) file an application in such form and manner as prescribed by the Bar;

(B) present satisfactory proof of active legal experience as defined in APR 1 or at least 5 of the 10 years immediately preceding the filing of the application;

(C) file a certification from a qualified legal services provider that the applicant's practice of law will comply with the terms of this rule;

(D) comply with training requirements prescribed by the Bar; and

(E) furnish whatever additional information or proof that may be required in the course of investigating the applicant.

(2) Upon approval of the application by the Bar, the lawyer, LLLT, or LPO shall pay the current year's annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type. Emeritus pro bono lawyers, LLLTs, or LPOs are subject to annual license renewal as provided by the Board of Governors.

(3) Upon admission under this section, the practice of law by a lawyer, LLLT, or LPO shall be limited to:

(A) providing legal service for no fee through a qualified legal services provider; or

(B) serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider.

The prohibition against compensation for emeritus pro bono lawyers, LLLTs, or LPOs shall not prevent a qualified legal services provider from reimbursing an emeritus pro bono lawyer, LLLT, or LPO for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney fees for any representation rendered by the emeritus pro bono lawyer, LLLT, or LPO.

(4) Emeritus pro bono lawyers, LLLTs, or LPOs shall pay to the Bar an annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type.

(5) The practice of a lawyer, LLLT, or LPO admitted under this section shall be subject to the applicable Rules of Professional Conduct, disciplinary rules, and to all other laws and rules governing lawyers, LLLTs, or LPOs admitted to the Bar.

(6) Emeritus pro bono lawyers, LLLTs, or LPOs shall be exempt from compliance with APR 11 concerning mandatory continuing legal education.

(7) Emeritus pro bono admission shall be automatically terminated and converted to inactive status when the lawyer, LLLT, or LPO fails to comply with the terms of this rule.

**(h) Withholding Approval or Permission to Take Examinations.** The Bar may, in its discretion, withhold approval of an application or withhold permission to take an examination for an otherwise qualified applicant, until the applicant establishes that all requirements have been met or until completion of an inquiry into the applicant's character and fitness.

**(i) Applications; Fees; Filing.**

(1) Every applicant for admission shall:

(A) Execute and file an application, in the form and manner and within the time limits that may be prescribed by the Bar;

(B) Pay upon the filing of the application such fees as may be set by the Board of Governors subject to review by the Supreme Court; and

(C) Furnish whatever additional information or proof may be required in the course of investigating the applicant's qualification for admission or licensure, and investigating the applicant's good moral character and fitness pursuant to APR 20-25.6.

(2) Refunds of any application fees shall be handled according to policies established by the Bar.

(3) Transfers of applicants from administration of one examination to administration of another examination shall be handled according to policies established by the Bar.

[Adopted effective February 12, 1965; Amended effective August 1, 1968; September 27, 1968; March 10, 1971; July 1, 1976; September 1, 1984; May 10, 1990; September 1, 1992; October 1, 2002; September 1, 2005; September 1, 2006; January 1, 2014; September 1, 2017; September 1, 2019.]

**APR 4****EXAMINATIONS FOR ADMISSION; NOTIFICATION OF RESULTS**

**(a) Examinations.** Examinations for admission to practice law shall be conducted by and under the direction of the Bar. Examinations shall be held at such times and places as the Bar may designate.

**(b) Notification of Results.** As soon as practicable after the completion of an examination, applicants will be notified of the results. The Bar may disclose publicly the names of those applicants who have passed an examination, but not the names of those who failed an examination unless authorized by the applicant or these rules. There shall be no appeal or review of examination results.

**(c) Repeating Examinations.** There is no limitation on the number of times an unsuccessful applicant may apply for and take subsequent administrations of an examination for admission.

**(d) Lawyer Bar Examination.** Unless otherwise provided by these rules, applicants for admission to practice as a lawyer must take and pass the National Conference of Bar Examiners' (NCBE) Uniform Bar Examination (UBE) and Multistate Professional Responsibility Examination (MPRE).

(1) Washington's UBE minimum passing score is 270.

(2) Washington's MPRE minimum passing score is 85, which must be earned no earlier than three years prior to and no later than 40 months after the date of the administration of the UBE in which the applicant received the minimum passing score.

(3) The Bar may disclose the results of the lawyer bar examination to an applicant's law school and the NCBE.

**(e) LLLT Examination.** Unless otherwise stated in these rules, all applicants for admission to practice law in Washington as an LLLT must take and pass an LLLT practice area examination and the LLLT professional responsibility examination.

(1) The practice area examination will test applicants on one specific practice area and knowledge of LLLT scope of practice specific to that practice area.

(A) Each practice area examination shall be comprised of three parts: a multiple choice section, an essay section, and a performance section.

(B) The duration, form, and manner of the exam shall be as prescribed by the LLLT Board.

(C) The minimum passing standard for the practice area examination is a score of 75 percent for each section of the examination. A failing grade in one section shall result in failure of the examination, in which case grading of any remaining sections shall not be required.

(D) An applicant who fails the practice area examination may request a copy of their essay and performance sections if graded. An applicant who passes the practice area examination will not receive a copy of the examination.

(2) The LLLT professional responsibility examination will test applicants on their knowledge of the LLLT Rules of Professional Conduct.

(A) The professional responsibility examination shall be comprised of one multiple choice section.

(B) The minimum passing standard for the professional responsibility examination is a score of 75 percent.

(C) The professional responsibility examination must be passed no earlier than 18 months and no later than 40 months from the date of the administration of the practice area examination in which the applicant receives a passing score.

**(f) LPO Examination.** All applicants for admission to practice law in Washington as an LPO must take and pass the LPO examination, which shall test applicants on the legal knowledge and skills required for LPO practice, as well as the permissible scope of practice for an LPO and the LPO RPCs. There is not a separate professional responsibility examination.

(1) The LPO examination consists of three parts: a multiple choice examination, an essay examination, and a performance examination.

(2) The minimum passing standard for the examination is 75 percent for each section, and applicants must pass all three sections. A failing grade in one section shall result in failure of the examination, in which case grading of any remaining sections shall not be required.

(3) Those applicants who fail the examination will be informed of their score on each graded section of the examination.

(4) Copies of the examination shall not be available to any applicant.

[Adopted effective February 12, 1965; Amended effective July 1, 1974; September 1, 1984; December 24, 2002; January 13, 2009; January 1, 2014; September 1, 2017.]

**APR 5****PREADMISSION REQUIREMENTS; OATH; RECOMMENDATION FOR  
ADMISSION; ORDER ADMITTING TO PRACTICE LAW**

**(a) Preadmission Requirements.** Before an applicant who has passed an examination for admission, or who qualifies for admission without passing an examination, may be admitted, the applicant must:

(1) pay to the Bar the annual license fee and any mandatory assessments ordered by the Supreme Court for the current year;

(2) file any and all licensing forms required of active lawyers, limited license legal technicians (LLLTs), or limited practice officers (LPOs);

(3) take the Oath of Attorney, the Oath of LPOs, or the Oath of LLLTs; and

(4) designate a resident agent if required to do so by APR 13.

**(b) Lawyer applicants.** In addition to the requirements in subsection (a) above, lawyer applicants must:

(1) take and pass the Washington Law Component (WLC). The duration, form, and manner of the WLC shall be as prescribed by the Bar. The WLC minimum pass score is 80 percent; and

(2) complete a minimum of 4 hours of education in a curriculum and under circumstances approved by the Bar.

**(c) LLLT Applicants.** In addition to the requirements in subsection (a) above, LLLT applicants must:

(1) demonstrate financial responsibility pursuant to APR 28(I); and

(2) demonstrate completion of 3,000 hours of substantive law-related work experience pursuant to APR 28 Regulation 9.

**(d) LPO Applicants.** In addition to the requirements in subsection (a) above, LPO applicants must demonstrate financial responsibility pursuant to APR 12(f).

**(e) Expiration of Preadmission Requirements.** The preadmission requirements must be completed within:

(1) 40 months from the date of the administration of the examination for lawyer applicants;

(2) 40 months from the date of the administration of the examination for LLLT applicants;

(3) 12 months from the date of the administration of the examination for LPO applicants;

(4) 12 months from the date of filing the application for lawyer applicants who apply by motion or Uniform Bar Examination (UBE) score transfer, except for good cause shown.

**(f) Oath of Attorney.** The Oath of Attorney must be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington. In the event a successful applicant is outside the state of Washington and the Chief Justice is satisfied that it is impossible or impractical for the applicant to take the oath before an elected or appointed judge in this state, the Chief Justice may, upon proper application setting forth all the circumstances, designate a person authorized by law to administer oaths, before whom the

applicant may appear and take said oath.

**(g) Contents of Oath of Attorney.** The oath which all applicants shall take is as follows:

OATH OF ATTORNEY

State of Washington, County of \_\_\_\_\_ ss.

I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and the laws of the United States and will abide by the same.
2. I will support the constitution of the State of Washington and the constitution of the United States.
3. I will abide by the Rules of Professional Conduct approved by the Supreme Court of the State of Washington.
4. I will maintain the respect due to the courts of justice and judicial officers.
5. I will not counsel, or maintain any suit, or proceeding, which shall appear to me to be unjust, or any defense except as I believe to be honestly debatable under the law, unless it is in defense of a person charged with a public offense. I will employ for the purpose of maintaining the causes confided to me only those means consistent with truth and honor. I will never seek to mislead the judge or jury by any artifice or false statement.
6. I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court.
7. I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged.
8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

\_\_\_\_\_  
(signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge

**(h) Oath for LPOs—Contents of Oath.**

OATH FOR LIMITED PRACTICE OFFICERS

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and Rule 12 of the Admission and Practice Rules and APR 12 Regulations adopted by the Washington State Supreme Court and will abide by the same.

2. I will support the constitutions of the state of Washington and of the United States of America.

3. I will abide by the Limited Practice Officer Rules of Professional Conduct and Rules for Enforcement of Limited Practice Officer Conduct approved by the Supreme Court of the State of Washington.

4. I will confine my activities as a Limited Practice Officer to those activities allowed by law, rule, and regulation and will only utilize documents approved pursuant to APR 12.

5. I will faithfully disclose the limitations of my services, that I am not able to act as the advocate or representative of any party, that documents prepared will affect legal rights of the parties, that the parties' interests in the documents may differ, that the parties have a right to be represented by a lawyer of their own selection, and that I cannot give legal advice regarding the manner in which the documents affect the parties.

I understand that I may incur personal liability if I violate the applicable standard of care of a Limited Practice Officer. Also, I understand that I have authority to act as a Limited Practice Officer only during the times that my financial responsibility coverage is in effect. If I am covered under my employer's errors and omissions insurance policy or by my employer's certificate of financial responsibility, my coverage is limited to services performed in the course of my employment.

\_\_\_\_\_  
Signature Limited Practice Officer

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE

**(i) Oath of LLLT.** The Oath of LLLT shall be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington.

**(j) Contents of Oath of LLLT.** The oath that all applicants shall take is as follows:

OATH OF LIMITED LICENSE LEGAL TECHNICIAN

STATE OF WASHINGTON

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, do solemnly declare:

1. I am fully subject to the laws of the State of Washington, the laws of the United States, Rule 28 of the Admission and Practice Rules, and APR 28 Regulations adopted by the Washington State Supreme Court and will abide by the same;

2. I will support the constitutions of the State of Washington and of the United States of America;

3. I will abide by the Limited License Legal Technician Rules of Professional Conduct approved by the Supreme Court of the state of Washington;

4. I will confine my activities as a Limited License Legal Technician to those activities allowed by law, rule, and regulation and will only utilize documents approved pursuant to APR 28;

5. I will faithfully disclose the limitations of my services and that I am not a lawyer;

6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with the business of my client unless this compensation is from or with the knowledge and approval of the client or with the approval of the court;

7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;

8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

---

Signature Limited License Legal Technician

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

Judge

**(k) Recommendation for Admission.** The Bar shall recommend to the Supreme Court the admission or rejection of each applicant who has passed an examination for admission or who qualifies for and has been approved for admission without passing an examination, and who has complied with the preadmission requirements set forth in this rule. A recommendation for admission shall be based upon the Bar's determination, after investigation, that the applicant has met all the requirements for admission and appears to be of good moral character and fit to engage in the practice of law. All recommendations of the Bar shall be accompanied by the applicant's application for admission and any other documents deemed pertinent by the Bar or requested by the Supreme Court. The recommendation and all accompanying documents shall be kept by the Clerk of the Supreme Court in a record which shall not be a public record.

**(l) Order Admitting to Practice.** After examining the recommendation and accompanying documentation transmitted by the Bar, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to the practice of law.

**(m) Nonresident Lawyers, LLLTs or LPOs.** There shall be no requirement that an applicant, lawyer, LLLT, or LPO be a resident in the state of Washington.

[Adopted effective February 12, 1965; Amended effective July 9, 1965; March 10, 1971; April 26, 1974; May 14, 1982; September 1, 1984; October 11, 1985; June 25, 2002; June 1, 2006; January 8, 2013; January 1, 2014; September 1, 2017.]

**APR 9**  
**LICENSED LEGAL INTERNS**

**(a) Purpose.** Supervised professional practice plays an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system. This rule authorizes supervised professional practice by qualified law students, enrolled law clerks, and recent graduates of approved law schools when they are licensed pursuant to this rule to engage in the limited practice of law as “Licensed Legal Interns.” The license granted pursuant to this rule is a limited license, based in part on recognition of the role practice experience plays in developing the competence of aspiring lawyers and in part on the fact that the Licensed Legal Intern will be supervised by an experienced lawyer. Persons granted such a limited license and their supervising lawyers must comply with the obligations and limitations set forth in these rules.

**(b) Eligibility.** To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing at an approved law school who has:

(A) successfully completed not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study, and

(B) obtained the written approval of the law school’s dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by Bar staff to be in compliance with the provisions of APR 6 and to have successfully completed not less than five-eighths of the prescribed 4-year course of study; and

(B) has the written approval of the primary tutor; or

(3) Be a graduate of an approved law school who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.

**(c) Qualifications To Be a Supervising Lawyer.** Except in the sections regarding the application for issuance of a limited license pursuant to this rule, references in this rule to “supervising lawyer” include both the supervising lawyer named in the application materials and on the Licensed Legal Intern identification card, and any other lawyer from the supervising lawyer’s office who meets the qualifications of a supervising lawyer and who performs the duties of a supervising lawyer. A supervising lawyer must be an active lawyer member in good standing of the Bar, who has been actively engaged in the practice of law in the State of Washington or in any state or territory of the United States or the District of Columbia for at least the 3 years immediately preceding the date of the application, who has not been disbarred or subject to a disciplinary suspension in any jurisdiction within the previous 10 years and does not have a disciplinary proceeding pending or imminent, and who has not received a disciplinary sanction of any kind within the previous 3 years.

**(d) Application.** The applicant must submit an application on a form provided by the Bar and signed by both the applicant and the supervising lawyer.

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the Bar. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the Bar to recommend denial or termination of the license.

(2) The application must include:

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification from the law school (or confirmation from the Bar, for APR 6 Law Clerks) that the applicant has the required educational qualifications; and

(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Rules of Professional Conduct.

(3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to review by the Supreme Court.

(4) Bar staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. Bar staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21-24, and any application that reflects one or more of the factors set forth in APR 21 shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law as defined in APR 20. Such hearing shall be conducted as provided in APR 20-24.3. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the Bar or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Bar, and such issues may be reinvestigated and reconsidered by Bar staff, Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court's decision shall be forwarded to the Bar, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar shall send to the applicant, in care of the supervising lawyer's mailing address on record with the Bar, a letter confirming approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not perform the duties of a Licensed Legal Intern before receiving the confirming letter and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing lawyers admitted to the Bar of this state, and is

personally responsible for all services performed as a Licensed Legal Intern. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by termination of the Licensed Legal Intern's license, or suspension or forfeiture of the Licensed Legal Intern's privilege of taking the lawyer bar examination and being admitted to practice law in this state.

(9) A Licensed Legal Intern may have up to two supervising attorneys in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising attorney in another office or to change supervising attorneys any time within the term of the limited license. When a Licensed Legal Intern applies to add a supervising attorney in another office, the Intern must notify both the current supervising attorney and the proposed new supervising attorney in writing about the application, and both the current and the new supervising attorney must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising attorney will be reviewed by Bar staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising attorney as described above and must not perform the duties of a licensed legal intern before receiving a new confirming letter containing notification of approval and a new identification card.

**(e) Scope of Practice, Prohibitions, and Limitations.** In addition to generally being permitted to perform any duties that do not constitute the practice of law as defined in GR 24, a Licensed Legal Intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule.

(1) A Licensed Legal Intern may engage in the following activities without the presence of the supervising attorney:

(A) Advise or negotiate on behalf of a person referred to the Licensed Legal Intern by the supervising lawyer;

(B) Prepare correspondence containing legal advice to clients or negotiating on behalf of clients, pleadings, motions, briefs, or other documents. All such correspondence, pleadings, motions, and briefs must be reviewed and signed by the supervising attorney, as well as any other documents requiring the signature of a lawyer. On any correspondence or legal document signed by the Licensed Legal Intern, the Licensed Legal Intern's signature shall be followed by the title "Licensed Legal Intern" and the Licensed Legal Intern's identification number;

(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as otherwise provided in these rules;

(D) After a reasonable period of in-court supervision or supervision while practicing before an administrative agency, which shall include participating with the supervising lawyer in at least one proceeding of the type involved before the same tribunal and being observed by the supervising lawyer while handling one additional proceeding of the same type before the same tribunal:

(i) Represent the State or the respondent in juvenile court in misdemeanor and gross misdemeanor cases;

(ii) Try hearings, nonjury trials, or jury trials, in courts of limited jurisdiction;

(iii) Represent a client in any administrative adjudicative proceeding for which nonlawyer representation is not otherwise permitted.

(2) In any proceeding in which a Licensed Legal Intern appears before the court, the Licensed Legal Intern must advise the court of the Intern's status and the name of the Intern's supervising lawyer.

(3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals proceedings, including depositions, only in the presence of the supervising lawyer or another lawyer from the same office.

(4) A Licensed Legal Intern must not receive payment directly from a client for the Intern's services. A Licensed Legal Intern may be paid for services by the Intern's employer, and the employer may charge for the services provided by the Licensed Legal Intern as may be appropriate.

(5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of any client unless the client is notified in advance of the status as a Licensed Legal Intern and of the identity and contact information of the Licensed Legal Intern's supervising lawyer.

(6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on behalf of or under the supervision of any lawyer other than the supervising lawyer or another lawyer employed in the same office who is qualified for such supervision under this rule.

(7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered a subordinate of the lawyer providing supervision for the Intern.

**(f) Additional Obligations of Supervising Lawyer.** Agreeing to serve as the supervising lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In addition to the duties stated or implied above, the supervising lawyer:

(1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer, regarding the Rules of Professional Conduct and how they relate to the limited practice of the Licensed Legal Intern. Such training may be waived if the supervising lawyer otherwise determines that the Licensed Legal Intern has previously received such training and the supervising lawyer deems such training sufficient for the limited practice that will be supervised;

(2) must direct, supervise, and review all of the work of the Licensed Legal Intern and shall assume personal professional responsibility for any work undertaken by the Licensed Legal Intern while under the lawyer's supervision;

(3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of the intern's status as a Licensed Legal Intern in advance of the representation;

(4) must review and sign all correspondence providing legal advice to clients and all pleadings, motions, briefs, and other documents prepared by the Licensed Legal Intern and ensure that they comply with the requirements of this rule, and must sign the document if it is prepared for presentation to a court;

(5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared and knowledgeable enough to be able to handle any assigned matters performed outside the supervising lawyer's presence, but need not be present in the room while the Licensed Legal Intern is performing such duties unless such presence is specifically required by this rule;

(6) must supervise no more than:

(a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice not otherwise described below;

(b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a recognized institution of legal aid, legal assistance, public defense, or similar programs furnishing legal assistance to indigents, or by the legal departments of a state, county, or municipality; or

(c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical supervising lawyer or a member of the faculty of an approved law school for a clinical course offered by the law school where such course has been approved by its dean and is directed by a member of its faculty and is conducted within institutions or legal departments described in the section above or within the law school, provided that a supervising lawyer attends all adversarial proceedings conducted by the legal interns;

(7) must meet with any Licensed Legal Intern he/she is supervising, in person or by telephone, a minimum of one time per week, to review cases being handled and to provide feedback on performance, to provide additional guidance and instruction, and to answer questions or issues raised by the Licensed Legal Intern;

(8) must inform the Bar staff promptly if circumstances arise that cause the supervising lawyer to have concern about the good moral character or fitness to practice of a Licensed Legal Intern supervised by that lawyer, and cooperate in any investigation that may follow such a report;

(9) may terminate supervision of a Licensed Legal Intern under this rule at any time, with or without good cause, and must promptly notify the Bar staff of the effective date of the termination and the reasons for the termination;

(10) may be terminated as a supervising lawyer at the discretion of the Bar, and when so terminated, must take steps to ensure that any Licensed Legal Intern previously supervised by the supervising lawyer ceases to perform duties or hold him/herself out as though supervised by the supervising lawyer.

**(g) Additional Obligations and Limitations.** The following additional general obligations and limitations apply:

(1) A judge or administrative hearing officer may exclude a Licensed Legal Intern from active participation in a case in the interest of orderly administration of justice or for the protection of a litigant or witness. In such case, a continuance shall be granted to secure the attendance of the supervising lawyer, who must assume personal responsibility for that matter.

(2) A Licensed Legal Intern or the supervising lawyer must notify the Bar staff promptly if the supervising lawyer named on a Licensed Legal Intern's identification card terminates supervision of the Licensed Legal Intern, and such Licensed Legal Intern is prohibited from performing any of the actions described in these rules unless and until a change of supervising lawyer has been approved and a new identification card issued.

**(h) Term of Limited License.** A limited license issued pursuant to this rule shall be valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean's designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Bar,

and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern's license must be terminated promptly.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court's own motion, or upon the motion of the Bar, in either case with or without cause.

(3) A Licensed Legal Intern must immediately cease performing any services under this rule and must cease holding himself or herself out as a Licensed Legal Intern upon:

(A) the termination for any reason of the Intern's limited license under this rule;

(B) the termination of the supervision for any reason or the upon the resignation of the Intern's supervising lawyer;

(C) the suspension or termination by the Bar of the supervising lawyer's status as a supervising lawyer;

(D) the withdrawal of approval of the Intern pursuant to this rule; or

(E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer under the terms of this rule.

[Adopted effective February 12, 1965; Amended effective June 4, 1970; May 21, 1971; February 29, 1972; December 31, 1973; December 31, 1976; January 1, 1977; January 1, 1979; January 1, 1981; November 2, 1981; September 1, 1984; October 1, 1985; October 11, 1985; November 29, 1991; September 1, 1994; June 2, 1998; October 1, 2002; January 1, 2014; September 1, 2017.]



# **THE BAR EXAM AND THE COVID-19 PANDEMIC: THE NEED FOR IMMEDIATE ACTION**

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## The Bar Exam and the COVID-19 Pandemic: The Need for Immediate Action

Claudia Angelos, Sara J. Berman, Mary Lu Bilek, Carol L. Chomsky, Andrea A. Curcio, Marsha Griggs,  
Joan W. Howarth, Eileen Kaufman, Deborah Jones Merritt, Patricia E. Salkin, Judith Welch Wegner<sup>1</sup>

March 22, 2020

The novel coronavirus COVID-19 has profoundly disrupted life in the United States. Schools and universities have closed throughout much of the country. Businesses have shuttered, and employees are working from home whenever possible. Cities and states are announcing lockdowns in which citizens may leave their homes only for vital errands or exercise.

Medical experts advise that at least some of these restraints will continue for 18 months or more—until a vaccine is developed, tested, and administered widely.<sup>2</sup> It is possible that localities will be able to lift some of these restrictions (such as lockdowns and school closures) intermittently during those months, but other restraints (social distancing, limits on large gatherings) are likely to continue for a year or more.

Under these conditions, jurisdictions will not be able to administer the July 2020 bar exam in the usual manner. Even if some of the most rigorous restrictions have been lifted by July 28, prohibitions on large gatherings are likely to remain. Attempting to administer the bar exam to hundreds of test takers in a single room would endanger the test takers, staff administering the exam, and the public health.<sup>3</sup> The variation in jurisdictional outbreaks and public health responses may also compromise the ability to set a single test date across the country.

At the same time, it is essential to continue licensing new lawyers. Each year, more than 24,000 graduates of ABA-accredited law schools begin jobs that require bar admission.<sup>4</sup> The legal system depends on this yearly influx to maintain client service. The COVID-19 crisis, moreover, will dramatically increase the need for legal services, especially among those who can least afford those services. We cannot reduce entry to the profession at a time when client demand will be at an all-time high.

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<sup>1</sup> We are scholars who have studied and written about licensing for many years, and who have ongoing research projects related to licensing. Based on this knowledge, we offer these preliminary ideas for jurisdictions to consider as they grapple with how to administer the July 2020 bar exam. To assist those jurisdictions, we have attempted to compile a full range of options—although individual authors might prefer some options over others. Full titles and institutional affiliations (for identification purposes only) are listed at the end of this paper.

<sup>2</sup> See, e.g., Neil M. Ferguson et al., *Impact of Non-Pharmaceutical Interventions (NPIs) to Reduce COVID-19 Mortality and Healthcare Demand*, <https://spiral.imperial.ac.uk:8443/handle/10044/1/77482> (Mar. 16, 2020). Leaders in the United States and United Kingdom have relied on this paper to design responses to the pandemic.

<sup>3</sup> There is also some question about whether the August administration of the MPRE will proceed, given the current closure of all Pearson Vue testing centers, where that test is administered. The MPRE, however, presents fewer challenges because it is an online test. We do not address the MPRE further here except to note that jurisdictions will also have to remain aware of the status of that test—perhaps granting 2020 graduates additional time to complete that or a similar exam.

<sup>4</sup> NALP, Class of 2018 National Summary Report, [https://www.nalp.org/uploads/NationalSummaryReport\\_Classof2018\\_FINAL.pdf](https://www.nalp.org/uploads/NationalSummaryReport_Classof2018_FINAL.pdf). The total number of newly licensed lawyers serving clients is somewhat higher than this because some states license graduates of state-accredited law schools. We lack immediate access to those numbers so have not included them here.

We explain below why it is urgent to maintain the flow of new lawyers into the legal system, and then outline six options for sustaining that supply. As we explain, three of those options are risky and likely to fail. The other three, however, offer significant promise for assuring competent legal services to the public. Just as courts are temporarily adapting their practices to keep the justice system in place during this pandemic, we need to temporarily adapt our licensing system. We cannot afford to close the doors to the profession in these precarious times.

### **The Need for New Lawyers**

In 2018, the most recent year for which we have data, 24,398 graduates of ABA-accredited law schools took jobs that required bar admission.<sup>5</sup> Almost half of those jobs (48.6%) were with government (2,725); public-interest organizations (1,812); firms of 1-10 lawyers (5,556); and firms of 11-25 lawyers (1,763). Employers in these four categories rely heavily on new lawyers to meet client needs. In fact, some members of the law school class of 2020 are already working for these employers—with the employers eagerly awaiting their transition to full-time, fully licensed lawyers.

These four groups of employers, notably, tend to serve the needs of low-income individuals, middle-income individuals, and small businesses. Disrupting the flow of new lawyers into these workplaces will undermine service to groups that already struggle to obtain services from our legal system.

Although the need for new lawyers is most acute among government, public interest organizations, and small firms, larger law firms also rely heavily on new lawyers. These firms pared associates after the 2009 recession, increasing their reliance on each class of new associates they hire. Associates today bill almost as many hours per month as they did before the recession.<sup>6</sup> Data from an ongoing research project, furthermore, shows that first-year lawyers at large firms perform many tasks (such as attending hearings and rendering advice directly to clients) that require a law license.<sup>7</sup>

Most important, the COVID-19 crisis almost certainly will increase demand for all types of legal services. Businesses are experiencing unprecedented closures and other disruptions. Employees in broad segments of the economy have already lost jobs; more will do so. The working poor, with few assets or employment-related benefits, have been particularly hard hit. Families are suffering from lost income, diminished savings, and increased needs to care for their children and elderly members. Soon, many of these families will suffer from the death of a loved one.

Lawyers will be essential to help these individuals access housing, food, and government assistance. Clients will also have heightened needs for legal advice related to employment loss, loans, health care, insurance disputes, disability benefits, family stresses, civil rights, and estate planning. Critical issues

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<sup>5</sup> *Id.* Information about the Class of 2019 should be available from the ABA by mid-April, but employment numbers have been relatively constant for several years; the Class of 2018 provides an appropriate guide.

<sup>6</sup> GEORGETOWN LAW CENTER ON ETHICS AND THE LEGAL PROFESSION & THOMSON REUTERS LEGAL EXECUTIVE INSTITUTE, 2020 REPORT ON THE STATE OF THE LEGAL MARKET 8 (2020), [https://legalprof.thomsonreuters.com/LEI\\_2020\\_State\\_of\\_Legal\\_Market\\_LP\\_010620?cid=9014946&sfdccampaign\\_id=7014000000vXWtQAM&chl=tr](https://legalprof.thomsonreuters.com/LEI_2020_State_of_Legal_Market_LP_010620?cid=9014946&sfdccampaign_id=7014000000vXWtQAM&chl=tr).

<sup>7</sup> IAALS, Building a Better Bar: Capturing Minimum Competence, <https://iaals.du.edu/projects/building-a-better-bar>. Several of us are directly involved in this research project, which is funded by AccessLex.



of COVID-19 likely will begin. As infections rise, cities and states will likely reinstitute more restrictive measures—producing a series of waves until an effective treatment or vaccine is widely available.

The probable wave-like nature of the pandemic means that it is impossible to predict a time in 2020 when any jurisdiction could safely schedule an exam administered to large groups of people. Postponing the exam until early fall 2020, in fact, might situate the exam squarely in the second wave of the disease. Postponing and then cancelling the exam would be devastating for bar exam offices, exam-takers, employers, low-income clients, and small businesses. Exam offices in many jurisdictions are leanly staffed and funded; asking those offices to prepare for a postponed exam, only to have it cancelled and perhaps rescheduled, might overwhelm those offices. Exam-takers, meanwhile, would have already weathered a summer of intense study—many of them without employment or pay—and would then face additional months of unemployment and uncertainty. Employers and the most vulnerable clients would face greatly increased legal demands without new lawyers to assist them.

2. Online Exams. Jurisdictions could attempt to offer the July 2020 bar exam entirely online. The feasibility of this option would rest largely on the National Conference of Bar Examiners (NCBE)'s ability to move the Uniform Bar Exam (UBE) and each of its components (which some jurisdictions use separately) online. Non-UBE jurisdictions would also have to move their local components online. Even if this is possible in the relatively short time remaining before July, questions would remain about providing appropriate exam security and health precautions. Could test-takers access the exam from home computers? If so, will all of them have necessary internet access and quiet locations for test-taking? If test-takers need to visit testing centers, will those centers offer enough capacity to accommodate the large number of test-takers? Will the testing centers offer sufficient health precautions? A sudden move to online exams could also raise questions about equating scores to previous written exams. Given the need to make decisions quickly (see below), it would be very risky to rely on this alternative.
3. Exams Administered to Small Groups. In at least some jurisdictions, it might be possible to administer the bar exam in multiple locations, with no more than 10 test-takers in each room. This would require considerable advance planning and significantly more exam proctors than most jurisdictions currently use. Provision would also have to be made for candidates with higher health risks (e.g., those with immunocompromised systems) to take the exam in solo rooms; this would add to the significant logistical complexities bar examiners already handle in administering accommodated exams to those with disabilities. Offering the exam to small groups, except in the smallest states, is likely to significantly increase costs.

This option is particularly risky because, even if a jurisdiction could surmount the logistical and financial challenges, it is impossible to predict the status of public health restrictions in any locality during late July. Those restrictions may even vary within states. As explained above, we will experience waves of disease and stringent public health measures for the foreseeable future. If a city or state is in a lockdown period, then even small-group administration would be forbidden. Time spent planning for this type of administration might be wasted time at best.

4. Emergency Diploma Privilege. Wisconsin has long used a diploma privilege, which licenses most graduates of the state's schools without the need to take a bar exam.<sup>13</sup> This system has worked well for Wisconsin.<sup>14</sup> Given that success, other jurisdictions should consider implementing an emergency diploma privilege to meet this once-in-a-century pandemic.<sup>15</sup> The privilege could extend solely to graduates of the class of 2020 (including those who graduated in December 2019) from accredited law schools. Individuals who had previously taken and failed a bar examination in any state could be excluded.

If adopted in its pure form, this option would allow graduates to practice only in the jurisdiction where they attended law school. That constraint would hamper efforts to serve clients, and would be particularly problematic for graduates (and their employers) who have already accepted jobs in other states. Given the large number of states that already participate in the UBE, as well as the national standards that ABA-accredited law schools follow, jurisdictions should consider extending their diploma privilege to graduates in other jurisdictions that promise reciprocity on this emergency measure. The advantages of providing client service and graduate employment in this crisis are immense.<sup>16</sup>

This option is straightforward and easy to administer; based on Wisconsin's experience, risks to the public are minimal. It would also be the most efficient way to get teams of licensed new lawyers on the front lines to help meet the legal challenges faced by our society as we first wage war to combat the virus and then rebuild profoundly damaged economic, social, and legal systems.

5. Emergency Diploma Privilege-Plus. Jurisdictions could tighten eligibility for the emergency diploma privilege (Option 4) by adding one or more other requirements to this emergency measure. Examples include:
- Completion of online courses or exams that the state has developed to supplement the UBE.
  - Law school certification of additional educational credentials, such as successful completion of a clinic or externship.<sup>17</sup>
  - Affidavit from an employer or externship supervisor that the candidate possesses the knowledge and skills to practice law with minimum competence. Law schools have developed rubrics for externships and clinical courses that could be used to guide that assessment.<sup>18</sup>
  - Completion of bridge-the-gap programs.

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<sup>13</sup> WIS. SUP. CT. R. 40.03. The rule requires students to complete 60 credits in standard doctrinal areas of law; 30 of those credits must be earned in specified subjects. The Wisconsin rule could provide a model for states interested in using this approach on a one-time, emergency basis.

<sup>14</sup> See Beverly Moran, *The Wisconsin Diploma Privilege: Try It, You'll Like It*, 2000 WIS. L. REV. 645 (2000).

<sup>15</sup> There is another precedent for adopting this approach: For many years, some states extended a diploma privilege to veterans. See Kristin Booth Glen, *Thinking Out of the Bar Exam Box: A Proposal to "Maccrate" Entry to the Profession*, 23 PACE L. REV. 343, 462 (2003).

<sup>16</sup> In earlier years, some states extended their diploma privilege to graduates of all U.S. law schools. See Moran, *supra* note 14, at 646.

<sup>17</sup> Many students should have completed these experiences to comply with the ABA's required 6 credits of experiential learning. For those that have not, jurisdictions might couple this option with one allowing licensure through an employer affidavit.

<sup>18</sup> Sample rubrics are available from the authors upon request.

- Completion of CLE programs. States could, if desired, specify programs in areas of particular client need and/or avoidance of common entry-level pitfalls.
- Completion of MAX, a free, online financial literacy program offered by AccessLex. With uncertain employment and high debt, this program may be particularly important for 2020 graduates.
- Completion of specified CALI lessons. The Center for Computer-Assisted Legal Instruction, “CALI,” maintains over 1,000 lessons on legal principles, including all subjects covered by most bar exams.

Each of these requirements adds some complications to an emergency diploma privilege, but none appear insurmountable. The requirements are all designed to offer additional assurance of a candidate’s competence.

6. Supervised Practice. Many jurisdictions issue student licenses that allow advanced law students to practice under a licensed lawyer’s close supervision.<sup>19</sup> In at least some jurisdictions, those licenses extend until bar exam results are announced. Jurisdictions could temporarily modify these supervised practice rules to: (a) allow 2020 graduates of accredited law schools (including those who graduated in December 2019) to use these licenses through November 15, 2020; and (b) permit those graduates to use those licenses for any type of employer that provides close supervision by a licensed lawyer.<sup>20</sup> Any jurisdiction that does not have a supervised practice rule could temporarily adopt one of this modified nature.

With a supervised practice rule in place, jurisdictions could then license law graduates who complete 240 hours of supervised legal work and submit an affidavit from their supervisor(s) attesting that they have successfully completed that work. Rubrics could guide both feedback to the graduates and the determination of successful completion.<sup>21</sup>

- This option would offer a particularly rigorous assessment of graduates’ competence because it would require demonstration of a wide range of knowledge and skills required for practice. As NCBE’s recent practice analysis shows, minimum competence includes many skills that are difficult to assess (or are not currently tested) on a written bar exam.<sup>22</sup>
- Consistent with public health guidelines, much of this work would have to occur online. Lawyers, however, are adapting quickly to the online environment and recent graduates are particularly adept with online technologies.
- To assure work for all 2020 graduates seeking licenses, jurisdictions could offer work through the ABA Free Legal Answers program, <https://abafreelegalanswers.org/> or similar state-sponsored

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<sup>19</sup> For information on the history and scope of these rules, see Wallace J. Mlyniec & Haley D. Etchison, *Conceptualizing Student Practice for the 21st Century: Educational and Ethical Considerations in Modernizing the District of Columbia Student Practice Rules*, 28 GEO. J. LEGAL ETHICS 207 (2015).

<sup>20</sup> This modification would eliminate restrictions that limit many of these licenses to government or public interest workplaces. Those constraints seem unnecessary in the current emergency.

<sup>21</sup> Text of a proposed emergency rule and sample rubrics are available from the authors upon request.

<sup>22</sup> NCBE, 2019 PRACTICE ANALYSIS (Mar. 2020), [https://testingtaskforce.org/wp-content/uploads/2020/03/TestingTaskForce\\_Phase\\_2\\_Report\\_031020.pdf](https://testingtaskforce.org/wp-content/uploads/2020/03/TestingTaskForce_Phase_2_Report_031020.pdf). The report, for example, lists knowledge of “legal research methodology” as the fifth most important knowledge area—higher than most of the subject areas tested on the bar exam. *Id.* at 22. Knowledge of “local court rules” ranks seventh. *Id.* Although the bar exam does not currently test research skills, supervised practice experiences would. Similarly, those experiences are likely to include finding and applying local court rules.

programs. The ABA program allows low-income clients to obtain online legal advice from volunteer lawyers. To adapt this program to emergency licensing, some of those volunteers would agree to supervise participating candidates. Like supervisors in other contexts, they would offer feedback to the candidates and assess their work with rubrics. Candidates would be licensed only if their supervisor(s) affirmed that they had successfully completed the supervised work.

- Notably, this option would allow jurisdictions to license lawyers graduating from law schools in any state. Jurisdictions could specify whether they wanted candidates to perform work within their own state or would accept supervised work performed in other states. Much of the work will be performed online, allowing work and supervision to readily cross state lines.

### **We Need to Act Now**

The progress of the COVID-19 pandemic makes one point abundantly clear: It is imperative to act quickly and plan ahead. It is already time to make decisions about the July 2020 bar exam. In addition to protecting the public health, we need to preserve the mental health of the candidates hoping to join our profession this year. Those candidates are already suffering educational, family, and financial disruptions. Some have lost part-time jobs needed to support themselves and their families. Others are struggling to care for children or older relatives. All are panicked about whether they will be able to take the bar exam this summer and, if not, how they will cope. Will they be able to find jobs without a law license? Will they study intensely for the bar only to discover that the exam has been cancelled or postponed? This emotional stress is building by the day: some students report that they are struggling to focus on their remaining classes because they are so worried about whether they will be licensed later this year.

We have focused in this paper on the needs of clients and the legal system, because that is the first concern of professionals. As a profession, however, we also have a duty to the students completing their legal studies this spring. As stewards of the legal profession, we need to provide humane options for these new graduates, at the same time that we guarantee a supply of new lawyers to serve pressing client needs.

### **Further Exploration of Options**

We present options briefly here because time is of the essence; we will expand and refine this document in the coming days. As we do so, we welcome thoughtful input, and are available to discuss solutions with stakeholders grappling with this complex decision. These are unprecedented times and we must work together to ensure we do not leave the talented members of Class of 2020 on the sidelines when we need every qualified professional on the field to keep our justice system moving.

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# Bar Admissions During the COVID-19 Pandemic: Evaluating Options for the Class of 2020

April 9, 2020



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## Bar Admissions During the COVID-19 Pandemic: Evaluating Options for the Class of 2020

The class of 2020 faces unprecedented challenges as a result of the COVID-19 pandemic, as does the American public. These challenges are especially being felt by low income and vulnerable populations. Decisions about how to meet the anticipated increased need for legal services, while ensuring public protection through the licensure process, are vested with each court. Tied up in such decisions, however, is the issue of how to minimize the financial impact on law school graduates resulting from potential delays in licensure. NCBE offers this paper to provide courts and admissions boards with information to assist them as they weigh options for allowing the class of 2020 to become licensed in the event the traditional bar exam cannot safely be administered.

### CURRENT STATUS OF THE JULY BAR EXAM

The July bar exam is still scheduled to be administered on July 28–29, 2020. While the status of the exam administration might be in question at this time because of COVID-19 stay-at-home orders and social distancing measures, the scheduled administration date is still over three months away. The class of 2020 will complete law school coursework in early May.

As of April 7, 2020, six jurisdictions have postponed their exams—New York, Massachusetts, Connecticut, Hawaii, New Jersey, and Vermont—but the other 50 jurisdictions have not made any such announcements. Many of these jurisdiction administrators have told us that their boards intend to proceed with administering the July exam

*as long as doing so is in compliance with public health guidelines and state or local orders in effect at that time.*

NCBE will do everything we can to support these jurisdictions, their courts, and their graduates; we've committed to providing July bar exam materials to those jurisdictions that go ahead with the exam, *provided* there are enough examinees nationally to properly score and grade the exam. NCBE will assess the state of jurisdiction decisions about the July exam in early May to get a better idea of whether this is the case.

We understand the urgency of the situation and the plight of 2020 law school graduates. NCBE is actively exploring additional opportunities for them to become licensed in 2020. We have committed to provide bar exam materials for two fall bar exam administrations—September 9–10 and September 30–October 1—both of which will include the Uniform Bar Exam (UBE) and the opportunity for examinees to earn portable scores. We are serving as a central repository for up-to-date jurisdiction decisions and announcements about the July and fall exam administrations on our website at <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information>.

Additionally, we are actively consulting with outside testing, technology, and exam security experts to evaluate alternative methods of testing, including options such as online, remote-proctored testing, if the traditional group setting must be canceled or modified.

## DIPLOMA PRIVILEGE

Several courts have been asked to implement diploma privilege on an emergency basis in light of the uncertainty about whether the bar exam can be administered.

Diploma privilege allows law school graduates to secure a license to practice without taking a bar exam. Those advocating for emergency diploma privilege present it as a solution to permit law graduates to become licensed so they can begin working and reduce the financial impact of the crisis on themselves as well as serve the millions of people whose lives have been upended as a result of the pandemic. These are worthy goals that NCBE applauds and shares. However, diploma privilege is not necessarily the best way to achieve them.

In Wisconsin, the only jurisdiction that grants diploma privilege, diploma privilege is limited to graduates of its two in-state law schools who comply with an extensive required curriculum as well as undergo a character and fitness investigation. (See <https://law.wisc.edu/studenthandbook/04.0.html>.)

Some of the various emergency diploma privilege petitions put forth in light of the pandemic have proposed granting temporary diploma privilege to in-state ABA-approved law school graduates to practice under supervision *until they can take and pass a bar exam*, which might be better categorized as “temporary limited practice” and is a solution NCBE supports. At least one petition has had no provision for requiring subsequent bar exam passage, and some have included a provision for a period of supervised practice under a licensed attorney in lieu of bar exam passage. Some are silent on the requirement of approval of character and fitness as a precondition to licensure. (Every US jurisdiction requires completion of a character and fitness investigation prior to being licensed.) And at least one petition for diploma privilege has included sharp criticism of the bar exam as an additional reason, beyond the current COVID-19 crisis, for implementing diploma privilege on a permanent basis.

It probably goes without saying, but diploma privilege-licensed lawyers gain *a local admission only*, so diploma privilege affects lawyer mobility. If graduates are not required to take a bar exam, they obviously would not have the benefit of earning a portable UBE score. Great strides have been made with the UBE in supporting mobility by allowing newly licensed lawyers to seek admission in multiple jurisdictions without having to repeat the bar examination. Moreover, some jurisdictions do not permit diploma-privilege lawyers to be admitted on motion, and new graduates admitted by diploma privilege might find themselves having to later take a bar exam should they relocate or seek to practice in multiple jurisdictions. (See [http://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020\\_021820\\_Online\\_Final.pdf](http://www.ncbex.org/assets/BarAdmissionGuide/CompGuide2020_021820_Online_Final.pdf), Chart 13.)

As those charged with the important responsibility of regulating the legal profession understand, public protection remains a priority even in this time of crisis. Diploma privilege in effect removes the public protection function vested in the courts and places it with the law schools, but with no independent, vetted, objective, or consistent final check on whether graduates are in fact competent to provide legal services. The public, and certainly legal employers, rely on passage of the bar examination as a reliable indicator of whether graduates are ready to begin practice.

Many law schools would take the responsibility of public protection seriously were diploma privilege to be instituted. That said, some law schools could feel pressures to pass large numbers of their students and/or individual students. Diploma privilege removes or curtails one of the criteria--bar passage--used by the ABA Council on Legal Education and Admissions to the Bar to determine compliance with accreditation

standards. The accreditation of law schools serves a critical function of protecting prospective law students, as well as protecting the public.

Diploma privilege would create inconsistency in the qualifications of new lawyers (dependent on which school they attended) and introduce subjectivity into the standards for minimal competence to serve the public, with each ABA-accredited school deciding whether an individual student is qualified. This creates an extraordinary conflation of roles for law schools—to be both educator and licensing authority.

Academic assessments used in law school classes are prepared and graded by individual professors and are naturally of varying degrees of quality and rigor from one professor to the next and from one law school to the next. In contrast, the bar exam meets the professional standards for testing at the level of quality and reliability needed for a *licensure exam* and ensures consistent standards are applied to all who earn the privilege of practicing law.

Some of the petitions urging diploma privilege have suggested requiring a period of supervised practice (in lieu of passage of a bar exam) before licensing graduates under diploma privilege. This is viewed as offering an additional check on competency to practice. Supervised practice can provide valuable, real-world practice experience, but it can also be fraught with limitations and challenges that courts and admissions offices should be aware of. The problems mentioned above, in the context of law schools, of inconsistency in the qualifications of new lawyers and the subjectivity of standards applied for minimum competence would be present to an even greater extent due in part to the number of supervising attorneys that would be needed. Additionally, supervised

practice can create conditions for unequal opportunity, as students must find licensed attorneys to supervise them in order to qualify. Well-connected students might not struggle to find a licensed supervising attorney, but first-generation law students from socioeconomically disadvantaged families might find it difficult to do so. The courts need only look at the increasing difficulty faced by bar applicants seeking to secure sponsors in countries that have required periods of “articling” to observe this disparate impact. (See [https://lsodialogue.ca/wp-content/uploads/2018/05/lawyer\\_licensing\\_consultation\\_paper\\_bookmarks-weblinks-toc.pdf](https://lsodialogue.ca/wp-content/uploads/2018/05/lawyer_licensing_consultation_paper_bookmarks-weblinks-toc.pdf).)

### BETTER OPTIONS TO HELP THE CLASS OF 2020

It is not necessary to take the extreme step of diploma privilege and the risk of diminishing public protection in order to solve the challenges brought on by the pandemic. Many jurisdictions are adopting or modifying temporary practice rules to permit graduates to work under the supervision of a licensed attorney until they are able to take the bar exam and obtain their results. Despite the potential problems noted above, supervised practice can be a good option to temporarily alleviate the financial hardships experienced by graduates facing delayed admission due to the pandemic. The courts in Tennessee, Arizona, and New Jersey have already issued orders implementing such measures to address the crisis. NCBE maintains a list of these orders and COVID-related bar admissions news on its website at <http://www.ncbex.org/ncbe-covid-19-updates/july-2020-bar-exam-jurisdiction-information>. And the ABA recently adopted a policy resolution urging states to consider temporary admission pending bar exam passage. (See <https://www.abajournal.com/>

[files/2020\\_law\\_grad\\_limited\\_practice\\_resolution.pdf](https://www.abajournal.com/files/2020_law_grad_limited_practice_resolution.pdf).)

Jurisdictions are also making other modifications to support students through the bar examination and admissions process, including extending application deadlines, relaxing refund policies, and relaxing or replacing notarized document and fingerprint card requirements. Such modifications are in addition to preparing to administer a fall exam in addition to or instead of the July exam. These and other measures should be considered and implemented to the extent possible to support law students.

### PROFESSIONAL LICENSURE EXAMS—PUTTING THE BAR EXAM IN CONTEXT

The law is not unique in requiring a licensing exam before individuals are allowed to serve the public. Medicine, accounting, nursing, dentistry, piloting, architecture, and engineering are examples of other professions that require passage of one or more standardized examinations before an individual is permitted to work unsupervised in a profession.

All of us recognize the unprecedented need for nurses and doctors in this pandemic. We have not, however, seen calls to waive licensure exam requirements for medical or nursing students to become doctors or nurses. At the time of this writing, medical licensure exams have suspended testing because of COVID-19. For example, the USMLE Step 2 Clinical Skills (CS) test has been suspended with a tentative reopen date of June 1, 2020 (i.e., over a month before the first of the three scheduled bar examinations) (See <https://www.usmle.org/announcements/>). The licensure exam for nursing (NCLEX) is not being suspended nor the requirement to pass the exam

waived. Rather, testing is happening as of the time of this writing on a limited basis (only at certain test centers, with a limited number of test-takers per day.) (See <https://www.ncsbn.org/14496.htm>.)

## THE BAR EXAM

Some of the proponents of diploma privilege argue not only that it is necessary because of uncertainty about whether the bar exam can be administered, but they also assert that the bar exam does not measure competence to begin practice. In fact, the exam is designed for exactly that purpose (a claim that can't be made regarding law school curricula) and has been used for decades to make licensing decisions.

The UBE consists of three exam components, many or all of which are also used by non-UBE jurisdictions. The Multistate Bar Exam (MBE) consists of 200 practice-centered, multiple-choice questions in seven core areas of law. Multiple-choice formats permit objective grading and sampling of a broad array of content contributing to the high reliability of scores. The Multistate Essay Exam (MEE) is a six-question essay exam that also covers core practice areas and offers assessment of candidates' ability to identify and analyze legal issues and show their analyses in writing. The Multistate Performance Test (MPT) consists of two 90-minute case simulations that require candidates to create a written product for a supervising attorney using a case file and a closed universe of legal resources. Samples of MBE questions and past MEE and MPT questions are available on NCBE's website at [www.ncbex.org](http://www.ncbex.org).

NCBE is confident in the validity, reliability, and fairness of the bar exam because the exam has been carefully developed and vetted to meet professional testing standards

promulgated by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education and set out in the *Standards for Educational and Psychological Testing* (AERA, APA, NCME, 2014). NCBE has a professional and highly credentialed staff of psychometricians who ensure that NCBE's exams meet or exceed the *Standards*. NCBE's psychometricians have a collective 150 years of academic, testing, measurement, and test security experience. NCBE also consults regularly with a [panel of outside testing experts](#) and the Center for Advanced Studies in Measurement and Assessment (CASMA), a preeminent educational measurement organization (<https://education.uiowa.edu/centers/casma>).

The claim that individuals who pass the bar examination have mastered the knowledge and skill of newly licensed lawyers may not be immediately self-evident. Validation is the process by which testing organizations such as NCBE gather and evaluate the evidence to support such claims. The content tested on the bar examination has been validated through practice analyses conducted by independent measurement firms, most recently in 2012 and again in 2019 as part of NCBE's Testing Task Force study. Information about that study and the results of the practice analysis can be found at <https://testingtaskforce.org/research/phase-2-report/>. The job responsibilities identified through a practice analysis serve as an anchor point in the validation process. Although NCBE periodically evaluates other types of validity evidence (e.g., internal structure of tests, relationship of test scores to other relevant outcomes, studies of test fairness), a practice analysis serves as the primary source of validity evidence for the use of scores on licensure examinations. No such validation process is done on law

school curricula or course work, and the purpose of law schools is to educate, not to protect the public by ensuring competence to practice under a general license.

Some arguing for diploma privilege have erroneously remarked that NCBE created the Testing Task Force because of recognized deficiencies with the bar exam and to study *whether* the exam tests the knowledge, skills, and abilities needed for practice. In fact, NCBE has confidence that the current exam is a valid measure of minimum competence for entry-level practice. NCBE created the Testing Task Force in January 2018 to ensure that the bar exam *continues* to test the necessary knowledge, skills, and abilities in the face of a changing profession and world. It would be irresponsible if licensing authorities did not periodically conduct such studies. NCBE is undertaking this significant three-year study for the benefit of the jurisdictions that rely on us to provide a bar exam that is of the highest quality and appropriate for licensure.

## NCBE TEST DEVELOPMENT AND SCORING

The bar exam components developed by NCBE are created largely through the efforts of volunteer drafters/lawyers who are experts in the legal subjects being tested. Faculty members from 32 law schools serve on our test drafting committees, and every drafting committee also has members who are practicing lawyers and judges. There is also widespread jurisdiction participation on all of our policy committees, including our test policy committees. In short, the jurisdiction bar admission offices and courts that we serve are heavily involved in setting policy and ensuring the appropriateness of bar exam questions for licensure purposes.

NCBE's test development process is lengthy and thorough. All items that appear on the UBE are pretested, reviewed by outside content experts, and subject to bias review. All MEE and MPT items are reviewed in depth by test policy committee members well in advance of administration. Test development is also guided by best practices in measurement science for reliability and validity. (See <https://thebarexaminer.org/wp-content/uploads/PDFs/BE-860317-TestingColumn.pdf>; <https://thebarexaminer.org/wp-content/uploads/PDFs/750306-testing.pdf>; <https://thebarexaminer.org/wp-content/uploads/PDFs/740105-kane.pdf>.)

## CRITICISMS OF THE BAR EXAM

While this is not the place to respond to the unfounded and unsubstantiated criticisms that some commentators are directing at the bar exam, we feel compelled to make two important points. One relates to charges that the bar exam disproportionately burdens and disadvantages people of color and women. The second relates to recent declines in bar passage rates.

Regarding disproportionate impact, it is true that differences in average performance on the bar exam tend to be observed across racial/ethnic groups. However, the same or greater differences in average performance across racial/ethnic groups also tend to be observed in performance in law school (law school GPAs), on the LSAT, and in undergraduate GPAs. Similarly, gender differences in average performance observed on the bar exam are also observed in law school and on the LSAT: men tend to perform better, on average, on multiple-choice exams (like the MBE and the LSAT), and women tend to perform better, on average, on essay exams (like the MEE and MPT portions of the bar exam). To say that the bar exam disadvantages particular racial/

ethnic groups ignores the bigger picture of educational pipeline-related differences in performance that are observed in law school and prior to law school. These differences are not eliminated, nor are they exacerbated, by the bar exam. They are the result of deeply rooted societal problems that create unequal educational (and other) experiences and opportunities. NCBE cannot erase the problems that contribute to the performance gap, but we are committed to contributing to solutions, such as through [our partnership with the Council on Legal Education Opportunity, Inc. \(CLEO\)](#), and taking every measure to ensure the bar exam is free from bias.

Regarding the decline in bar passage rates, performance of graduates on the bar exam has declined since 2014. That decline has been of great concern to NCBE, as we know it has to all courts and bar admissions offices. It has been well documented by NCBE and others that the decline in bar exam performance correlated with a decline in the credentials of law students, such as undergraduate GPAs and LSAT scores that began with the recession of 2008. (See <https://www.nytimes.com/roomfordebate/2015/09/24/is-the-bar-too-low-to-get-into-law-school/incoming-law-students-have-weaker-exam-credentials>; <https://excessofdemocracy.com/blog/2018/9/mbe-scores-drop-to-34-year-low-as-bar-pass-rates-decline-again>; <https://excessofdemocracy.com/blog/2018/4/february-2018-mbe-bar-scores-collapse-to-all-time-record-low-in-test-history>; <https://lawprofessors.typepad.com/legalwhiteboard/2016/01/in-late-december-2014-i-posted-a-blog-analyzing-how-the-distribution-of-matriculants-across-lsat-categories-had-changed-si.html>.)

Further, those declines have been shown to reflect actual declines in demonstrated proficiency by examinees on the bar exam.

When MBE scores in July 2018 hit what we hope is their low point, we looked at those MBE questions that had been used in a previous July exam. We found a performance decrease on those questions that was consistent with the decrease in the mean scaled score, indicating that the July 2018 examinees performed less well than previous July examinees. Looking at the LSAT scores of the examinees who had entered law school in 2015 and were the primary group of first-time takers of the July 2018 bar exam, we found that the group's LSAT scores were the lowest they had been since at least 2010. The entering class of 2015 also had the fewest LSAT takers, the fewest applicants, and the lowest first-year enrollment since at least 1995. (See <https://thebarexaminer.org/article/fall-2018/the-testing-column-july-2018-mbe-the-storm-surge-again/>.)

While law schools are not obliged to hold their entering classes to the exact same standards year after year, there should be no compromise in ensuring that students' competence to enter practice meets the jurisdictions' determination of minimum competence. The bar exam is the most important reliable, independent, objective assessment of graduating student competence. Law schools are student-centric and understandably have an interest in seeing *all* their graduates authorized to practice law. A court's interest, in contrast, is to ensure that the public can rely on the fact that the individuals who receive a license are, in fact, proficient to represent the public.

## CONCLUSION

There are good reasons the jurisdictions have relied upon the bar exam for decades as a fair, objective, valid, and efficient method for making licensing decisions, rather than relying upon diploma privilege. Those reasons are still compelling in the

face of the current crisis. That is why NCBE has been working diligently to offer solutions to jurisdictions that will enable them to maintain a bar admissions process that ensures the public is served by competent and ethical lawyers while also considering the financial impact of the crisis on law graduates seeking admission.

We are developing webinars and FAQs to prepare bar administrators for administrative issues and questions from applicants related to the three exam administrations (July and two fall dates). And we are providing information, like this white paper, to assist courts and admissions offices in making difficult decisions about the bar exam and licensure.

Of course, none of us knows for sure what will happen with COVID-19 or when in-person testing can be safely carried out. That is why NCBE is also exploring alternative methods for jurisdictions to conduct testing of bar applicants. One method being used for academic tests in law schools and for some *admissions* tests like the LSAT and the GRE is online testing with remote proctoring. Just as licensure testing is different from academic testing, it is also different from admissions testing. While licensure tests are designed to protect the public, admissions tests are designed to

protect prospective students from embarking on educational pursuits for which they might not be suited, and to provide educational institutions with objective, reliable test scores to evaluate potential students' aptitude as part of enrollment decisions. Students are not awarded their degrees on the basis of admissions tests, however; they are only given the opportunity to earn the degrees. That is not to suggest that online testing cannot be used for the bar exam; rather, it is to emphasize that careful study is needed before jumping to a decision. NCBE is working with outside technology, testing, and exam security experts who have experience with online testing to carefully but expediently evaluate the many technical, logistical, legal, administrative, and measurement issues that online testing creates. We will share the results of our exploration with the jurisdictions as soon as possible.

NCBE remains committed to supporting the jurisdictions, as we have since 1931, in carrying out their licensing responsibilities during these difficult times. We hope we have earned your confidence in our expertise and trust in our integrity over our many years of service. Know that we never take it for granted and will continue to work to deserve it.

**AMERICAN BAR ASSOCIATION**  
**STANDING COMMITTEE ON BAR ACTIVITIES AND SERVICES**  
**LAW STUDENT DIVISION**

**REPORT TO THE BOARD OF GOVERNORS**

**RESOLUTION**

1           RESOLVED, That the American Bar Association strongly urges the highest  
2 court or bar admission authority of each jurisdiction to immediately adopt  
3 emergency rules that would authorize

4  
5                   (1) 2019 and 2020 law graduates, and

6  
7                   (2) graduates of prior years who have been since graduation serving  
8 as judicial law clerks,

9  
10 who have not yet taken a bar examination, and who apply for admission to the  
11 bar, to engage in the limited practice of law, if the July 2020 bar examination in  
12 their jurisdiction is cancelled or postponed due to public health and safety  
13 concerns arising from the coronavirus pandemic.

14  
15 FURTHER RESOLVED, That this authorization to engage in limited law practice  
16 should apply only if the applicant is a graduate of a law school accredited or  
17 provisionally accredited by the Council of the Section of Legal Education and  
18 Admissions to the Bar of the American Bar Association and the applicant has  
19 successfully completed all requirements to be eligible to take the July 2020  
20 examination.

21  
22 FURTHER RESOLVED, That this authorization to engage in the limited practice  
23 of law would extend through licensure of the applicant, or until further order of the  
24 court or bar admission authority.

25  
26 FURTHER RESOLVED, That this limited authority to practice law should be an  
27 emergency measure, available only for a specified time, as necessary to  
28 accommodate public health and safety concerns arising from the coronavirus  
29 pandemic.

30  
31 FURTHER RESOLVED, That in adopting such an emergency rule, the court or  
32 bar admission authority should consider requiring that:  
33

34 (1) The applicant register with the jurisdiction's bar admissions  
35 authority (or other appropriate agency) and comply with all applicable  
36 registration requirements;

37  
38 (2) The applicant be directly supervised by a lawyer authorized to  
39 practice in the jurisdiction whose license is active and in good standing; the  
40 supervising lawyer confirms in writing to the appropriate agency that he or  
41 she will directly supervise the practice of the applicant; and the supervising  
42 lawyer is identified as such in all papers submitted to a court, government  
43 agency or authority, or alternative dispute resolution tribunal, on which the  
44 applicant's name appears;

45  
46 (3) The applicant be subject to the disciplinary authority of the  
47 jurisdiction in which the applicant is practicing and the applicant comply  
48 with all ethics and related rules of the jurisdiction, including specifically but  
49 not limited to rules requiring truthful and non-misleading advertising or  
50 other public statements concerning his or her limited authority to practice;

51  
52 (4) The applicant and the supervising lawyer disclose, in a clear and  
53 prominent manner, the applicant's limited authority to practice to any client  
54 for whom the applicant does any work, and the supervising lawyer, by  
55 direct contact with the client, obtain the client's consent to be represented  
56 by the applicant and provide the client with the supervising lawyer's name  
57 and contact information;

58  
59 (5) The applicant disclose, in a clear and prominent manner, the  
60 applicant's limited authority to practice to any person with whom he or she  
61 interacts in the practice, including any court, government agency or  
62 authority, or alternative dispute resolution tribunal;

63  
64 (6) The applicant adhere to any conditions set by the emergency  
65 rule as to limitations on the authorization given to appear before any court,  
66 tribunal, governmental agency, or alternative dispute resolution tribunal.

67  
68 (7) The applicant take the bar examination by the end of 2021; and

69  
70 (8) The applicant's limited authorization will terminate if the applicant  
71 fails the bar examination.

72  
73 FURTHER RESOLVED, That nothing in the Resolution shall be construed to  
74 amend, limit, or call into question, the historic and longstanding policy of the  
75 American Bar Association supporting the use of a bar examination as an  
76 important criterion for admission to the bar.

## REPORT<sup>1</sup>

As this Resolution and Report are written, the United States and the world are in the midst of a deadly coronavirus pandemic, and no U.S. community appears to have reached the peak of new infections or deaths. All business and government activities other than those involving health care and public safety have slowed dramatically, and much ordinary business activity has ceased. The primary focus of virtually all government and business has turned to health and safety.

Still, the judicial system, law schools, and the legal profession are today attempting to continue operations, as best they can, while complying with public health and safety orders and guidance that, for example, ban almost all in-person activities like in-person court proceedings, law school classes, and meetings with clients.

In recent days, several jurisdictions, in an effort to comply with public health and safety orders and guidance have decided to cancel or postpone the traditional July administration of the bar examination in 2020. As of this writing, at least four jurisdictions have canceled or postponed the July 2020 bar examination – Connecticut, Hawaii, Massachusetts, and New York.<sup>2</sup> Other jurisdictions have acknowledged they are contemplating the same action.<sup>3</sup> No one can doubt these decisions are necessary to public health and safety. This Resolution in no way questions the necessity for such decisions.

Yet there also can be no doubt that canceling or postponing a bar exam will significantly affect the lives, careers, and immediate personal plans of law graduates, their families, and the lawyers or other organizations with whom they

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<sup>1</sup> This Report was prepared and was current as of its submission to the Board of Governors on April 6, 2020. Between that time and approval by the Board, both Arizona and New Jersey have adopted rules similar to the kind proposed in the Resolution.

<sup>2</sup> Stephanie Francis Ward, “New York bar exam planned for September; Hawaii postpones exam, too,” [www.ABAJournal.com](http://www.abajournal.com/news/article/ny-bar-planned-for-september-court-explores-supervised-practice-for-recent-law-grads) (April 1, 2020), available at <https://www.abajournal.com/news/article/ny-bar-planned-for-september-court-explores-supervised-practice-for-recent-law-grads>.

<sup>3</sup> Tennessee has not yet canceled or postponed the July 2020 bar examination, but its high court entered an order extending its current rule allowing law students to engage in limited practice to law graduates. (Order Temporarily Modifying Certain Provisions of Tennessee Supreme Court Rule 7 Related to The July 2020 Bar Examination, *In re: Covid-19 Pandemic*, No. ADM2020-00428 (entered April 2, 2020), available at: [http://tncourts.gov/sites/default/files/docs/ble\\_covid-19\\_order.pdf](http://tncourts.gov/sites/default/files/docs/ble_covid-19_order.pdf) (copy of order and underlying amended rule attached as Exhibit A).

might otherwise practice. Every law graduate in this country has planned and worked for years toward the goal not only of graduation from law school, but admission to the bar and licensure. The inability of a law graduate to take the bar examination in July 2020 would mean a delay, at the very least, of months in their ability to begin the practice of law. This delay may lead not only to tangible financial and family hardship, but disruption in the plans and operations of the organization and clients for whom these law graduates may already be planning to work.

Cancelling or postponing a bar examination for public health and safety reasons is not without consequence. The livelihoods, families, and careers of 2019 and 2020 law graduates may be uprooted, and financial security immediately threatened, with even a delayed exam. Upon graduation, the average 2020 law graduate will bear a debt load of \$142,870.<sup>4</sup> That debt load remains unchanged while their job prospects disappear or diminish in part were their jurisdiction to deny them the opportunity to take the exam in July 2020 and begin to practice law. Public health and safety and the professional and financial security of law graduates need not be mutually exclusive.

This Resolution strongly encourages jurisdictions' supreme courts and bar admission authorities to adopt emergency rules that would mitigate these hardships and disruptions.<sup>5</sup> One state (Tennessee) has recently adopted such a rule;<sup>6</sup> another state (Arizona) has published a proposed rule that would accomplish what this Resolution proposes now pending before its high court;<sup>7</sup>

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<sup>4</sup> Tiffane Cochrane, "What Do We Know About Law Student Indebtedness?," AccessLex Institute (Aug. 23, 2019), available at: <https://www.accesslex.org/xblog/what-do-we-know-about-law-student-indebtedness>.

<sup>5</sup> A few commentators have proposed other means to address these issues. See Angelos, Claudia and Berman, Sara and Bilek, Mary Lu and Chomsky, Carol L. and Curcio, Andrea Anne and Griggs, Marsha and Howarth, Joan W. and Kaufman, Eileen R. and Merritt, Deborah Jones and Salkin, Patricia E. and Wegner, Judith W., *The Bar Exam and the COVID-19 Pandemic: The Need for Immediate Action* (March 22, 2020), Ohio State Public Law Working Paper No. 537 (2020), available at: <https://ssrn.com/abstract=3559060> or <http://dx.doi.org/10.2139/ssrn.3559060>; Letter, New York Law Deans to Chief Judge Janet DiFiore, dated April 3, 2020, available at: <https://www.albanylaw.edu/coronavirus/law-dean-letter-to-court-of-appeals>.

<sup>6</sup> See Tennessee Order, *supra* fn. 2 (copy attached as Exhibit A).

<sup>7</sup> Petition, *In the Matter of Petition to Amend Arizona Rule of the Supreme Court 38*, Ariz. Sup. Ct. No. R-20-2007 (filed Jan. 9, 2020), petition and appendix available at: <https://www.azcourts.gov/DesktopModules/ActiveForums/viewer.aspx?portalid=0&moduleid=23621&attachmentid=7440> and <https://www.azcourts.gov/DesktopModules/ActiveForums/viewer.aspx?portalid=0&moduleid=23621&attachmentid=7442> (copy attached as Exhibit B).

and a third state (New York) appears to be considering such a rule<sup>8</sup> There may also be some states whose rules already permit limited practice of this kind. Arizona’s petition, for example, asserts that its rule “currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination, [but] the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates,” and thus the petition seeks to clarify and add important elements to the grant of limited practice authority.<sup>9</sup> This Resolution strongly supports these efforts and sets out a number of necessary and appropriate criteria that should be considered by jurisdictions in considering such rules.

Arizona’s pending petition for a rule change notes that at least sixteen jurisdictions allow recent law graduates to engage in the limited practice of law post-graduation and pre-bar admission.<sup>10</sup> While these existing programs do share some common features, not all directly or clearly address the currently anticipated issue of the cancellation or postponement of the July 2020 bar examination. For example, as noted above, Tennessee recently acted to expand its program for this reason.<sup>11</sup> Whether a jurisdiction chooses to use this approach to achieve limited practice authority for recent graduates pending admission in this context is, of course, a matter for each jurisdiction.

### **The Effects of Cancelling or Postponing the Bar Examination**

Without adoption of a rule to mitigate the effect of the cancellation or postponement of the July 2020 bar examination, a delay in law graduates’ eligibility to practice law will place an unprecedented financial burden on thousands of law graduates. During this unexpected delay in admission, job security will be in question; reduced salaries are likely; and law student debt remains. Law graduates and their families have invested tens of thousands of dollars into their education with the expectation of promptly graduating, passing the bar exam, and entering the practice of law. Those expectations have been uprooted by an act of God. Without action, this financial burden will fall

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<sup>8</sup> See Ward, *supra* n. 1. Indeed, the deans of all fifteen New York law schools have urged the New York high court to adopt “a broad and universal system of *provisional, temporary* authorization for 2020 graduates to practice law under the supervision of an attorney admitted to practice in New York” (original emphasis). See Letter, New York Law Deans to Chief Judge Janet DiFiore, dated April 3, 2020, at 3 (original emphasis), available at <https://www.albanylaw.edu/coronavirus/law-dean-letter-to-court-of-appeals>.

<sup>9</sup> See *supra*, fn. 5.

<sup>10</sup> Petition, *supra* fn. 5, at 4-5.

<sup>11</sup> Order, *supra* fn. 4.

disproportionately on law graduates who had grounded their futures on taking the 2020 bar examination.

Further, law graduates are by no means the only ones affected. The immediate legal needs of individuals and businesses, from small to large, as a result of this pandemic, are already enormous and will continue to grow. Tens of thousands of graduating law students stand ready to help with those needs, if they are given the regulatory permission to do so. This resolution encourages states to permit these trained law graduates to help serve the public in this crisis.

### **Components of the Rule that the Resolution Advocates**

This Resolution calls for the immediate adoption of an emergency rule, regulation, or policy. The Resolution recognizes that the problem is one of immediate concern and should be addressed as soon as possible. At least one state (Tennessee) has wisely addressed this issue *before* making any decision on whether its bar examination will be offered in July 2020. The Resolution calls for immediate action.

The Resolution also advocates for adoption of a rule that would be considered an emergency rule. The current public health and safety environment is changing daily, and a rule such as this might well need to be adapted to changed conditions in a few months. The Resolution does not advocate for adoption of any change in policy that would be permanent or survive the current challenges created by the coronavirus pandemic as it presents itself today.

Examples of rules of the type advocated by this Resolution include the rules very recently adopted by the supreme courts of Arizona and Tennessee, copies of which are attached to this Report.

A number of the specific features of the type of rule advocated by this Resolution bear comment. The Resolution urges that the following would be the most important features of a rule:

- The rule would cover law graduates from both 2019 and 2020. Some law graduates do, for legitimate reasons (such as judicial clerkships), delay taking the bar exam for a time after their graduation.
- The rule would only apply to first-time takers of the bar examination, consistent with its emergency nature. Thus, a law graduate who had taken either the bar examination of the jurisdiction adopting the rule or any other jurisdiction, whether the law graduate passed or failed the exam, would not qualify under the rule.

- The rule would only cover 2019 and 2019 law graduates who apply for admission to the bar, again consistent with the narrow, emergency nature of the relief granted by the rule.

- Applicants must also be graduates of law schools accredited or provisionally accredited by the Council of the Section of Legal Education and Admissions to the Bar of the ABA.

- The limited authority to practice law would extend through an applicant's licensure, including the taking of the bar examination, the time needed for the examination to be graded and results known, and any time after that ordinarily needed for the bar admission authority to complete its normal licensure process.

The Resolution also advocates that adopting jurisdictions should seriously consider the following features be included as part of such a rule:

- A requirement that the applicant register with an appropriate regulatory authority and comply with any appropriate registration requirements, ranging from completing an application to paying fees associated with the process. The Resolution contemplates that a jurisdiction might decide to impose certain fees associated with the regulation of the profession, as they might deem appropriate.

- Direct supervision of the applicant's limited practice by an identified lawyer already admitted in the jurisdiction. The Resolution contemplates that this supervision be consistent with that required by ABA Model Rule of Professional Conduct 5.1(b) concerning the responsibility of a lawyer with "direct supervisory authority" over another lawyer. The supervising lawyer would be required to commit in writing to the requirements of this role as a part of the applicant's application for this limited authority.

- Disclosure to clients, courts, and others of the limited nature of the applicant's authority to practice law would be required, as would appropriate disclosure of the same limitations in any interactions with others or the public.

- The rule would allow court appearances by the law graduate, but each jurisdiction should consider what conditions it wishes to set on this authorization, such as court permission or attendance by the supervising lawyer.

- The rule would also require that the applicant actually take and pass the bar examination by the end of 2021.

This Resolution *does not* take any position on decisions that are appropriately within the authority and discretion of the highest court or bar admission authority of each jurisdiction, such as whether the July 2020 administration of the bar examination by any jurisdiction should be canceled or postponed, or whether the July 2020 administration of the bar examination by any jurisdiction should be administered online, remotely, or in small groups.

Finally, the Resolution does not intend in any way modify or limit the historic and longstanding policy of the ABA supporting the use of a bar examination as an important criterion for admission to the bar.

# Exhibit A

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

<b>FILED</b> 04/02/2020 Clerk of the Appellate Courts
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**IN RE: COVID-19 PANDEMIC**

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**No. ADM2020-00428**

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**ORDER TEMPORARILY MODIFYING CERTAIN PROVISIONS OF  
TENNESSEE SUPREME COURT RULE 7 RELATED TO  
THE JULY 2020 BAR EXAMINATION**

Consistent with the Tennessee Supreme Court’s COVID-19 Pandemic Orders entered March 13, 2020, and March 25, 2020, and in furtherance of the Judicial Branch’s obligation to mitigate the risks and effects of mitigation of risks associated with COVID-19, the Court adopts temporary changes to the provisions of Tennessee Supreme Court Rule 7 listed below. These changes are intended to provide applicants for the July 2020 administration of the Uniform Bar Examination (“UBE”) assurance regarding application deadlines and the steps that the Board of Law Examiners (the “Board”) is to take in the event a July 2020 examination is not deployed and/or a fall 2020 UBE is offered. With the exception of the modification to sections 3.05(a) of Rule 7, these modifications apply to applicants to the July 2020 administration of the Uniform Bar Examination (UBE) in Tennessee.

1. Section 11.03 of Tennessee Supreme Court Rule 7 is suspended temporarily only for applicants for the July 2020 bar examination to permit limited transfer of applications or full refund of fees, as follows:

- a. The July 2020 application for admission by examination and fee paid to the Board will be valid for the UBE administered in July 2020 or on an as-yet-unscheduled fall 2020 date.
  - b. Applicants will be given the option to choose either the July or fall 2020 UBE, but not both.
  - c. After a decision is made regarding the July bar examination and regardless of what that decision is, applicants for the July 2020 administration of the UBE who complete the application process prior to the May 20 deadline will be given the option to transfer the July 2020 application and fee paid to the Board to either the fall 2020 UBE, if one is scheduled, or the February 2021 administration of the UBE on or before a deadline to be set by the Board.
  - d. If a fall examination is not offered and a July 2020 examination is not deployed or cannot be administered, applications and fees paid to the Board will be transferred to the February 2021 examination automatically unless the applicant requests a full refund of the fee paid to the Board on or before a deadline to be set by the Board.
2. Section 10.04 of Tennessee Supreme Court Rule 7 (practice under supervision) is modified for applicants who graduated from law school between March 1, 2020, and July 24, 2020, who completed the application process by the deadline for the July 2020 administration of the UBE, and who register for § 10.04 practice under supervision, by extending the time applicants are permitted to engage in supervised

practice until November 15, 2021. This modification permits qualified applicants the opportunity to practice under supervision until the admission ceremonies in November 2021.

3. Section 10.07 of Tennessee Supreme Court Rule 7 (practice pending admission) is modified for applicants who have an active license in good standing in another jurisdiction, who completed the application process by the deadline for the July 2020 bar examination, and who register for practice pending admission under § 10.07, by extending the time applicants are permitted to engage in practice pending admission until November 15, 2021, provided however, that the applicant sits for and completes the earliest examination offered. This modification permits qualified applicants the opportunity to practice pending admission until completion of the admission ceremonies in November 2021.

4. Section 4.07(d) of Tennessee Supreme Court Rule 7 is modified for applicants who have completed the application process by the deadline for the July 2020 bar examination and have a qualifying score from the August 2018 or November 2018 administration of the MPRE, to extend the validity of the scores for the August and November 2018 MPRE scores through grade release for the February 2021 examination.

5. Section 3.05(a) of Tennessee Supreme Court Rule 7 is modified to permit concurrent applications in order to prevent delays in licensing that applicants for the July 2020 UBE would otherwise experience. A “concurrent application” permits an applicant to apply for admission by Uniform Bar Examination administered in another state and, prior to earning that score, apply to Tennessee for admission by transferred Uniform Bar

Examination score. Sec. 3.05(a)(1) is amended to permit filing of an application to transfer a UBE Score prior to the time an applicant has achieved the required score as long as the applicant achieves the required score on an examination administered between July 2020 and February 2021.

Nothing in this order is to be construed as changing the current status of the July 2020 bar examination. The modifications to Rule 7 are applicable to July 2020 bar examination applicants only and all other provisions of Rule 7 and Board Policies remain unchanged. The Board of Law Examiners remains open and shall continue to provide services, while balancing the health and safety of Board members, staff, exam proctors and the public.

It is so ORDERED.

PER CURIAM

West's Tennessee Code Annotated  
State and Local Rules Selected from West's Tennessee Rules of Court  
Rules of the Supreme Court of the State of Tennessee  
Rule 7. Licensing of Attorneys  
Article X. Special or Limited Practice

Sup.Ct.Rules, Rule 7, § 10.04

Sec. 10.04. Practice Before Admission by Examination Score

Currentness

**(a) Eligibility.**

(1) An applicant may register with the Board in order to perform the services described in paragraph (c) of this section provided the applicant:

(A) has never been licensed to practice law in another state in the United States, the District of Columbia, or U.S. Territories;

(B) has submitted an application pursuant to [section 3.01](#) or 3.05 of this Rule;

(C) meets the educational requirements of [section 2.01](#) and 2.02 of this Rule;

(D) works in Tennessee under the supervision of a licensed lawyer who is admitted and in good standing in Tennessee; and

(E) has:

(i) not yet had an opportunity to take the Tennessee bar examination;

(ii) taken the examination but not yet received notification of the results of the examination; or

(iii) taken the examination or submitted a UBE score transfer application, but has not yet been admitted as a member of the Tennessee bar.

(2) An applicant is eligible for supervised practice under this section beginning with the submission of the first Application to the Bar of Tennessee or the graduation from law school, whichever is later.

(3) Applicants registered for supervised practice who are unsuccessful on the examination and who submit a re-examination application for the next available exam within ten days of the release of examination results may continue to practice under supervision subject to the time limits in paragraph (4). The privilege to engage in supervised practice expires for applicants who are unsuccessful on the examination and do not submit a re-examination application within ten days of notification of examination results.

(4) The privilege to engage in supervised practice expires: upon admission of eligible examination or UBE score transfer applicants; as provided in paragraph (3) for unsuccessful examinees; upon admission in any other state, the District of Columbia, or U.S. Territory; or upon issuance of an order to show cause. In no event shall the privilege to engage in supervised practice continue for more than sixteen months from the date an applicant graduated from law school.

(5) The Board shall have no discretion to extend the time an applicant may engage in limited practice.

(6) An applicant who is licensed in another jurisdiction and seeking admission under [sections 3.01, 3.05, 5.01, or 10.06](#) of this Rule may practice pending admission as provided in [section 10.07](#).

**(b) Registration Process.** In order to perform the services described in paragraph (c), the applicant must submit to the Board the NCBE application, the Tennessee Supplemental application, and the fees associated with the application. Additionally, the applicant must register for supervised practice according to the procedures established by the Board and pay the required fee. The applicant must include with the registration an affidavit from an attorney licensed and in good standing in Tennessee stating that the attorney agrees to undertake the supervision of the applicant in accordance with this section.

**(c) Supervision.**

(1) The applicant shall be under the immediate and personal supervision of an attorney who meets the requirements of paragraph (3), below.

(2) It is the responsibility of the supervising attorney to ensure that the applicant is properly supervised and instructed including compliance with [Tenn. Sup. Ct. R. 8, RPC 5.3](#), and be present as provided in paragraph (d)(2), below; however, it is not necessary that the supervising attorney be present when the applicant engages in activities such as interviewing, investigation, drafting, and negotiation.

(3) The supervising attorney must:

(A) be a lawyer licensed and in good standing in Tennessee;

(B) have practiced for a minimum of three years; and

(C) assume professional responsibility for the direct and immediate supervision for the professional work of the applicant.

**(d) Services Permitted.** Under the supervision of the supervising attorney, and with the written consent of the person on whose behalf the applicant is acting, an applicant approved for supervised practice may render the following services.

(1) Applicant may counsel and advise clients, negotiate in the settlement of claims, represent clients in mediation and other non-litigation matters, and engage in the preparation and drafting of legal instruments. Any communication other than internal communications may be signed by the applicant with the accompanying designation “Tennessee Bar Applicant” but must also be signed by the supervising attorney.

(2) Applicant may appear in the trial courts, courts of review and administrative tribunals of this state, including court-annexed arbitration and mediation, subject to the following qualifications:

(A) Written consent to representation of the person on whose behalf the applicant is acting shall be filed in the case and brought to the attention of the judge or presiding officer.

(B) Appearances, pleadings, motions, and other documents to be filed with the court may be prepared by the applicant and may be signed with the accompanying designation “Tennessee Bar Applicant.”

(C) In criminal cases in which the penalty may be imprisonment, in proceedings challenging sentences of imprisonment, and in civil or criminal contempt proceedings, the applicant may participate in pretrial, trial, and post-trial proceedings as an assistant of the supervising attorney, who shall be present and responsible for the conduct of the proceedings.

(D) In all other civil and criminal cases in the trial courts or administrative tribunals, the applicant may conduct all pretrial, trial, and post-trial proceedings with the Supervising Attorney present unless the applicant is permitted by the judge or presiding officer to participate without direct supervision.

(E) In matters before appellate courts, the applicant may prepare briefs, excerpts from the record, abstracts, and other documents. If any such filings set forth the name of the applicant as a counsel of record in addition to the supervising attorney, the name of the applicant must be accompanied by the designation “Tennessee Bar Applicant” but must be filed in the name of the supervising attorney. Upon motion by the supervising attorney, the applicant may request authorization to argue the matter before the appellate court but, even if the applicant is permitted to argue, the supervising attorney must be present and is responsible for the conduct of the applicant at the hearing.

**(e) Compensation.** An applicant rendering services authorized by this section shall not request or accept any compensation from the person for whom applicant renders the services. The supervising attorney may make an appropriate charge. The applicant may be compensated as an employee of a firm, agency, clinic or other organization so long as the rate of such compensation is established independent of compensation paid for representation.

**(f) Aid in Establishing Supervised Practice.** Any applicant who otherwise meets all the qualifications contemplated in this section, but who is unable to make a connection or association with a practicing attorney for purposes of serving as a Supervising Attorney as required by this

section, may apply to any trial judge holding court in the county of such applicant's residence for aid in the establishment of a supervised practice under this section. Such practice must accord strictly with the provisions of this section. No deviation will be permitted.

**(g) Disciplinary Complaints.**

(1) In the event a disciplinary complaint is filed in a case in which an applicant has been permitted to practice under this section, the authority with whom such complaint is filed shall immediately report the complaint to the Board. Upon receipt of a notice of a complaint, the Board shall provide the Board of Professional Responsibility the name of the supervising attorney for the applicant.

(2) By operation of this Rule, a disciplinary complaint against an applicant permitted to practice under this section constitutes a complaint against the supervising attorney. The Board of Professional Responsibility shall have jurisdiction over the complaint against both the applicant and the supervising attorney and may refer the complaint against the applicant to the Office of the Attorney General and Reporter or the Board.

**(h) Board Permitted to Disclose.** Notwithstanding the provisions of [section 12.11](#), the Board may disclose that an applicant is authorized to practice pursuant to this section and may disclose if and when that authorization is terminated.

**Credits**

[Article X amended effective March 1, 1984; effective October 1, 1984; effective May 1, 1999; effective June 2, 2006; May 18, 2009; 10.05 adopted September 3, 2009; December 21, 2015, effective January 1, 2016; effective November 27, 2017; effective April 18, 2018; effective March 29, 2019.]

Sup. Ct. Rules, Rule 7, § 10.04, TN R S CT Rule 7, § 10.04

State court rules are current with amendments received through December 1, 2019.

# Exhibit B

Dave Byers<sup>1</sup>  
Executive Director, Administrative Office of Courts  
Member, Task Force on the Delivery of Legal Services  
State Courts Building  
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Telephone: (602) 452-3303

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of )  
 ) Arizona Supreme Court No. R-20-\_\_\_\_  
PETITION TO AMEND ARIZONA )  
RULE OF THE SUPREME )  
COURT 38 )  
\_\_\_\_\_ )

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, the Task Force on the Delivery of Legal Services (“Task Force”) petitions the Court to amend Arizona Rules of the Supreme Court 38, as reflected in the attachments hereto, effective January 1, 2021.

**I. INTRODUCTION AND BACKGROUND.**

Established on November 21, 2018, by Arizona Supreme Court Administrative Order 2018-111, the Task Force was asked to address five charges and to make recommendations on each. The Administrative Order gave the chair

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<sup>1</sup> Mr. Byers files this petition in his capacity of a member of the Task Force.

discretion to consider and recommend other rule changes on any topic concerning the delivery of legal services. Members of the legal community approached the Task Force with a proposal to amend Rule 38(d). The Task Force agreed to consider the proposal and worked with members of the legal community to draft this proposed rule amendment.

Although Rule 38(d) currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination,<sup>2</sup> the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates. Further, current Rule 38(d) is unduly complicated and unclear in large part and fails to include certain program essentials. Thus, the amendments proposed in this petition revise and reorganize the rule for clarity and substantive completeness. As revised, the proposed rule sets out the program requirements and practice restrictions for both law students and recent law graduates in a clear, organized, consistent, and complete manner.

The Task Force presented its recommendation to the Arizona Judicial Council (“AJC”) on October 24, 2019. The Report and Recommendations of the Task Force (*Report*), along with other Task Force information, can be found at the Task Force’s webpage: <https://www.azcourts.gov/cscommittees/Legal-Services-Task-Force>. The

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<sup>2</sup> Certification of a certified limited practice student shall commence on the date indicated on a notice of certification and shall remain in effect . . . [until] the certified student fails to take or pass the first general bar examination for which the student is eligible. Ariz. R. S. Ct. 38(d)(5)(F)(iv).

AJC adopted all recommendations of the Task Force, including the recommendation to amend Rule 38(d), identified as Recommendation 4 of the report.

## **II. SUMMARY OF PROPOSED AMENDMENTS TO ARIZONA RULE OF SUPREME COURT 38(d).**

In Arizona, law students can practice law under the supervision of a licensed attorney in accordance with Arizona Supreme Court Rule 38(d). Participants in this limited practice of law must be supervised by an attorney in a public or private legal office or by a clinical law professor in conjunction with a law school clinical program. As discussed above, although Rule 38(d) currently allows recent law graduates to engage in a limited practice of law until the first offering of the Arizona bar examination, the rule was drafted in a way that downplayed or masked this opportunity for recent law graduates. The proposed amendments clarify that recent law graduates may be certified to engage in the limited practice of law under the supervision of an attorney. The proposed amendments also clarify that neither law students nor law graduates must also participate in a clinical law program.

At least 16 states allow recent law graduates to engage in the limited practice of law post-graduation and pre-bar admission. These state programs share common features:

- All programs have specified durations. For example, some programs authorize practice only during the period in which the graduate has applied to take the first bar examination after his or her graduation and is awaiting the

results. Other programs include similar restrictions and incorporate a tiered expiration date for the authorization to practice, such as no later than 12 or 18 months after the graduate graduated from law school.

- Most of these programs authorize graduates to practice law to the same extent law students are authorized to practice law under programs like existing Rule 38(d)(5). Thus, graduates are permitted to meet with clients, go to court, try cases, argue motions, and the like. Most of the states authorize graduates to handle civil and criminal cases, although some restrict the criminal cases to misdemeanors or less-serious felonies.
- Several programs authorize graduates to practice for certain types of employers, such as legal-aid clinics, public defenders, prosecutor's offices, or city, county, and state offices or agencies.
- Many programs impose supervisory requirements that are similar to the supervisory requirements imposed under existing Rule 38(d).
- A few programs require the dean of the graduate's law school, or the graduate's proposed supervising attorney, to certify the graduate's good character and competence to the state supreme court or another entity. Other programs simply require the employer to comply with the requirements of the program and do not require the employer to file any other documentation with any court or state agency.

Although these other state programs vary in operational details, they all provide a means by which law students and non-licensed law graduates may practice law, and effectively result in expanding the delivery of legal services, especially by public agencies or public service groups that provide legal services to individuals with limited resources. These programs do this by allowing recent law school graduates in the process of becoming licensed to gain experience by practicing law under the supervision of admitted lawyers for a limited duration. Because this limited exception to licensure is anticipated to benefit the public, the Task Force's proposed amendments to Rule 38(d) fall squarely within the mandate to consider and evaluate new models for delivering legal services.

Further, the amendments would eliminate, or at least lessen, many of the practical problems experienced by law school graduates given the workload of the individuals involved in the admission and character and fitness process. The amendments permit recent law graduates to practice under the supervision of a lawyer after graduation from an ABA accredited law school if the graduate takes the first Arizona uniform bar examination, or the first uniform bar examination offered in another state for which the graduate is eligible. Certification to practice terminates automatically if the graduate fails the bar examination, if the Committee on Character and Fitness does not recommend to the Supreme Court the graduate's admission to practice, if the graduate is denied admission to practice law by the Supreme Court, or on the expiration of 12 months from the date of the graduate's

graduation from law school unless the Supreme Court extends the 12-month period. If the graduate passes the bar examination, certification terminates 30 days after the graduate has been notified of approval for admission to practice and eligibility to take the oath of admission. Certification to practice for both graduates and law students also terminates on the occurrence of other events such as failure to meet the requirements for certification.

Finally, the amendments set out the program requirements and practice restrictions for both law students and recent law graduates in a clear, organized, consistent, and complete manner. Thus, for example, the amendments separately set out the program details for law students and law graduates and clarify as well as simplify the supervisory obligations of the supervising attorneys.

### **CONCLUSION**

Petitioner respectfully requests that the Court consider this petition and proposed rule changes at its earliest convenience. Petitioner additionally requests that the petition be circulated for public comment, and that the Court adopt the proposed rules as they currently appear, or as modified considering comments received, with an effective date of January 1, 2021.

DATED this 9th day of January, 2020.

\_\_\_\_\_/s/\_\_\_\_\_  
Dave Byers  
Executive Director  
Arizona Administrative Office of Courts

## APPENDIX 1A: ARIZONA RULE OF SUPREME COURT 38 (CLEAN)

(a) – (c) No change.

### (d) Clinical Law Professors, Law Students, and Law Graduates

1. *Purpose.* This purpose of this rule is to provide law students and recent law school graduates with supervised instruction and training in the practice of law for a limited time, and to facilitate volunteer opportunities for those individuals in pro bono contexts.

#### 2. *Definitions.*

A. “Law school” means a law school either provisionally or fully accredited by the American Bar Association.

B. “Certified limited practice student” is a law student of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

C. “Certified limited practice graduate” is a law graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice graduate.

D. “Clinical Law Professor” is a faculty member teaching a clinical law program at a law school in Arizona either provisionally or fully accredited by the American Bar Association.

E. “Dean” means the dean, the academic associate dean, or the dean’s designee of the accredited law school where the law student is enrolled or the law graduate was enrolled on graduation.

F. “Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, that he or she will be responsible for any work performed by the certified limited practice student or the certified limited practice graduate under his or her supervision.

G. “Supervising attorney” is an active member of the State Bar of Arizona in good standing who has practiced law or taught law in an accredited law school as a full-time occupation for at least two years, and agrees in writing to supervise the certified limited practice student or certified limited practice graduate pursuant to

these rules, and is identified as the supervising attorney in the application for certification or recertification. The supervising attorney may designate a deputy, assistant, or other staff attorney to supervise the certified limited practice student or certified limited practice graduate when permitted by these rules.

H. “Volunteer legal services program” means a volunteer legal services program managed by an approved legal services organization in cooperation with an accredited law school. Approved legal service organizations are defined in paragraph (e)(2)(C) of this rule.

### *3. General Provisions.*

A. Limited Bar Membership. To the extent a professor, law student, or law graduate is engaged in the practice of law under this rule, the professor, law student, or law graduate shall, for the limited purpose of performing professional services authorized by this rule, be deemed an active member of the state bar (but not required to pay fees). The provisions of this rule shall govern rather than the provisions of other rules relating to admission and discipline.

B. Nonapplicability of Attorney Discipline Rules to Terms of the Certification. The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor, certified limited practice student, or certified limited practice graduate pursuant to these rules. Termination of certification shall be without prejudice to the privilege of the professor, law student, or law graduate to apply for admission to practice law if the professor, law student, or law graduate is in other respects qualified for such admission.

C. Effect of Certification on Application for Admission to Bar. The certification of a clinical law professor, law student, or law graduate shall not be considered as an advantage or a disadvantage to the professor, law student, or law graduate in an application for admission to the state bar.

D. Privileged Communications. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising and designated attorneys, certified limited practice students, and certified limited practice graduates.

### *4. Clinical Law Professors.*

A. **Activities of Clinical Law Professors.** A clinical law professor who is certified pursuant to this rule may appear as a lawyer solely in connection with supervision of students in a clinical law program in a law school in Arizona. A clinical law professor may appear in any court or before any administrative tribunal in this state in the matters enumerated in paragraph (d)(5)(C) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

B. **Requirements and Limitations for Clinical Law School Professors.** To appear as a lawyer pursuant to these rules, the clinical law professor must:

- i. be admitted by examination to the bar of any state or the District of Columbia;
- ii. neither ask for nor receive any compensation or remuneration of any kind for such services from the person on whose behalf the services are rendered;
- iii. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers; and
- iv. submit evidence that the clinical law professor has successfully completed the course on Arizona law described in [Rule 34\(j\)](#).

C. **Certification of the Clinical Law Professor.** The certification shall be signed by the clinical law professor and the dean of the law school on the form prescribed by the clerk of the Court and shall be filed with the clerk and the state bar. The certification shall remain in effect until withdrawn.

D. **Duty to Ensure Adequate Supervision and Guidance of Certified Limited Practice Student.** The clinical law professor must ensure that certified limited practice students receive adequate supervision and guidance while participating in the law school's clinical law program.

E. **Termination of Certification.**

- i. The dean at any time, with or without cause or notice or hearing, may terminate

a certification of a clinical law professor by filing a notice of the termination with the clerk of the Supreme Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

ii. The Court at any time, with or without cause or notice or hearing, may terminate a certification of a clinical law professor by filing notice of the termination with the clerk of this Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

## 5. *Law Students*

A. Law Student Eligibility for Limited Practice Certification. To be eligible to become a certified limited practice student, an applicant must

i. have successfully completed legal studies amounting to at least two semesters, or the equivalent academic hour credits if the law school or the student is on some basis other than a semester, at an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice student from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law student, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the student has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the law school where the student is enrolled as being in good academic standing, of good character, and as having either successfully completed or being currently enrolled in and attending academic courses in civil procedure, criminal law, evidence, and professional responsibility.

B. Application to become a Certified Limited Practice Student or Extend the Certification Period

i. All applications to become a certified limited practice student or to extend the period of certification must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved student limited practice certifications to the admissions department of the state bar.

ii. The application for certification or extension must be signed by the applicant, the dean of the law school in which the applicant is enrolled, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule; will immediately notify the clerk of the Court if he or she no longer meets the requirements of the rules; and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school in which the applicant is enrolled must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice student no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for supervising the applicant and attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

#### C. Permitted Activities and Requirements of a Certified Limited Practice Student; Presence of Supervising or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has provided written approval of that appearance. The written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge or presiding officer and the certified limited practice student must advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice student in the following circumstances:

- a. In any civil case in justice, municipal, and magistrate court, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;
- b. In any civil case in superior court or before any administrative tribunal.
- c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;
- d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;
- e. In any misdemeanor criminal defense case, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and
- f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.
- g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the supervision of the supervising attorney, but outside the supervisor's presence, a certified limited practice student may:

- a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney;

- b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;
- c. assist indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;
- d. give legal advice and perform other appropriate legal services, but only with the consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation or request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

- a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;
- b. the student's supervising attorney is associated with the particular volunteer legal services program;
- c. the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Student."

- i. A certified limited practice student may use the title "Certified Limited Practice Student" only in connection with activities performed pursuant to these rules.
- ii. When a certified limited practice student's name is printed or signature is included on written materials prepared pursuant to these rules, the written

material must also state that the student is a certified limited practice student pursuant to these rules; state the name of the supervising attorney; be signed by the supervising attorney or designated attorney; and otherwise comply with these rules.

iii. A certified limited practice student shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice student while under his or her supervision;

ii. assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper training of the certified limited practice student and the protection of the client;

iii. read, approve, and sign any pleadings, briefs or other documents prepared by the certified limited practice student before the filing thereof, and read and approve any document prepared by the certified limited practice student for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney shall still provide general supervision;

iv. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice student during the period of certification, the certified limited practice student must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice student. The substitute supervising attorney

must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice student shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice student requests termination of the certification in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease before the date specified in the notice of certification. In such event, the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar. The dean may issue a modified certification reflecting the substitution of a new supervising attorney.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice student or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule, or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

## 6. *Law Graduates*

A. Law Graduate Eligibility for Limited Practice Certificate. To be eligible to become a certified limited practice graduate, an applicant must:

i. have graduated from an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for

services rendered by the certified limited practice graduate from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law graduate, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the law graduate has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the accredited law school where the law graduate was enrolled on graduation as having graduated in good academic standing and being of good character.

#### B. Application to Become a Certified Limited Practice Graduate

i. All applications to become a certified limited practice graduate must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved graduate limited practice certifications to the admissions department of the state bar.

ii. The application for certification must be signed by the applicant, the dean of the law school where the applicant was enrolled on graduation, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule, will immediately notify the clerk of the Court if he or she no longer meets the requirements of the rules, and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school where the applicant was enrolled on graduation must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice graduate no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for and will supervise the applicant and attest that he or she has read and will abide by, the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

C. Permitted Activities and Requirements of a Certified Limited Practice Graduate; Presence of Supervising Attorney or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice graduate may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has also provided written approval of that appearance. In each case, the written consent and approval must be filed in the case and be brought to the attention of the judge or the presiding officer. In addition, the certified limited practice graduate must advise the court at the law graduate's first appearance in the case of the certification to appear as a law graduate pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice graduate in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal;

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the general supervision of the supervising attorney or designated attorney, but outside his or her presence, a certified limited practice graduate may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice graduate is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney if filed in the superior court, Arizona Court of Appeals, Arizona Supreme Court, or with an administrative tribunal;

b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;

c. assist indigent inmates of correctional institutions or other persons who request assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;

d. give legal advice and perform other appropriate legal services, but only after consultation with and consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice graduate may appear as a law graduate volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an

uncontested proceeding without entering an appearance as counsel;

b. the certified limited practice graduate's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice graduate has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

D. Use of the Title "Certified Limited Practice Graduate."

i. A certified limited practice graduate may use the title "Certified Limited Practice Graduate" only in connection with activities performed pursuant to these rules.

ii. When a certified limited practice graduate's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the law graduate is a certified limited practice graduate pursuant to these rules, state the name of the supervising attorney, be signed by the supervising attorney or designated attorney if required by these rules, and otherwise comply with these rules.

iii. A certified limited practice graduate shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice graduate from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice graduate while under his or her supervision;

ii. assist and counsel the certified limited practice graduate in the activities authorized by these rules and review such activities with the certified limited practice graduate, all to the extent required for the proper training of the certified limited practice graduate and the protection of the client;

iii. read and approve all pleadings, briefs, or other documents prepared by the certified limited practice graduate as required by these rules; sign any pleading, brief, or other document if required by these rules, and read and approve any document prepared by the certified limited practice graduate for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney must still provide general supervision;

iv. assume professional responsibility for all pleadings, briefs, or other documents filed in any court or with an administrative tribunal by the certified limited practice graduate under his or her supervision;

v. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited graduate has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice graduate during the period of certification, the certified limited practice graduate must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice graduate. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice graduate shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice graduate requests termination of the certification in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice graduate will cease before the date specified in the certification. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and

the state bar.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause or notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice graduate or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

vi. The law graduate fails to take the first Arizona uniform bar examination, or the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

vii. The law graduate fails to pass the first Arizona uniform bar examination for which the law graduate is eligible or fails to obtain a score equal to or greater than the acceptable score established by the Committee on Examinations on the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

viii. Thirty days after the Court notifies the law graduate that he or she has been approved for admission to practice law and is eligible to take the oath of admission.

ix. The Committee on Character and Fitness does not recommend to the Court that the law graduate be admitted to practice law.

x. The law graduate is denied admission to practice law by the Court.

xi. The law graduate is admitted to practice law.

xii. Expiration of 12 months from the date of the law graduate's graduation from law school unless, before expiration of the 12-month period and for good cause shown by the law graduate, the Court extends the 12-month period.

**Appendix 1B: RULE 38, ARIZONA RULES OF SUPREME COURT (REDLINE)**

(a) – (c) No Change.

**(d) Clinical Law Professors, and Law Students, and Law Graduates**

1. *Purpose.* ~~This rule is adopted to encourage law schools to provide clinical instruction of varying kinds~~ The purpose of this rule is to provide law students and recent law school graduates with supervised instruction and training in the practice of law for a limited time, and to facilitate volunteer opportunities for those individuals in pro bono contexts.

2. *Definitions.*

A. ~~“Accredited law school”~~ “Law school” means a law school either provisionally or fully approved and accredited by the American Bar Association.

B. “Certified limited practice student” is a law student ~~or a graduate~~ of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice student.

C. “Certified limited practice graduate” is a law graduate of an accredited law school who holds a currently effective Arizona Supreme Court Certification as a certified limited practice graduate.

D. “Clinical Law Professor” is a faculty member teaching a clinical law program at a law school in Arizona either provisionally or fully accredited by the American Bar Association.

~~E.~~ E. “Dean” means the dean, the academic associate dean, or the dean’s designee of the accredited law school where the law student is enrolled or the law graduate was enrolled on graduation.

~~D.~~ “Designated attorney” is, ~~exclusively in the case of government, any deputy, assistant or other staff attorney authorized and selected by a supervising attorney to supervise the certified limited practice student where permitted by these rules.~~

~~E.~~ F. “Period of supervision” means the dates for which the supervising attorney has declared, on the application for certification or recertification, that he or she

will be responsible for any work performed by the certified limited practice student or the certified limited practice graduate under his or her supervision.

F. ~~“Personal presence” means the supervising attorney or designated attorney is in the physical presence of the certified limited practice student.~~

G. ~~“Rules” means Rule 38, Rules of Supreme Court.~~

H. G. ~~“Supervising attorney” is an attorney admitted to Arizona full or limited practice who~~ active member of the State Bar of Arizona in good standing who has practiced law or taught law in an accredited law school as a full-time occupation for at least two years, and agrees in writing to supervise the certified limited practice student or certified limited practice graduate pursuant to these rules, and is identified as the supervising attorney in and whose names appears on the application for certification or recertification. The supervising attorney may designate a deputy, assistant, or other staff attorney to supervise the certified limited practice student or certified limited practice graduate when permitted by these rules.

H. ~~“Volunteer legal services program” means a volunteer legal services program managed by an approved legal services organization in cooperation with an accredited law school. Approved legal service organizations are defined in paragraph (e)(2)(C) of this rule.~~

### 3. *General Provisions.*

A. ~~Limited Bar Membership. To the extent a professor, or a law student, or law graduate is engaged in the practice of law under this rule, the professor, or law student, or law graduate shall, for the limited purpose of performing professional services authorized by this rule, be deemed an active member of the state bar (but not required to pay fees). The provisions of this rule shall govern rather than the provisions of other rules relating to admission and discipline.~~

B. ~~Nonapplicability of Attorney Discipline Rules to Terms of the Certification. The procedures otherwise provided by law or court rule governing the discipline of lawyers shall not be applicable to the termination of the certification of a clinical law professor, or a certified limited practice student, or certified limited practice graduate pursuant to this rule these rules. Termination of certification shall be without prejudice to the privilege of the professor, or the law student, or law graduate to make application apply for admission to practice law if the professor,~~

~~or the~~ law student, or law graduate is in other respects qualified for such admission.

C. Effect of Certification on Application for Admission to Bar. The certification of a clinical law professor, ~~or a limited practice~~ law student, or law graduate shall ~~in no way~~ not be considered as an advantage or a disadvantage to the professor, ~~or the~~ law student, or law graduate in an application for admission to the state bar.

D. Privileged Communications. The rules of law and of evidence relating to privileged communications between attorney and client shall govern communications made or received by and among professors, supervising and designated attorneys (~~and designated attorneys~~), and certified limited student practice students, and certified limited practice graduates.

#### 4. *Clinical Law Professors.*

A. Activities of Clinical Law Professors. A clinical law professor ~~not a member of the state bar but~~ who is certified pursuant to this rule may appear as a lawyer solely, in connection with supervision of students in a clinical law program approved by the dean and faculty of in a law school in Arizona ~~either provisionally or fully approved and accredited by the American Bar Association.~~ A clinical law professor may appear in any court or before any administrative tribunal in this state in the matters enumerated in paragraph (d)(5)(C) of this rule on behalf of any person, if the person on whose behalf the appearance is being made has consented in writing to that appearance. Such written consent shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal.

B. Requirements and Limitations for Clinical Law School Professors. ~~In order to make an appearance~~ To appear as a lawyer pursuant to ~~this~~ these rules, the clinical law professor must:

~~i. be duly employed as a faculty member of a law school in Arizona either provisionally or fully approved or accredited by the American Bar Association for the purpose, *inter alia*, of instructing and supervising a clinical law program approved by the dean and faculty of such law school;~~

~~ii.~~ i. be admitted by examination to the bar of ~~another~~ any state or the District of Columbia;

~~iii.~~ ii. neither ask for nor receive any compensation or remuneration of any kind

for such services from the person on whose behalf the services are rendered;

~~iv.~~ iii. certify in writing that the clinical law professor has read and is familiar with the Arizona Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers; and

~~v.~~ iv. submit evidence that the clinical law professor has successfully completed the course on Arizona law described in [Rule 34\(j\)](#).

C. Certification of the Clinical Law Professor. The certification shall be signed by the clinical law professor and the dean of the law school on the form prescribed by the clerk of ~~this~~ the Court and shall be filed with the clerk and the state bar. The certification shall remain in effect until withdrawn.

D. Duty to Ensure Adequate Supervision and Guidance of Certified Limited Practice Student. ~~It shall be the responsibility of t~~The clinical law professor must ~~to~~ ensure that certified limited practice students receive adequate supervision and guidance while participating in the law school's clinical law program. ~~In the case of a certified student who has graduated and participates in the program pending the taking of the bar examination, the clinical law professor shall, on a monthly basis, based on such reporting from the certified limited practice student and the supervising attorney as the law school shall require, confirm that the certified graduate has received and is receiving adequate attorney supervision and guidance.~~

E. ~~Withdrawal or~~ Termination of Certification.

i. The dean at any time, with or without cause or notice or hearing, may ~~withdraw~~ terminate a certification of a clinical law professor ~~at any time~~ by filing a notice ~~to that effect, with or without stating the cause for the withdrawal, of the termination~~ with the clerk of ~~this Court, who shall forthwith mail copies thereof to the clinical law professor and the State Bar of Arizona~~ the Supreme Court. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

ii. The Court at any time, with or without cause or notice or hearing, may terminate ~~the~~ a certification of a clinical law professor ~~at any time without cause and without notice or hearing~~ by filing notice of the termination with the clerk of this Court ~~and with the state bar~~. The clerk shall mail copies of the notice to the clinical law professor and the state bar.

## 5. ~~Practical Training of Law Students~~

A. Law Student Eligibility for Limited Practice Certification. To be eligible to become a certified limited practice student, ~~a law student applicant~~ an applicant must

i. have successfully completed legal studies amounting to at least two semesters, or the equivalent academic hour credits if the law school or the student is on some basis other than a semester, at an accredited law school, ~~subject to the time limitation set forth in these rules;~~

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice student from the person on whose behalf the services are rendered, ~~but this shall not;~~ this requirement does not prevent a supervising lawyer, legal aid bureau services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law student, ~~nor shall it or prevent any such lawyer or agency from making such charges for its services as it may otherwise properly require~~ requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the student has read and is familiar with the Arizona Rules of Professional Conduct, ~~and~~ the rules of the Supreme Court of Arizona, ~~and~~ the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the ~~accredited~~ law school where the student is enrolled (~~or was enrolled on graduation~~), ~~or by the dean's designee~~, as being in good academic standing, of good character, and as having either successfully completed or being currently enrolled in and attending; academic courses in civil procedure, criminal law, evidence, and professional responsibility.

B. Application ~~for~~ to become a Certified Limited Practice Student or Extend the Certification Period

i. All applications ~~for student~~ to become a certified limited practice ~~certification student~~ or requests to change or add a supervising attorney or to extend the period of certification ~~pursuant to these rules~~ must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated ~~appropriate nonrefundable processing~~ fee. The clerk of the Court shall send a copy of all approved student limited practice

certifications to the admissions department of the state bar.

ii. ~~The application for certification shall require the signature of the applicant, the dean, associate dean, or assistant dean of the accredited law school in which the applicant is enrolled, and the signature of the supervising attorney. The application for certification or extension must be signed by the applicant, the dean of the law school in which the applicant is enrolled, and the supervising attorney.~~

iii. The applicant ~~shall~~ must attest that he or she meets all of the requirements of ~~the~~ this rules; ~~agrees to and shall~~ will immediately notify the clerk of the Court ~~in the event if~~ he or she no longer meets the requirements of the rules; and ~~that he or she has read, is familiar with~~ and will abide by the Arizona Rules of Professional Conduct ~~of the State of Arizona~~ and these rules.

iv. The dean, ~~associate dean, or assistant dean~~ of the accredited law school in which the applicant is enrolled ~~shall~~ must attest that the applicant meets the requirements of these rules, ~~; that he or she shall immediately notify the clerk of the Court in the event that the certified limited practice student no longer meets the requirements of these rules; and that he or she has no knowledge of facts or information that would indicate that the applicant is not~~ and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice student no longer meets the requirements of these rules.

v. The supervising attorney ~~shall~~ must specify the period during which he or she will be responsible for ~~and will supervise~~ supervising the applicant and attest that he or she has read, ~~is familiar with~~, and will abide by the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

#### C. Permitted Activities and Requirements of a Certified Limited Practice Certification Student; ~~Physical~~ Presence of Supervising or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice student may appear in any court or before any administrative tribunal in this state on behalf of any person ~~if that person on whose behalf the student is appearing~~ who has consented in writing to that appearance ~~and if the supervising attorney has also indicated in writing~~ provided written approval of that appearance. ~~IN~~

~~each case, The written consent and approval shall be filed in the record of the case and shall be brought to the attention of the judge of the court or the presiding officer of the administrative tribunal. In addition, and the certified limited practice student shall orally must advise the court on the occasion of the student's initial appearance in the case of the certification to appear as a law student pursuant to these rules. A certified limited practice student may appear in the following matters:~~

~~a. Civil Matters. In civil cases in justice, municipal, and magistrate courts, the supervising lawyer (or designated lawyer) is not required to be personally present in court if the person on whose behalf an appearance is being made consents to the supervising lawyer's absence.~~

~~b. Criminal Matters on Behalf of the State. In any criminal matter on behalf of the state or any political subdivision thereof with the written approval of the supervising attorney (or designated attorney), the supervising attorney (or designated attorney) must be present except when such appearance is in justice, municipal, or magistrate courts.~~

~~c. Felony Criminal Defense Matters. In any felony criminal defense matter in justice, municipal, and magistrate courts, and any criminal matter in superior court, the supervising attorney (or designated attorney) must be personally be present throughout the proceedings and shall be fully responsible for the manner in which they are conducted.~~

~~d. Misdemeanor Criminal Defense Matters. In any misdemeanor criminal defense matter in justice, municipal, or magistrate courts, the supervising attorney (or designated attorney) is not required to be personally present in court, so long as the person on whose behalf an appearance is being made consents to the supervising attorney's absence; however, the supervising attorney shall be present during trial.~~

~~e. Appellate Oral Argument. A certified limited practice student may participate in oral arguments in the Arizona Supreme Court and Court of Appeals, but only in the presence of the supervising attorney (or designated attorney) and with the specific approval of the court for that case.~~

~~Notwithstanding anything hereinabove set forth, the court may at any time and in any proceeding require the supervising attorney (or designated attorney) to be personally present for such period and under such circumstances as the court may~~

direct.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice student in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal.

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case, unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the ~~general~~ supervision of the supervising attorney (~~or designated attorney~~), but outside his or her personal the supervisor's presence, a certified limited practice student may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice student is eligible to appear, but such pleadings or documents must be signed by the supervising attorney (~~or designated attorney~~);

b. prepare briefs, ~~abstracts~~ motions, and other documents to be filed in

appellate courts of this state, but such documents must be signed by the supervising attorney (or designated attorney);

c. ~~provide assistance to~~ assist indigent inmates of correctional institutions or other persons who request such assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. ~~(If there is a lawyer of record in the matter, all such~~ assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney (or designated attorney);

d. ~~render~~ give legal advice and perform other appropriate legal services, but only ~~after prior consultation with and upon the express~~ with the consent of the supervising attorney (or designated attorney).

iii. Other Non-Representation Activities. ~~A certified limited practice student may perform any advisory or non-representational activity which could be performed by a person who is not a member of the state bar, subject to the approval by the supervising attorney (or designated attorney).~~ In connection with a volunteer legal services program and at the invitation or request of a court or tribunal, a certified limited practice student may appear as a law student volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

b. the student's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice student has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

#### D. Use of the Title "Certified Limited Practice Student."

i. ~~In connection with activities performed pursuant to these rules, a~~ A certified limited practice student may use the title "Certified Limited Practice Student"

only ~~and may not use the title~~ in connection with activities ~~not~~ performed pursuant to these rules.

ii. When a certified limited practice student's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the student is a certified limited practice student pursuant to these rules; state the name of the supervising attorney; be signed by the supervising attorney or designated attorney; and otherwise comply with these rules.

iii. A certified limited practice student ~~may not and~~ shall not ~~in any way~~ hold himself or herself out as a ~~regularly admitted or~~ an active member of the state bar.

iv. Nothing ~~contained~~ in these rules prohibits a certified limited practice student from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

E. ~~Requirements and~~ Duties of the Supervising Attorney. The supervising attorney ~~shall~~ must:

~~i. be an active member of the state bar under these rules, and before supervising a certified limited practice student shall have practiced law or taught law in an accredited law school as a full-time occupation for at least two years;~~

~~ii. supervise no more than five (5) certified limited practice students concurrently; provided, however, that a supervising attorney who is employed full-time to supervise law students as part of an organized law school or government agency training program may supervise up to, but in no case more than fifty (50) certified students;~~

~~iii. i.~~ supervise and assume personal professional responsibility for any work performed by the certified limited practice student while under his or her supervision;

~~iv. ii.~~ assist and counsel the certified limited practice student in the activities authorized by these rules and review such activities with the certified limited practice student, all to the extent required for the proper training of the certified limited practice student and the protection of the client;

~~v.~~ iii. read, approve, and sign any pleadings, briefs or other documents prepared by the certified limited practice student before the filing thereof, and read and approve any document prepared by the certified limited practice student for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney shall still provide general supervision;

~~vi. provide the level of supervision to the certified limited practice student required by these rules (exclusively in the case of government agencies, a designated attorney may, in the place of the supervising attorney, perform the obligation set forth in this subparagraph, but the Supervising Attorney shall still provide supervision); and~~

~~vii. in the case of a certified student who is participating in a clinical program post-graduation pending the taking of the bar examination, report to the clinical law professor and the dean of the law school, as the law school shall require, on a monthly basis regarding the supervising attorney's supervision and guidance of the certified student.~~

~~viii.~~ iv. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited practice student has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice student during the period of certification, the certified limited practice student must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice student. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

~~F.~~ G. Duration and Termination of Certification. Certification of a certified limited practice student shall ~~commence~~ begin on the date ~~indicated on~~ specified in the certification and shall remain in effect for the period specified in the ~~notice of~~ certification unless sooner terminated ~~pursuant to~~ by the earliest of the following occurrences:

i. ~~Termination by the Student.~~ The certified limited practice student ~~may request~~ termination of the certification in writing or ~~notify~~ notifies the clerk of the Court that he or she no longer meets the requirements of ~~this rule, and these rules.~~ In such event the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

ii. ~~Termination by the Supervising Attorney.~~ The supervising attorney ~~may notify~~ notifies the clerk of the Court in writing that his or her supervision of the certified limited practice student will cease before the date specified in the notice of certification. In such event, the clerk shall send written notice to the student, the student's supervising attorney, the dean, and the state bar., ~~and~~ ¶The dean may issue a modified certification reflecting the substitution of a new supervising attorney, ~~as necessary.~~

iii. ~~Termination by the Dean.~~ ~~A certification of student limited practice may be terminated by~~ ¶The dean at any time, with or without cause and without notice or hearing, by filing files notice of the termination with the clerk of the Court. ~~A certification of student limited practice shall be terminated if one or more of the requirements for the certification no longer exists or the certified limited practice student, supervising attorney or designated attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.~~

iv. ~~Failure to take or Pass the Bar Examination.~~ ~~A certification of a student limited practice shall be terminated if the certified student fails to take or pass the first general bar examination for which the student is eligible. The Court at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.~~

v. ~~Termination by the Arizona Supreme Court.~~ ~~A certification of student limited practice may be terminated by the Arizona Supreme Court any time, without cause and without notice or hearing, by filing notice of the termination with the clerk of the Court. A certification of student limited practice shall be terminated if~~ ¶One or more of the requirements for the certification no longer exists or the certified limited practice student, or supervising attorney ~~or designated attorney~~ fails to comply fully with any provision of these rules or any other pertinent statute, rule, or regulation. In the event of termination, the clerk of the Court shall send written notice to the student, the student's supervising attorney, the dean, and the state bar.

## 6. Law Graduates

A. Law Graduate Eligibility for Limited Practice Certificate. To be eligible to become a certified limited practice graduate, an applicant must:

i. have graduated from an accredited law school;

ii. neither ask for nor receive any compensation or remuneration of any kind for services rendered by the certified limited practice graduate from the person on whose behalf the services are rendered; this requirement does not prevent a supervising lawyer, legal services organization, law school, public defender agency, or the state or any political subdivision thereof from paying compensation to the eligible law graduate, or prevent any such lawyer or agency from requesting compensation or remuneration for legal services as otherwise authorized;

iii. certify in writing that the law graduate has read and is familiar with the Arizona Rules of Professional Conduct, the rules of the Supreme Court of Arizona, and the statutes of the State of Arizona relating to the conduct of attorneys; and

iv. be certified by the dean of the accredited law school where the law graduate was enrolled on graduation as having graduated in good academic standing and being of good character.

B. Application to Become a Certified Limited Practice Graduate

i. All applications to become a certified limited practice graduate must be submitted on a form provided by the clerk of the Court, to the clerk, with all the information requested on the form, together with any designated fee. The clerk of the Court shall send a copy of all approved graduate limited practice certifications to the admissions department of the state bar.

ii. The application for certification must be signed by the applicant, the dean of the law school where the applicant was enrolled on graduation, and the supervising attorney.

iii. The applicant must attest that he or she meets all of the requirements of this rule, will immediately notify the clerk of the Court if he or she no longer meets

the requirements of the rules, and has read and will abide by the Arizona Rules of Professional Conduct and these rules.

iv. The dean of the law school where the applicant was enrolled on graduation must attest that the applicant meets the requirements of these rules, and, to the best of the dean's knowledge, is qualified by ability, training, or character to participate in the activities permitted by these rules. The dean must immediately notify the clerk of the Court if the certified limited practice graduate no longer meets the requirements of these rules.

v. The supervising attorney must specify the period during which he or she will be responsible for and will supervise the applicant and attest that he or she has read and will abide by, the Arizona Rules of Professional Responsibility, these rules, and will assume responsibility under the requirements of these rules.

### C. Permitted Activities and Requirements of a Certified Limited Practice Graduate; Presence of Supervising Attorney or Designated Attorney

i. Court and Administrative Tribunal Appearances. A certified limited practice graduate may appear in any court or before any administrative tribunal in this state on behalf of any person who has consented in writing to that appearance if the supervising attorney has also provided written approval of that appearance. In each case, the written consent and approval must be filed in the case and be brought to the attention of the judge or the presiding officer. In addition, the certified limited practice graduate must advise the court at the law graduate's first appearance in the case of the certification to appear as a law graduate pursuant to these rules.

ii. Presence of Supervising Attorney or Designated Attorney. The supervising attorney or designated attorney must appear with the certified limited practice graduate in the following circumstances:

a. In any civil case in justice, municipal, and magistrate court unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney;

b. In any civil case in superior court or before any administrative tribunal;

c. In any criminal case on behalf of the state or any political subdivision of the state if the case is in the superior court or any appellate court;

d. In any felony criminal defense case in justice, municipal, and magistrate court, and in any criminal case in superior court;

e. In any misdemeanor criminal defense case unless the person on whose behalf the appearance is being made consents to the absence of the supervising attorney or designated attorney; however, the supervising attorney or designated attorney must be present during trial; and

f. In oral argument in the Arizona Supreme Court and the Arizona Court of Appeals, but only with the specific approval of the court for that case.

g. Notwithstanding anything in this section, the court may at any time and in any proceeding require the supervising attorney or designated attorney to be present.

ii. Other Client Representation Activities. Under the general supervision of the supervising attorney or designated attorney, but outside his or her presence, a certified limited practice graduate may:

a. prepare pleadings and other documents to be filed in any matter in which the certified limited practice graduate is eligible to appear, but such pleadings or documents must be signed by the supervising attorney or designated attorney if filed in the superior court, Arizona Court of Appeals, Arizona Supreme Court, or with an administrative tribunal;

b. prepare briefs, motions, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising attorney or designated attorney;

c. assist indigent inmates of correctional institutions or other persons who request assistance in preparing applications and supporting documents for post-conviction relief, except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this Court. If there is a lawyer of record in the matter, all assistance must be supervised by the lawyer of record, and all documents submitted to the court on behalf of such a client must be signed by the lawyer of record and the supervising attorney or designated attorney;

d. give legal advice and perform other appropriate legal services, but only after

consultation with and consent of the supervising attorney or designated attorney.

iii. Other Non-Representation Activities. In connection with a volunteer legal services program and at the invitation and request of a court or tribunal, a certified limited practice graduate may appear as a law graduate volunteer to assist the proceeding in any civil matter, provided:

a. the assistance is given to an otherwise unrepresented individual in an uncontested proceeding without entering an appearance as counsel;

b. the certified limited practice graduate's supervising attorney is associated with the particular volunteer legal services program;

c. the certified limited practice graduate has received the written consent and acknowledgment of non-representation by the unrepresented person, which written consent shall be obtained by the volunteer legal services program and brought to the attention of the court.

#### D. Use of the Title "Certified Limited Practice Graduate."

i. A certified limited practice graduate may use the title "Certified Limited Practice Graduate" only in connection with activities performed pursuant to these rules.

ii. When a certified limited practice graduate's name is printed or signature is included on written materials prepared pursuant to these rules, the written material must also state that the law graduate is a certified limited practice graduate pursuant to these rules, state the name of the supervising attorney, be signed by the supervising attorney or designated attorney if required by these rules, and otherwise comply with these rules.

iii. A certified limited practice graduate shall not hold himself or herself out as an active member of the state bar.

iv. Nothing in these rules prohibits a certified limited practice graduate from describing his or her participation in this program on a resume or letter seeking employment as long as the description is not false, deceptive, or misleading.

#### E. Duties of the Supervising Attorney. The supervising attorney must:

i. supervise and assume professional responsibility for any work performed by the certified limited practice graduate while under his or her supervision;

ii. assist and counsel the certified limited practice graduate in the activities authorized by these rules and review such activities with the certified limited practice graduate, all to the extent required for the proper training of the certified limited practice graduate and the protection of the client;

iii. read and approve all pleadings, briefs, or other documents prepared by the certified limited practice graduate as required by these rules; sign any pleading, brief, or other document if required by these rules, and read and approve any document prepared by the certified limited practice graduate for execution by any person. If a designated attorney performs this duty in place of the supervising attorney, the supervising attorney must still provide general supervision;

iv. assume professional responsibility for all pleadings, briefs, or other documents filed in any court or with an administrative tribunal by the certified limited practice graduate under his or her supervision;

v. promptly notify the clerk of the Court in writing if his or her supervision of the certified limited graduate has or will cease before the date indicated on the certification.

F. Substitution of the Supervising Attorney. If the supervising attorney becomes unable to supervise the certified limited practice graduate during the period of certification, the certified limited practice graduate must designate a substitute supervising attorney by submitting a form provided by the clerk of the Court, to the clerk, together with any designated fee. The substitute supervising attorney must sign the form and specify the period during which he or she will be responsible for supervising the certified limited practice graduate. The substitute supervising attorney must also attest that he or she has read and will abide by the Arizona Rules of Professional Responsibility and will comply with the requirements of these rules.

G. Duration and Termination of Certification. Certification of a certified limited practice graduate shall begin on the date specified in the certification and shall remain in effect for the period specified in the certification unless sooner terminated by the earliest of the following occurrences:

i. The certified limited practice graduate requests termination of the certification

in writing or notifies the clerk of the Court that he or she no longer meets the requirements of these rules. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

ii. The supervising attorney notifies the clerk of the Court in writing that his or her supervision of the certified limited practice graduate will cease before the date specified in the certification. In such event, the clerk shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

iii. The dean at any time, with or without cause and notice or hearing, files notice of the termination with the clerk of the Court.

iv. The Court at any time, with or without cause or notice or hearing, files notice of the termination with the clerk of the Court.

v. One or more of the requirements for certification no longer exists or the certified limited practice graduate or supervising attorney fails to comply fully with any provision of these rules or any other pertinent statute, rule or regulation. In the event of termination, the clerk of the Court shall send written notice to the law graduate, the law graduate's supervising attorney, the dean, and the state bar.

vi. The law graduate fails to take the first Arizona uniform bar examination, or the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

vii. The law graduate fails to pass the first Arizona uniform bar examination for which the law graduate is eligible or fails to obtain a score equal to or greater than the acceptable score established by the Committee on Examinations on the first uniform bar examination offered in another jurisdiction for which the law graduate is eligible.

viii. Thirty days after the Court notifies the law graduate that he or she has been approved for admission to practice law and is eligible to take the oath of admission.

ix. The Committee on Character and Fitness does not recommend to the Court that the law graduate be admitted to practice law.

x. The law graduate is denied admission to practice law by the Court.

xi. The law graduate is admitted to practice law.

xii. Expiration of 12 months from the date of the law graduate's graduation from law school unless, before expiration of the 12-month period and for good cause shown by the law graduate, the Court extends the 12-month period.

**RANDALL | DANSKIN**  
601 West Riverside Avenue, Suite 1500  
Spokane, Washington 99201-0653  
Phone: (509) 747-2052

**MEMORANDUM**

**TO: PJ Grabicki**

**FROM: WSBA Board of Governors**

**DATE: April 2, 2020**

**RE: Formation of Task Force to Investigate Weaknesses in Courts Systems' Ability to Respond to Coronavirus in regards to Barriers to ATJ and Court Physical Court Access.**

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The ongoing Coronavirus crisis has brought intense focus on the antiquated nature of civil litigation procedure in Washington State superior courts, especially those outside the I-5 corridor - including the inherent weaknesses in the system in a time of crisis where access to courts is limited physically and a need for access to justice ("ATJ") is heightened.

In most counties, filings with the Clerk's Office must still be done physically, rather than electronically. Similarly, absent agreement, once litigation has commenced, service on opposing counsel is physical rather than electronic. Most courts lack the necessary telephonic technology to hold hearings and status conferences by telephone, rather than in person.

In contrast, almost all bankruptcy proceedings and most federal court proceedings utilize electronic technology for filing and service. Over 95% of hearings in bankruptcy court are telephonic, and a large number of federal district court hearings are telephonic.

The costs to society of the antiquated superior court procedures outlined above are monumental in terms of ability of the system to respond the ATJ needs under the Coronavirus, unnecessary attorney fees, and inefficiency. Simply think of the process of docket call or status conferences, where numerous attorneys spend the morning sitting in a court room, waiting for their 3 minutes or 5 minutes to address the court- and which now, is not even being held due to the Coronavirus. With 21<sup>st</sup> century

technology, these matters would moot and there would be no threat to public health or ATJ.

In order to address these issues, and bring our courts' processes into the 21<sup>st</sup> century, we need to identify the cause of the problem. In some cases, it is a court clerk or court judge or commissioner who simply likes the old way of doing things. But, for the most part, it is the inability of counties to fund the needed technological improvements. Absent that funding to implement the technology, modernizing civil rules to conform to 21<sup>st</sup> century technology would be futile.

Thus, to bring our court system into the 21<sup>st</sup> century will require legislative appropriations to the counties for the specific purpose of implementing the new technology, and revisions to the Court Rules by the Supreme Court.

Ideally, the technology should be uniform throughout the state, so that attorneys practicing in multiple counties need not master differing ways of doing things.

I therefore propose that we form a task force of perhaps 7 WSBA members to address this issue and formulate a plan for presentation to the Supreme Court and to the Legislature. (I suggest a task force membership of only 7 because I believe a smaller number is much more workable than a larger number, but others may disagree.)

The task force, with staffing by WSBA, would look at the technology used by bankruptcy courts as a possible model. We would also look at the current technology employed in courts on the I-5 corridor that have already implemented some of this. We would want to consult with technology professionals at larger law firms and with the court judges and clerks.

This is a most opportune time to undertake this task, as we have all been confronted with the complete inability of our current court systems to deal with operations under the Stay Home - Stay Safe Order from the Governor.

This is a necessary time for the Board of Governors to act on this issue and an important part of our state's response to the public emergency ongoing.

**TO:** WSBA Board of Governors  
**FROM:** Daniel D. Clark, WSBA Treasurer & 4<sup>th</sup> District Governor  
**DATE:** April 2, 2020  
**RE:** WSBA FY 2020 Budget Reforecast

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**ACTION/DISCUSSION:** FY 2020 WSBA Budget Reforecast Review and Potential FY 2020 Budget Modification based on FY 2020 Reforecast recommendations

The FY 2020 Budget Reforecast has been completed. This has been a very substantial and comprehensive time and labor-intensive undertaking by myself as Treasurer, Jorge Perez, Terra Nevitt, and the rest of the Executive Management Team, as well as various WSBA Department Managers. I am very happy to report that we all were able to successfully efficiently work together through collaboration to accomplish this financial reforecast.

The end result before you represents a comprehensive review and analysis of the current FY 2020 Budget. The reforecast includes various recommendations to the Board of Governors for potential action and recommendations for modification to the FY 2020 WSBA Budget. The recommendations result in a reduction in expenditures of \$628K and 3 FTEs for the organization, but at the same time keeping the same level of robust services to membership and the Public. They are recommended for adoption by the Board of Governors by myself, Terra, Jorge, and the rest of the management team.

Respectfully,

Dan Clark  
WSBA Treasurer/4<sup>th</sup> District Governor  
[DanClarkBoG@yahoo.com](mailto:DanClarkBoG@yahoo.com)  
(509) 574-1207 (office)  
(509) 969-4731 (cell)



# WSBA 2020 REFORECAST

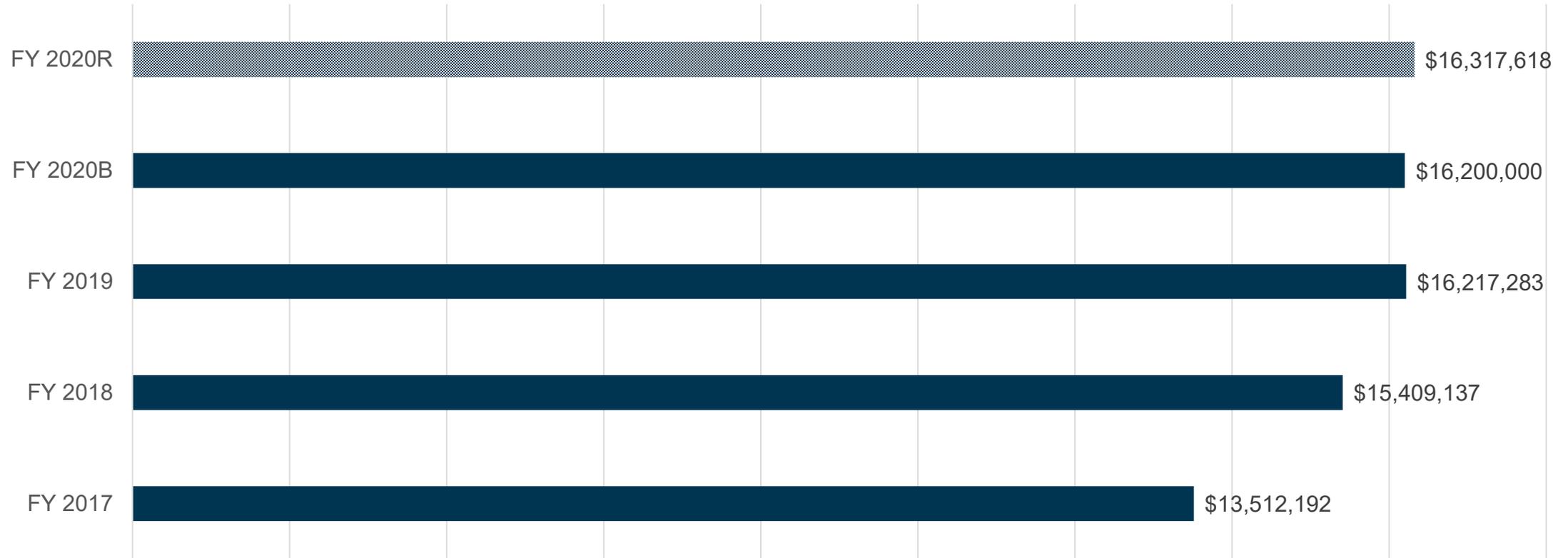
Results

# DESCRIPTION OF REFORECAST

- Purpose
  - Detailed review of revenue assumptions and expenses by cost center
  - Identify savings opportunities
  - Adjust the budget for current events
- Activities
  - Participation by multiple employees in all functions across the entire organization.
  - Two separate orientation meetings held to assist the team in the process.
  - Consolidation and analysis performed by finance team.

# MEMBERSHIP FEES

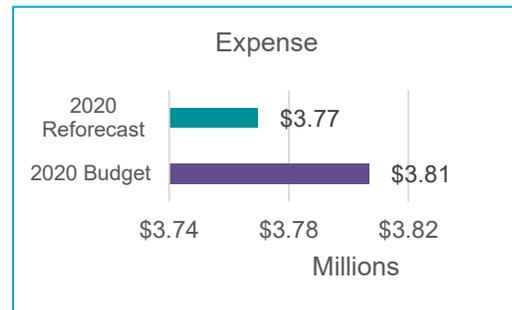
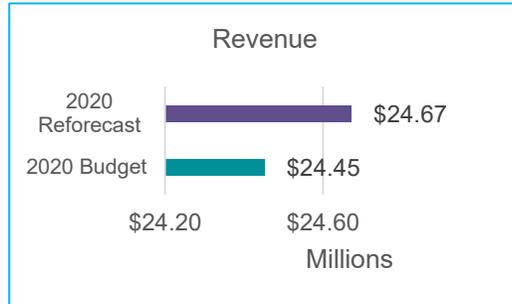
Annual Membership Fees  
2017-2019 Actual vs 2020 B/R



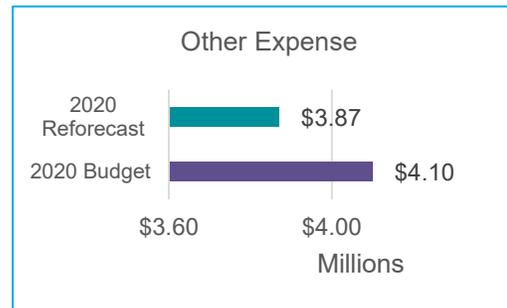
2020 Reforecast Improves Membership Fees By \$117.6K

# TOP LEVEL OVERVIEW

## DIRECT REVENUE & EXPENSE



## INDIRECT EXPENSE



Total Revenue Increase \$220,495

Total Expense Reduction \$628,210

Total Reforecast Improvement \$848,705

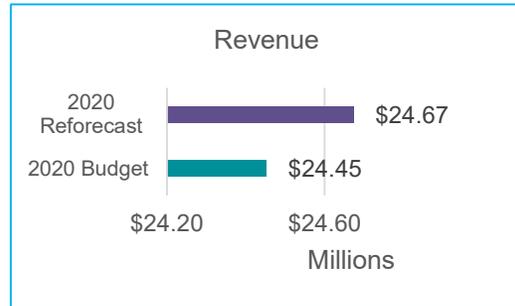
2020 Budget \$(560,160)\*

2020 Reforecast \$288,545

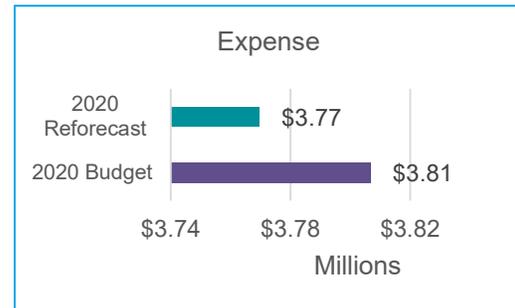
\* Includes \$65k of BOG approved increases.

# FUNCTION OVERVIEW

## DIRECT REVENUE & EXPENSE



Forecasted increase of \$220k

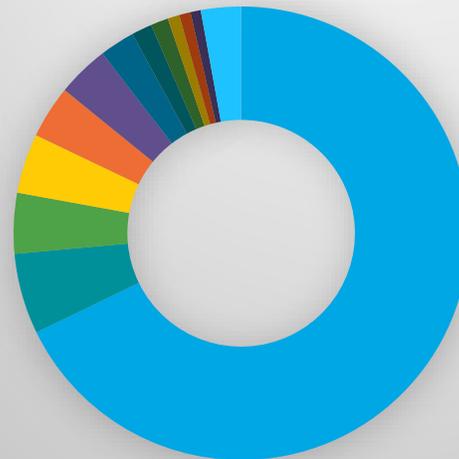


Forecasted reduction of \$37k

\*Totals include 5k Members Assistance Program

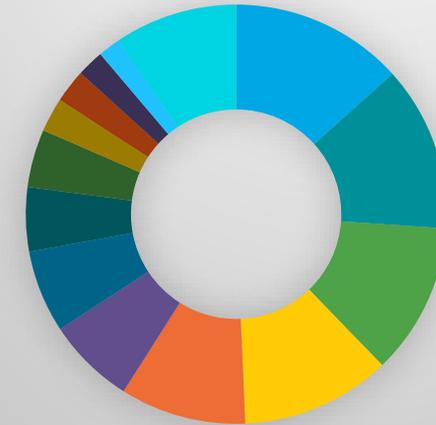
\*\*Excludes 100K Admin

## Revenue



- Licensing \$16,317,618
- Admissions \$1,383,550
- Mandatory Continuing Legal Education \$1,038,450
- Client Protection Fund \$1,024,000
- CLE Seminars \$904,328
- CLE Products \$888,750
- NW Lawyer \$601,350
- Licensing & Membership Records \$350,350
- Section Administration \$300,000
- Limited Practice Officers \$201,606
- Law Clerk Program \$194,562
- Deskbooks \$176,000
- Other \$685,400

## Expenses\*

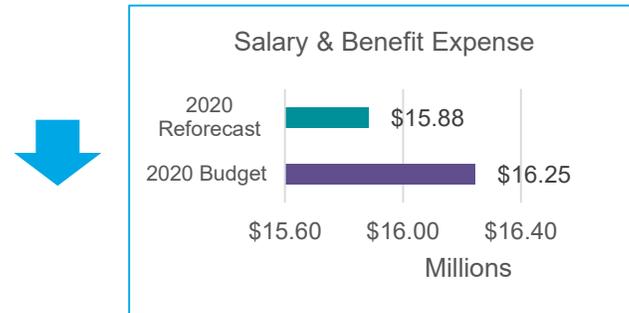


- Client Protection Fund \$502,400
- NW Lawyer \$480,899
- CLE Seminars \$441,082
- Board of Governors \$434,500
- Admissions \$364,765
- Mandatory Continuing Legal Education \$255,167
- Public Service Programs \$240,188
- Membership Benefits \$186,496
- Discipline \$168,765
- Deskbooks \$99,043
- Office of General Counsel Disciplinary Board \$97,216
- Communication Strategies \$78,085
- CLE Products \$65,290

\* Expenses do not include \$25K approved for COVID - 19

# INDIRECT EXPENSE

## SALARY & BENEFITS EXPENSE

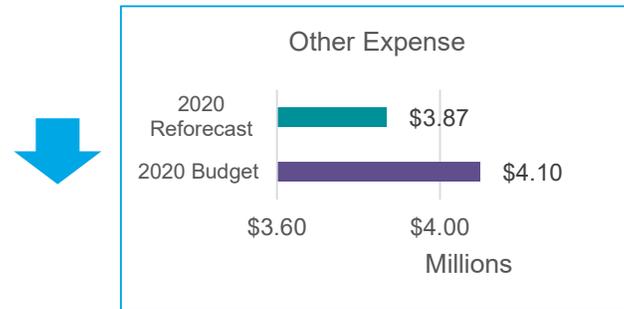


Forecasted reduction of \$362k

SALARY & BENEFITS EXPENSE:	2020 BUDGET	2020 REFORECAST	VARIANCE
SALARIES	\$ 12,060,469	\$ 11,648,992	\$ 411,477
ALLOWANCE FOR OPEN POSITIONS	\$ (200,000)	\$ (212,872)	\$ 12,872
TEMPORARY SALARIES	\$ 250,780	\$ 245,029	\$ 5,751
CAPITAL LABOR & OVERHEAD	\$ (141,000)	\$ (51,000)	\$ (90,000)
EMPLOYEE ASSISTANCE PLAN	\$ 4,800	\$ 5,290	\$ (490)
EMPLOYEE SERVICE AWARDS	\$ 3,080	\$ 2,800	\$ 280
FICA (EMPLOYER PORTION)	\$ 887,000	\$ 892,585	\$ (5,585)
L&I INSURANCE	\$ 49,500	\$ 49,500	\$ -
WA STATE FAMILY MEDICAL LEAVE (Employee)	\$ 17,500	\$ 17,500	\$ -
MEDICAL (EMPLOYER PORTION)	\$ 1,580,000	\$ 1,580,000	\$ -
RETIREMENT (EMPLOYER PORTION)	\$ 1,527,000	\$ 1,499,604	\$ 27,396
TRANSPORTATION ALLOWANCE	\$ 115,000	\$ 115,000	\$ -
UNEMPLOYMENT INSURANCE	\$ 84,500	\$ 84,500	\$ -
STAFF DEVELOPMENT-GENERAL	\$ 6,900	\$ 6,900	\$ -
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>\$ 16,245,529</b>	<b>\$ 15,883,828</b>	<b>\$ 361,701</b>

# INDIRECT EXPENSE

## OTHER INDIRECT EXPENSE



Forecasted reduction of \$229k

OTHER INDIRECT EXPENSE:	2020 BUDGET	2020 REFORECAST	VARIANCE
WORKPLACE BENEFITS	\$ 44,500	\$ 39,000	\$ 5,500
HUMAN RESOURCES POOLED EXP	\$ 167,120	\$ 161,774	\$ 5,346
MEETING SUPPORT EXPENSES	\$ 15,000	\$ 15,000	\$ -
RENT	\$ 1,951,000	\$ 1,925,000	\$ 26,000
PERSONAL PROP TAXES-WSBA	\$ 12,000	\$ 7,984	\$ 4,016
FURNITURE, MAINT, LH IMP	\$ 35,000	\$ 29,798	\$ 5,202
OFFICE SUPPLIES & EQUIPMENT	\$ 46,000	\$ 45,000	\$ 1,000
FURN & OFFICE EQUIP DEPRECIATION	\$ 53,000	\$ 53,000	\$ -
COMPUTER HARDWARE DEPRECIATION	\$ 50,000	\$ 46,436	\$ 3,564
COMPUTER SOFTWARE DEPRECIATION	\$ 165,000	\$ 153,867	\$ 11,133
INSURANCE	\$ 243,000	\$ 194,743	\$ 48,257
PROFESSIONAL FEES-AUDIT	\$ 85,000	\$ 81,000	\$ 4,000
PROFESSIONAL FEES-LEGAL	\$ 250,000	\$ 100,000	\$ 150,000
TELEPHONE & INTERNET	\$ 47,000	\$ 47,000	\$ -
POSTAGE - GENERAL	\$ 30,000	\$ 28,071	\$ 1,929
RECORDS STORAGE	\$ 42,000	\$ 42,000	\$ -
STAFF TRAINING	\$ 99,900	\$ 81,400	\$ 18,500
BANK FEES	\$ 34,000	\$ 34,000	\$ -
PRODUCTION MAINTENANCE & SUPPLIES	\$ 12,000	\$ 12,000	\$ -
COMPUTER POOLED EXPENSES	\$ 717,610	\$ 772,680	\$ (55,070)
<b>TOTAL OTHER INDIRECT EXPENSE:</b>	<b>\$ 4,099,130</b>	<b>\$ 3,869,754</b>	<b>\$ 229,376</b>

# INDIRECT EXPENSE

## TOTALS

Indirect Expenses	2020		VARIANCE
	2020 BUDGET	REFORECAST	
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	\$ 16,245,529	\$ 15,883,827	\$ 361,701
<b>TOTAL OTHER INDIRECT EXPENSE:</b>	\$ 4,099,130	\$ 3,869,754	\$ 229,376
<b>TOTAL ALL INDIRECT EXPENSE:</b>	<b>\$ 20,344,659</b>	<b>\$ 19,753,581</b>	<b>\$ 591,078</b>

### Main Items:

- Professional Fees-Legal was reduced by \$150,000 as the anticipated need is much lower
- Capital Labor & Overhead includes a charge of \$90,000 for write off of Phase 2 of the “In House” admissions software
- Insurance was reduced by \$48,257 to reflect the actual premium.
- Includes elimination of 3 positions.

# COST CENTERS

Revenue & Expense



# COST CENTER SUMMARY

## 3 CATEGORIES

Total Savings \$140K\*

- Accretive – 20 Cost Centers \$219K
- Neutral – 3 Cost Centers with \$0K Impact
- Dilutive – 9 Cost Centers \$(79K)

\*Excludes Sections Cost Centers

Neutral Cost Centers: Members Assistance Program  
Publication & Design Services  
Administration

# COST CENTER REVENUE & EXPENSE

## FAVORABLE TO PROFITABILITY

- Incremental admissions revenue driven by reductions in exam expense & court reporter expense.
- Member Services 34% increase from increase in revenue due to higher product sales than anticipated as well as a reduction in expense due to the elimination of some budgeted mixers.
- Licensing and Membership Records improvement rooted in increased revenue from Proof of Passage that was not included in the original budget.

COST CENTER	2020 BUDGET	2020 REFORECAST	VARIANCE*
Admissions	\$ 977,699	\$ 1,018,785	\$ 41,086
Member Services and Engagement	\$ 95,955	\$ 128,705	\$ 32,750
Licensing & Membership Records	\$ 289,213	\$ 314,747	\$ 25,534
Law Clerk Program	\$ 160,750	\$ 181,812	\$ 21,062
Public Service Programs	\$ (122,677)	\$ (104,988)	\$ 17,689
CLE Seminars	\$ 446,050	\$ 463,246	\$ 17,196
NW Lawyer	\$ 103,435	\$ 120,451	\$ 17,016
Office of General Counsel Disciplinary Board	\$ (104,316)	\$ (97,216)	\$ 7,100
Membership Benefits	\$ (165,496)	\$ (158,496)	\$ 7,000
Board of Governors	\$ (439,900)	\$ (434,500)	\$ 5,400
Access to Justice	\$ (45,220)	\$ (39,820)	\$ 5,400
Communication Strategies	\$ (81,040)	\$ (75,835)	\$ 5,205
Discipline	\$ (66,949)	\$ (62,265)	\$ 4,684
Practice of Law Board	\$ (16,000)	\$ (12,000)	\$ 4,000
Diversity	\$ 106,444	\$ 109,097	\$ 2,653
Client Protection Fund	\$ 519,000	\$ 521,600	\$ 2,600
Foundation	\$ (13,400)	\$ (12,150)	\$ 1,250
Office of the Executive Director	\$ (13,379)	\$ (12,379)	\$ 1,000
Professional Responsibility Program	\$ (9,654)	\$ (9,279)	\$ 375
Outreach and Engagement	\$ (31,625)	\$ (31,525)	\$ 100
<b>TOTAL</b>	<b>\$ 1,588,890</b>	<b>\$ 1,807,991</b>	<b>\$ 219,101</b>

\*All Variances Above Are Favorable to the Budget

# COST CENTER REVENUE & EXPENSE

## UNFAVORABLE TO PROFITABILITY

- CLE is forecasted lower due to a reduction in revenue. Sales are trending about 5% below last fiscal year
- Conference Broadcast Services assumes no Apex Awards Activity

COST CENTER	2020 BUDGET	2020 REFORECAST	VARIANCE	Change
CLE Products	\$875,760	\$823,460	(\$52,300)	-6.0%
Legislative	(\$20,200)	(\$29,700)	(\$9,500)	47.0%
Deskbooks	\$82,843	\$76,958	(\$5,885)	-7.1%
Mandatory Continuing Legal Education	\$788,184	\$783,284	(\$4,900)	-0.6%
Others	\$428,789	\$422,283	(\$6,505)	-1.5%
<b>TOTAL</b>	<b>\$2,155,375</b>	<b>\$2,076,284</b>	<b>(\$79,091)</b>	<b>-4%</b>

**QUESTIONS?**





To: WSBA Board of Governors  
From: Kristina Larry, President  
Re: 2019-20 Board of Trustees Appointments  
Date: March 26, 2020

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**ACTION REQUESTED:** Approve the appointment of the Trustee listed below to fill an existing vacancy, as recommended by unanimous consent of the Foundation Board of Trustees.

The Washington State Bar Foundation Board of Trustees is pleased to present the following candidate for consideration to be added to the 2019-20 Board of Trustees.

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.

The Foundation Board has unanimously approved appointing the following as a Trustee of the Foundation:

- Peter G. Finch, WSBA Member (for remainder of term ending September, 2020)

Attachment:

- Candidate bio



## 2019-2020 Board of Trustees, Recommendation

	POSITION	RECOMMENDATION	TERM, ending
1	WSBA 1 <sup>st</sup> Year Governor	<i>Appointed by 2019-2020 BOG President Thomas McBride</i>	September 2022
2	WSBA 2 <sup>nd</sup> Year Governor	<i>Appointed by 2018-2019 BOG President Sunitha Anjilvel</i>	September 2021
3	WSBA 3 <sup>rd</sup> Year Governor	<i>Appointed by 2017-2018 BOG President Kyle Sciuchetti</i>	September 2019
4	WSBA Past President or Governor	Tracy S. Flood	Remainder, September 2020
5	WSBA Member	Allie Sisson	Remainder, September 2021
6	WSBA Member	Peter G. Finch	Remainder, September 2020
7	WSBA Member	Kinnon Williams	1 <sup>st</sup> Term, September 2020
8	WSBA Member	Brent Williams-Ruth	1 <sup>st</sup> Term, September 2022
9	Minority/ Specialty Bar Rep.	Deb Wechselblatt	Remainder, September 2021
10	Law Student	Maya Manus	Graduation
11	Public Member	Joan Duffy Watt	2 <sup>nd</sup> Term, September 2020
12	Public Member	Richard C. Bird, Jr.	2 <sup>nd</sup> Term, September 2022
13	At Large	Gloria Ochoa-Bruck	1 <sup>st</sup> Term, September 2022
14	At Large	Kristina Larry	2 <sup>nd</sup> Term, September 2021
15	At Large	Blake Kremer	1 <sup>st</sup> Regular Term, September 2020
16	WSBA Immediate Past President	Bill Pickett	September 2020
17	Secretary	Terra K. Nevitt	Executive Director serves Ex Officio



## Peter G. Finch

PARTNER

### Seattle

T 206.622.3150

F 206.757.7700

E peterfinch@dwt.com

### Education

J.D., Seattle University School of Law, 1997, cum laude

B.A., Writing/Media, Loyola University of Maryland, 1990

### Admitted to Practice

Washington, 1997

Western District of Washington, 2000

Eastern District of Washington, 2010

I'm constantly making stuff up at work, because my clients' labor and employment problems require unique, creative solutions.

Peter Finch has practiced traditional labor law exclusively for more than two decades. As a former attorney with the National Labor Relations Board, Peter leverages his "inside" knowledge and ongoing relationships with board agents around the country to guide his clients through the sometimes arcane and confusing world of federal labor law with confidence, tackling the more common allegations as well as the thorny, legally complex matters. Peter believes that solving his clients' problems means helping them achieve their business goals cost-effectively, plan strategies that look several steps ahead, and avoid administrative charges that needlessly divert precious time and resources.

Peter assists his clients' work through their labor issues for transactions, allowing them to find the right path to a successful bid to acquire, merge with, expand operations, or wind down the business. He also serves as the chief negotiator and strategist in collective bargaining for employers in a variety of industries, arbitrates grievances, investigates and defends clients against administrative charges, and serves as the lead advocate in trials.

## Practice Highlights

### Labor relations

Representing employers at the bargaining table and in strategic support roles in bargaining for first and successor agreements; advising clients on contract interpretation and administration matters; handling arbitrations of contract interpretation and disciplinary matters; providing materials and advice for strike preparation; providing management training for union and nonunion employees; and advised multinational nonunion employer on how to address unlawful picketing by construction union seeking work on a client's project while also maintaining strategic political alliance.

### Administrative proceedings

Serving as lead defense counsel in unfair labor practice investigations and hearings before state and federal agencies; pursuing unfair labor practices against unions to address unlawful picketing, contract violations, and bad faith bargaining; representing employers in all phases of election proceedings; and providing campaign support to clients' local human resources personnel.

### Transaction advice and counsel

Working with mergers-and-acquisitions attorneys; advising and representing employers in all manner of transactions involving one or more bargaining unit; participating in due diligence process, review letters of intent, and provides drafting support for purchase agreements; working with clients to manage and structure actual or potential collective bargaining relationships; and ensuring employees easily transition from one employer to another.

## Experience

### Defense of large telecommunications company

Successfully defended telecommunications employer charged with firing line worker as retaliation for protected concerted

activity. Although DWT was retained after complaint issued, our defense led the regional director to withdraw and dismiss the complaint prior to trial, dispatching liability that could have exceeded \$300,000.

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### Unfair labor practices charges for large hospital

Obtained full dismissals for an acute care hospital employer in a variety of ULPs related to terminations that former employees alleged were for union or protected concerted activity.

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### Defense of hospital

Successfully defended a renowned hospital, showing that contract language, past practice, and bargaining history established “clear and unmistakable waiver” of union’s right to bargain over, or otherwise restrict, employer’s ability to unilaterally change employees’ healthcare benefits.

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### Defense of healthcare provider

Defended large healthcare provider in a case proving that, as a successor employer, it had the right to set employees’ initial terms and conditions of employment, and unilaterally change shifts for unit employees across departments.

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### Agency charges for large shipping company

Served as part of a coordinating counsel team for a nationwide shipping company, addressing discrimination, retaliation, and failure to accommodate charges filed by current and former employees with the Equal Employment Opportunity Commission and related state and municipal agencies, as well as working with district counsel to ensure consistency for litigation.

## Memberships & Affiliations

- Washington State Bar Association
- King County Bar Association, 2013 PCLELC Planning Committee
- Board of Directors; Governance Committee Chair – King County Library System Foundation
- Former Member, Board of Directors; Former Chair, Finance Committee – Youth Theatre Northwest
- Board of Directors (President); Coach – Mercer Island Women's Lacrosse Club, 2008-2014

## Background

- Field Attorney, NLRB, 1997-2001, 2007-2012
- Staff Attorney, NLRB Office of the General Counsel, Division of Advice, 2001-2007

## Insights

"Proactively Addressing COVID-19 in the Workplace," Davis Wright Tremaine Webinar, 03.10.20

NLRB Reinstates Rule Permitting Confidentiality During Workplace Investigations, 02.24.20

Annual Employee Benefits Seminar and Employment Law Seminar, Davis Wright Tremaine, Seattle, 10.30.19

NLRB General Counsel Applies Rule of Reason to Workplace Rules, 05.30.19

37th Annual Employment Law Seminar, Davis Wright Tremaine, Seattle, 10.02.18

Co-presenter, "The Board and the Pendulum: Four Reversals of Obama Board Precedent Begin the Rebalancing of the NLRA," Davis Wright Tremaine Webinar, 01.04.18

Quoted in "Columbia University Has Options to Delay Bargaining," Bloomberg BNA, 12.20.17

"Washington Employment Law Deskbook," Davis Wright Tremaine, 21st Ed., 2017

36th Annual Employment Law Seminar, Davis Wright Tremaine, Seattle, 09.28.17

Quoted in "Google Worker Saga Features Clash of Labor, Anti-Bias Laws," Daily Labor Report, 08.10.17

"Preparing for the Trump Administration," Davis Wright Tremaine, Los Angeles, 01.18.17

"Preparing for the Trump Administration - What Employers May Expect," Davis Wright Tremaine Webinar, 12.15.16

# WASHINGTON STATE BAR ASSOCIATION

To: The President, President-elect, and Board of Governors  
From: Committee on Professional Ethics (CPE)  
Date: March 31, 2020  
Re: Report and Recommendation on Proposed Comment [8] to RPC 6.5

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**RECOMMENDATION:** The CPE recommends that the Board of Governors support the Pro Bono Council's March 19, 2020, request to withdraw its proposal.

**REPORT:** On November 6, 2019, the Supreme Court published Comment [8] to RPC 6.5 proposed by the Washington Access to Justice Board Pro Bono Council (PBC) with a comment deadline of April 30, 2020. No. 25700-A-270. On November 19<sup>th</sup>, the Board of Governors asked the CPE to recommend to the BOG prior to its April 17-18 2020, meeting whether and how to comment on the PBC proposal.

At the December 5, 2019, CPE meeting, a subcommittee formed to study the PBC proposal gave an interim report analyzing the PBC proposal and reporting about consultation between the subcommittee and PBC. On January 27, 2020, the subcommittee concluded the CPE should not support the proposal as drafted, partly because the proposed Comment [8] draft language conflicted with specific language in RPC 6.5(a)(3)(ii).

The CPE requested that its subcommittee continue to offer technical assistance to PBC to prepare a revised proposal, and there were a series of subsequent meetings between the PBC representatives and the subcommittee to assist with a revised proposal.

Due to the disruption caused by the COVID-19 outbreak, on March 19, 2020, the PBC notified the CPE that it could not timely finalize a revised proposal and had submitted a request to the Supreme Court to withdraw the proposal. On March 26<sup>th</sup>, the Office of Legal Services and Appellate Court Support confirmed for the PBC that the Supreme Court Rules Committee had received and was processing a request by PBC to withdraw the PBC proposal. However, the Rules Committee is not scheduled to meet regularly until May 11, 2020, and did not contemplate an emergency order to end the PBC proposal comment period due to the COVID-19 crisis and other circumstances.

Accordingly, the CPE anticipates that the PBC request to withdraw its proposal will be granted and, in the interim, recommends that the BOG support withdrawal of the PBC proposal by the Supreme Court.

**MEMORANDUM**

TO: The President, President-elect, and Board of Governors  
FROM: Committee on Professional Ethics  
RE: Recommendation on Revised Proposed Amendment to Rule 7.3  
DATE: March 10, 2020

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**ISSUE**

In March 2017, the Board of Governors (BOG) requested the Committee on Professional Ethics (CPE) review suggested amendments to the Rules of Professional Conduct in light of the Association of Professional Responsibility Lawyers (APRL) Report on Lawyer Advertising. The CPE formed a special work group (hereinafter referred to as “2017 workgroup”) which provided a comprehensive report and recommendation on proposed amendments to Title 7 of the Washington Rules of Professional Conduct (“RPC”), including RPC 7.3.

On March 8, 2018, the BOG fully adopted the proposed amendments and submitted them to the Washington Supreme Court. On January 30, 2020, the Supreme Court having reviewed the public comments to the proposed amendments published for comment a revised proposed amendment to RPC 7.3. On February 3, 2020, the BOG requested the CPE to formulate its view on this revised proposed amendment.

In particular, the BOG asked the CPE to provide its recommendation as to whether the WSBA should submit a comment on the revised proposed amendment, and if so, a recommendation as to the content of such a comment.

The CPE believes that the WSBA should submit a comment on the revised proposed amendment and the content of the comment should be as follows.

**A. The CPE’s view on the proposed revised amendment to Rule 7.3**

1. The revised proposed amendment to RPC 7.3(a) imposes a general prohibition against professional employment solicitation by attorneys in the areas of “personal injury law”, “family law,” “criminal law,” or “bankruptcy law.” The CPE is sympathetic to the sentiment that these enumerated areas of law may encompass clients who are more vulnerable and susceptible to solicitation by attorneys than the general population. However, the CPE sees numerous significant concerns with this proposal and recommends that the BOG consider submitting a comment objecting to prohibition of solicitation in the enumerated areas of law.
2. First, the RPCs do not provide any definitions of what constitutes personal injury law, family law, criminal law, or bankruptcy law. The proposed RPC 7.3(a) will confuse attorneys who will have no clear guidance as to whether they, their clients, or the legal issues fall into one of these areas.
3. Second, the CPE does not see why attorneys practicing in other areas of law should be given different treatment. There are vulnerable clients in other areas of law, such as, for instance, immigration law, employment law, and elder law. Vulnerable clients should be protected across all areas of law and the CPE believes this would be accomplished by the safeguards provided in the proposed RPC 7.3(a)(1), (2), (3), and (4), which prohibit solicitation where it is false or misleading, where the client is in an emotional or mental state interfering with the client’s reasonable judgment, where the client expressed a desire not to be solicited, and where the solicitation involves coercion, duress, or harassment. For instance, in *In re Flack*, 272 Kan. 465, 33 P.3d 1281, 2001 Kan. LEXIS 785, the Supreme Court of Kansas applied the Kansas Rule of Professional Conduct 7.3(b) and upheld the Kansas Bar’s determination that a wills, trusts, and estate lawyer violated this Rule because he had targeted in his solicitations the vulnerable population of elderly widows. The Kansas RPC 7.3(b) does not identify specific areas of law where solicitation is prohibited, but rather states that an otherwise permissible solicitation violates the Rule if it involves coercion, duress, or harassment. Similarly, in *In re Anis*, 126 N.J. 448, 599 A.2d 1265, 1992 N.J. LEXIS 1, the Supreme Court of New Jersey held that a lawyer who sent a solicitation letter to a plane crash victim’s family violated New Jersey’s RPC 7.3(b)(1), which prohibits solicitation in cases where the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer. As above, the New Jersey RPCs do not enumerate specific areas of law for blanket solicitation prohibitions, but rather protect all vulnerable clients. The State of Washington should adopt this approach and should implement a rule that is based on the conduct of the attorney and the emotional

or mental state or stated preferences of the prospective client rather than a given area of law.

4. Finally, the CPE was not able to locate any other rules of professional conduct governing solicitations that enumerate and treat differently specific areas of law. The CPE contacted various ethics counsel in Washington as well as other jurisdictions and they expressed concerns, which the CPE echoes, about the enforceability and clarity of this revised proposed Rule. If the Supreme Court is worried about vulnerable clients in particular legal areas, perhaps this could be noted in the Comments section.
5. The CPE would also like to point out an incongruity in the revised proposed RPC 7.3(a). As it is now proposed, the Rule states that a lawyer may solicit in all other areas of law “when a significant motive for the lawyer’s doing so is the lawyer’s pecuniary gain.” This implies a possible prohibition against solicitation where the lawyer does not have pecuniary gain, such as in non-profit context. Such prohibition does not appear to make logical sense given the rest of this Rule. The CPE recommends that the language about significant motive be removed or revised so as not to create such implication.

#### **B. The CPE’s view on the revised proposed Comments to RPC 7.3**

1. As stated above, the Supreme Court’s proposed amendment to RPC 7.3 modifies the original amendment proposed by the 2017 work group by retaining the historical prohibition against solicitation for certain enumerated practice areas. The Supreme Court proposed few changes to the 2017 work group’s recommendation on the Comments, leaving the 2017 work group’s proposed changes to the Comments largely intact. This creates ambiguity and confusion related to the Comments because the 2017 work group had recommended that many of the Comments to RPC 7.3 be deleted because they would be erroneous or practically irrelevant if solicitation is generally permissible under the Rule.
2. Comments 2-4: In large part, the prohibition against solicitation in four enumerated practice areas now stands alone, without the clarification provided by the current comments to RPC 7.3. For instance, Comments 2-4 explain why solicitation presents risks to the public that call for regulation. These Comments provide justification for the regulation of the profession and the imposition of discipline.
3. Comment 5: The current version of RPC 7.3(a)(2) creates, and Comment 5 explains, an exception for the prohibition against solicitation when the subject is known to the attorney through a close personal or family relationship. Under the Supreme Court’s

proposal, solicitation would be prohibited in four practice areas where individuals might be expected to turn to a close friend or family members, but there is no exception that would allow the attorney to reach out to them in person. If this is not the intent of the Supreme Court, it would be appropriate to retain a provision relating to this exception in the Rule and retain a modified version of Comment 5.

4. Comment 7: This comment to the current Rule clarifies that a lawyer may contact representatives of prepaid legal services organizations in person. The 2017 work group had proposed deletion of this Comment. Because the Supreme Court's revised proposed version retains prohibition against solicitation in certain practice groups, Comment 7 would need to be reinstated as to those practice groups. If the revised proposed version of the Rule is to be adopted, Comment 7 should also be amended to clarify that, in the areas of practice enumerated by the Supreme Court, such contacts are permissible.
5. Comment 9: Similarly, Comment 9 clarifies when and how the lawyer may participate in a prepaid legal services plan that uses in person contacts to solicit members. This Comment still has value as long as there are broad prohibitions against solicitation.
6. Washington Comment 10: The 2017 work group proposed deletion of Washington Comment 10, which covers the topic of in-person, live telephone, or real time electronic contact with prospective clients who have been referred to the lawyer. Comment 10 was replaced with language relating to the coercion and harassment exception found in RPC 7.3(a)(4). If the Supreme Court's proposed rule is adopted, the language in current Comment 10 is useful and should be the subject of a separate comment, although it should be modified and limited to those practice areas in which solicitation is prohibited.
7. Washington Comment 11: Current Comment 11 relates back to RPC 7.3(a)(3) concerning referrals from not for profit referral services. The 2017 work group recommended deletion of these provisions and the Supreme Court amendment does not alter these recommendations. However, if solicitation is to be prohibited in certain practice areas, Comment 11 provides useful guidance for lawyers practicing in those areas and should be retained. Both the 2017 work group and the Supreme Court recommended a new comment (designated as new Comment 11) verifying that the restrictions on a lawyer's own conduct extend to the lawyer's agents and employees. This language should be retained in a separate comment.
8. Washington Comment 12: The 2017 work group's recommendation was as follows:

*[12] Washington did not adopt paragraph (c) of the Model Rule relating to labeling of communications ~~with prospective clients~~ and solicitations. Washington has not adopted subsection (c) of the Model Rule creating a safe harbor for in-person and telephonic solicitations in the context of a prepaid or group legal services plan because solicitations of professional employment by any means and in all contexts are permitted subject to the exceptions contained in subsections (a)(1)-(4). In addition, prior provisions and comments under RFC 7.3 in Washington relating to in-person, telephonic, or real-time electronic solicitations in the context of referrals from a third party or a lawyer referral service have been removed because solicitations by any means in this context are permitted subject to the exceptions contained in subsection (a)(1)-(4) of this rule.*

The Supreme Court revision deleted the first sentence (perhaps unintentionally), but did not recommend changes to the remaining language. However, the language is not helpful in light of the Supreme Court's proposed amendments, particularly if the Supreme Court intended to allow solicitations in the context of a prepaid legal services plan or referrals from not for profit services plans even in the otherwise prohibited practice areas. The Comment should be deleted or clarified.

## **CONCLUSION**

For the reasons articulated above, the CPE believes that in RPC 7.3(a) there should be no enumeration of areas of law where there is a blanket prohibition against the solicitation of clients. The CPE recommends that the first sentence of the revised proposed RPC 7.3(a) be deleted or modified in a way that does not single out a specific area of law for blanket prohibition. The CPE also recommends that the second sentence of the revised proposed RPC 7.3(a) be changed so as not to give an implication that it prohibits solicitation where the lawyer's motive is something besides pecuniary gain.

Additionally, the CPE recommends that the BOG bring to the Supreme Court's attention the discrepancies and confusion created as a result of the Supreme Court proposing a substantive change to the revised Rule 7.3(a) while at the same time adopting the 2017 work group's recommended changes to the Comments.

**MEMO**

**To:** Board of Governors

**From:** Daryl Rodrigues, Chair, Council on Public Defense

**Date:** April 7, 2020

**Re:** Comment on amending CrR 3.1(f), CrRLJ 3.1(f), and JuCrR 9.3(a) to require that judges consider defense requests for expert funds *ex parte*

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**ACTION:** Approve the Council on Public Defense to submit comment on behalf of WSBA regarding proposed amendments to CrR 3.1(f), CrRLJ 3.1(f), and JuCrR 9.3(a) that require that judges consider defense requests for expert funds *ex parte*.

In October of 2019, the Washington Defender Association asked the Washington Supreme Court to amend CrR 3.1(f), CrRLJ 3.1(f), and JuCrR 9.3(a). Those court rules allow criminal defense attorneys representing indigent clients to request funding for experts whose assistance is constitutionally required to provide an adequate defense. Currently the rules say that defense attorneys “may” make those requests *ex parte*. WDA’s proposal is that the court amend the rules so that defense attorneys “shall” make those requests *ex parte*.

The Council on Public Defense supports this court rule proposal because it would ensure that trial court judges consider defense requests for expert funds without necessarily disclosing those requests to prosecutors. This change would afford indigent defendants the same degree of privacy in developing trial strategy than more wealthy defendants enjoy.

On April 7, 2020, a super majority of the Council on Public Defense voted that commenting on the proposed rule changes fell within the parameters of GR 12. A super majority of the Council then voted to approve submitting a comment in support of the proposed amendments. Comments on the proposal are due to the Washington Supreme Court by April 30, 2020.

WSBA CPD Chair Daryl Rodrigues will attend the Board of Governors April 17<sup>th</sup> meeting telephonically and present information about the Council’s proposed comment.

Washington Supreme Court Rules Committee  
P.O. Box 40929  
Olympia, WA 98504-0929, or  
VIA EMAIL: [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov)

**Re: Comment in support of proposed amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.3**

Dear Honorable Supreme Court Justices:

The WSBA Council on Public Defense (CPD) supports the Washington Defender Association's (WDA) proposal to amend CrR 3.1, CrRLJ 3.1 and JuCR 9.3 so that those rules would require judges to consider defense requests for expert funding *ex parte*. This issue is of special interest to public defenders and their clients, since public defenders represent many of the Washingtonians accused of crimes who cannot afford to pay the fees of the experts they need to have fair trials.

The proposed changes would put the indigent accused in a position more similar to that of defendants who can afford to hire experts, increasing the fairness of Washington's criminal justice system. Council for a defendant who can afford to hire an expert is free to consult with that expert without informing the prosecution. That changes only if the defense decides to call the expert as a witness at trial. Currently, an indigent defendant does not have that advantage if a judge refuses to consider their request for funds to hire an expert *ex parte*. We are also concerned that some defendants may receive reduced funds to pay for necessary experts if the government challenges their funding requests, exacerbating already existing disparities between indigent defendants and others charged with crimes.

WDA's proposed rule changes would increase equity in Washington's courts, and we hope you will adopt them. Thank you for your time and consideration.

Sincerely,



October 14, 2019

The Honorable Charles Johnson, Chair  
Supreme Court Rules Committee  
Temple of Justice  
PO Box 40929  
Olympia, WA 98504-0929  
VIA U.S. MAIL AND EMAIL

Re: Suggested Changes to Superior Court Criminal Rule 3.1(f), Criminal Rule for Courts of Limited Jurisdiction 3.1(f) and Juvenile Court Rule 9.3(a)

Dear Justice Johnson:

The Washington Defender Association (WDA) is submitting for the Washington Supreme Court's consideration the enclosed suggested changes to CrR 3.1(f), CrRLJ 3.1(f) and JuCR 9.3(a). These suggested changes mirror those we proposed in our March 2019 comment on our October 2018 rule proposal. We greatly appreciate the Court's willingness to reconsider our suggestions.

Under CrR 3.1(f) and CrRLJ 3.1(f) as currently written, a defense attorney "may" request expert funds *ex parte*. We suggest substituting the word "may" with "shall." We seek similar changes to JuCR 9.3(a). Under that rule, an attorney who represents a juvenile client may request expert funding, but the rule does not currently specify that the attorney may do so *ex parte*. We suggest language that would clarify that juvenile defenders shall ask for expert funds *ex parte* and that, as in superior courts and courts of limited jurisdiction, juvenile courts may seal those requests upon a showing of good cause.

We are available to answer any questions. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Magda Baker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Magda Baker, Misdemeanor Resource Attorney

Enclosures  
cc: Shannon Hinchcliffe, AOC

1 **GR 9 Cover Sheet**

2

3 **Suggested Changes to CrR 3.1, CrRLJ 3.1 and JuCR 9.3**

4

5 **(A) Name of Proponent:** Washington Defender Association

6 **(B) Spokesperson:** Magda Baker, Misdemeanor Resource Attorney, Washington Defender  
7 Association

8 **(C) Purpose:** The Washington Defender Association (WDA) suggests changes to CrR 3.1(f),  
9 CrRLJ 3.1(f) and JuCR 9.3(a) that would ensure that criminal defense attorneys who  
10 request funds for experts on behalf of indigent clients in superior courts, courts of limited  
11 jurisdiction and juvenile courts do so *ex parte*. WDA has heard from defenders who have  
12 requested expert funds *ex parte* only to have judges invite prosecutors to weigh in on  
13 their requests, which allows opposing counsel a preview of the defense’s trial strategy.  
14 The changes we propose would eliminate that practice and any chilling effect it may have  
15 on defenders considering requests for expert funds. Such changes would also lead to a  
16 more uniform administration of justice throughout the state, since currently some judges  
17 seek prosecutorial input on defense requests for expert funding while others do not.  
18 Finally, the changes would promote a more level playing field for defenders and  
19 prosecutors, since prosecutors can often consult with law enforcement employees as  
20 experts or get expert funding from their offices without court approval.

21 **(D) Hearing:** None recommended.

22 **(E) Expedited Consideration:** Expedited consideration is not requested.

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1 *[Suggested changes to CrR 3.1(f)]*

2 **CrR 3.1 RIGHT TO AND ASSIGNMENT OF LAWYER**

3 **(a) – (e)** *[unchanged]*

4 **(f) Services Other Than Lawyer.**

5 (1) A lawyer for a defendant who is financially unable to obtain investigative, expert, or other  
6 services necessary to an adequate defense in the case may request them by a motion to the court.

7 (2) Upon finding that the services are necessary and that the defendant is financially unable to  
8 obtain them, the court, or a person or agency to whom the administration of the program may  
9 have been delegated by local court rule, shall authorize the services. The motion ~~may~~ shall be  
10 made ex parte, and, upon a showing of good cause, the moving papers may be ordered sealed by  
11 the court, and shall remain sealed until further order of the court. The court, in the interest of  
12 justice and on a finding that timely procurement of necessary services could not await prior  
13 authorization, shall ratify such services after they have been obtained.

14 (3) Reasonable compensation for the services shall be determined and payment directed to the  
15 organization or person who rendered them upon the filing of a claim for compensation supported  
16 by affidavit specifying the time expended and the services and expenses incurred on behalf of the  
17 defendant, and the compensation received in the same case or for the same services from any  
18 other source.

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1 *[Suggested changes to CrRLJ 3.1(f)]*

2 **CrRLJ 3.1 RIGHT TO AND ASSIGNMENT OF LAWYER**

3 **(a) – (e)** *[unchanged]*

4 **(f) Services Other Than Lawyer.**

5 (1) A lawyer for a defendant who is financially unable to obtain investigative, expert, or other  
6 services necessary to an adequate defense in the case may request them by a motion to the court.

7 (2) Upon finding that the services are necessary and that the defendant is financially unable to  
8 obtain them, the court, or a person or agency to whom the administration of the program may  
9 have been delegated by local court rule, shall authorize the services. The motion ~~may~~ shall be  
10 made ex parte, and, upon a showing of good cause, the moving papers may be ordered sealed by  
11 the court, and shall remain sealed until further order of the court. The court, in the interest of  
12 justice and on a finding that timely procurement of necessary services could not await prior  
13 authorization, shall ratify such services after they have been obtained.

14 (3) Reasonable compensation for the services shall be determined and payment directed to the  
15 organization or person who rendered them upon the filing of a claim for compensation supported  
16 by affidavit specifying the time expended and the services and expenses incurred on behalf of the  
17 defendant, and the compensation received in the same case or for the same services from any  
18 other source.

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1 [Suggested changes to JuCR 9.3(a)]

2 **JuCR 9.3 RIGHT TO APPOINTMENT OF EXPERTS IN JUVENILE OFFENSE**  
3 **PROCEEDINGS AND ASSIGNMENT OF LAWYER**

4 **(a) Appointment.** A juvenile who is financially unable to obtain investigative, expert, or other  
5 services necessary to an adequate defense may request that these services be provided at public  
6 expense by a motion. The motion shall be made *ex parte* and, upon a showing of good cause, the  
7 moving papers may be ordered sealed by the court and shall remain sealed until further order of  
8 the court. Upon finding that the services are necessary and that the juvenile is financially unable  
9 to obtain them without substantial hardship to himself or herself or the juvenile's family, the  
10 court shall authorize counsel to obtain the services on the behalf of the juvenile. The ability to  
11 pay part of the cost of the services shall not preclude the provision of those services by the court.  
12 A juvenile shall not be deprived of necessary services because a parent, guardian, or custodian  
13 refuses to pay for those services. The court, in the interest of justice and on a finding that timely  
14 procurement of necessary services could not await prior authorization, may ratify services after  
15 they have been obtained.

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17 **(b)** [*unchanged*]  
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**GR 12**  
**REGULATION OF THE PRACTICE OF LAW**

The Washington Supreme Court has inherent and plenary authority to regulate the practice of law in Washington. The legal profession serves clients, courts, and the public, and has special responsibilities for the quality of justice administered in our legal system. The Court ensures the integrity of the legal profession and protects the public by adopting rules for the regulation of the practice of law and actively supervising persons and entities acting under the Supreme Court's authority.

*[Adopted effective September 1, 2017.]*

**GR 12.1**  
**REGULATORY OBJECTIVES**

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include: protection of the public; advancement of the administration of justice and the rule of law; meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;

- (a) transparency regarding the nature and scope of legal services To be provided, the credentials of those who provide them, and the availability of regulatory protections;
- (b) delivery of affordable and accessible legal services;
- (c) efficient, competent, and ethical delivery of legal services;
- (d) protection of privileged and confidential information;
- (e) independence of professional judgment;
- (f) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;
- (g) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

*[Adopted effective September 1, 2017.]*

**GR 12.2**  
**WASHINGTON STATE BAR ASSOCIATION: PURPOSES, AUTHORIZED  
ACTIVITIES, AND PROHIBITED ACTIVITIES**

In the exercise of its inherent and plenary authority to regulate the practice of law in Washington, the Supreme Court authorizes and supervises the Washington State Bar Association's activities. The Washington State Bar Association carries out the administrative responsibilities and functions expressly delegated to it by this rule and other Supreme Court rules and orders enacted or adopted to regulate the practice of law, including the purposes and authorized activities set forth below.

- (a) Purposes: In General. In general, the Washington State Bar Association strives to:

- (1) Promote independence of the judiciary and the legal profession.
- (2) Promote an effective legal system, accessible to all.
- (3) Provide services to its members and the public.
- (4) Foster and maintain high standards of competence, professionalism, and ethics among its members.
- (5) Foster collegiality among its members and goodwill between the legal profession and the public.
- (6) Promote diversity and equality in the courts and the legal profession.
- (7) Administer admission, regulation, and discipline of its members in a manner that protects the public and respects the rights of the applicant or member.
- (8) Administer programs of legal education.
- (9) Promote understanding of and respect for our legal system and the law.
- (10) Operate a well-managed and financially sound association, with a positive work environment for its employees.
- (11) Serve as a statewide voice to the public and to the branches of government on matters relating to these purposes and the activities of the association and the legal profession.

(b) Specific Activities Authorized. In pursuit of these purposes, the Washington State Bar Association may:

- (1) Sponsor and maintain committees and sections, whose activities further these purposes;
- (2) Support the judiciary in maintaining the integrity and fiscal stability of an independent and effective judicial system;
- (3) Provide periodic reviews and recommendations concerning court rules and procedures;
- (4) Administer examinations and review applicants' character and fitness to practice law;
- (5) Inform and advise its members regarding their ethical obligations;
- (6) Administer an effective system of discipline of its members, including receiving and investigating complaints of misconduct by legal professionals, taking and recommending appropriate punitive and remedial measures, and diverting less serious misconduct to alternatives outside the formal discipline system;
- (7) Maintain a program, pursuant to court rule, requiring members to submit fee disputes to arbitration;
- (8) Maintain a program for mediation of disputes between members and others;
- (9) Maintain a program for legal professional practice assistance;
- (10) Sponsor, conduct, and assist in producing programs and products of continuing legal education;

- (11) Maintain a system for accrediting programs of continuing legal education;
- (12) Conduct examinations of legal professionals' trust accounts;
- (13) Maintain a fund for client protection in accordance with the Admission and Practice Rules;
- (14) Maintain a program for the aid and rehabilitation of impaired members;
- (15) Disseminate information about the organization's activities, interests, and positions;
- (16) Monitor, report on, and advise public officials about matters of interest to the organization and the legal profession;
- (17) Maintain a legislative presence to inform members of new and proposed laws and to inform public officials about the organization's positions and concerns;
- (18) Encourage public service by members and support programs providing legal services to those in need;
- (19) Maintain and foster programs of public information and education about the law and the legal system;
- (20) Provide, sponsor, and participate in services to its members;
- (21) Hire and retain employees to facilitate and support its mission, purposes, and activities, including in the organization's discretion, authorizing collective bargaining;
- (22) Establish the amount of all license, application, investigation, and other related fees, as well as charges for services provided by the Washington State Bar Association, and collect, allocate, invest, and disburse funds so that its mission, purposes, and activities may be effectively and efficiently discharged. The amount of any license fee is subject to review by the Supreme Court for reasonableness and may be modified by order of the Court if the Court determines that it is not reasonable;

(23) Administer Supreme-Court-created boards in accordance with General Rule 12.3.

(c) Activities Not Authorized. The Washington State Bar Association will not:

- (1) Take positions on issues concerning the politics or social positions of foreign nations;
- (2) Take positions on political or social issues which do not relate to or affect the practice of law or the administration of justice; or
- (3) Support or oppose, in an election, candidates for public office.

*[Adopted effective July 17, 1987; amended effective December 10, 1993; September 1, 1997; September 1, 2007; September 1, 2013; September 1, 2017.]*

**GR 12.3**  
**WASHINGTON STATE BAR ASSOCIATION ADMINISTRATION**  
**OF SUPREME COURT-CREATED BOARDS AND COMMITTEES**

The Supreme Court has delegated to the Washington State Bar Association the authority and responsibility to administer certain boards and committees established by court rule or order. This delegation of authority includes providing and managing staff, overseeing the boards and committees to monitor their compliance with the rules and orders that authorize and regulate them, paying expenses reasonably and necessarily incurred pursuant to a budget approved by the Board of Governors, performing other functions and taking other actions as provided in court rule or order or delegated by the Supreme Court, or taking other actions as are necessary and proper to enable the board or committee to carry out its duties or functions.

*[Adopted effective September 1, 2007; amended effective September 1, 2017.]*

**GR 12.4**  
**WASHINGTON STATE BAR ASSOCIATION ACCESS TO**  
**RECORDS**

(a) Policy and Purpose. It is the policy of the Washington State Bar Association to facilitate access to Bar records. A presumption of public access exists for Bar records, but public access to Bar records is not absolute and shall be consistent with reasonable expectations of personal privacy, restrictions in statutes, restrictions in court rules, or as provided in court orders or protective orders issued under court rules. Access shall not unduly burden the business of the Bar.

(b) Scope. This rule governs the right of public access to Bar records. This rule applies to the Washington State Bar Association and its subgroups operated by the Bar including the Board of Governors, committees, task forces, commissions, boards, offices, councils, divisions, sections, and departments. This rule also applies to boards and committees under GR 12.3 administered by the Bar. A person or entity entrusted by the Bar with the storage and maintenance of Bar records is not subject to this rule and may not respond to a request for access to Bar records, absent express written authority from the Bar or separate authority in rule or statute to grant access to the documents.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a Bar record.

(2) "Bar record" means any writing containing information relating to the conduct of any Bar function prepared, owned, used, or retained by the Bar regardless of physical form or characteristics. Bar records include only those records in the possession of the Bar and its staff or stored under Bar ownership and control in facilities or servers. Records solely in the possession of hearing officers, non-Bar staff members of boards, committees, task forces, commissions, sections, councils, or divisions that were prepared by the hearing officers or the members and in their sole possession, including private notes and working papers, are not Bar records and are not subject to public access under this rule. Nothing in this rule requires the Bar to create a record that is not currently in possession of the Bar at the time of the request.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation in paper, digital, or other format.

(d) Bar Records--Right of Access.

(1) The Bar shall make available for inspection and copying all Bar records, unless the record falls within the specific exemptions of this rule, or any other state statute (including the Public Records Act, chapter 42.56 RCW) or federal statute or rule as they would be applied to a public agency, or is made confidential by the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, the Admission to Practice Rules and associated regulations, the Rules for Enforcement of Limited Practice Officer Conduct, General Rule 25, court orders or protective orders issued under those rules, or any other state or federal statute or rule. To the extent required to prevent an unreasonable invasion of personal privacy interests or threat to safety or by the above-referenced rules, statutes, or orders, the Bar shall delete identifying details in a manner consistent with those rules, statutes, or orders when it makes available or publishes any Bar record; however, in each case, the justification for the deletion shall be explained in writing.

(2) In addition to exemptions referenced above, the following categories of Bar records are exempt from public access except as may expressly be made public by court rule:

(A) Records of the personnel committee, and personal information in Bar records for employees, appointees, members, or volunteers of the Bar to the extent that disclosure would violate their right to privacy, including home contact information (unless such information is their address of record), Social Security numbers, driver's license numbers, identification or security photographs held in Bar records, and personal data including ethnicity, race, disability status, gender, and sexual orientation. Membership class and status, bar number, dates of admission or licensing, addresses of record, and business telephone numbers, facsimile numbers, and electronic mail addresses (unless there has been a request that electronic mail addresses not be made public) shall not be exempt, provided that any such information shall be exempt if the Executive Director approves the confidentiality of that information for reasons of personal security or other compelling reason, which approval must be reviewed annually.

(B) Specific information and records regarding

(i) internal policies, guidelines, procedures, or techniques, the disclosure of which would reasonably be expected to compromise the conduct of disciplinary or regulatory functions, investigations, or examinations;

(ii) application, investigation, and hearing or proceeding records relating to lawyer, Limited Practice Officer, or Limited License Legal Technician admissions, licensing, or discipline, or that relate to the work of ELC 2.5 hearing officers, the Board of Bar Examiners, the Character and Fitness Board, the Law Clerk Board, the Limited Practice Board, the MCLE Board, the Limited License Legal Technician Board, the Practice of Law Board, or the Disciplinary Board in conducting investigations, hearings or proceedings; and

(iii) the work of the Judicial Recommendation Committee and the Hearing Officer selection panel, unless such records are expressly categorized as public information by court rule.

(C) Valuable formulae, designs, drawings, computer source code or object code, and research data created or obtained by the Bar.

(D) Information regarding the infrastructure, integrity, and security of computer and telecommunication networks, databases, and systems.

(E) Applications for licensure by the Bar and annual licensing forms and related records, including applications for license fee hardship waivers and any decision or determinations on the hardship waiver applications.

(F) Requests by members for ethics opinions to the extent that they contain information identifying the member or a party to the inquiry.

Information covered by exemptions will be redacted from the specific records sought. Statistical information not descriptive of any readily identifiable person or persons may be disclosed.

### (3) Persons Who Are Subjects of Records.

(A) Unless otherwise required or prohibited by law, the Bar has the option to give notice of any records request to any member or third party whose records would be included in the Bar's response.

(B) Any person who is named in a record, or to whom a record specifically pertains, may present information opposing the disclosure to the applicable decision maker.

(C) If the Bar decides to allow access to a requested record, a person who is named in that record, or to whom the records specifically pertains, has a right to initiate review or to participate as a party to any review initiated by a requester. The deadlines that apply to a requester apply as well to a person who is a subject of a record.

### (e) Bar Records--Procedures for Access.

(1) General Procedures. The Bar Executive Director shall appoint a Bar staff member to serve as the public records officer to whom all records requests shall be submitted. Records requests must be in writing and delivered to the Bar public records officer, who shall respond to such requests within 30 days of receipt. The Washington State Bar Association must implement this rule and adopt and publish on its website the public records officer's work mailing address, telephone number, fax number, and e-mail address, and the procedures and fee schedules for accepting and responding to records requests by the effective date of this rule. The Bar shall acknowledge receipt of the request within 14 days of receipt, and shall communicate with the requester as necessary to clarify any ambiguities as to the records being requested. Records requests shall not be directed to other Bar staff or to volunteers serving on boards, committees, task forces, commissions, sections, councils, or divisions.

### (2) Charging of Fees.

(A) A fee may not be charged to view Bar records.

(B) A fee may be charged for the photocopying or scanning of Bar records according to the fee schedule established by the Bar and published on its web site.

(C) A fee not to exceed \$30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

(f) Extraordinary Requests Limited by Resource Constraints. If a particular request is of a magnitude or burden on resources that the Bar cannot fully comply within 30 days due to constraints on time, resources, and personnel, the Bar shall communicate this information to the requester along with a good faith estimate of the time needed to complete the Bar's response. The Bar must attempt to reach

agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the Bar's response, which may include a schedule of installment responses. If the Bar and requester are unable to reach agreement, the Bar shall respond to the extent practicable, clarify how and why the response differs from the request, and inform the requester that it has completed its response.

(g) Denials. Denials must be in writing and shall identify the applicable exemptions or other bases for denial as well as a written summary of the procedures under which the requesting party may seek further review.

(h) Review of Records Decisions.

(1) Internal Review. A person who objects to a record decision or other action by the Bar's public records officer may request review by the Bar's Executive Director.

(A) A record requester's petition for internal review must be submitted within 90 days of the Bar's public records officer's decision, on such form as the Bar shall designate and make available.

(B) The review proceeding is informal, summary, and on the record.

(C) The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(2) External Review. A person who objects to a records review decision by the Bar's Executive Director may request review by the Records Request Appeals Officer (RRAO) for the Bar.

(A) The requesting party's request for review of the Executive Director's decision must be deposited in the mail and postmarked or delivered to the Bar not later than 30 days after the issuance of the decision, and must be on such form as the Bar shall designate and make available.

(B) The review will be informal and summary, but in the sole discretion of the RRAO may include the submission of briefs no more than 20 pages long and of oral arguments no more than 15 minutes long.

(C) Decisions of the RRAO are final unless, within 30 days of the issuance of the decision, a request for discretionary review of the decision is filed with the Supreme Court. If review is granted, review is conducted by the Chief Justice of the Washington Supreme Court or his or her designee in accordance with procedures established by the Supreme Court. A designee of the Chief Justice shall be a current or former elected judge. The review proceeding shall be on the record, without additional briefing or argument unless such is ordered by the Chief Justice or his or her designee.

(D) The RRAO shall be appointed by the Board of Governors. The Bar may reimburse the RRAO for all necessary and reasonable expenses incurred in the completion of these duties, and may provide compensation for the time necessary for these reviews at a level established by the Board of Governors.

(i) Monetary Awards Not Allowed. Attorney fees, costs, civil penalties, or fines may not be awarded under this rule.

(j) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2014, and applies to records that are created on or after that date.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test; the Public Records Act, chapter 42.56 RCW, does not apply to such Bar records, but it may be used for nonbinding guidance.

*[Adopted effective July 1, 2014; amended effective September 1, 2017.]*

**GR 12.5  
IMMUNITY**

All boards, committees, or other entities, and their members and personnel, and all personnel and employees of the Washington State Bar Association, acting on behalf of the Supreme Court under the Admission and Practice Rules, the Rules for Enforcement of Lawyer Conduct, or the disciplinary rules for limited practice officers and limited license legal technicians, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

*[Adopted effective January 2, 2008; amended effective September 1, 2017.]*

# 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**



# WSBA Board of Governors CONGRESSIONAL DISTRICT MAP

2019-2020



**Rajeev Majumdar**  
President



**Kyle Sciuchetti**  
President-Elect



**Bill Pickett**  
Immediate Past  
President



**Terra Nevitt**  
Interim Exec. Dir.  
& Secretary



**Sunitha Anjilvel**  
Governor District 1



**Carla Higginson**  
Governor District 2



**Brian Tollefson**  
Governor District 6



**Paul Swegle**  
Governor District 7-North



**Jean Kang**  
Governor District 7-South



**Kim Hunter**  
Governor District 8



**Bryn Peterson**  
Governor District 9



**Thomas A. McBride**  
Governor District 10



**Kyle Sciuchetti**  
Governor District 3



**P.J. Grabicki**  
Governor District 5



**Dan Clark**  
Governor District 4



**Hunter Abell**  
Governor At-Large



**Alec Stephens**  
Governor At-Large



**Russell Knight**  
Governor At-Large

# **BASIC CHARACTERISTICS OF MOTIONS**

*From: The Complete Idiot's Guide to Robert's Rules  
The Guerilla Guide to Robert's Rules*

MOTION	PURPOSE	INTERRUPT SPEAKER?	SECOND NEEDED?	DEBATABLE?	AMENDABLE?	VOTE NEEDED
1. Fix the time to which to adjourn	Sets the time for a continued meeting	No	Yes	No <sup>1</sup>	Yes	Majority
2. Adjourn	Closes the meeting	No	Yes	No	No	Majority
3. Recess	Establishes a brief break	No	Yes	No <sup>2</sup>	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 <sup>3</sup>
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 <sup>4</sup>	No	Majority
12. Amend a motion or resolution (primary amendment)	Proposes a change to a main motion	No	Yes	Yes <sup>4</sup>	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*



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## 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

Anthony David Gipe  
President

phone: 206.386.4721  
e-mail: [adgipeWSBA@gmail.com](mailto:adgipeWSBA@gmail.com)

November 2014

## BEST PRACTICES AND EXPECTATIONS

### ❖ Attributes of the Board

- Competence
- Respect
- Trust
- Commitment
- Humor

### ❖ Accountability by Individual Governors

- Assume Good Intent
- Participation/Preparation
- Communication
- Relevancy and Reporting

### ❖ Team of Professionals

- Foster an atmosphere of teamwork
  - Between Board Members
  - The Board with the Officers
  - The Board and Officers with the Staff
  - The Board, Officers, and Staff with the Volunteers
  
- We all have common loyalty to the success of WSBA

### ❖ Work Hard and Have Fun Doing It



## 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.

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

# **Financial Reports**

**(Unaudited)**

## **Year to Date February 29, 2020**

Prepared by Maggie Yu, Controller  
Submitted by  
**Jorge Perez, Chief Financial Officer**  
March 20, 2020

**Washington State Bar Association Financial Summary**  
**Compared to Fiscal Year 2020 Budget**  
**For the Period from February 1, 2020 to February 29, 2020**

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	-	2,100	108,670	261,101	8,021	47,320	116,691	308,421	(116,691)	(306,321)
Administration	68,875	100,000	490,961	1,200,318	1,819	5,429	492,780	1,205,747	(423,905)	(1,105,747)
Admissions/Bar Exam	603,940	1,407,000	397,577	948,929	65,271	429,301	462,847	1,378,230	141,093	28,770
Board of Governors	-	0	53,219	125,162	145,350	439,900	198,569	565,062	(198,569)	(565,062)
Communications Strategies	2,643	40,000	220,596	556,115	22,165	111,040	242,761	667,155	(240,119)	(627,155)
Conference & Broadcast Services	-	0	338,105	819,763	3,863	5,500	341,969	825,263	(341,969)	(825,263)
Discipline	65,691	110,500	2,416,886	5,950,238	68,582	177,449	2,485,468	6,127,687	(2,419,777)	(6,017,187)
Diversity	125,000	135,374	171,392	567,558	7,431	28,930	178,823	596,488	(53,823)	(461,114)
Foundation	-	0	58,197	151,832	2,332	13,400	60,529	165,232	(60,529)	(165,232)
Human Resources	-	0	167,117	229,115	-	0	167,117	229,115	(167,117)	(229,115)
Law Clerk Program	178,255	174,700	69,056	162,479	7,660	13,950	76,716	176,429	101,538	(1,729)
Legislative	-	0	61,128	145,204	11,210	15,200	72,338	160,404	(72,338)	(160,404)
Licensing and Membership Records	161,705	325,000	270,756	637,839	14,353	35,788	285,109	673,627	(123,404)	(348,627)
Licensing Fees	6,813,351	16,200,000	-	0	-	0	-	-	6,813,351	16,200,000
Limited License Legal Technician	6,834	27,605	75,287	179,579	6,307	42,051	81,594	221,630	(74,760)	(194,025)
Limited Practice Officers	88,871	212,390	62,740	149,262	1,112	30,025	63,852	156,182	25,019	33,104
Mandatory CLE	525,500	1,042,800	340,933	681,850	105,312	254,617	446,245	936,467	79,256	106,334
Member Assistance Program	4,860	6,750	58,268	148,656	776	1,275	59,043	149,931	(54,183)	(143,181)
Member Benefits	18,493	138,300	52,639	568,011	129,329	42,345	181,968	610,356	(163,475)	(472,056)
Member Services & Engagement	76,625	21,000	253,555	92,512	6,524	186,496	260,079	279,008	(183,454)	(258,008)
NW Lawyer	269,976	461,350	151,609	359,579	200,425	357,915	352,034	717,494	(82,059)	(256,144)
Office of the Executive Director	-	0	192,517	360,062	1,362	13,379	0	-	(193,880)	(373,441)
Office of General Counsel	4	0	340,855.02	966,739.00	5,444.25	24,334.00	346,299.27	991,073	(346,295)	(991,073)
OGC-Disciplinary Board	-	0	79,747	189,508	31,937	104,316	111,684	293,824	(111,684)	(293,824)
Outreach and Engagement	-	0	152,887	391,929	5,637	31,625	158,523	423,554	(158,523)	(423,554)
Practice of Law Board	-	0	26,654	63,261	2,236	16,000	28,889	79,261	(28,889)	(79,261)
Professional Responsibility Program	-	0	109,805	261,517	3,558	9,654	113,362	271,171	(113,362)	(271,171)
Public Service Programs	135,099	128,100	82,817	203,853	30,750	250,777	113,567	454,630	21,532	(326,530)
Publication and Design Services	-	0	54,983	135,169	4,280	5,572	59,263	140,741	(59,263)	(140,741)
Sections Administration	277,256	300,000	174,649	540,012	6,833	9,297	181,482	549,309	95,774	(249,309)
Technology	-	0	744,142	1,674,849	-	0	744,142	1,674,849	(744,142)	(1,674,849)
<b>Subtotal General Fund</b>	<b>9,422,978</b>	<b>20,832,969</b>	<b>7,777,747</b>	<b>18,722,001</b>	<b>899,878</b>	<b>2,702,883</b>	<b>8,677,625</b>	<b>21,424,884</b>	<b>745,353</b>	<b>(591,915)</b>
Expenses using reserve funds							<b>8,677,625</b>		-	-
<b>Total General Fund - Net Result from Operations</b>									<b>745,353</b>	<b>(591,915)</b>
<b>Percentage of Budget</b>	<b>45.23%</b>		<b>41.54%</b>		<b>33.29%</b>		<b>40.50%</b>			
CLE-Seminars and Products	772,829	1,824,000	477,800	1,156,926	85,953	502,190	563,753	1,659,116	209,076	164,884
CLE - Deskbooks	37,270	165,500	93,699	271,040	15,383	82,658	109,082	353,698	(71,812)	(188,198)
<b>Total CLE</b>	<b>810,099</b>	<b>1,989,500</b>	<b>571,499</b>	<b>1,427,966</b>	<b>101,336</b>	<b>584,848</b>	<b>672,835</b>	<b>2,012,814</b>	<b>137,264</b>	<b>(23,314)</b>
<b>Percentage of Budget</b>	<b>40.72%</b>		<b>40.02%</b>		<b>17.33%</b>		<b>33.43%</b>			
<b>Total All Sections</b>	<b>509,384</b>	<b>606,544</b>	<b>-</b>	<b>-</b>	<b>372,498</b>	<b>860,784</b>	<b>372,498</b>	<b>860,784</b>	<b>136,886</b>	<b>(254,240)</b>
Client Protection Fund-Restricted	1,021,772	1,023,000	60,815	144,686	20,223	504,000	81,037	648,686	940,735	374,314
<b>Totals</b>	<b>11,764,233</b>	<b>24,452,013</b>	<b>8,410,060.80</b>	<b>20,294,653</b>	<b>1,393,935.00</b>	<b>4,652,514.00</b>	<b>9,803,996</b>	<b>24,947,167</b>	<b>1,960,237</b>	<b>(495,154)</b>
<b>Percentage of Budget</b>	<b>48.11%</b>		<b>41.44%</b>		<b>29.96%</b>		<b>39.30%</b>			

Summary of Fund Balances:	Fund Balances Sept. 30, 2019	2020 Budgeted Fund Balances	Fund Balances Year to date
<b>Restricted Funds:</b>			
Client Protection Fund	3,816,143	4,190,457	4,756,878
<b>Board-Designated Funds (Non-General Fund):</b>			
CLE Fund Balance	526,285	502,972	663,549
Section Funds	1,121,224	866,984	1,258,110
<b>Board-Designated Funds (General Fund):</b>			
Operating Reserve Fund	1,500,000	1,500,000	1,500,000
Facilities Reserve Fund	550,000	550,000	550,000
<b>Unrestricted Funds (General Fund):</b>			
Unrestricted General Fund	2,686,537	2,094,622	3,431,889
<b>Total General Fund Balance</b>	<b>4,736,537</b>	<b>4,144,622</b>	<b>5,481,889.31</b>
<b>Net Change in general Fund Balance</b>		<b>(591,915)</b>	<b>745,353</b>
<b>Total Fund Balance</b>	<b>10,200,189</b>	<b>9,705,035</b>	<b>12,160,426</b>
<b>Net Change In Fund Balance</b>		<b>(495,154)</b>	<b>1,960,237</b>

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	<b>FISCAL 2020 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>LICENSE FEES</b>					
<b>REVENUE:</b>					
LICENSE FEES	16,200,000.00	1,680,194.69	6,813,350.98	9,386,649.02	42.06%
<b>TOTAL REVENUE:</b>	<b><u>16,200,000.00</u></b>	<b><u>1,680,194.69</u></b>	<b><u>6,813,350.98</u></b>	<b><u>9,386,649.02</u></b>	<b><u>42.06%</u></b>

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ACCESS TO JUSTICE</b>					
<b>REVENUE:</b>					
WORK STUDY GRANTS	2,100.00	-	-	2,100.00	0%
<b>TOTAL REVENUE:</b>	<b>2,100.00</b>	<b>-</b>	<b>-</b>	<b>2,100.00</b>	<b>0.00%</b>
<b>DIRECT EXPENSES:</b>					
ATJ BOARD RETREAT	2,000.00	-	-	2,000.00	0.00%
LEADERSHIP TRAINING	2,000.00	-	-	2,000.00	0.00%
ATJ BOARD EXPENSE	24,000.00	1,564.07	4,203.93	19,796.07	17.52%
STAFF TRAVEL/PARKING	2,700.00	54.44	141.92	2,558.08	5.26%
STAFF MEMBERSHIP DUES	120.00	-	-	120.00	0.00%
PUBLIC DEFENSE	7,000.00	648.39	1,789.05	5,210.95	25.56%
RECEPTION/FORUM EXPENSE	9,500.00	1,885.80	1,885.80	7,614.20	19.85%
<b>TOTAL DIRECT EXPENSES:</b>	<b>47,320.00</b>	<b>4,152.70</b>	<b>8,020.70</b>	<b>39,299.30</b>	<b>16.95%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.92 FTE)	151,471.00	16,353.29	64,099.57	87,371.43	42.32%
BENEFITS EXPENSE	54,395.00	4,219.99	20,687.89	33,707.11	38.03%
OTHER INDIRECT EXPENSE	55,235.00	6,032.67	23,882.98	31,352.02	43.24%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>261,101.00</b>	<b>26,605.95</b>	<b>108,670.44</b>	<b>152,430.56</b>	<b>41.62%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>308,421.00</b>	<b>30,758.65</b>	<b>116,691.14</b>	<b>191,729.86</b>	<b>37.84%</b>
<b>NET INCOME (LOSS):</b>	<b>(306,321.00)</b>	<b>(30,758.65)</b>	<b>(116,691.14)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	<b>FISCAL 2020 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>ADMINISTRATION</b>					
<b>REVENUE:</b>					
INTEREST INCOME	100,000.00	17,923.82	68,875.00	31,125.00	68.88%
<b>TOTAL REVENUE:</b>	<b>100,000.00</b>	<b>17,923.82</b>	<b>68,875.00</b>	<b>31,125.00</b>	<b>68.88%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,200.00	350.00	1,798.00	2,402.00	42.81%
STAFF MEMBERSHIP DUES	950.00	-	-	950.00	0.00%
LAW LIBRARY	279.00	10.48	20.96	258.04	7.51%
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,429.00</b>	<b>360.48</b>	<b>1,818.96</b>	<b>3,610.04</b>	<b>33.50%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE ( 7.98 FTE)	723,667.00	57,841.63	299,501.59	424,165.41	41.39%
BENEFITS EXPENSE	247,080.00	18,362.31	91,888.31	155,191.69	37.19%
OTHER INDIRECT EXPENSE	229,571.00	25,150.94	99,570.97	130,000.03	43.37%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,200,318.00</b>	<b>101,354.88</b>	<b>490,960.87</b>	<b>709,357.13</b>	<b>40.90%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,205,747.00</b>	<b>101,715.36</b>	<b>492,779.83</b>	<b>712,967.17</b>	<b>40.87%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,105,747.00)</b>	<b>(83,791.54)</b>	<b>(423,904.83)</b>		

# Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>ADMISSIONS</b>					
<b>REVENUE:</b>					
EXAM SOFT REVENUE	35,000.00	-	-	35,000.00	0.00%
BAR EXAM FEES	1,300,000.00	170,795.00	578,625.00	721,375.00	44.51%
RULE 9/LEGAL INTERN FEES	12,000.00	400.00	2,250.00	9,750.00	18.75%
SPECIAL ADMISSIONS	60,000.00	6,200.00	23,065.00	36,935.00	38.44%
<b>TOTAL REVENUE:</b>	<b>1,407,000.00</b>	<b>177,395.00</b>	<b>603,940.00</b>	<b>803,060.00</b>	<b>42.92%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	26,900.00	-	-	26,900.00	0.00%
POSTAGE	4,000.00	192.80	1,203.79	2,796.21	30.09%
STAFF TRAVEL/PARKING	14,900.00	621.15	3,057.29	11,842.71	20.52%
STAFF MEMBERSHIP DUES	650.00	-	200.00	450.00	30.77%
SUPPLIES	2,500.00	153.52	674.56	1,825.44	26.98%
FACILITY, PARKING, FOOD	84,060.00	36,820.36	42,747.84	41,312.16	50.85%
EXAMINER FEES	35,000.00	750.00	750.00	34,250.00	2.14%
UBE EXMINATIONS	135,000.00	-	-	135,000.00	0.00%
BOARD OF BAR EXAMINERS	30,000.00	9,250.00	9,250.00	20,750.00	30.83%
BAR EXAM PROCTORS	31,000.00	-	-	31,000.00	0.00%
CHARACTER & FITNESS BOARD	20,000.00	889.52	3,857.10	16,142.90	19.29%
DISABILITY ACCOMMODATIONS	20,000.00	-	-	20,000.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	900.00	-	-	900.00	0.00%
LAW SCHOOL VISITS	1,600.00	78.00	612.14	987.86	38.26%
COURT REPORTERS	18,000.00	975.40	2,221.10	15,778.90	12.34%
CONFERENCE CALLS	-	12.21	16.00	(16.00)	
ONLINE LEGAL RESEARCH	3,675.00	297.95	595.90	3,079.10	16.21%
LAW LIBRARY	1,116.00	42.39	84.78	1,031.22	7.60%
<b>TOTAL DIRECT EXPENSES:</b>	<b>429,301.00</b>	<b>50,083.30</b>	<b>65,270.50</b>	<b>364,030.50</b>	<b>15.20%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (6.80 FTE)	547,525.00	40,370.70	230,645.79	316,879.21	42.13%
BENEFITS EXPENSE	205,780.00	15,187.94	82,111.18	123,668.82	39.90%
OTHER INDIRECT EXPENSE	195,624.00	21,424.84	84,819.67	110,804.33	43.36%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>948,929.00</b>	<b>76,983.48</b>	<b>397,576.64</b>	<b>551,352.36</b>	<b>41.90%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,378,230.00</b>	<b>127,066.78</b>	<b>462,847.14</b>	<b>915,382.86</b>	<b>33.58%</b>
<b>NET INCOME (LOSS):</b>	<b>28,770.00</b>	<b>50,328.22</b>	<b>141,092.86</b>		

**Washington State Bar Association**  
Statement of Activities  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>BOARD OF GOVERNOR</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF MEMBERSHIP DUES	400.00	-	-	400.00	0.00%
WASHINGTON LEADERSHIP INSTITUTE	100,000.00	-	80,000.00	20,000.00	80.00%
BOG MEETINGS	210,500.00	3,930.76	46,259.91	164,240.09	21.98%
BOG COMMITTEES' EXPENSES	30,000.00	1,729.35	5,143.54	24,856.46	17.15%
BOG RETREAT	15,000.00	-	-	15,000.00	0.00%
BOG CONFERENCE ATTENDANCE	44,000.00	8,924.65	9,907.65	34,092.35	22.52%
BOG TRAVEL & OUTREACH	35,000.00	1,369.04	4,038.67	30,961.33	11.54%
CONSULTING SERVICES	5,000.00	-	-	5,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>439,900.00</b>	<b>15,953.80</b>	<b>145,349.77</b>	<b>294,550.23</b>	<b>33.04%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.00 FTE)	69,756.00	5,509.40	29,713.53	40,042.47	42.60%
BENEFITS EXPENSE	26,638.00	2,088.30	11,037.36	15,600.64	41.43%
OTHER INDIRECT EXPENSE	28,768.00	3,149.38	12,468.37	16,299.63	43.34%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>125,162.00</b>	<b>10,747.08</b>	<b>53,219.26</b>	<b>71,942.74</b>	<b>42.52%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>565,062.00</b>	<b>26,700.88</b>	<b>198,569.03</b>	<b>366,492.97</b>	<b>35.14%</b>
<b>NET INCOME (LOSS):</b>	<b>(565,062.00)</b>	<b>(26,700.88)</b>	<b>(198,569.03)</b>		

**Washington State Bar Association**  
 Statement of Activities  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>COMMUNICATION STRATEGIES</b>					
<b>REVENUE:</b>					
APEX LUNCH/DINNER	40,000.00	-	2,250.00	37,750.00	5.63%
50 YEAR MEMBER TRIBUTE LUNCH	-	-	50.00	(50.00)	
WSBA LOGO MERCHANDISE SALES	-	-	342.59	(342.59)	
<b>TOTAL REVENUE:</b>	<b>40,000.00</b>	<b>-</b>	<b>2,642.59</b>	<b>37,357.41</b>	<b>6.61%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,700.00	350.00	1,823.53	2,876.47	38.80%
STAFF MEMBERSHIP DUES	1,515.00	-	630.00	885.00	41.58%
SUBSCRIPTIONS	10,050.00	470.60	1,265.19	8,784.81	12.59%
DIGITAL/ONLINE DEVELOPMENT	1,450.00	15.54	15.54	1,434.46	1.07%
APEX DINNER	70,000.00	-	3,515.63	66,484.37	5.02%
50 YEAR MEMBER TRIBUTE LUNCH	8,000.00	-	10,707.57	(2,707.57)	133.84%
COMMUNICATIONS OUTREACH	15,000.00	1,641.93	4,050.20	10,949.80	27.00%
TELEPHONE	325.00	27.50	137.94	187.06	42.44%
CONFERENCE CALLS	-	-	19.69	(19.69)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>111,040.00</b>	<b>2,505.57</b>	<b>22,165.29</b>	<b>88,874.71</b>	<b>19.96%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.44 FTE)	310,102.00	23,711.16	119,733.16	190,368.84	38.61%
BENEFITS EXPENSE	118,282.00	8,817.23	45,545.78	72,736.22	38.51%
OTHER INDIRECT EXPENSE	127,731.00	13,972.74	55,317.12	72,413.88	43.31%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>556,115.00</b>	<b>46,501.13</b>	<b>220,596.06</b>	<b>335,518.94</b>	<b>39.67%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>667,155.00</b>	<b>49,006.70</b>	<b>242,761.35</b>	<b>424,393.65</b>	<b>36.39%</b>
<b>NET INCOME (LOSS):</b>	<b>(627,155.00)</b>	<b>(49,006.70)</b>	<b>(240,118.76)</b>		

**Washington State Bar Association**  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONFERENCE &amp; BROADCAST SERVICES</b>					
<b>REVENUE:</b>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<b>TOTAL REVENUE:</b>	<hr/> <b>-</b> <hr/>	<hr/> <b>-</b> <hr/>	<hr/> <b>-</b> <hr/>	<hr/> <b>-</b> <hr/>	<hr/> <b>-</b> <hr/>
<b>DIRECT EXPENSES:</b>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TRANSLATION SERVICES	5,500.00	821.60	3,863.10	1,636.90	70.24%
<b>TOTAL DIRECT EXPENSES:</b>	<hr/> <b>5,500.00</b> <hr/>	<hr/> <b>821.60</b> <hr/>	<hr/> <b>3,863.10</b> <hr/>	<hr/> <b>1,636.90</b> <hr/>	<hr/> <b>70.24%</b> <hr/>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (7.11 FTE)	439,469.00	36,333.49	179,910.75	259,558.25	40.94%
BENEFITS EXPENSE	175,752.00	13,309.13	69,511.63	106,240.37	39.55%
OTHER INDIRECT EXPENSE	<hr/> 204,542.00 <hr/>	<hr/> 22,400.75 <hr/>	<hr/> 88,683.06 <hr/>	<hr/> 115,858.94 <hr/>	<hr/> 43.36% <hr/>
<b>TOTAL INDIRECT EXPENSES:</b>	<hr/> <b>819,763.00</b> <hr/>	<hr/> <b>72,043.37</b> <hr/>	<hr/> <b>338,105.44</b> <hr/>	<hr/> <b>481,657.56</b> <hr/>	<hr/> <b>41.24%</b> <hr/>
<b>TOTAL ALL EXPENSES:</b>	<hr/> <b>825,263.00</b> <hr/>	<hr/> <b>72,864.97</b> <hr/>	<hr/> <b>341,968.54</b> <hr/>	<hr/> <b>483,294.46</b> <hr/>	<hr/> <b>41.44%</b> <hr/>
<b>NET INCOME (LOSS):</b>	<hr/> <b>(825,263.00)</b> <hr/>	<hr/> <b>(72,864.97)</b> <hr/>	<hr/> <b>(341,968.54)</b> <hr/>		

**Washington State Bar Association**  
Statement of Activities  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DISCIPLINE</b>					
<b>REVENUE:</b>					
AUDIT REVENUE	2,500.00	42.50	1,333.50	1,166.50	53.34%
RECOVERY OF DISCIPLINE COSTS	90,000.00	6,010.30	56,598.01	33,401.99	62.89%
DISCIPLINE HISTORY SUMMARY	14,000.00	1,215.00	7,759.83	6,240.17	55.43%
PRACTICE MONITOR FEES	4,000.00	-	-	4,000.00	0.00%
<b>TOTAL REVENUE:</b>	<b>110,500.00</b>	<b>7,267.80</b>	<b>65,691.34</b>	<b>44,808.66</b>	<b>59.45%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION-SOFTWARE	2,300.00	327.00	1,637.00	663.00	71.17%
PUBLICATIONS PRODUCTION	250.00	-	48.53	201.47	19.41%
STAFF TRAVEL/PARKING	35,000.00	3,315.15	14,413.96	20,586.04	41.18%
STAFF MEMBERSHIP DUES	4,111.00	-	2,980.00	1,131.00	72.49%
TELEPHONE	2,300.00	236.70	1,186.50	1,113.50	51.59%
COURT REPORTERS	35,000.00	973.70	10,234.70	24,765.30	29.24%
OUTSIDE COUNSEL/AIC	1,000.00	-	-	1,000.00	0.00%
LITIGATION EXPENSES	25,000.00	5,692.63	21,141.30	3,858.70	84.57%
DISABILITY EXPENSES	7,500.00	-	-	7,500.00	0.00%
ONLINE LEGAL RESEARCH	53,287.50	4,380.22	12,926.74	40,360.76	24.26%
LAW LIBRARY	6,700.00	(993.48)	3,773.76	2,926.24	56.32%
TRANSLATION SERVICES	1,000.00	-	240.00	760.00	24.00%
PRACTICE MONITOR EXPENSE	4,000.00	-	-	4,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>177,448.50</b>	<b>13,931.92</b>	<b>68,582.49</b>	<b>108,866.01</b>	<b>38.65%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (36.93 FTE)	3,676,010.00	300,198.41	1,473,106.24	2,202,903.76	40.07%
BENEFITS EXPENSE	1,211,817.00	94,247.35	482,978.64	728,838.36	39.86%
OTHER INDIRECT EXPENSE	1,062,411.00	116,395.11	460,801.11	601,609.89	43.37%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>5,950,238.00</b>	<b>510,840.87</b>	<b>2,416,885.99</b>	<b>3,533,352.01</b>	<b>40.62%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>6,127,686.50</b>	<b>524,772.79</b>	<b>2,485,468.48</b>	<b>3,642,218.02</b>	<b>40.56%</b>
<b>NET INCOME (LOSS):</b>	<b>(6,017,186.50)</b>	<b>(517,504.99)</b>	<b>(2,419,777.14)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	<b>FISCAL 2020 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>DIVERSITY</b>					
<b>REVENUE:</b>					
DONATIONS	125,000.00	(5,000.00)	125,000.00	-	100.00%
WORK STUDY GRANTS	10,374.00	-	-	10,374.00	0.00%
<b>TOTAL REVENUE:</b>	<b>135,374.00</b>	<b>(5,000.00)</b>	<b>125,000.00</b>	<b>10,374.00</b>	<b>92.34%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	6,000.00	144.85	769.28	5,230.72	12.82%
STAFF MEMBERSHIP DUES	980.00	-	-	980.00	0.00%
COMMITTEE FOR DIVERSITY	6,000.00	611.17	2,222.81	3,777.19	37.05%
DIVERSITY EVENTS & PROJECTS	15,750.00	-	4,438.95	11,311.05	28.18%
INTERNAL DIVERSITY OUTREACH	200.00	-	-	200.00	0.00%
<b>TOTAL DIRECT EXPENSE:</b>	<b>28,930.00</b>	<b>756.02</b>	<b>7,431.04</b>	<b>21,498.96</b>	<b>25.69%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (3.87 FTE)	341,233.00	16,783.33	82,306.68	258,926.32	24.12%
BENEFITS EXPENSE	114,992.00	7,941.50	40,792.18	74,199.82	35.47%
OTHER INDIRECT EXPENSE	111,333.00	12,198.40	48,292.74	63,040.26	43.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>567,558.00</b>	<b>36,923.23</b>	<b>171,391.60</b>	<b>396,166.40</b>	<b>30.20%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>596,488.00</b>	<b>37,679.25</b>	<b>178,822.64</b>	<b>417,665.36</b>	<b>29.98%</b>
<b>NET INCOME (LOSS):</b>	<b>(461,114.00)</b>	<b>(42,679.25)</b>	<b>(53,822.64)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>FOUNDATION</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
CONSULTING SERVICES	3,000.00	2,000.00	2,000.00	1,000.00	66.67%
PRINTING & COPYING	900.00	-	-	900.00	0.00%
STAFF TRAVEL/PARKING	750.00	37.76	37.76	712.24	5.03%
SUPPLIES	250.00	-	-	250.00	0.00%
SPECIAL EVENTS	5,000.00	-	-	5,000.00	0.00%
BOARD OF TRUSTEES	3,000.00	85.05	232.11	2,767.89	7.74%
POSTAGE	500.00	-	62.28	437.72	12.46%
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,400.00</b>	<b>2,122.81</b>	<b>2,332.15</b>	<b>11,067.85</b>	<b>17.40%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.05 FTE)	90,008.00	6,429.21	32,567.36	57,440.64	36.18%
BENEFITS EXPENSE	31,689.00	2,402.38	12,458.70	19,230.30	39.32%
OTHER INDIRECT EXPENSE	30,135.00	3,326.87	13,170.77	16,964.23	43.71%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>151,832.00</b>	<b>12,158.46</b>	<b>58,196.83</b>	<b>93,635.17</b>	<b>38.33%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>165,232.00</b>	<b>14,281.27</b>	<b>60,528.98</b>	<b>104,703.02</b>	<b>36.63%</b>
<b>NET INCOME (LOSS):</b>	<b>(165,232.00)</b>	<b>(14,281.27)</b>	<b>(60,528.98)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>HUMAN RESOURCES</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	250.00	-	44.00	206.00	17.60%
STAFF MEMBERSHIP DUES	870.00	-	-	870.00	0.00%
SUBSCRIPTIONS	2,100.00	295.00	574.00	1,526.00	27.33%
STAFF TRAINING- GENERAL	30,000.00	1,195.00	3,042.63	26,957.37	10.14%
RECRUITING AND ADVERTISING	7,000.00	88.11	722.39	6,277.61	10.32%
PAYROLL PROCESSING	49,000.00	1,572.00	14,744.56	34,255.44	30.09%
SALARY SURVEYS	2,900.00	-	765.20	2,134.80	26.39%
CONSULTING SERVICES	75,000.00	-	-	75,000.00	0.00%
TRANSFER TO INDIRECT EXPENSE	(167,120.00)	(3,150.11)	(19,892.78)	(147,227.22)	11.90%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-	
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.45 FTE)	271,913.00	21,189.06	100,690.32	171,222.68	37.03%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
BENEFITS EXPENSE	86,720.00	7,622.72	35,870.12	50,849.88	41.36%
OTHER INDIRECT EXPENSE	70,482.00	7,718.26	30,556.14	39,925.86	43.35%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>229,115.00</b>	<b>36,530.04</b>	<b>167,116.58</b>	<b>61,998.42</b>	<b>72.94%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>229,115.00</b>	<b>36,530.04</b>	<b>167,116.58</b>	<b>61,998.42</b>	<b>72.94%</b>
<b>NET INCOME (LOSS):</b>	<b>(229,115.00)</b>	<b>(36,530.04)</b>	<b>(167,116.58)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LAW CLERK PROGRAM</b>					
<b>REVENUE:</b>					
LAW CLERK FEES	172,000.00	42,940.00	177,054.67	(5,054.67)	102.94%
LAW CLERK APPLICATION FEES	2,700.00	100.00	1,200.00	1,500.00	44.44%
<b>TOTAL REVENUE:</b>	<b>174,700.00</b>	<b>43,040.00</b>	<b>178,254.67</b>	<b>(3,554.67)</b>	<b>102.03%</b>
<b>DIRECT EXPENSES:</b>					
SUBSCRIPTIONS	250.00	-	-	250.00	0.00%
CHARACTER & FITNESS INVESTIGATIONS	100.00	-	-	100.00	0.00%
LAW CLERK BOARD EXPENSE	10,000.00	1,157.87	2,926.02	7,073.98	29.26%
STAFF TRAVEL/PARKING	600.00	37.95	37.95	562.05	6.33%
LAW CLERK OUTREACH	3,000.00	950.60	4,696.37	(1,696.37)	156.55%
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,950.00</b>	<b>2,146.42</b>	<b>7,660.34</b>	<b>6,289.66</b>	<b>54.91%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.25 FTE)	92,121.00	7,768.76	39,594.36	52,526.64	42.98%
BENEFITS EXPENSE	34,398.00	2,678.61	13,832.14	20,565.86	40.21%
OTHER INDIRECT EXPENSE	35,960.00	3,947.89	15,629.35	20,330.65	43.46%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>162,479.00</b>	<b>14,395.26</b>	<b>69,055.85</b>	<b>93,423.15</b>	<b>42.50%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>176,429.00</b>	<b>16,541.68</b>	<b>76,716.19</b>	<b>99,712.81</b>	<b>43.48%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,729.00)</b>	<b>26,498.32</b>	<b>101,538.48</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LEGISLATIVE</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	2,500.00	826.39	1,742.72	757.28	69.71%
STAFF MEMBERSHIP DUES	450.00	-	-	450.00	0.00%
SUBSCRIPTIONS	2,000.00	-	1,981.80	18.20	99.09%
OLYMPIA RENT	2,500.00	-	51.58	2,448.42	2.06%
CONTRACT LOBBYIST	5,000.00	3,333.32	6,666.64	(1,666.64)	133.33%
LEGISLATIVE COMMITTEE	2,500.00	214.96	766.99	1,733.01	30.68%
BOG LEGISLATIVE COMMITTEE	250.00	-	-	250.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>15,200.00</b>	<b>4,374.67</b>	<b>11,209.73</b>	<b>3,990.27</b>	<b>73.75%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.10 FTE)	82,883.00	6,933.90	35,036.05	47,846.95	42.27%
BENEFITS EXPENSE	30,676.00	2,399.34	12,394.75	18,281.25	40.41%
OTHER INDIRECT EXPENSE	31,645.00	3,459.93	13,697.68	17,947.32	43.29%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>145,204.00</b>	<b>12,793.17</b>	<b>61,128.48</b>	<b>84,075.52</b>	<b>42.10%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>160,404.00</b>	<b>17,167.84</b>	<b>72,338.21</b>	<b>88,065.79</b>	<b>45.10%</b>
<b>NET INCOME (LOSS):</b>	<b>(160,404.00)</b>	<b>(17,167.84)</b>	<b>(72,338.21)</b>		

**Washington State Bar Association**  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LICENSING &amp; MEMBERSHIP RECORDS</b>					
<b>REVENUE:</b>					
STATUS CERTIFICATE FEES	22,000.00	2,395.00	13,761.63	8,238.37	62.55%
INVESTIGATION FEES	22,700.00	2,100.00	10,400.00	12,300.00	45.81%
PRO HAC VICE	270,000.00	36,645.00	130,231.00	139,769.00	48.23%
MEMBER CONTACT INFORMATION	10,000.00	268.72	7,168.15	2,831.85	71.68%
PHOTO BAR CARD SALES	300.00	12.00	144.00	156.00	48.00%
<b>TOTAL REVENUE:</b>	<b>325,000.00</b>	<b>41,420.72</b>	<b>161,704.78</b>	<b>163,295.22</b>	<b>49.76%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	13,850.00	1,151.00	5,753.00	8,097.00	41.54%
POSTAGE	19,500.00	-	6,346.95	13,153.05	32.55%
LICENSING FORMS	2,437.50	-	2,253.10	184.40	92.43%
<b>TOTAL DIRECT EXPENSES:</b>	<b>35,787.50</b>	<b>1,151.00</b>	<b>14,353.05</b>	<b>21,434.45</b>	<b>40.11%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.20 FTE)	386,870.00	34,153.76	165,865.43	221,004.57	42.87%
BENEFITS EXPENSE	130,142.00	10,148.40	52,558.91	77,583.09	40.39%
OTHER INDIRECT EXPENSE	120,827.00	13,218.65	52,331.80	68,495.20	43.31%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>637,839.00</b>	<b>57,520.81</b>	<b>270,756.14</b>	<b>367,082.86</b>	<b>42.45%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>673,626.50</b>	<b>58,671.81</b>	<b>285,109.19</b>	<b>388,517.31</b>	<b>42.32%</b>
<b>NET INCOME (LOSS):</b>	<b>(348,626.50)</b>	<b>(17,251.09)</b>	<b>(123,404.41)</b>		

## Washington State Bar Association

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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LIMITED LICENSE LEGAL TECHNICIAN PROGRAM</b>					
<b>REVENUE:</b>					
SEMINAR REGISTRATIONS	14,655.00	-	398.00	14,257.00	2.72%
LLLT LICENSE FEES	7,250.00	641.61	2,535.77	4,714.23	34.98%
LLLT LATE LICENSE FEES	300.00	-	300.00	-	100.00%
INVESTIGATION FEES	300.00	-	100.00	200.00	33.33%
LLLT EXAM FEES	4,500.00	-	3,350.00	1,150.00	74.44%
LLLT WAIVER FEES	300.00	-	-	300.00	0.00%
MEMBER LATE FEES	300.00	150.00	150.00	150.00	50.00%
<b>TOTAL REVENUE:</b>	<b>27,605.00</b>	<b>791.61</b>	<b>6,833.77</b>	<b>20,771.23</b>	<b>24.76%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	600.00	-	101.80	498.20	16.97%
FACILITY, PARKING, FOOD	600.00	-	-	600.00	0.00%
LLLT BOARD	18,000.00	1,947.99	4,741.83	13,258.17	26.34%
LLLT OUTREACH	3,000.00	130.03	1,463.59	1,536.41	48.79%
LLLT EDUCATION	5,650.00	-	-	5,650.00	0.00%
POSTAGE	20.00	-	-	20.00	0.00%
LLLT EXAM WRITING	14,178.00	-	-	14,178.00	0.00%
LICENSING FORMS	2.50	-	-	2.50	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>42,050.50</b>	<b>2,078.02</b>	<b>6,307.22</b>	<b>35,743.28</b>	<b>15.00%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.34 FTE)	103,330.00	8,445.02	43,314.36	60,015.64	41.92%
BENEFITS EXPENSE	37,843.00	2,924.30	15,114.09	22,728.91	39.94%
OTHER INDIRECT EXPENSE	38,406.00	4,258.36	16,858.53	21,547.47	43.90%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>179,579.00</b>	<b>15,627.68</b>	<b>75,286.98</b>	<b>104,292.02</b>	<b>41.92%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>221,629.50</b>	<b>17,705.70</b>	<b>81,594.20</b>	<b>140,035.30</b>	<b>36.82%</b>
<b>NET INCOME (LOSS):</b>	<b>(194,024.50)</b>	<b>(16,914.09)</b>	<b>(74,760.43)</b>		

**Washington State Bar Association**  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>LIMITED PRACTICE OFFICERS</b>					
<b>REVENUE:</b>					
INVESTIGATION FEES	1,000.00	-	100.00	900.00	10.00%
ACCREDITED PROGRAM FEES	6,000.00	-	-	6,000.00	0.00%
MEMBER LATE FEES	900.00	1,350.00	1,950.00	(1,050.00)	216.67%
LPO EXAMINATION FEES	26,000.00	2,600.00	13,800.00	12,200.00	53.08%
LPO LICENSE FEES	173,900.00	16,789.77	72,621.29	101,278.71	41.76%
LPO LATE LICENSE FEES	4,590.00	-	400.00	4,190.00	8.71%
<b>TOTAL REVENUE:</b>	<b>212,390.00</b>	<b>20,739.77</b>	<b>88,871.29</b>	<b>123,518.71</b>	<b>41.84%</b>
<b>DIRECT EXPENSES:</b>					
FACILITY, PARKING, FOOD	6,890.00	-	-	6,890.00	0.00%
EXAM WRITING	14,178.00	-	-	14,178.00	0.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	297.94	1,539.56	16.21%
LAW LIBRARY	279.00	10.48	20.96	258.04	7.51%
LICENSING FORMS	60.00	-	-	60.00	0.00%
LPO BOARD	3,000.00	438.34	695.98	2,304.02	23.20%
LPO OUTREACH	3,000.00	26.64	26.64	2,973.36	0.89%
POSTAGE	480.00	-	-	480.00	0.00%
PRINTING & COPYING	200.00	70.50	70.50	129.50	35.25%
STAFF TRAVEL/PARKING	100.00	-	-	100.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>30,024.50</b>	<b>694.93</b>	<b>1,112.02</b>	<b>28,912.48</b>	<b>3.70%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.09 FTE)	86,688.00	7,088.94	36,464.92	50,223.08	42.06%
BENEFITS EXPENSE	31,360.00	2,423.53	12,577.52	18,782.48	40.11%
OTHER INDIRECT EXPENSE	31,214.00	3,459.92	13,697.64	17,516.36	43.88%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>149,262.00</b>	<b>12,972.39</b>	<b>62,740.08</b>	<b>86,521.92</b>	<b>42.03%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>179,286.50</b>	<b>13,667.32</b>	<b>63,852.10</b>	<b>115,434.40</b>	<b>35.61%</b>
<b>NET INCOME (LOSS):</b>	<b>33,103.50</b>	<b>7,072.45</b>	<b>25,019.19</b>		

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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MANDATORY CONTINUING LEGAL EDUCATION</b>					
<b>REVENUE:</b>					
ACCREDITED PROGRAM FEES	534,000.00	46,500.00	216,800.00	317,200.00	40.60%
FORM 1 LATE FEES	150,000.00	14,050.00	84,250.00	65,750.00	56.17%
MEMBER LATE FEES	201,800.00	56,975.00	113,325.00	88,475.00	56.16%
ANNUAL ACCREDITED SPONSOR FEES	43,000.00	-	41,750.00	1,250.00	97.09%
ATTENDANCE LATE FEES	85,000.00	4,100.00	40,950.00	44,050.00	48.18%
COMITY CERTIFICATES	29,000.00	1,375.00	28,425.23	574.77	98.02%
<b>TOTAL REVENUE:</b>	<b>1,042,800.00</b>	<b>123,000.00</b>	<b>525,500.23</b>	<b>517,299.77</b>	<b>50.39%</b>
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	250,000.00	20,841.00	104,209.00	145,791.00	41.68%
STAFF MEMBERSHIP DUES	500.00	-	-	500.00	0.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	297.94	1,539.56	16.21%
LAW LIBRARY	279.00	10.48	20.96	258.04	7.51%
MCLE BOARD	2,000.00	27.38	774.36	1,225.64	38.72%
STAFF TRAVEL/PARKING	-	-	9.26	(9.26)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>254,616.50</b>	<b>21,027.83</b>	<b>105,311.52</b>	<b>149,304.98</b>	<b>41.36%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.65 FTE)	424,678.00	47,709.70	235,894.30	188,783.70	55.55%
BENEFITS EXPENSE	123,400.00	8,752.32	47,087.41	76,312.59	38.16%
OTHER INDIRECT EXPENSE	133,772.00	14,638.08	57,951.33	75,820.67	43.32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>681,850.00</b>	<b>71,100.10</b>	<b>340,933.04</b>	<b>340,916.96</b>	<b>50.00%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>936,466.50</b>	<b>92,127.93</b>	<b>446,244.56</b>	<b>490,221.94</b>	<b>47.65%</b>
<b>NET INCOME (LOSS):</b>	<b>106,333.50</b>	<b>30,872.07</b>	<b>79,255.67</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	<b>FISCAL 2020 BUDGET</b>	<b>CURRENT MONTH</b>	<b>YEAR TO DATE</b>	<b>REMAINING BALANCE</b>	<b>% USED OF BUDGET</b>
<b>MEMBER ASSISTANCE PROGRAM</b>					
<b>REVENUE:</b>					
DIVERSIONS	6,750.00	750.00	4,500.00	2,250.00	66.67%
LAP GROUPS REVENUE	-	-	360.00	(360.00)	
<b>TOTAL REVENUE:</b>	<b>6,750.00</b>	<b>750.00</b>	<b>4,860.00</b>	<b>1,890.00</b>	<b>72.00%</b>
<b>DIRECT EXPENSES:</b>					
PUBLICATIONS PRODUCTION	200.00	-	-	200.00	0.00%
STAFF MEMBERSHIP DUES	225.00	-	-	225.00	0.00%
PROF LIAB INSURANCE	850.00	-	775.50	74.50	91.24%
<b>TOTAL DIRECT EXPENSES:</b>	<b>1,275.00</b>	<b>-</b>	<b>775.50</b>	<b>499.50</b>	<b>60.82%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.90 FTE)	87,698.00	6,526.58	33,304.27	54,393.73	37.98%
BENEFITS EXPENSE	35,067.00	2,663.39	13,724.49	21,342.51	39.14%
OTHER INDIRECT EXPENSE	25,891.00	2,838.87	11,238.95	14,652.05	43.41%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>148,656.00</b>	<b>12,028.84</b>	<b>58,267.71</b>	<b>90,388.29</b>	<b>39.20%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>149,931.00</b>	<b>12,028.84</b>	<b>59,043.21</b>	<b>90,887.79</b>	<b>39.38%</b>
<b>NET INCOME (LOSS):</b>	<b>(143,181.00)</b>	<b>(11,278.84)</b>	<b>(54,183.21)</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBER SERVICES &amp; ENGAGEMENT</b>					
<b>REVENUE:</b>					
ROYALTIES	42,500.00	3,132.37	16,595.45	25,904.55	39.05%
NMP PRODUCT SALES	70,000.00	3,774.00	56,425.00	13,575.00	80.61%
SPONSORSHIPS	800.00	-	-	800.00	0.00%
SEMINAR REGISTRATIONS	15,000.00	3,605.00	3,605.00	11,395.00	24.03%
TRIAL ADVOCACY PROGRAM	10,000.00	-	-	10,000.00	0.00%
<b>TOTAL REVENUE:</b>	<b>138,300.00</b>	<b>10,511.37</b>	<b>76,625.45</b>	<b>61,674.55</b>	<b>55.41%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	2,500.00	98.88	98.88	2,401.12	3.96%
SUBSCRIPTIONS	500.00	10.00	80.00	420.00	16.00%
CONFERENCE CALLS	300.00	14.71	28.32	271.68	9.44%
YLL SECTION PROGRAM	1,100.00	(95.00)	520.00	580.00	47.27%
WYLC CLE COMPS	1,000.00	-	-	1,000.00	0.00%
WYLC OUTREACH EVENTS	2,500.00	-	96.51	2,403.49	3.86%
WYL COMMITTEE	15,000.00	85.77	1,046.70	13,953.30	6.98%
OPEN SECTIONS NIGHT	3,000.00	-	-	3,000.00	0.00%
TRIAL ADVOCACY EXPENSES	2,500.00	-	0.05	2,499.95	0.00%
RECEPTION/FORUM EXPENSE	4,000.00	-	947.12	3,052.88	23.68%
WYLC SCHOLARSHIPS/DONATIONS/GRANT	2,500.00	-	-	2,500.00	0.00%
STAFF MEMBERSHIP DUES	445.00	25.00	100.00	345.00	22.47%
LENDING LIBRARY	5,500.00	2,757.54	3,160.45	2,339.55	57.46%
NMP SPEAKERS & PROGRAM DEVELOPMENT	1,500.00	210.60	446.00	1,054.00	29.73%
<b>TOTAL DIRECT EXPENSES:</b>	<b>42,345.00</b>	<b>3,107.50</b>	<b>6,524.03</b>	<b>35,820.97</b>	<b>15.41%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.24 FTE)	326,272.00	29,111.23	150,981.32	175,290.68	46.27%
BENEFITS EXPENSE	119,762.00	9,666.16	49,715.34	70,046.66	41.51%
OTHER INDIRECT EXPENSE	121,977.00	13,351.72	52,858.67	69,118.33	43.33%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>568,011.00</b>	<b>52,129.11</b>	<b>253,555.33</b>	<b>314,455.67</b>	<b>44.64%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>610,356.00</b>	<b>55,236.61</b>	<b>260,079.36</b>	<b>350,276.64</b>	<b>42.61%</b>
<b>NET INCOME (LOSS):</b>	<b>(472,056.00)</b>	<b>(44,725.24)</b>	<b>(183,453.91)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>MEMBERSHIP BENEFITS</b>					
<b>REVENUE:</b>					
SPONSORSHIPS	9,000.00	1,000.00	1,000.00	8,000.00	11.11%
INTERNET SALES	12,000.00	588.00	17,493.00	(5,493.00)	145.78%
<b>TOTAL REVENUE:</b>	<b>21,000.00</b>	<b>1,588.00</b>	<b>18,493.00</b>	<b>2,507.00</b>	<b>88.06%</b>
<b>DIRECT EXPENSES:</b>					
TRANSCRIPTION SERVICES	1,500.00	-	-	1,500.00	0.00%
LEGAL LUNCHBOX SPEAKERS & PROGRAM	2,000.00	-	-	2,000.00	0.00%
WSBA CONNECTS	46,560.00	-	31,040.00	15,520.00	66.67%
CASEMAKER & FASTCASE	136,436.00	-	98,283.69	38,152.31	72.04%
CONFERENCE CALLS	-	5.30	5.30	(5.30)	
<b>TOTAL DIRECT EXPENSES:</b>	<b>186,496.00</b>	<b>5.30</b>	<b>129,328.99</b>	<b>57,167.01</b>	<b>69.35%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.69 FTE)	53,322.00	6,823.98	34,037.10	19,284.90	63.83%
BENEFITS EXPENSE	19,484.00	1,923.23	9,997.22	9,486.78	51.31%
OTHER INDIRECT EXPENSE	19,706.00	2,173.55	8,604.98	11,101.02	43.67%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>92,512.00</b>	<b>10,920.76</b>	<b>52,639.30</b>	<b>39,872.70</b>	<b>56.90%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>279,008.00</b>	<b>10,926.06</b>	<b>181,968.29</b>	<b>97,039.71</b>	<b>65.22%</b>
<b>NET INCOME (LOSS):</b>	<b>(258,008.00)</b>	<b>(9,338.06)</b>	<b>(163,475.29)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>NORTHWEST LAWYER</b>					
<b>REVENUE:</b>					
ROYALTIES	-	-	1,440.86	(1,440.86)	
DISPLAY ADVERTISING	297,500.00	46,522.00	171,599.00	125,901.00	57.68%
SUBSCRIPT/SINGLE ISSUES	350.00	-	72.00	278.00	20.57%
CLASSIFIED ADVERTISING	12,500.00	1,375.90	4,069.70	8,430.30	32.56%
GEN ANNOUNCEMENTS	17,500.00	1,514.00	5,570.00	11,930.00	31.83%
PROF ANNOUNCEMENTS	21,000.00	2,603.00	10,253.00	10,747.00	48.82%
JOB TARGET ADVERTISING	112,500.00	16,244.87	76,971.02	35,528.98	68.42%
<b>TOTAL REVENUE:</b>	<b>461,350.00</b>	<b>68,259.77</b>	<b>269,975.58</b>	<b>191,374.42</b>	<b>58.52%</b>
<b>DIRECT EXPENSES:</b>					
BAD DEBT EXPENSE	2,000.00	-	-	2,000.00	0.00%
POSTAGE	89,000.00	10,257.01	40,923.95	48,076.05	45.98%
PRINTING, COPYING & MAILING	250,000.00	24,958.44	96,942.34	153,057.66	38.78%
DIGITAL/ONLINE DEVELOPMENT	12,000.00	1,750.00	5,800.00	6,200.00	48.33%
GRAPHICS/ARTWORK	3,500.00	-	-	3,500.00	0.00%
OUTSIDE SALES EXPENSE	-	15,191.70	56,226.60	(56,226.60)	
EDITORIAL ADVISORY COMMITTEE	800.00	16.99	532.31	267.69	66.54%
STAFF MEMBERSHIP DUES	615.00	-	-	615.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>357,915.00</b>	<b>52,174.14</b>	<b>200,425.20</b>	<b>157,489.80</b>	<b>56.00%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.55 FTE)	206,395.00	17,757.71	87,620.68	118,774.32	42.45%
BENEFITS EXPENSE	79,825.00	6,248.75	32,203.21	47,621.79	40.34%
OTHER INDIRECT EXPENSE	73,359.00	8,028.78	31,785.40	41,573.60	43.33%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>359,579.00</b>	<b>32,035.24</b>	<b>151,609.29</b>	<b>207,969.71</b>	<b>42.16%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>717,494.00</b>	<b>84,209.38</b>	<b>352,034.49</b>	<b>365,459.51</b>	<b>49.06%</b>
<b>NET INCOME (LOSS):</b>	<b>(256,144.00)</b>	<b>(15,949.61)</b>	<b>(82,058.91)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF THE EXECUTIVE DIRECTOR</b>					
<b>REVENUE:</b>					
<hr/>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<hr/>					
<b>DIRECT EXPENSES:</b>					
<hr/>					
ED TRAVEL & OUTREACH	5,000.00	182.05	1,116.99	3,883.01	22.34%
LAW LIBRARY	279.00	10.48	70.93	208.07	25.42%
STAFF TRAVEL/PARKING	5,400.00	146.40	174.40	5,225.60	3.23%
STAFF MEMBERSHIP DUES	1,700.00	-	-	1,700.00	0.00%
TELEPHONE	1,000.00	-	-	1,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>13,379.00</b>	<b>338.93</b>	<b>1,362.32</b>	<b>12,016.68</b>	<b>10.18%</b>
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<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.45 FTE)	247,104.00	31,881.08	140,819.24	106,284.76	56.99%
BENEFITS EXPENSE	71,244.00	6,881.70	33,610.34	37,633.66	47.18%
OTHER INDIRECT EXPENSE	41,714.00	4,568.86	18,087.84	23,626.16	43.36%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>360,062.00</b>	<b>43,331.64</b>	<b>192,517.42</b>	<b>167,544.58</b>	<b>53.47%</b>
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<b>TOTAL ALL EXPENSES:</b>	<b>373,441.00</b>	<b>43,670.57</b>	<b>193,879.74</b>	<b>179,561.26</b>	<b>51.92%</b>
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<b>NET INCOME (LOSS):</b>	<b>(373,441.00)</b>	<b>(43,670.57)</b>	<b>(193,879.74)</b>		
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**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF GENERAL COUNSEL</b>					
<b>REVENUE:</b>					
COPY FEES	-	-	3.96	(3.96)	
<b>TOTAL REVENUE:</b>	<b>-</b>	<b>-</b>	<b>3.96</b>	<b>(3.96)</b>	
<b>DIRECT EXPENSES:</b>					
DEPRECIATION	3,336.00	-	-	3,336.00	0.00%
STAFF TRAVEL/PARKING	300.00	-	-	300.00	0.00%
STAFF MEMBERSHIP DUES	1,500.00	300.00	300.00	1,200.00	20.00%
ONLINE LEGAL RESEARCH	11,025.00	893.84	1,787.68	9,237.32	16.21%
LAW LIBRARY	1,673.00	1,312.08	1,375.44	297.56	82.21%
COURT RULES COMMITTEE	3,000.00	-	925.00	2,075.00	30.83%
DISCIPLINE ADVISORY ROUNDTABLE	500.00	-	-	500.00	0.00%
CUSTODIANSHIPS	2,500.00	956.49	1,016.25	1,483.75	40.65%
LITIGATION EXPENSES	500.00	-	39.88	460.12	7.98%
<b>TOTAL DIRECT EXPENSES:</b>	<b>24,334.00</b>	<b>3,462.41</b>	<b>5,444.25</b>	<b>18,889.75</b>	<b>22.37%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (5.82 FTE)	600,907.00	38,305.72	192,615.32	408,291.68	32.05%
BENEFITS EXPENSE	198,401.00	14,534.20	75,712.73	122,688.27	38.16%
OTHER INDIRECT EXPENSE	167,431.00	18,319.83	72,526.97	94,904.03	43.32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>966,739.00</b>	<b>71,159.75</b>	<b>340,855.02</b>	<b>625,883.98</b>	<b>35.26%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>991,073.00</b>	<b>74,622.16</b>	<b>346,299.27</b>	<b>644,773.73</b>	<b>34.94%</b>
<b>NET INCOME (LOSS):</b>	<b>(991,073.00)</b>	<b>(74,622.16)</b>	<b>(346,295.31)</b>		

**Washington State Bar Association**  
Statement of Activities  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OFFICE OF GENERAL COUNSEL - DISCIPLINARY BOARD</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSE:</b>					
STAFF MEMBERSHIP DUES	200.00	-	-	200.00	0.00%
LAW LIBRARY	1,116.00	42.39	84.78	1,031.22	7.60%
DISCIPLINARY BOARD EXPENSES	10,000.00	121.06	609.63	9,390.37	6.10%
CHIEF HEARING OFFICER	33,000.00	2,500.00	12,500.00	20,500.00	37.88%
HEARING OFFICER EXPENSES	3,000.00	-	(2,018.63)	5,018.63	-67.29%
HEARING OFFICER TRAINING	2,000.00	-	526.93	1,473.07	26.35%
OUTSIDE COUNSEL	55,000.00	4,234.36	20,234.36	34,765.64	36.79%
<b>TOTAL DIRECT EXPENSES:</b>	<b>104,316.00</b>	<b>6,897.81</b>	<b>31,937.07</b>	<b>72,378.93</b>	<b>30.62%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.55 FTE)	104,449.00	8,717.62	44,050.28	60,398.72	42.17%
BENEFITS EXPENSE	40,468.00	3,175.94	16,379.46	24,088.54	40.48%
OTHER INDIRECT EXPENSE	44,591.00	4,879.33	19,317.11	25,273.89	43.32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>189,508.00</b>	<b>16,772.89</b>	<b>79,746.85</b>	<b>109,761.15</b>	<b>42.08%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>293,824.00</b>	<b>23,670.70</b>	<b>111,683.92</b>	<b>182,140.08</b>	<b>38.01%</b>
<b>NET INCOME (LOSS):</b>	<b>(293,824.00)</b>	<b>(23,670.70)</b>	<b>(111,683.92)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>OUTREACH &amp; ENGAGEMENT</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSE:</b>					
STAFF MEMBERSHIP DUES	825.00	-	-	825.00	0.00%
ABA DELEGATES	5,600.00	800.00	800.00	4,800.00	14.29%
ANNUAL CHAIR MEETINGS	600.00	-	510.31	89.69	85.05%
JUDICIAL RECOMMENDATIONS COMMITTEE	4,500.00	4.05	179.41	4,320.59	3.99%
BOG ELECTIONS	6,500.00	-	3,920.00	2,580.00	60.31%
BAR OUTREACH	11,600.00	226.83	226.83	11,373.17	1.96%
PROFESSIONALISM	2,000.00	-	-	2,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>31,625.00</b>	<b>1,030.88</b>	<b>5,636.55</b>	<b>25,988.45</b>	<b>17.82%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.73 FTE)	231,494.00	15,800.24	86,899.00	144,595.00	37.54%
BENEFITS EXPENSE	81,898.00	6,001.81	31,919.17	49,978.83	38.97%
OTHER INDIRECT EXPENSE	78,537.00	8,605.42	34,068.43	44,468.57	43.38%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>391,929.00</b>	<b>30,407.47</b>	<b>152,886.60</b>	<b>239,042.40</b>	<b>39.01%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>423,554.00</b>	<b>31,438.35</b>	<b>158,523.15</b>	<b>265,030.85</b>	<b>37.43%</b>
<b>NET INCOME (LOSS):</b>	<b>(423,554.00)</b>	<b>(31,438.35)</b>	<b>(158,523.15)</b>		

**Washington State Bar Association**  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PRACTICE OF LAW BOARD</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
PRACTICE OF LAW BOARD	16,000.00	1,190.09	2,235.71	13,764.29	13.97%
<b>TOTAL DIRECT EXPENSES:</b>	<b>16,000.00</b>	<b>1,190.09</b>	<b>2,235.71</b>	<b>13,764.29</b>	<b>13.97%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (0.40 FTE)	38,689.00	3,259.68	16,468.39	22,220.61	42.57%
BENEFITS EXPENSE	13,065.00	1,012.03	5,268.09	7,796.91	40.32%
OTHER INDIRECT EXPENSE	11,507.00	1,242.03	4,917.06	6,589.94	42.73%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>63,261.00</b>	<b>5,513.74</b>	<b>26,653.54</b>	<b>36,607.46</b>	<b>42.13%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>79,261.00</b>	<b>6,703.83</b>	<b>28,889.25</b>	<b>50,371.75</b>	<b>36.45%</b>
<b>NET INCOME (LOSS):</b>	<b>(79,261.00)</b>	<b>(6,703.83)</b>	<b>(28,889.25)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PROFESSIONAL RESPONSIBILITY PROGRAM</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	4,000.00	-	1,351.78	2,648.22	33.79%
STAFF MEMBERSHIP DUES	375.00	-	-	375.00	0.00%
LAW LIBRARY	279.00	10.48	20.96	258.04	7.51%
CPE COMMITTEE	5,000.00	929.91	2,184.93	2,815.07	43.70%
<b>TOTAL DIRECT EXPENSES:</b>	<b>9,654.00</b>	<b>940.39</b>	<b>3,557.67</b>	<b>6,096.33</b>	<b>36.85%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.55 FTE)	159,873.00	13,342.90	67,421.04	92,451.96	42.17%
BENEFITS EXPENSE	57,053.00	4,457.08	23,066.66	33,986.34	40.43%
OTHER INDIRECT EXPENSE	44,591.00	4,879.36	19,317.08	25,273.92	43.32%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>261,517.00</b>	<b>22,679.34</b>	<b>109,804.78</b>	<b>151,712.22</b>	<b>41.99%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>271,171.00</b>	<b>23,619.73</b>	<b>113,362.45</b>	<b>157,808.55</b>	<b>41.80%</b>
<b>NET INCOME (LOSS):</b>	<b>(271,171.00)</b>	<b>(23,619.73)</b>	<b>(113,362.45)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLIC SERVICE PROGRAMS</b>					
<b>REVENUE:</b>					
DONATIONS & GRANTS	125,000.00	5,000.00	135,000.00	(10,000.00)	108.00%
PSP PRODUCT SALES	1,000.00	-	99.00	901.00	9.90%
WORK STUDY GRANTS	2,100.00	-	-	2,100.00	0.00%
<b>TOTAL REVENUE:</b>	<b>128,100.00</b>	<b>5,000.00</b>	<b>135,099.00</b>	<b>(6,999.00)</b>	<b>105.46%</b>
<b>DIRECT EXPENSES:</b>					
DONATIONS/SPONSORSHIPS/GRANTS	221,777.00	2,213.25	29,647.28	192,129.72	13.37%
STAFF TRAVEL/PARKING	2,000.00	-	59.00	1,941.00	2.95%
PRO BONO & PUBLIC SERVICE COMMITTEE	2,000.00	133.34	1,043.83	956.17	52.19%
PUBLIC SERVICE EVENTS AND PROJECTS	25,000.00	-	-	25,000.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>250,777.00</b>	<b>2,346.59</b>	<b>30,750.11</b>	<b>220,026.89</b>	<b>12.26%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.54 FTE)	117,048.00	8,903.56	46,693.32	70,354.68	39.89%
BENEFITS EXPENSE	42,502.00	3,129.70	16,981.88	25,520.12	39.96%
OTHER INDIRECT EXPENSE	44,303.00	4,835.03	19,141.59	25,161.41	43.21%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>203,853.00</b>	<b>16,868.29</b>	<b>82,816.79</b>	<b>121,036.21</b>	<b>40.63%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>454,630.00</b>	<b>19,214.88</b>	<b>113,566.90</b>	<b>341,063.10</b>	<b>24.98%</b>
<b>NET INCOME (LOSS):</b>	<b>(326,530.00)</b>	<b>(14,214.88)</b>	<b>21,532.10</b>		

## Washington State Bar Association

Statement of Activities

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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>PUBLICATION &amp; DESIGN SERVICES</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
EQUIPMENT, HARDWARE & SOFTWARE	330.00	-	-	330.00	0.00%
SUBSCRIPTIONS	262.00	-	179.98	82.02	68.69%
SUPPLIES	300.00	-	-	300.00	0.00%
IMAGE LIBRARY	4,680.00	-	4,100.00	580.00	87.61%
<b>TOTAL DIRECT EXPENSES:</b>	<b>5,572.00</b>	<b>-</b>	<b>4,279.98</b>	<b>1,292.02</b>	<b>76.81%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.09 FTE)	75,007.00	6,246.62	30,308.01	44,698.99	40.41%
BENEFITS EXPENSE	28,805.00	2,158.25	11,152.66	17,652.34	38.72%
OTHER INDIRECT EXPENSE	31,357.00	3,415.54	13,521.92	17,835.08	43.12%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>135,169.00</b>	<b>11,820.41</b>	<b>54,982.59</b>	<b>80,186.41</b>	<b>40.68%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>140,741.00</b>	<b>11,820.41</b>	<b>59,262.57</b>	<b>81,478.43</b>	<b>42.11%</b>
<b>NET INCOME (LOSS):</b>	<b>(140,741.00)</b>	<b>(11,820.41)</b>	<b>(59,262.57)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS ADMINISTRATION</b>					
<b>REVENUE:</b>					
REIMBURSEMENTS FROM SECTIONS	300,000.00	29,775.00	277,256.25	22,743.75	92.42%
<b>TOTAL REVENUE:</b>	<b>300,000.00</b>	<b>29,775.00</b>	<b>277,256.25</b>	<b>22,743.75</b>	<b>92.42%</b>
<b>DIRECT EXPENSES:</b>					
STAFF TRAVEL/PARKING	1,200.00	25.98	262.95	937.05	21.91%
SUBSCRIPTIONS	372.00	-	409.57	(37.57)	110.10%
CONFERENCE CALLS	300.00	9.14	28.26	271.74	9.42%
MISCELLANEOUS	300.00	-	-	300.00	0.00%
SECTION/COMMITTEE CHAIR MTGS	1,000.00	-	344.39	655.61	34.44%
DUES STATEMENTS	6,000.00	-	5,788.00	212.00	96.47%
STAFF MEMBERSHIP DUES	125.00	-	-	125.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>9,297.00</b>	<b>35.12</b>	<b>6,833.17</b>	<b>2,463.83</b>	<b>73.50%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (4.24 FTE)	303,468.00	15,859.65	81,255.53	222,212.47	26.78%
BENEFITS EXPENSE	114,639.00	6,918.14	40,534.77	74,104.23	35.36%
OTHER INDIRECT EXPENSE	121,905.00	13,351.74	52,858.72	69,046.28	43.36%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>540,012.00</b>	<b>36,129.53</b>	<b>174,649.02</b>	<b>365,362.98</b>	<b>32.34%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>549,309.00</b>	<b>36,164.65</b>	<b>181,482.19</b>	<b>367,826.81</b>	<b>33.04%</b>
<b>NET INCOME (LOSS):</b>	<b>(249,309.00)</b>	<b>(6,389.65)</b>	<b>95,774.06</b>		

**Washington State Bar Association**  
Statement of Activities  
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**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>TECHNOLOGY</b>					
<b>REVENUE:</b>					
<b>TOTAL REVENUE:</b>	-	-	-	-	
<b>DIRECT EXPENSES:</b>					
CONSULTING SERVICES	85,000.00	30,334.15	48,011.21	36,988.79	56.48%
STAFF TRAVEL/PARKING	2,500.00	-	726.39	1,773.61	29.06%
STAFF MEMBERSHIP DUES	110.00	90.00	90.00	20.00	81.82%
TELEPHONE	24,000.00	1,989.68	8,383.53	15,616.47	34.93%
COMPUTER HARDWARE	29,000.00	468.09	3,156.87	25,843.13	10.89%
COMPUTER SOFTWARE	29,000.00	-	6,438.69	22,561.31	22.20%
HARDWARE SERVICE & WARRANTIES	60,000.00	-	32,669.19	27,330.81	54.45%
SOFTWARE MAINTENANCE & LICENSING	270,000.00	-	137,819.96	132,180.04	51.04%
TELEPHONE HARDWARE & MAINTENANCE	10,000.00	56.00	275.10	9,724.90	2.75%
COMPUTER SUPPLIES	15,000.00	1,393.84	3,304.73	11,695.27	22.03%
THIRD PARTY SERVICES	143,000.00	35,344.37	132,963.54	10,036.46	92.98%
TRANSFER TO INDIRECT EXPENSES	(667,610.00)	(69,676.13)	(373,839.21)	(293,770.79)	56.00%
<b>TOTAL DIRECT EXPENSES:</b>	-	-	-	-	
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (12.10 FTE)	1,090,382.00	98,732.62	472,705.83	617,676.17	43.35%
BENEFITS EXPENSE	377,371.00	29,362.39	152,191.88	225,179.12	40.33%
CAPITAL LABOR & OVERHEAD	(141,000.00)	-	(31,780.00)	(109,220.00)	22.54%
OTHER INDIRECT EXPENSE	348,096.00	38,147.77	151,024.66	197,071.34	43.39%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,674,849.00</b>	<b>166,242.78</b>	<b>744,142.37</b>	<b>930,706.63</b>	<b>44.43%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,674,849.00</b>	<b>166,242.78</b>	<b>744,142.37</b>	<b>930,706.63</b>	<b>44.43%</b>
<b>NET INCOME (LOSS):</b>	<b>(1,674,849.00)</b>	<b>(166,242.78)</b>	<b>(744,142.37)</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CONTINUING LEGAL EDUCATION (CLE)</b>					
<b>REVENUE:</b>					
SEMINAR REGISTRATIONS	860,000.00	13,258.00	263,974.50	596,025.50	30.69%
SEMINAR-EXHIB/SPNSR/ETC	29,000.00	-	2,000.00	27,000.00	6.90%
SHIPPING & HANDLING	1,000.00	27.00	195.75	804.25	19.58%
COURSEBOOK SALES	9,000.00	300.00	3,253.00	5,747.00	36.14%
MP3 AND VIDEO SALES	925,000.00	28,126.30	503,405.35	421,594.65	54.42%
<b>TOTAL REVENUE:</b>	<b>1,824,000.00</b>	<b>41,711.30</b>	<b>772,828.60</b>	<b>1,051,171.40</b>	<b>42.37%</b>
<b>DIRECT EXPENSES:</b>					
COURSEBOOK PRODUCTION	3,000.00	23.13	148.56	2,851.44	4.95%
POSTAGE - FLIERS/CATALOGS	15,500.00	439.24	3,380.21	12,119.79	21.81%
POSTAGE - MISC./DELIVERY	1,000.00	35.00	280.00	720.00	28.00%
DEPRECIATION	5,820.00	485.00	2,425.00	3,395.00	41.67%
ONLINE EXPENSES	42,000.00	4,052.01	20,438.84	21,561.16	48.66%
ACCREDITATION FEES	3,000.00	(22.00)	2,813.00	187.00	93.77%
SEMINAR BROCHURES	21,000.00	-	4,366.12	16,633.88	20.79%
FACILITIES	234,000.00	3,000.00	44,257.35	189,742.65	18.91%
SPEAKERS & PROGRAM DEVELOP	62,000.00	195.82	6,142.00	55,858.00	9.91%
SPLITS TO SECTIONS	100,100.00	-	(806.60)	100,906.60	-0.81%
CLE SEMINAR COMMITTEE	500.00	6.18	27.90	472.10	5.58%
BAD DEBT EXPENSE	600.00	-	-	600.00	0.00%
STAFF TRAVEL/PARKING	6,000.00	124.69	391.17	5,608.83	6.52%
STAFF MEMBERSHIP DUES	1,470.00	-	1,175.00	295.00	79.93%
SUPPLIES	2,000.00	-	378.39	1,621.61	18.92%
TELEPHONE	-	-	8.99	(8.99)	
COST OF SALES - COURSEBOOKS	200.00	25.61	292.95	(92.95)	146.48%
A/V DEVELOP COSTS (RECORDING)	1,500.00	-	-	1,500.00	0.00%
POSTAGE & DELIVERY-COURSEBOOKS	500.00	7.64	179.78	320.22	35.96%
STAFF TRAVEL/PARKING	2,000.00	-	54.56	1,945.44	2.73%
<b>TOTAL DIRECT EXPENSES:</b>	<b>502,190.00</b>	<b>8,372.32</b>	<b>85,953.22</b>	<b>416,236.78</b>	<b>17.12%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (9.31 FTE)	643,255.00	51,413.79	260,585.12	382,669.88	40.51%
BENEFITS EXPENSE	245,839.00	20,136.89	100,960.73	144,878.27	41.07%
OTHER INDIRECT EXPENSE	267,832.00	29,364.88	116,253.82	151,578.18	43.41%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>1,156,926.00</b>	<b>100,915.56</b>	<b>477,799.67</b>	<b>679,126.33</b>	<b>41.30%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>1,659,116.00</b>	<b>109,287.88</b>	<b>563,752.89</b>	<b>1,095,363.11</b>	<b>33.98%</b>
<b>NET INCOME (LOSS):</b>	<b>164,884.00</b>	<b>(67,576.58)</b>	<b>209,075.71</b>		

**Washington State Bar Association**  
Statement of Activities  
For the Period from February 1, 2020 to February 29, 2020  
**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>DESKBOOKS</b>					
<b>REVENUE:</b>					
SHIPPING & HANDLING	2,500.00	153.00	1,496.25	1,003.75	59.85%
DESKBOOK SALES	100,000.00	4,503.00	23,181.60	76,818.40	23.18%
SECTION PUBLICATION SALES	3,000.00	65.00	965.00	2,035.00	32.17%
CASEMAKER ROYALTIES	60,000.00	3,579.81	11,627.29	48,372.71	19.38%
<b>TOTAL REVENUE:</b>	<b>165,500.00</b>	<b>8,300.81</b>	<b>37,270.14</b>	<b>128,229.86</b>	<b>22.52%</b>
<b>DIRECT EXPENSES:</b>					
COST OF SALES - DESKBOOKS	60,000.00	2,492.18	7,381.55	52,618.45	12.30%
COST OF SALES - SECTION PUBLICATION	750.00	-	213.30	536.70	28.44%
SPLITS TO SECTIONS	1,000.00	-	145.91	854.09	14.59%
DESKBOOK ROYALTIES	1,000.00	758.49	758.49	241.51	75.85%
POSTAGE & DELIVER-DESKBOOKS	2,500.00	328.18	2,183.83	316.17	87.35%
FLIERS/CATALOGS	3,000.00	-	-	3,000.00	0.00%
ONLINE LEGAL RESEARCH	1,837.50	148.97	297.94	1,539.56	16.21%
POSTAGE - FLIERS/CATALOGS	1,500.00	-	-	1,500.00	0.00%
COMPLIMENTARY BOOK PROGRAM	2,500.00	-	-	2,500.00	0.00%
OBSOLETE INVENTORY	-	70.30	351.50	(351.50)	
BAD DEBT EXPENSE	100.00	-	-	100.00	0.00%
RECORDS STORAGE - OFF SITE	8,100.00	675.00	4,050.00	4,050.00	50.00%
STAFF MEMBERSHIP DUES	220.00	-	-	220.00	0.00%
SUBSCRIPTIONS	150.00	-	-	150.00	0.00%
<b>TOTAL DIRECT EXPENSES:</b>	<b>82,657.50</b>	<b>4,473.12</b>	<b>15,382.52</b>	<b>67,274.98</b>	<b>18.61%</b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (2.25 FTE)	148,307.00	8,951.56	46,159.79	102,147.21	31.12%
BENEFITS EXPENSE	58,004.00	3,743.54	19,442.01	38,561.99	33.52%
OTHER INDIRECT EXPENSE	64,729.00	7,097.27	28,097.55	36,631.45	43.41%
<b>TOTAL INDIRECT EXPENSES:</b>	<b>271,040.00</b>	<b>19,792.37</b>	<b>93,699.35</b>	<b>177,340.65</b>	<b>34.57%</b>
<b>TOTAL ALL EXPENSES:</b>	<b>353,697.50</b>	<b>24,265.49</b>	<b>109,081.87</b>	<b>244,615.63</b>	<b>30.84%</b>
<b>NET INCOME (LOSS):</b>	<b>(188,197.50)</b>	<b>(15,964.68)</b>	<b>(71,811.73)</b>		

**Washington State Bar Association**  
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	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>CLIENT PROTECTION FUND</b>					
<b>REVENUE:</b>					
CPF RESTITUTION	3,000.00	806.99	2,764.24	235.76	92.14%
CPF MEMBER ASSESSMENTS	1,000,000.00	117,150.00	987,840.00	12,160.00	98.78%
INTEREST INCOME	20,000.00	5,249.61	31,167.89	(11,167.89)	155.84%
<b>TOTAL REVENUE:</b>	<b><u>1,023,000.00</u></b>	<b><u>123,206.60</u></b>	<b><u>1,021,772.13</u></b>	<b><u>1,227.87</u></b>	<b><u>99.88%</u></b>
<b>DIRECT EXPENSES:</b>					
BANK FEES - WELLS FARGO	1,000.00	211.02	842.20	157.80	84.22%
GIFTS TO INJURED CLIENTS	500,000.00	15,160.02	18,242.53	481,757.47	3.65%
CPF BOARD EXPENSES	3,000.00	683.41	1,137.81	1,862.19	37.93%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>504,000.00</u></b>	<b><u>16,054.45</u></b>	<b><u>20,222.54</u></b>	<b><u>483,777.46</u></b>	<b><u>4.01%</u></b>
<b>INDIRECT EXPENSES:</b>					
SALARY EXPENSE (1.18 FTE)	79,855.00	6,656.66	33,633.91	46,221.09	42.12%
BENEFITS EXPENSE	30,884.00	2,412.79	12,429.70	18,454.30	40.25%
OTHER INDIRECT EXPENSE	33,947.00	3,726.08	14,751.28	19,195.72	43.45%
<b>TOTAL INDIRECT EXPENSES:</b>	<b><u>144,686.00</u></b>	<b><u>12,795.53</u></b>	<b><u>60,814.89</u></b>	<b><u>83,871.11</u></b>	<b><u>42.03%</u></b>
<b>TOTAL ALL EXPENSES:</b>	<b><u>648,686.00</u></b>	<b><u>28,849.98</u></b>	<b><u>81,037.43</u></b>	<b><u>567,648.57</u></b>	<b><u>12.49%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>374,314.00</u></b>	<b><u>94,356.62</u></b>	<b><u>940,734.70</u></b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>SECTIONS OPERATIONS</b>					
<b>REVENUE:</b>					
SECTION DUES	454,005.00	45,793.75	420,728.75	33,276.25	92.67%
SEMINAR PROFIT SHARE	94,118.73	-	71,693.40	22,425.33	76.17%
INTEREST INCOME	2,320.00	-	-	2,320.00	0.00%
PUBLICATIONS REVENUE	10,000.00	2,147.80	2,293.71	7,706.29	22.94%
OTHER	46,100.00	3,948.31	14,668.31	31,431.69	31.82%
<b>TOTAL REVENUE:</b>	<b><u>606,543.73</u></b>	<b><u>51,889.86</u></b>	<b><u>509,384.17</u></b>	<b><u>97,159.56</u></b>	<b><u>83.98%</u></b>
<b>DIRECT EXPENSES:</b>					
DIRECT EXPENSES OF SECTION ACTIVITIES	562,340.00	17,674.25	95,242.04	467,097.96	16.94%
REIMBURSEMENT TO WSBA FOR INDIRECT EXPENSES	298,443.75	29,775.00	277,256.25	21,187.50	92.90%
<b>TOTAL DIRECT EXPENSES:</b>	<b><u>860,783.75</u></b>	<b><u>47,449.25</u></b>	<b><u>372,498.29</u></b>	<b><u>488,285.46</u></b>	<b><u>43.27%</u></b>
<b>NET INCOME (LOSS):</b>	<b><u>(254,240.02)</u></b>	<b><u>4,440.61</u></b>	<b><u>136,885.88</u></b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE	% USED OF BUDGET
<b>INDIRECT EXPENSES:</b>					
SALARIES	12,060,469.00	958,038.89	4,816,000.90	7,244,468.10	39.93%
ALLOWANCE FOR OPEN POSITIONS	(200,000.00)	-	-	(200,000.00)	0.00%
TEMPORARY SALARIES	250,780.00	47,072.07	178,001.66	72,778.34	70.98%
CAPITAL LABOR & OVERHEAD	(141,000.00)	-	(31,780.00)	(109,220.00)	22.54%
EMPLOYEE ASSISTANCE PLAN	4,800.00	1,200.00	2,400.00	2,400.00	50.00%
EMPLOYEE SERVICE AWARDS	3,080.00	120.00	1,055.00	2,025.00	34.25%
FICA (EMPLOYER PORTION)	887,000.00	72,254.83	343,549.78	543,450.22	38.73%
L&I INSURANCE	49,500.00	-	9,597.26	39,902.74	19.39%
WA STATE FAMILY MEDICAL LEAVE (EMPLOYER PORTION)	17,500.00	1,411.78	6,628.28	10,871.72	37.88%
MEDICAL (EMPLOYER PORTION)	1,580,000.00	122,972.61	599,365.49	980,634.51	37.93%
RETIREMENT (EMPLOYER PORTION)	1,527,000.00	120,500.61	599,423.81	927,576.19	39.25%
TRANSPORTATION ALLOWANCE	115,000.00	252.50	105,355.00	9,645.00	91.61%
UNEMPLOYMENT INSURANCE	84,500.00	9,239.01	24,362.33	60,137.67	28.83%
STAFF DEVELOPMENT-GENERAL	6,900.00	-	1,375.19	5,524.81	19.93%
<b>TOTAL SALARY &amp; BENEFITS EXPENSE:</b>	<b>16,245,529.00</b>	<b>1,333,062.30</b>	<b>6,655,334.70</b>	<b>9,590,194.30</b>	<b>40.97%</b>
WORKPLACE BENEFITS	44,500.00	1,925.55	12,534.21	31,965.79	28.17%
HUMAN RESOURCES POOLED EXP	167,120.00	3,150.11	19,892.78	147,227.22	11.90%
MEETING SUPPORT EXPENSES	15,000.00	862.33	6,207.79	8,792.21	41.39%
RENT	1,951,000.00	265,385.02	863,946.52	1,087,053.48	44.28%
PERSONAL PROP TAXES-WSBA	12,000.00	272.82	3,876.18	8,123.82	32.30%
FURNITURE, MAINT, LH IMP	35,000.00	4,388.45	13,418.29	21,581.71	38.34%
OFFICE SUPPLIES & EQUIPMENT	46,000.00	1,979.37	18,476.22	27,523.78	40.17%
FURN & OFFICE EQUIP DEPRECIATION	53,000.00	4,282.00	21,414.00	31,586.00	40.40%
COMPUTER HARDWARE DEPRECIATION	50,000.00	3,601.00	18,511.54	31,488.46	37.02%
COMPUTER SOFTWARE DEPRECIATION	165,000.00	10,652.00	52,959.00	112,041.00	32.10%
INSURANCE	243,000.00	17,639.19	88,195.95	154,804.05	36.29%
PROFESSIONAL FEES-AUDIT	85,000.00	24,522.00	72,210.10	12,789.90	84.95%
PROFESSIONAL FEES-LEGAL	250,000.00	16,197.88	100,192.65	149,807.35	40.08%
TELEPHONE & INTERNET	47,000.00	3,741.96	18,194.52	28,805.48	38.71%
POSTAGE - GENERAL	30,000.00	1,937.00	10,650.79	19,349.21	35.50%
RECORDS STORAGE	42,000.00	3,168.32	18,351.11	23,648.89	43.69%
STAFF TRAINING	99,900.00	7,165.06	20,042.51	79,857.49	20.06%
BANK FEES	34,000.00	3,418.99	17,538.73	16,461.27	51.58%
PRODUCTION MAINTENANCE & SUPPLIES	12,000.00	(386.33)	4,274.00	7,726.00	35.62%
COMPUTER POOLED EXPENSES	667,610.00	69,676.13	373,839.21	293,770.79	56.00%
<b>TOTAL OTHER INDIRECT EXPENSES:</b>	<b>4,049,130.00</b>	<b>443,578.85</b>	<b>1,754,726.10</b>	<b>2,294,403.90</b>	<b>43.34%</b>
<b>TOTAL INDIRECT EXPENSES:</b>	<b>20,294,659.00</b>	<b>1,776,641.15</b>	<b>8,410,060.80</b>		

## Washington State Bar Association

Statement of Activities

For the Period from February 1, 2020 to February 29, 2020

**41.67% OF YEAR COMPLETE**

	FISCAL 2020 BUDGET	CURRENT MONTH	YEAR TO DATE	REMAINING BALANCE
<b>SUMMARY PAGE</b>				
LICENSE FEES	16,200,000.00	1,680,194.69	6,813,350.98	9,386,649.02
ACCESS TO JUSTICE	(306,321.00)	(30,758.65)	(116,691.14)	(189,629.86)
ADMINISTRATION	(1,105,747.00)	(83,791.54)	(423,904.83)	(681,842.17)
ADMISSIONS/BAR EXAM	28,770.00	50,328.22	141,092.86	(112,322.86)
BOARD OF GOVERNORS	(565,062.00)	(26,700.88)	(198,569.03)	(366,492.97)
COMMUNICATIONS	(627,155.00)	(49,006.70)	(240,118.76)	(387,036.24)
CONFERENCE & BROADCAST SERVICES	(825,263.00)	(72,864.97)	(341,968.54)	(483,294.46)
DISCIPLINE	(6,017,186.50)	(517,504.99)	(2,419,777.14)	(3,597,409.36)
DIVERSITY	(461,114.00)	(42,679.25)	(53,822.64)	(407,291.36)
FOUNDATION	(165,232.00)	(14,281.27)	(60,528.98)	(104,703.02)
HUMAN RESOURCES	(229,115.00)	(36,530.04)	(167,116.58)	(61,998.42)
LAP	(143,181.00)	(11,278.84)	(54,183.21)	(88,997.79)
LEGISLATIVE	(160,404.00)	(17,167.84)	(72,338.21)	(88,065.79)
LICENSING AND MEMBERSHIP	(348,626.50)	(17,251.09)	(123,404.41)	(225,222.09)
LIMITED LICENSE LEGAL TECHNICIAN	(194,024.50)	(16,914.09)	(74,760.43)	(119,264.07)
LIMITED PRACTICE OFFICERS	33,103.50	7,072.45	25,019.19	8,084.31
MANDATORY CLE ADMINISTRATION	106,333.50	30,872.07	79,255.67	27,077.83
MEMBER BENEFITS	(258,008.00)	(9,338.06)	(163,475.29)	(94,532.71)
MEMBER SERVICES & ENGAGEMENT	(472,056.00)	(44,725.24)	(183,453.91)	(288,602.09)
NW LAWYER	(256,144.00)	(15,949.61)	(82,058.91)	(174,085.09)
OFFICE OF THE EXECUTIVE DIRECTOR	(373,441.00)	(43,670.57)	(193,879.74)	(179,561.26)
OFFICE OF GENERAL COUNSEL	(991,073.00)	(74,622.16)	(346,295.31)	(644,777.69)
OGC-DISCIPLINARY BOARD	(293,824.00)	(23,670.70)	(111,683.92)	(182,140.08)
OUTREACH & ENGAGEMENT	(423,554.00)	(31,438.35)	(158,523.15)	(265,030.85)
PRACTICE OF LAW BOARD	(79,261.00)	(6,703.83)	(28,889.25)	(50,371.75)
PROFESSIONAL RESPONSIBILITY PROGRAM	(271,171.00)	(23,619.73)	(113,362.45)	(157,808.55)
PUBLICATION & DESIGN SERVICES	(140,741.00)	(11,820.41)	(59,262.57)	(81,478.43)
PUBLIC SERVICE PROGRAMS	(326,530.00)	(14,214.88)	21,532.10	(348,062.10)
LAW CLERK PROGRAM	(1,729.00)	26,498.32	101,538.48	(103,267.48)
SECTIONS ADMINISTRATION	(249,309.00)	(6,389.65)	95,774.06	(345,083.06)
TECHNOLOGY	(1,674,849.00)	(166,242.78)	(744,142.37)	(930,706.63)
CLE - PRODUCTS	688,083.00	9,199.97	405,612.48	282,470.52
CLE - SEMINARS	(523,199.00)	(76,776.55)	(196,536.77)	(326,662.23)
SECTIONS OPERATIONS	(254,240.02)	4,440.61	136,885.88	(391,125.90)
DESKBOOKS	(188,197.50)	(15,964.68)	(71,811.73)	(116,385.77)
CLIENT PROTECTION FUND	374,314.00	94,356.62	940,734.70	(566,420.70)
INDIRECT EXPENSES	(20,294,659.00)	(1,776,641.15)	(8,410,060.80)	(11,884,598.20)
<b>TOTAL OF ALL</b>	<b><u>20,789,813.02</u></b>	<b><u>1,375,555.55</u></b>	<b><u>6,449,823.67</u></b>	<b><u>14,339,989.35</u></b>
<b>NET INCOME (LOSS)</b>	<b><u>(495,154.02)</u></b>	<b><u>401,085.60</u></b>	<b><u>1,960,237.13</u></b>	

**Washington State Bar Association  
Analysis of Cash Investments  
As of February 29,2020**

**Checking & Savings Accounts**

**General Fund**

**Checking**

<u>Bank</u>	<u>Account</u>	<u>Amount</u>
Wells Fargo	General	\$ 930,914

Total

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.70%	\$ 13,724,089
UBS Financial Money Market	1.76%	\$ 1,079,867
Morgan Stanley Money Market	1.57%	\$ 3,348,838
Merrill Lynch Money Market	1.70%	\$ 1,975,425

**General Fund Total \$ 21,059,133**

**Client Protection Fund**

**Checking**

<u>Bank</u>	<u>Amount</u>
Wells Fargo	\$ 1,030,359

<u>Investments</u>	<u>Rate</u>	<u>Amount</u>
Wells Fargo Money Market	1.70%	\$ 3,591,561
Morgan Stanley Money Market	1.57%	\$ 106,820

**Client Protection Fund Total \$ 4,728,740**

**Grand Total Cash & Investments \$ 25,787,873**